



## REVISED 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. Certificate of Achievement for Excellence in Financial Reporting
  - B. Proclamation – Employee Appreciation Week
7. **Citizen Communication (5 minutes or less)**
  - A. Adams County Interfaith Hospitality Network Housing Proposal

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. July 2005 – Financial Report
  - B. England Park Drainage Improvements Contract Award
  - C. Squires Park Shelter Renovation Construction Contract Award
  - D. Bid Award for the Lowell Boulevard Reconstruction – 73<sup>rd</sup> to 76<sup>th</sup> Avenues
  - E. Contract Amendment for Additional Professional Services for the Greenbriar/88<sup>th</sup> and Zuni Lift Station
  - F. Purchase of Hydra Hammer
  - G. Traffic Signal System Upgrade
  - H. Acquisition of Approximately One Acre of Open Space, Tract B, Westbrook Subdivision at Kipling Way
  - I. Hyland Hills Park and Recreation District IGA Addendum
  - J. Second Reading CB No. 39 re Annexation of the McGrath Property
  - K. Second Reading CB No. 40 re CLUP Amendment for the McGrath Property
  - L. Second Reading CB No. 41 re Zoning the McGrath Property To R-E
  - M. Second Reading CB No. 42 re City Park Maintenance Facility
  - N. Second Reading CB No. 43 re Pension Plans Appropriation
  - O. Second Reading CB No. 44 re Amending Chapter 1 of Title VII, W.M.C. concerning Elections
9. **Appointments and Resignations**
10. **Public Hearings and Other New Business**
  - A. Remove Councillor's Bill No. 13 re Country Club Village Business Assistance Package from the Table
  - B. Councillor's Bill No. 13 re Country Club Village Business Assistance Package
  - C. Resolution No. 29 re The Orchard at Westminster
  - D. Resolution No. 30 re Carry Forward Balance of 2005 Private Activity Bond Allocation
  - E. Resolution No. 31 re Residential Competition Service Commitment Award for The Village Promenade
  - F. Resolution No. 32 re Compliance Hearing for the Annexation of the DeCroce Property
  - G. Resolution No. 33 re Compliance Hearing for the Annexation of the Family in Christ Property
  - H. Resolution No. 34 re Compliance Hearing for the Annexation of the Jaidinger Property
11. **Old Business and Passage of Ordinances on Second Reading**
12. **Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
  - A. Executive Session—Attorney/Client Discussion re Referendum Process
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 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. Certificate of Achievement for Excellence in Financial Reporting
  - B. Proclamation – Employee Appreciation Week
7. **Citizen Communication (5 minutes or less)**
  - A. Adams County Interfaith Hospitality Network Housing Proposal

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. July 2005 – Financial Report
  - B. England Park Drainage Improvements Contract Award
  - C. Squires Park Shelter Renovation Construction Contract Award
  - D. Bid Award for the Lowell Boulevard Reconstruction – 73<sup>rd</sup> to 76<sup>th</sup> Avenues
  - E. Contract Amendment for Additional Professional Services for the Greenbriar/88<sup>th</sup> and Zuni Lift Station
  - F. Purchase of Hydra Hammer
  - G. Traffic Signal System Upgrade
  - H. Acquisition of Approximately One Acre of Open Space, Tract B, Westbrook Subdivision at Kipling Way
  - I. Hyland Hills Park and Recreation District IGA Addendum
  - J. Second Reading CB No. 39 re Annexation of the McGrath Property
  - K. Second Reading CB No. 40 re CLUP Amendment for the McGrath Property
  - L. Second Reading CB No. 41 re Zoning the McGrath Property To R-E
  - M. Second Reading CB No. 42 re City Park Maintenance Facility
  - N. Second Reading CB No. 43 re Pension Plans Appropriation
  - O. Second Reading CB No. 44 re Amending Chapter 1 of Title VII, W.M.C. concerning Elections
9. **Appointments and Resignations**
10. **Public Hearings and Other New Business**
  - A. Remove Councillor's Bill No. 13 re Country Club Village Business Assistance Package from the Table
  - B. Councillor's Bill No. 13 re Country Club Village Business Assistance Package
  - C. Resolution No. 29 re The Orchard at Westminster
  - D. Resolution No. 30 re Carry Forward Balance of 2005 Private Activity Bond Allocation
  - E. Resolution No. 31 re Residential Competition Service Commitment Award for The Village Promenade
  - F. Resolution No. 32 re Compliance Hearing for the Annexation of the DeCroce Property
  - G. Resolution No. 33 re Compliance Hearing for the Annexation of the Family in Christ Property
  - H. Resolution No. 34 re Compliance Hearing for the Annexation of the Jaidinger Property
11. **Old Business and Passage of Ordinances on Second Reading**
12. **Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
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 22, 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. Stephen P. Smithers, Acting City Manager, Marty McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Davia moved, seconded by Hicks, to approve the minutes of the meeting of August 8, 2005. The motion passed unanimously.

CITY MANAGER COMMENTS

Mr. Smithers reported that J. Brent McFall, City Manager, was recovering from shoulder surgery. Further, Mr. Smithers announced that Council would convene in executive session after this meeting for an attorney/client discussion regarding the referendum process.

CITY COUNCIL COMMENTS

Councillors Davia and Dixon reported on the National Fire Chiefs Association equipment display held recently at the Denver Convention Center. Both appreciated having been invited. Additionally, Councillors Davia and Dixon and the Mayor remarked on the success of the Westminster Fair.

Mayor Pro Tem Kauffman and Councillor Dixon commented on the Volunteer Appreciation Barbecue held August 11 to thank the City's many volunteers who served as members on numerous Boards and Commissions or worked countless hours in various departments to serve the public. Volunteers helped to make the City a great place to live.

Councillor Price announced that Best Buy had held a Grand re-Opening and wished them success in the community.

Mayor McNally reminded all that seating was limited for the Public Safety Banquet and tickets were on sale now. The event to honor "Heroes of Safety" would be held at the DoubleTree Hotel on September 11.

PRESENTATIONS

Mayor McNally proudly presented the Certificate of Achievement for Excellence in Financial Reporting to Tammy Hitchens, Finance Director, and Cheri Sanchez, Accounting Supervisor. This was the 21<sup>st</sup> consecutive year the City had received the prestigious award from the Government Finance Officers' Association, and Mayor McNally acknowledged the confidence Council had in relying on financial information and reports prepared by the City's Finance Department.

PROCLAMATION

Mayor McNally was joined by all members of City Council in reading a proclamation honoring City employees and declaring September 5 through 9 as City of Westminster Employee Appreciation Week. Members of the

Employee Advisory Committee and Employee Recognition Action Team were present to accept the proclamation and Council's standing ovation.

### CITIZEN COMMUNICATION

Teva Sienicki of Growing Home, Inc. (formerly Adams County Interfaith Hospitality Network) distributed information to Council and described accomplishments and goals of that organization. She encouraged the City's financial support in efforts to purchase and rehabilitate the Westchester Apartments property and noted the time constraints involved to achieve this goal.

Larry Dean Valente, 3755 West 81<sup>st</sup> Avenue, spoke on the democratic process enjoyed by all Americans and hoped that every effort would be made to count all signatures of Westminster registered electors on referenda petitions submitted to the City Clerk's office on August 9.

Jane Fancher, 7260 Lamar Court, inquired about sales/use tax revenues, the amount of projected sales/use tax revenues expected from the 136<sup>th</sup> Wal-Mart, and the cost of operating Channel 8.

Kent Kelly, 1470 West 116<sup>th</sup> Avenue, thought it embarrassing that an Office of Mayor was not provided within City Hall. Citizens needed the privacy of an office to discuss matters of import, and the cost associated would be insignificant compared to the added value.

### CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: the July 2005 financial report; authority for the City Manager to execute a \$96,167.50 contract with Diamond Contracting Corporation for construction of drainage improvements near England Park; authority for the City Manager to execute a \$251,872 contract with Pirnack Walters for the Squires Park shelter replacement; authority for the City Manager to execute a \$766,922 contract with Goodland Construction, Inc. for reconstruction of Lowell Boulevard between 73<sup>rd</sup> and 76<sup>th</sup> Avenues; authority for the City Manager to execute a contract amendment not to exceed \$20,250 with Martin/Martin Consulting Engineers for additional professional services for the Greenbriar/88<sup>th</sup> and Zuni lift station; authority to purchase a hydraulic hammer for \$84,348 from MAC Equipment Co.; authority to purchase an Advanced Traffic Management System from Econolite Control Products, Inc. for \$120,320 and authority for the City Manager to execute an Intergovernmental Agreement with the Denver Regional Council of Governments for reimbursement of up to \$80,000 for that purchase; authority for the City Manager to execute a purchase and sale agreement and all necessary closing documents to acquire Tract B, Westbrook Subdivision, as open space and to expend \$50,000, plus closing costs not to exceed \$3,000, of City Open Space Funds for the purchase; authority for the City Manager to execute an addendum to the 1993 Intergovernmental Agreement between the City and Hyland Hills Park and Recreation District transferring certain staffing responsibility to the City and requiring ongoing funding from Hyland Hills for the positions; final passage of Councillor's Bill No. 39 to annex the McGrath property; final passage of Councillor's Bill No. 40 concerning a Comprehensive Land Use Plan amendment for the McGrath property; final passage of Councillor's Bill No. 41 to zone the McGrath property R-E; final passage of Councillor's Bill No. 42 appropriating \$1 million and authorizing transfers totaling \$442,220 for the City Park Maintenance Facility; final passage of Councillor's Bill No. 43 providing a supplemental appropriation for Pension Plans administration; final passage of Councillor's Bill No. 44 amending Chapter 1 of Title VII of the Westminster Municipal Code regarding elections.

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

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

CB No. 13 RE COUNTRY CLUB VILLAGE BAP REMOVED FROM THE TABLE AND INTRODUCED

It was moved by Councillor Dittman and seconded by Councillor Davia to remove Councillor's Bill No. 13 from the table. The motion passed unanimously.

Councillor Dittman moved to pass Councillor's Bill No. 13 on first reading authorizing the City Manager to execute and implement the business assistance package (BAP) with Country Club Village Enterprises LLC, a Colorado limited liability company. The BAP totaled \$500,000 and included permit fee rebates, construction use tax rebates on up to 50,000 square feet of retail space, and sales tax rebates for the first three years of operation. Councillor Davia seconded the motion. Mayor Pro Tem Kauffman disclosed that due to a business relationship with an owner of the property, he would abstain from voting. On roll call vote, the motion passed 6:1 with Mayor Pro Tem Kauffman abstaining.

RESOLUTION NO. 29 RE THE ORCHARD AT WESTMINSTER

Upon a motion by Councillor Davia, seconded by Councillor Price, the Council voted unanimously at roll call to adopt Resolution No. 29 designating The Orchard at Westminster as an Economic Development Project for the purpose of receiving administrative review of the Official Development Plans within the project and subsequent amendments.

RESOLUTION NO. 30 RE 2005 PRIVATE ACTIVITY BOND ALLOCATION CARRY FORWARD BALANCE

It was moved by Councillor Dixon, seconded by Hicks, to adopt Resolution No. 30 approving the carry forward of the City's 2005 Private Activity Bond allocation in the amount of \$4,180,880 for the qualified purposes set forth in the resolution and authorize the Mayor to execute the documents necessary to preserve the allocation. The motion passed with all Councillors voting favorably at roll call.

RESOLUTION No. 31 RE RESIDENTIAL COMPETITION SERVICE COMMITMENT AWARD

It was moved by Councillor Hicks, seconded by Dittman, to adopt Resolution No. 31 awarding Category B-4 Service Commitments to The Village Promenade traditional mixed use neighborhood development relating to the City's Growth Management Program and based on the findings established in Section 11-3-1 of the Westminster Municipal Code. The motion passed unanimously on roll call vote.

RESOLUTION NO. 32 RE DE CROCE PROPERTY ANNEXATION COMPLIANCE HEARING

It was moved by Dittman, seconded by Hicks to adopt Resolution No. 32 accepting the annexation petition submitted by Marjory Goings, making the findings required by State Statute on the sufficiency of the petition and setting September 26, 2005, as the annexation hearing date. At roll call, the motion passed unanimously.

RESOLUTION NO. 33 RE FAMILY IN CHRIST PROPERTY ANNEXATION COMPLIANCE HEARING

It was moved by Councillor Price, seconded by Councillor Hicks to adopt Resolution No. 33 accepting the annexation petition submitted by the Family in Christ Church, making the findings required by State Statute on the sufficiency of the petition, and setting September 26, 2005, as the annexation hearing date. The motion passed unanimously at roll call.

RESOLUTION NO. 34 RE JAIDINGER PROPERTY ANNEXATION COMPLIANCE HEARING

Upon a motion by Mayor Pro Tem Kauffman, seconded by Price, the Council voted unanimously to adopt Resolution No. 34 accepting the annexation petition submitted by Sidney and Janna Jaidinger, making the

findings required by State Statute on the sufficiency of the petition, and setting September 26, 2005, as the annexation hearing date. The motion passed unanimously at roll call.

ADJOURNMENT:

There was no further business to come before Council, and the meeting adjourned at 7:46 p.m.

ATTEST:

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

\_\_\_\_\_  
Mayor





## Agenda Item 6 A

WESTMINSTER  
COLORADO

### Agenda Memorandum

City Council Meeting  
August 22, 2005



**SUBJECT:** Certificate of Achievement for Excellence in Financial Reporting

**Prepared By:** Tammy Hitchens, Finance Director

#### Recommended City Council Action

The Mayor is requested to present, on behalf of the City Council, the Government Finance Officer's Certificate of Achievement for Excellence in Financial Reporting to the Comprehensive Annual Financial Report (CAFR) project team.

#### Summary Statement

The Government Finance Officer's Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Westminster for its comprehensive annual financial report for the fiscal year ended December 31, 2003.

The CAFR is judged by an impartial review panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

This is the twenty-first year the City has received this prestigious award from GFOA.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

There are no policy issues with this action.

**Alternative**

No alternatives identified

**Background Information**

The Certificate of Achievement is conferred by the GFOA of the United States and Canada, and is the highest form of recognition in the area of governmental accounting and financial reporting. Its attainment represents a significant accomplishment by a government and its management.

To satisfy the requirements of the Certificate program, a CAFR must be easily readable and understandable based on a defined reporting framework that incorporates relevant Generally Accepted Accounting Principles and applicable GFOA program policies. Additionally, the information must be reliable based on the unqualified opinion of the City's independent auditor.

Audit reports qualifying for the Certificate of Achievement provide a clear and complete financial story to be utilized by citizens, City Council, and various oversight groups as an accountability mechanism, by investors and creditors as a credit analysis tool, and by others as a reference to the financial operation and position of the City.

Westminster's report was evaluated by GFOA's special review committee comprised of government finance officers, independent CPAs, educators and others with particular expertise in governmental accounting and financial reporting from across the nation. The award acknowledges that Westminster fulfills the spirit of full disclosure in communicating its financial story.

Special thanks go to Accounting Manager Cherie Sanchez, Accountants Vicki Adams and Sam Trevino, Internal Auditor Karen Creager and Pension Benefits Specialist Kim McDaniel, who were primarily instrumental in achieving the certificate. Other Finance staff that provided vital assistance include Revenue Administrator Byron Jefferson and Financial Analyst Bob Byerhof. The Certificate of Achievement Award reflects the hard work and commitment to excellence of the CAFR project team.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

## Agenda Item 6 B

### Agenda Memorandum

City Council Meeting  
August 22, 2005



**SUBJECT:** Proclamation - Employee Appreciation Week

**Prepared By:** Dee Martin, Human Resources Administrator

### Recommended City Council Action

Proclaim September 5 through September 9, 2005 as City of Westminster Employee Appreciation Week in recognition of the contributions of City employees to the overall success of the City organization and the quality of life of Westminster citizens.

### Summary Statement

- The City Council is being requested to proclaim September 5 through September 9, 2005 as City Employee Appreciation Week.
- For many years, the City of Westminster and its citizens have benefited from the hard work and commitment of City employees.
- The purpose of the proposed proclamation is to recognize approximately 1,000 full and part-time employees who comprise the City of Westminster's workforce.
- On September 7, the 16<sup>th</sup> annual employee appreciation breakfast will be prepared by the City Manager, Assistant City Manager, City Attorney, Presiding Municipal Court Judge, and City Department Heads.
- Members of the City's Employee Advisory Committee and the Employee Recognition Action Team, which represent employees from all City departments, have been invited to attend Monday evening's meeting to accept the proclamation on behalf of all City employees.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

There are no policy issues identified.

**Alternatives**

There are no alternatives identified.

**Background Information**

The ability of the City of Westminster organization to provide quality municipal services is in no small part due to the commitment, dedication, talent, expertise and knowledge of the City's employee workforce. Currently there are approximately 1,000 full-time and part-time regular employees working in Information Technology, Police, Fire, Public Works and Utilities, Finance, General Services, Parks, Recreation and Libraries and Community Development Departments, and the City Attorney's and City Manager's Offices. Overall, there are roughly 1,654 employees, including seasonal and non-benefited employees, on the City's payroll. In no small part due to the efforts of these individuals, Westminster is in the forefront of providing high quality facilities and services to its residents. Very positive citizen feedback in annual surveys and the many national and regional awards the City has received attest to the caliber of the City's workforce.

The attached Proclamation summarizes the contributions of City employees and recognizes their efforts by proclaiming September 5 through September 9, 2005 as City of Westminster Employee Appreciation Week.

One of the highlights of the week will be the Employee Appreciation Breakfast at City Park Recreation Center. It will mark the 16<sup>th</sup> year in a row that the City Manager, Assistant City Manager, City Attorney, Presiding Municipal Court Judge, and Department Heads have arrived at 5:00 a.m. to prepare a full breakfast with pancakes, hash browns, eggs, fruit, ham and orange juice for employees at the start of their workday. Employees will stop by anytime between 6:00 a.m. and 9:00 a.m. to partake in the breakfast and comradery prior to the start of their normal workday.

In addition, the Employee Recognition Action Team has created an electronic thank you note that will be available to send to City employees that week. This special thank you note helps employees remember to thank their coworkers for their teamwork and inspiration throughout the year. ERAT has planned other activities and events throughout Employee Appreciation Week including an all employee picnic lunch.

Some of the members of the City's Employee Advisory Committee and the Employee Recognition Action Team will be present Monday evening to accept this proclamation from the City Council on behalf of all City employees.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**WHEREAS**, the very high City service ratings from Westminster citizens in each of the past citizen surveys and again in the 2005 Open Space and Parks survey attest to the high quality of services provided by Westminster employees; and

**WHEREAS**, Westminster employees are in large part responsible for the City's national and regional reputation for quality, progressive municipal government; and

**WHEREAS**, the 1,000 full-time and part-time employees and over 1,654 total employees have contributed significantly to the quality of life of Westminster citizens; and

**WHEREAS**, these employees that are employed in Information Technology, Police, Fire, Public Works and Utilities, Parks, Recreation, and Libraries, Finance, General Services and Community Development Departments, and the City Manager's and City Attorney's Offices are unquestionably the City's most valuable resource; and

**WHEREAS**, on September 7, 2005 the City Manager, Assistant City Manager, City Attorney, and all City Department Heads will be preparing an Employee Appreciation Breakfast in recognition of all City employees at City Park Recreation Center; and

**WHEREAS**, the week of September 5, 2005, will include several activities designed to express appreciation to City Employees.

**NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim September 5 through September 9, 2005 as**

**CITY OF WESTMINSTER EMPLOYEE APPRECIATION WEEK**

Signed this 22<sup>nd</sup> of August, 2005.

---

Nancy McNally, Mayor



## Agenda Item 7 A

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 22, 2005



**SUBJECT:** Adams County Interfaith Hospitality Network Housing Proposal

**Prepared By:** Tony Chacon, Senior Projects Coordinator

### Recommended City Council Action

Listen to the presentation from the Adams County Interfaith Hospitality Network (ADCO IHN) requesting funding for affordable and transitional housing project.

### Summary Statement

- The Adams County Interfaith Hospitality Network (ADCO IHN) is a non-profit agency dedicated to providing housing for disadvantaged households, including those characterized as being “homeless.”
- ADCO IHN is under contract to purchase a 20-unit apartment building at 7240 Newton Street in south Westminster that will be used to provide affordable units for low income families along with making 3 to 4 of the units available as transitional housing for “homeless” families.
- ADCO IHN is requesting the City of Westminster provide an allocation of \$150,000 of the City’s HOME funds that will be used in conjunction with funds from Adams County, the State of Colorado Division of Housing, and other funding sources to purchase and rehabilitate the apartment building.
- HOME funds are federal dollars provided by the U.S. Department of Housing and Urban Development specifically for the purpose of supporting and providing home initiatives for low to moderate income families.
- The City receives about \$250,000 annually in HOME funds, and currently has an estimated balance of \$526,713. Such funds are currently assigned to the City’s housing rehabilitation and first-time homebuyer programs for low to moderate income households, which is administered by Adams County.
- The City’s HOME funds could be reassigned should the City Council choose to fund the project as requested.
- There are currently no eligible housing projects that are in competition for use of the HOME funds.

**Expenditure Required:** \$150,000

**Source of Funds:** HOME fund administered by Adams County

**Policy Issue**

Should the City reassign a portion of its HOME fund allocation to assist in the acquisition and improvement to an apartment building that will result in a reduction in the amount of HOME funds available to implement the City’s housing rehabilitation and first-time homebuyer programs?

**Alternatives**

- The City Council could choose not to provide any funds towards the project. This alternative could have the effect of terminating the acquisition given some of the other sources of funding are contingent upon City participation.
- The City Council could choose to provide funding at a lower level than requested. This alternative, while providing the desired local support, may result in making the project less financially viable unless other sources of funds can be found.

**Background Information**

In the later part of 2004, the City of Westminster was approached by representatives of ADCO IHN to discuss the possibility of providing transitional housing directed towards “homeless” families. ADCO IHN interest in this project was spurred on by the prospect of a private donor offering a substantial sum of money towards establishing such a facility in Westminster. Upon evaluating its options relative to providing the transitional housing, ADCO IHN chose to pursue acquisition of an existing apartment building of 10-20 units that could provide rental units at affordable levels, while also setting aside 3 to 4 of the units as transitional housing units.

ADCO IHN has found and entered into contract to purchase a 20 unit apartment building at 7240 Newton Street in south Westminster at a purchase price of \$1,092,000. ADCO has budgeted another \$200,000 for rehabilitation, which is primarily for improving each of the living units. A very small amount of the rehabilitation money will be used to improve the exterior railings. No funds have been budgeted for any other exterior improvements or enhancements.

ADCO has solicited funding from a variety of sources as follows:

Source	Amount	Status
Private Donor	\$ 250,000	Received
Adams County HOME	\$ 300,000	Applied
Colorado Division of Housing	\$ 300,000	Applied
Federal Home Loan Bank AHP	\$ 50,000	To Apply in Fall 2005
Miscellaneous Donor Funds	\$ 6,285	Committed
Private Debt	\$ 246,000	Approved
Other Agencies/2 <sup>nd</sup> Mortgage	\$ 62,000	Pending/2 <sup>nd</sup> Mortgage secured
<b>Subtotal</b>	<b>\$1,214,285</b>	
City of Westminster HOME	\$ 150,000	
<b>Total</b>	<b>\$1,364,285</b>	

Adams County and the Colorado Division of Housing are awaiting a commitment of local support from the City of Westminster prior to giving consideration to the requested funding levels respectively.

The City is being asked to provide \$150,000 towards the project, which would come from the City of Westminster's HOME fund. The City receives an allocation of about \$250,000 annually in HOME funds from the U.S. Department of Housing and Urban Development (HUD). The funds are made available to provide and support housing endeavors related to low-income and special needs populations. As such, use of the funds in support of the proposed acquisition and use is permitted.

As of August 4, 2005, the City had a balance of \$526,713 in HOME funds. Of this balance, \$281,196 is a balance from years prior to 2005. The City's 2005 allocation was \$245,517. The City Council has designated these funds to be used in conjunction with the housing rehabilitation program and the first-time homebuyers program. Both of these programs are currently administered under agreement by Adams County. City Council has the latitude to adjust the funding levels for these programs and redirect the funds to provide the requested funding for this project.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



ATTACHMENT A

**ADAMS COUNTY INTERFAITH HOSPITALITY  
NETWORK**

**CITY OF WESTMINSTER  
HOME PROGRAM**

**PROPOSED  
APARTMENT COMPLEX ACQUISITION PROJECT**

## **ADCO IHN Mission and Programs**

The stereotypical intoxicated single adult panhandling on the street corner inaccurately portrays the majority of today's homeless population. Family homelessness is a rapidly growing problem throughout the metro area, including Westminster. Low-income renters are often only one paycheck or calamity away from homelessness. Families find themselves homeless due to unemployment, high cost of rent, sudden illness, gentrification of a neighborhood, absence of family support and other reasons.

Adams County Interfaith Hospitality Network (ADCO IHN) ADCO IHN is a faith-backed (not faith-based) organization incorporated in 1998 that provides shelter, rental housing, mortgage assistance, meals and comprehensive assistance to families experiencing homelessness and families who are low to moderate income who are at risk of becoming homeless. ADCO IHN also increases community involvement in direct services and advocacy. ADCO IHN services families predominately in the Denver Metropolitan five county areas. However the agency in 2004 serviced 221 Westminster families.

ADCO IHN currently has a network of 26 congregations representing various churches in the City's of Arvada, Northglenn, Thornton, and Westminster that provide emergency shelter to 120 families each year. The agency also provides rental and mortgage assistance to 55-60 families each year. Other agency partners include St. Anthony Hospital North, Regis University, B'ni Torah, and other private and corporate funders.

## **The Project**

Adams County Interfaith Hospitality Network (ADCO IHN) received \$250,000 in 2004 from a private donor to further strengthen its programs through the acquisition of a 20 unit apartment complex, adding a permanent rental housing component to the organization's overall programs. ADCO IHN has contracted to purchase the 20-unit Westchester Apartments complex located 7240 Newton Street in the City's South Westminster Revitalization Area. The apartment complex is currently owned and operated as rental housing by a private individual and his partner. ADCO IHN currently has a contract to purchase the apartment complex for an acquisition closing to occur by October 31, 2005. Subsequent to acquisition, ADCO IHN will complete approximately \$200,000 of interior and exterior renovations. Use of private and public grant funds, combined with a small amount of private debt will enable ADCO IHN to both improve an existing property, and thereafter operate the property as rental housing that is affordable for low to moderate income South Westminster residents.

The City of Westminster is being requested to join other private and public funding sources in supporting the acquisition and rehabilitation of the Westchester Apartments by ADCO IHN. The agency is requesting a \$250,000 grant from the City of Westminster U. S. Department of Housing and Urban Development HOME Investment Partnership Act program. In doing so, the City demonstrates the local support requisite to accessing other

critically needed funding. This document provides a brief discussion of how the acquisition and rehabilitation of the project both compliments the City's South Westminster Revitalization efforts and responds to recommendations made in the Westminster Housing Study prepared for the City of Westminster in July 2003.

### **Revitalization of Existing Housing**

The Westminster Housing Study recommends establishing housing goals for rental and for-sale housing that is affordable to residents within targeted income ranges. This includes identifying areas for targeting both new residential development, and redevelopment areas for acquisition and rehabilitation of existing housing. The study also indicates that several sections of Westminster are ripe for redevelopment, particularly those located in close proximity to FasTracs new rail line.

The property is located in the South Westminster Revitalization area, approximately one block north of 72<sup>nd</sup> Avenue, 7240 Newton Street, in an attractive, mature residential neighborhood. The neighborhood includes a mix of ownership and rental housing. The subject property is bordered on the north by well-maintained apartment buildings and on the south by a moderately well maintained six plex apartment building. A new for-sale town home project is under construction on a redevelopment site adjacent to the east of the subject property to be acquisitioned. There is a small single-family home across Newton Street to the west, which is bordered on the north by an apartment property. The property's current market appeal benefits from street improvement and community development improvements recently completed by the City of Westminster.

The property currently has a reasonably well-maintained appearance. Thorough inspection by qualified building, plumbing and roofing professionals confirms that the building and its major systems are generally sound. However, planned exterior improvements including concrete work, masonry repair, painting, parking lot repair, and replacement of the walkway railings, will further enhance the property and neighborhood. The interior of the units are in various states of repair, with some units having been refurbished, and others needing substantial rehabilitation. Planned unit improvements include flooring, appliances, air conditioning units, bathroom repair/replacements, kitchen upgrades to a moderate level. The current owner has historically been cooperative with the City's Code Enforcement staff.

### **Community Amenities**

The property is well situated and benefits from a number of the City's South Westminster Revitalization improvements. The property location provides residents with good access to a number of community amenities, including existing RTD public transportation (1 block) and future FastTracks connections; shopping and restaurants (6 blocks), a community park (2 blocks), elementary school (approximately 7 blocks), middle (10 blocks) and high schools (6 blocks), community services – career enrichment center, senior center, community center (4 blocks), and St. Anthony's Hospital (approximately 3 miles).

## **Response to Community Need**

The project as planned helps respond to the need for affordable housing for low and moderate income renters living in Westminster's South Neighborhood. The Westminster Housing Study indicates that the South neighborhood had the lowest average household incomes at \$46,426/year. Further, the study defines "cost-burdened households" as those paying 30 percent or more of their yearly household income toward rent or mortgage plus utilities. In Westminster, 81% of renters earning \$10,000 (\$4.81/hour) – \$19,000 (\$9.13/hour) are cost burdened. In the South Neighborhood, where the Westchester Apartments are located, the report indicates that nearly 1,100 renters may be cost burdened and experiencing difficulties paying for housing.

Current monthly market rents on comparable units range from \$550 - \$650+/unit. The planned financing structure for the property will enable ADCO IHN to offer rents ranging from \$425-\$550. Rents at this level are affordable to cost-burdened renters in the South Neighborhood. As well, access to stable, affordable housing may provide residents an opportunity to progress toward financial stability, perhaps even leading to the increased likelihood of homeownership. Families that are eligible for home ownership will be partnered with the Adams County Housing Authority for Down Payment Assistance and Colorado Rural Housing Development for financial training.

The project financing structure will also support a limited number of units being rented for a nominal monthly amount to assist very-low income residents. ADCO IHN will utilize 3-5 units (15% - 25%) to provide transitional housing for its clients, which include families at-risk or currently experiencing homelessness. Through its programs and support services, ADCO IHN will work with these very-low income residents to assist them in gaining greater economic self-sufficiency and family stability.

It is not the intent to displace any existing tenants that are in good standing under their lease terms. Unit improvements and repairs will be accomplished as tenants vacate and/or with tenants in place for those tenants that remain on the property.

## **Broad Financial and Community Support**

Financing for the acquisition and rehabilitation of the property will be provided from a combination of private and public grants, debt, in-kind support and services, all designed to support affordable housing acquisition and rehabilitation. In addition to a generous private donor, ADCO IHN counts 26 churches, a synagogue, a non-profit hospital, and a university in its network of supporters. These organizations and their staff and members provide significant and ongoing financial and volunteer support (approximately 15,000 volunteer hours annually) for ADCO IHN and its programs.

The project plans are consistent with the City of Westminster, Adams County and State of Colorado Five Year Consolidated Plans that overview strategies to assist low to moderate income families by increasing affordable rental housing. Adams County and

the State of Colorado Division of Housing have indicated strong interest in providing significant financial support for the project. Final project funding approval is pending and it is anticipated that a total of \$600,000 in grant funds from the County and the State are forthcoming. The amount of funding received from the County and the State will be contingent upon funding received by the City of Westminster. City funding will demonstrate to County and State funders the leadership, commitment and partnership of the City of Westminster to support low to moderate income rental housing. Leadership for the Adams County Housing Authority has also expressed a strong interest in providing assistance as-needed with the acquisition and/or long-term management of the property. A local bank has approved permanent financing under favorable terms, and stands ready to assist in sponsoring additional grant requests as needed.

The total estimated project cost is \$1,364,285. This includes an acquisition price of \$1,092,000 million (\$54,600/unit), closing costs of approximately \$73,000, which includes establishing \$40,000 in operating and replacement reserves, and estimated capital repair/improvements of \$200,000 (\$10,000/unit). A breakdown of the funding sources and timelines follow below.

<u>SOURCE</u>	<u>AMOUNT</u>	<u>TIMELINE</u>	<u>COMMENTS</u>
Private Donor	\$250,000 (\$12,500/unit)	<b>Received 12/04</b>	Funds designated for acquisition of apartment property for ADCO IHN transitional housing clients.
Adams County HOME	\$300,000 (\$15,000+/unit)	February '05 initial application - June update.	Grant funds requested for property acquisition. Public Hearing to grant funds will occur June '05
Colorado Division of Housing	\$300,000 (\$15,000/unit)	February 1, 2005 application - June update.	Grant funds requested for property acquisition. Funding decision to be made by July '05
City of Westminster	\$150,000 (\$7,500/unit)	January '05 initial application; August Council Session	Request for allocation of a portion of the HOME grant funds provided by Adams County for the City's use to support affordable housing.
Adams County Housing Authority	TBD	August-September	Currently discussing Housing Authority's involvement in project, both to strengthen economic performance, and as a possible donor/ patient lender for overall project costs.
Private Bank	\$246,000 approx (\$12,300/unit)	January '05 application - <b>loan approved.</b>	Revised projections based on a 1.2 DCR on 6.5%, 30-year amortization. Loan approved subject to appraisal and commitment of balance of needed funds.
Federal Home Loan Bank Affordable Housing Program	\$70,000 (\$3,500/unit)	October 1 application deadline.	May apply as needed for additional gap funding resources and/or for building improvements/adaptations.
Other Private Grants	\$25,000 - \$100,000	Jan - Feb applications	Have contacted banks and other donor prospects to assist with acquisition/improvement costs.

## **Timeline**

The Westchester Apartments property acquisition is scheduled to close on **October 31, 2005**. The terms of the contract call for all funding commitments to be in place by **September 15, 2005**.

## **Conclusion/Request for Action:**

Acquisition and rehabilitation of the Westchester Apartments by ADCO IHN is highly complimentary to the South Westminster Revitalization plans. The project preserves an existing real estate asset that will continue to serve as a valuable community housing resource. The property also responds to a need in the community by ensuring provision of safe, affordable housing and services for modest income Westminster residents.

Adams County Interfaith Hospitality Network respectfully requests that the City allocate \$150,000 in City of Westminster HOME Program funding provided by Adams County to be used for the acquisition of the 20-unit Westchester Apartments. Approval of this request assists Adams County Interfaith Hospitality Network in satisfying its September 15, 2005 contract funding commitment date. This action also demonstrates strong local support requisite to accessing other critically needed state, county, and private funding.

**Adams County Interfaith Hospitality Network  
WESTCHESTER APARTMENTS – REQUEST FOR FUNDING  
TRANSACTION SUMMARY**

Adams County Interfaith Hospitality Network (ADCO IHN) is requesting funding assistance from the City of Westminster for the acquisition/rehabilitation of the 20-unit Westchester Apartments located at 7240 Newton Street. Following below is a summary of the proposed transaction. A comprehensive project description/funding request has been provided to Westminster Community Development staff.

<b>Property Description:</b>	<ul style="list-style-type: none"> <li>• 20-unit three-story apartment building constructed in 1961</li> <li>• 6 – 1BR units and 14 2BR units</li> <li>• Current rents at \$425 - \$600/month. Projected rents at \$425 - \$550.</li> <li>• No displacement of existing tenants performing under lease.</li> <li>• 3-4 units for transitional housing with supportive services support from ADCO IHN.</li> </ul>																												
<b>Sources and Uses of Funds:</b>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2"><b>Uses:</b></td> </tr> <tr> <td>Acquisition Price (1)</td> <td style="text-align: right;">1,092,000</td> </tr> <tr> <td>Closing Costs and Reserves</td> <td style="text-align: right;">72,285</td> </tr> <tr> <td>Capital Repairs/Improvements</td> <td style="text-align: right;">200,000</td> </tr> <tr> <td><b>Total Acquisition Cost</b></td> <td style="text-align: right;"><b>1,364,285</b></td> </tr> <tr> <td colspan="2"><b>Sources:</b></td> </tr> <tr> <td>Private Donor Equity (received)</td> <td style="text-align: right;">250,000</td> </tr> <tr> <td>Private Debt (approved)</td> <td style="text-align: right;">246,000</td> </tr> <tr> <td>Adams County HOME (applied)</td> <td style="text-align: right;">300,000</td> </tr> <tr> <td>CO Division of Housing (applied)</td> <td style="text-align: right;">300,000</td> </tr> <tr> <td>FHLBank AHP (fall '05 applic.)</td> <td style="text-align: right;">70,000</td> </tr> <tr> <td>Misc. Donor Funds (in process)</td> <td style="text-align: right;">48,285</td> </tr> <tr> <td>City of Westminster - HOME</td> <td style="text-align: right;">150,000</td> </tr> <tr> <td><b>Total Sources</b></td> <td style="text-align: right;"><b>1,364,285</b></td> </tr> </table>	<b>Uses:</b>		Acquisition Price (1)	1,092,000	Closing Costs and Reserves	72,285	Capital Repairs/Improvements	200,000	<b>Total Acquisition Cost</b>	<b>1,364,285</b>	<b>Sources:</b>		Private Donor Equity (received)	250,000	Private Debt (approved)	246,000	Adams County HOME (applied)	300,000	CO Division of Housing (applied)	300,000	FHLBank AHP (fall '05 applic.)	70,000	Misc. Donor Funds (in process)	48,285	City of Westminster - HOME	150,000	<b>Total Sources</b>	<b>1,364,285</b>
<b>Uses:</b>																													
Acquisition Price (1)	1,092,000																												
Closing Costs and Reserves	72,285																												
Capital Repairs/Improvements	200,000																												
<b>Total Acquisition Cost</b>	<b>1,364,285</b>																												
<b>Sources:</b>																													
Private Donor Equity (received)	250,000																												
Private Debt (approved)	246,000																												
Adams County HOME (applied)	300,000																												
CO Division of Housing (applied)	300,000																												
FHLBank AHP (fall '05 applic.)	70,000																												
Misc. Donor Funds (in process)	48,285																												
City of Westminster - HOME	150,000																												
<b>Total Sources</b>	<b>1,364,285</b>																												
<b>City Source of Funds:</b>	HOME funds																												
<b>Revitalization of Property.</b>	<ul style="list-style-type: none"> <li>• \$200,000 in capital repairs.</li> <li>• Exterior - painting, concrete repairs, parking lot, railings, masonry repair.</li> <li>• Interior - flooring, cabinets, appliances, bathroom, paint, window coverings.</li> <li>• Unit rehab accomplished as units vacated.</li> <li>• Will establish \$10,000 operating reserve and \$30,000 capital repair reserve at closing. (1)</li> </ul>																												
<b>Property Management:</b>	<ul style="list-style-type: none"> <li>• Professional property management company to be hired.</li> <li>• Pre-lease screening credit/criminal checks, and income certification for compliance monitoring/reporting.</li> <li>• Establish tenant occupancy/ eviction policies to ensure safe, quiet co-habitation for apartment residents and neighborhood.</li> </ul>																												
<b>Response to Community Need:</b>	<ul style="list-style-type: none"> <li>• Preserves existing housing for modest income residents.</li> <li>• Provides service-supported housing for families at risk of or transitioning from homelessness.</li> </ul>																												
<b>Neighborhood Benefits:</b>	<ul style="list-style-type: none"> <li>• Significant investment of capital into aging property in area targeted by City for revitalization.</li> </ul>																												
<b>ADCO IHN Mission:</b>	Provides comprehensive housing and support service assistance/referral to low-to-moderate income families at risk of becoming homeless.																												





**Agenda Memorandum**

City Council Meeting  
August 22, 2005



**SUBJECT:** Financial Report for July 2005

**Prepared By:** Tammy Hitchens, Finance Director

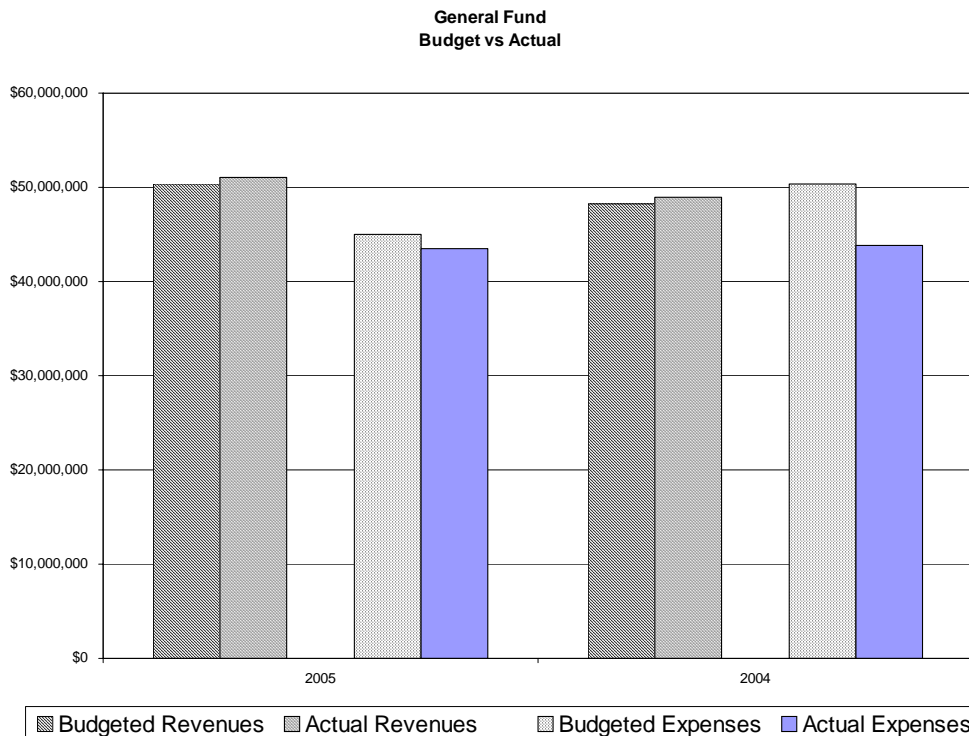
**Recommended City Council Action**

Accept the Financial Report for July as presented.

**Summary Statement**

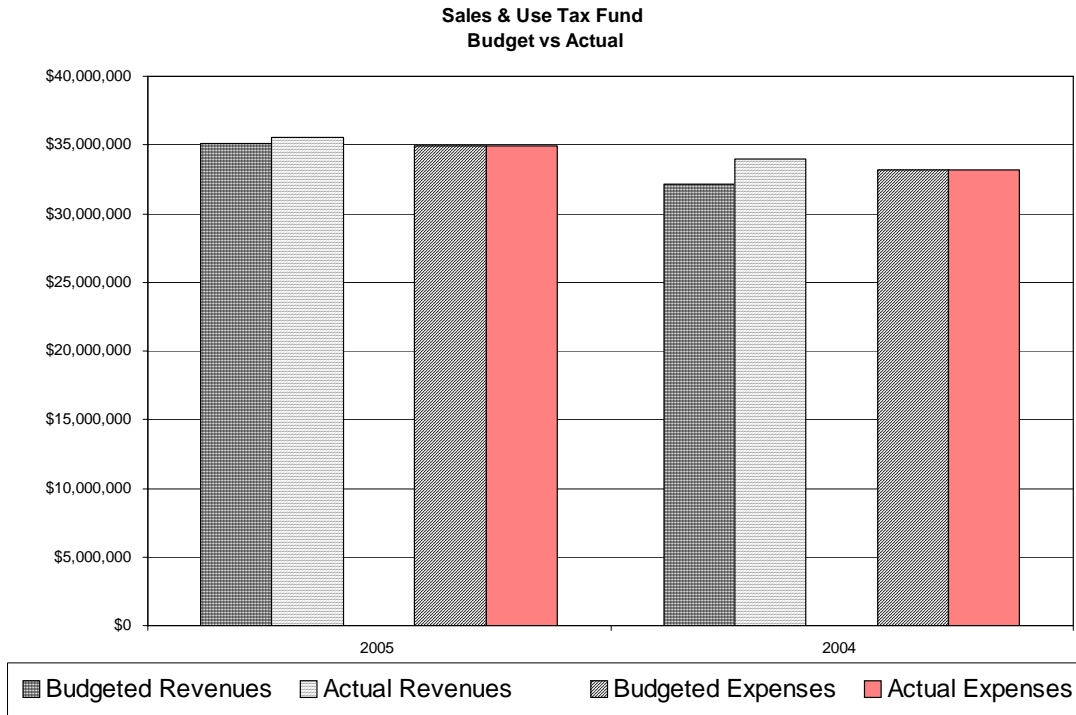
City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. The revenues are pro-rated based on 10-year historical averages. New this month, expenses are also pro-rated based on historical averages. The historical averages for expenses are based on 2001-2004.

The General Fund revenues exceed expenditures by \$7,588,000. The following graph represents Budget vs. Actual for 2004 – 2005.

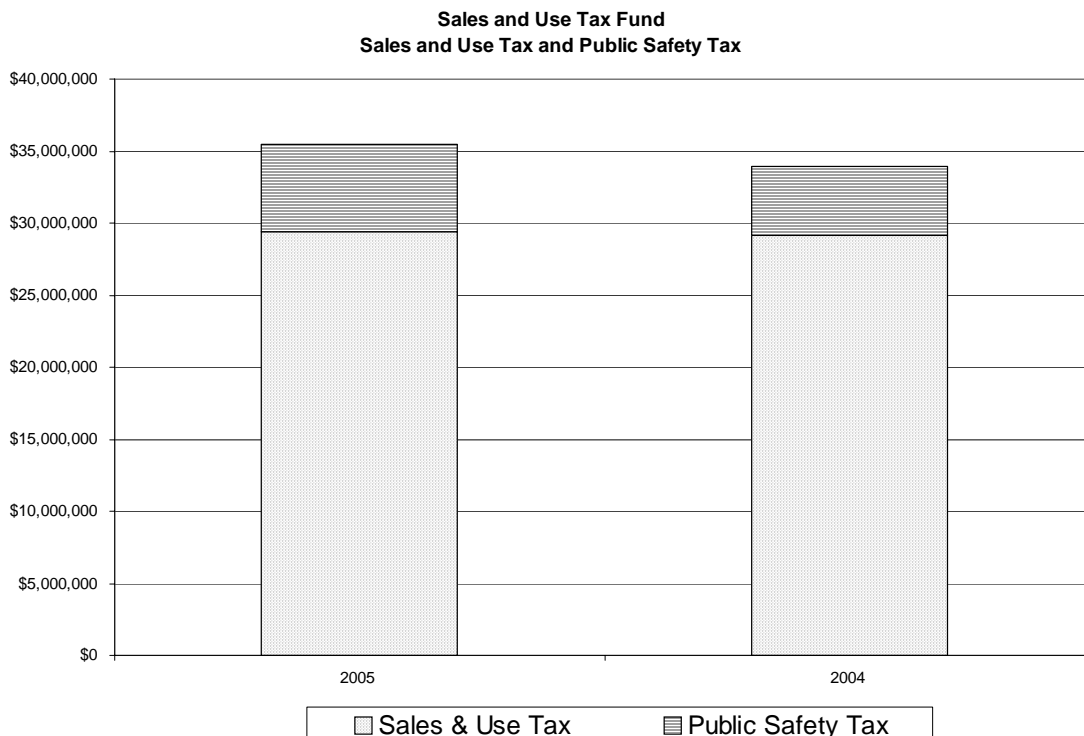


The Sales and Use Tax Fund's revenues exceed expenditures by \$627,000.

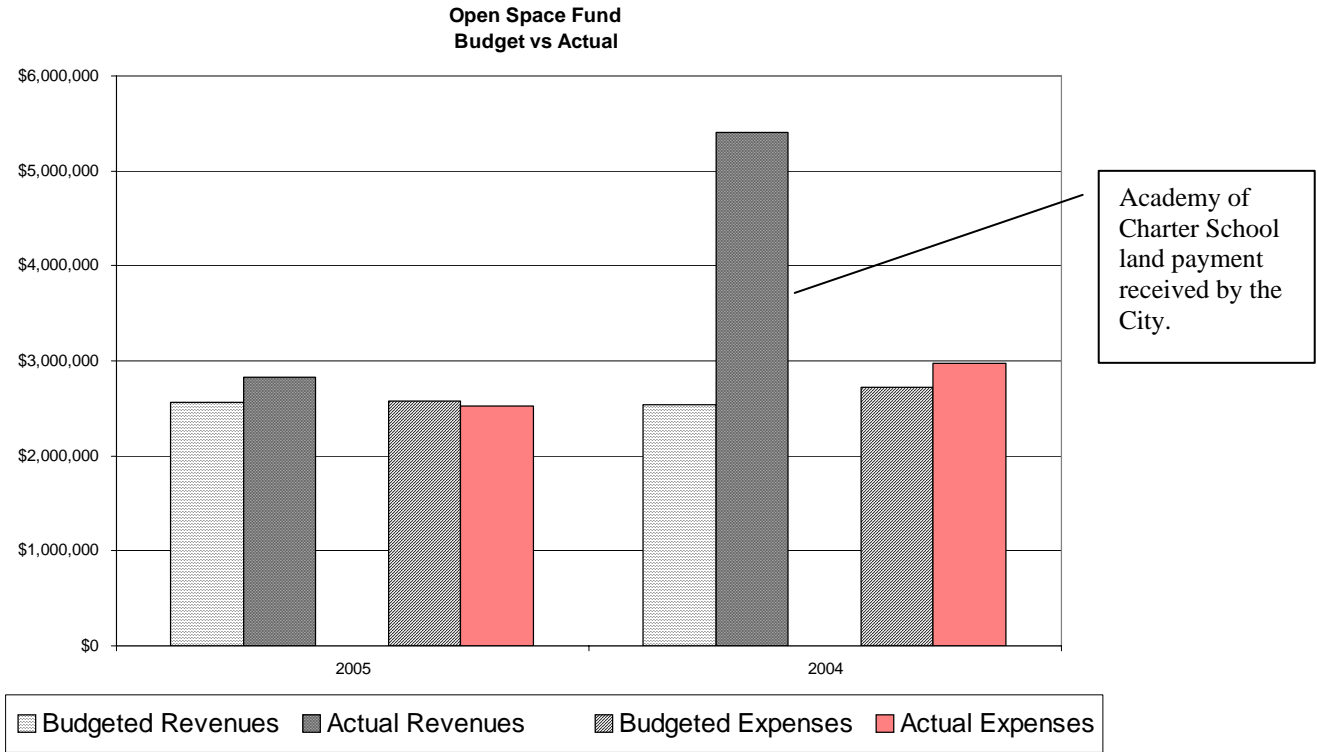
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 5%. It should be noted that there are timing differences and anomalies in this report that overstate the revenue picture.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 4.1%. This includes Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 8%.



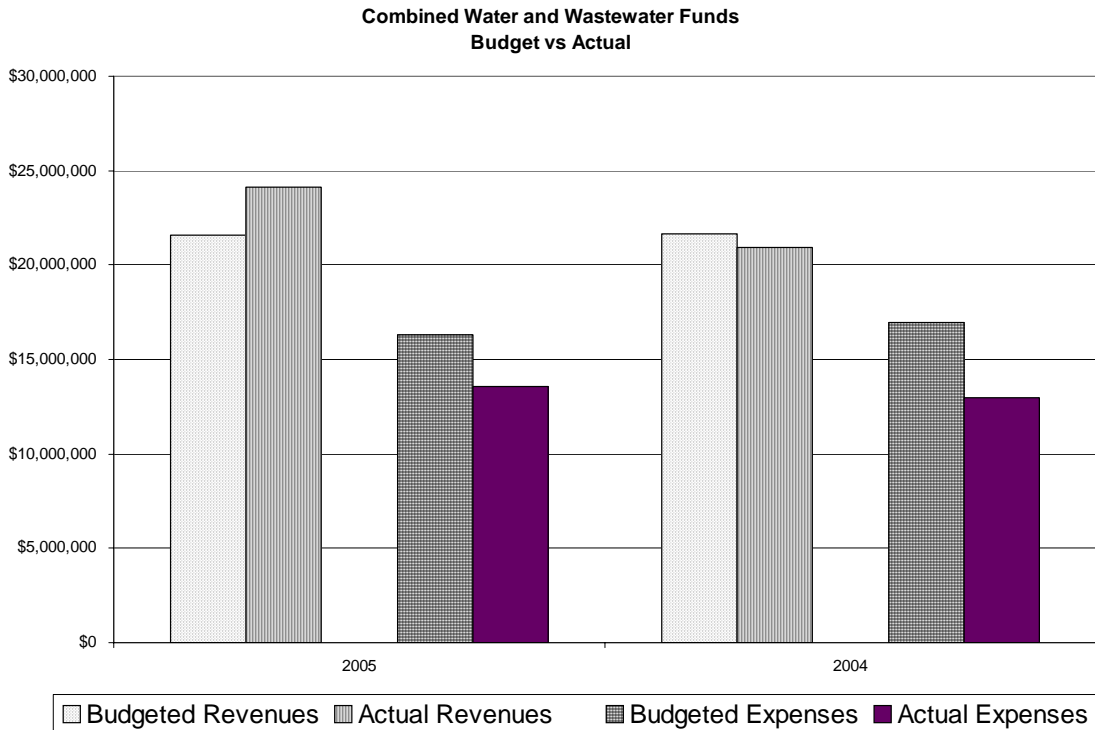
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



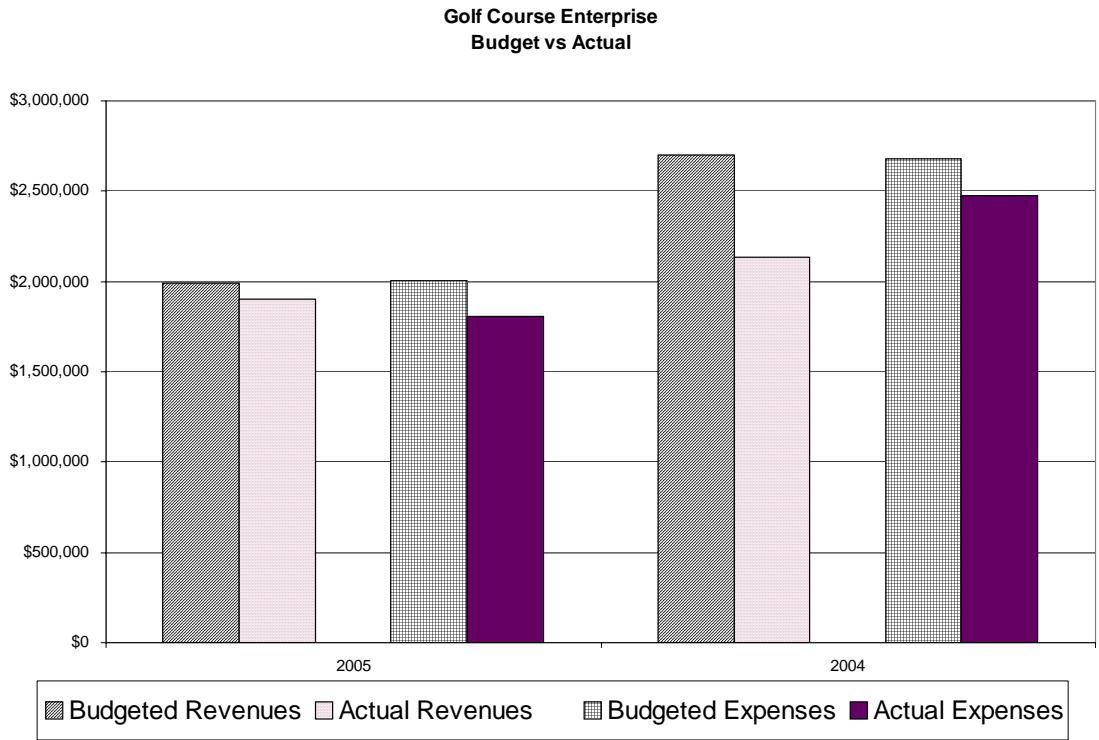
The Open Space Fund revenues exceed expenditures by \$308,000.



The combined Water & Wastewater Funds' revenues exceed expenses by \$10,554,000. Included in this figure is over \$6.5 million in tap fees.



The combined Golf Course Funds' revenues are over expenditures by \$94,000.



**Policy Issue**

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

**Alternative**

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

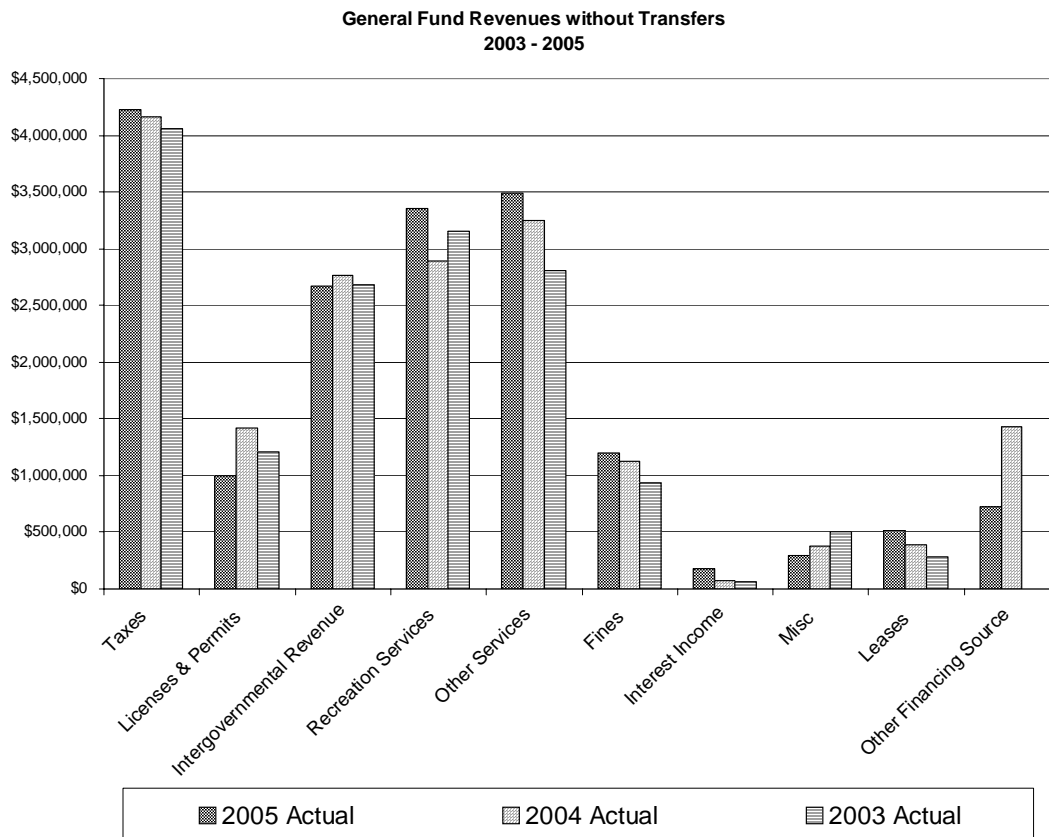
**Background Information**

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

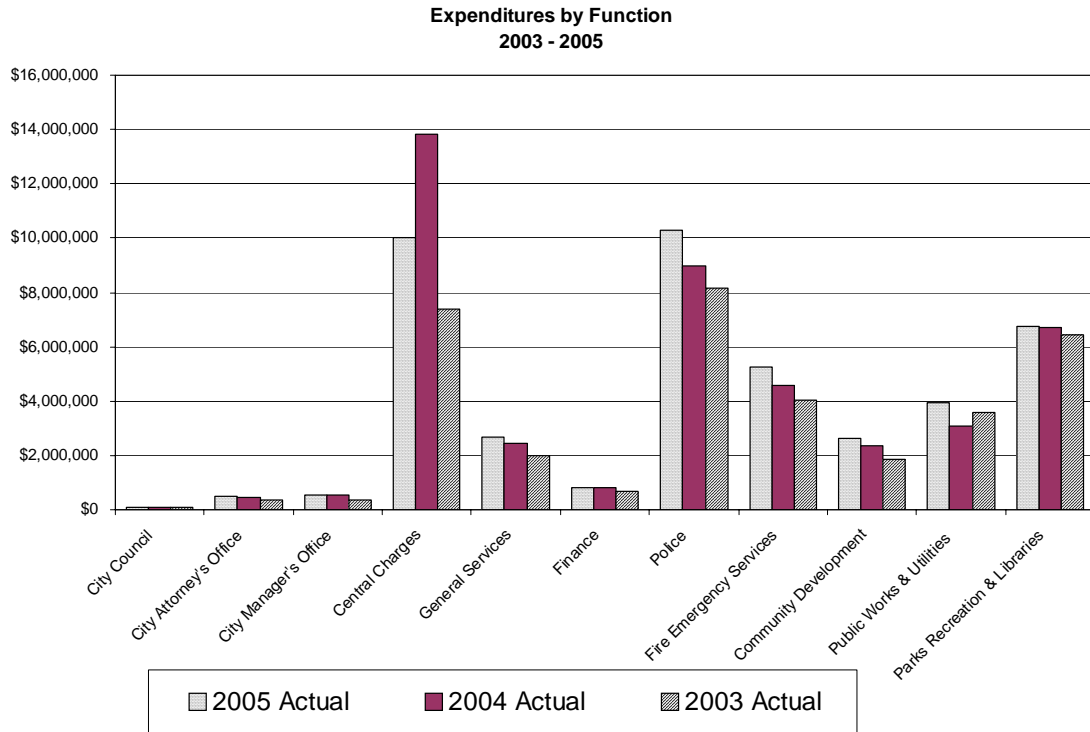
**General Fund**

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

The following chart represents the trend in actual revenues from 2003 – 2005 year-to-date.



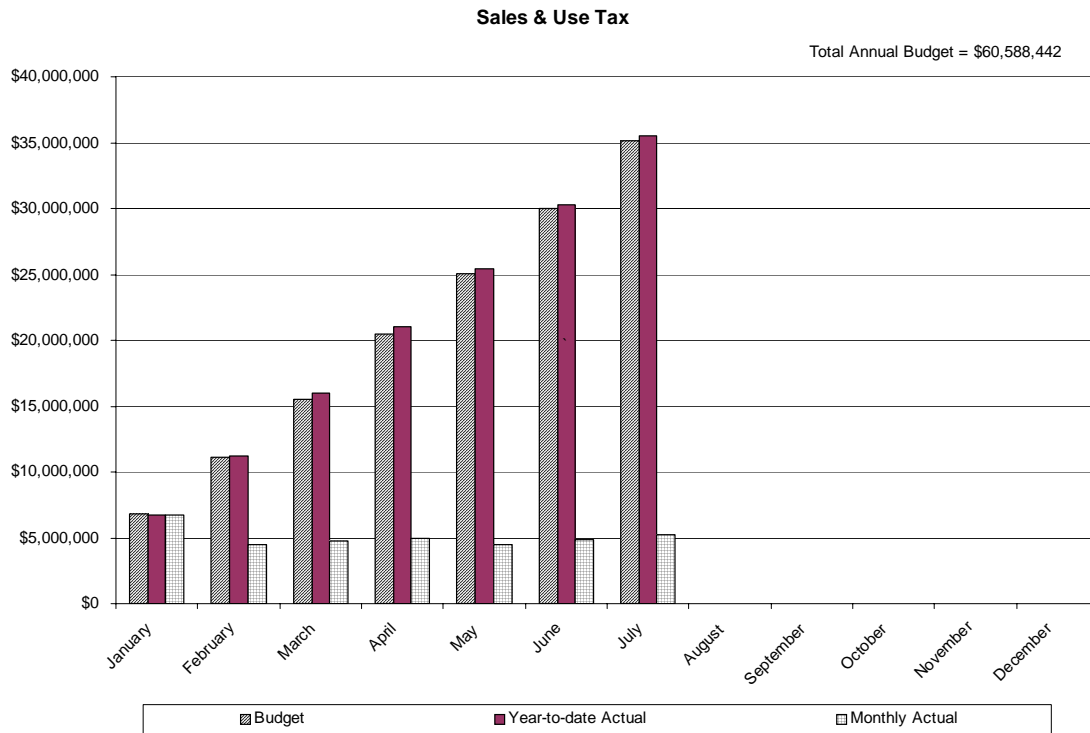
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2003 –2005.



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

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

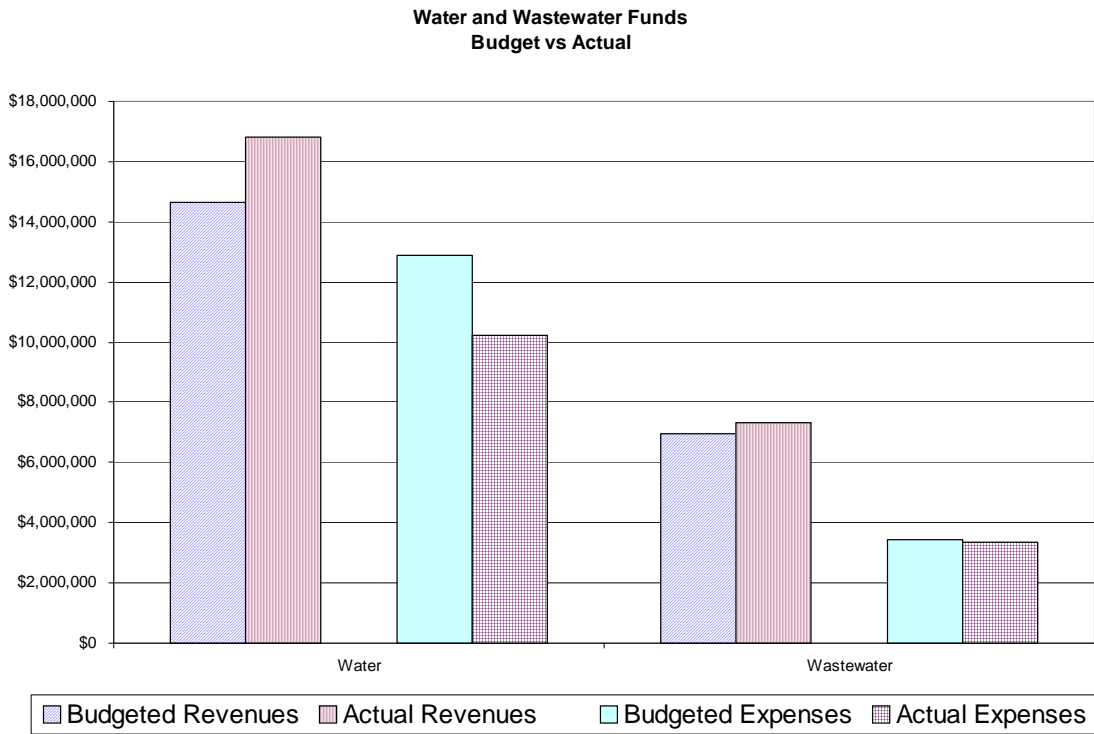
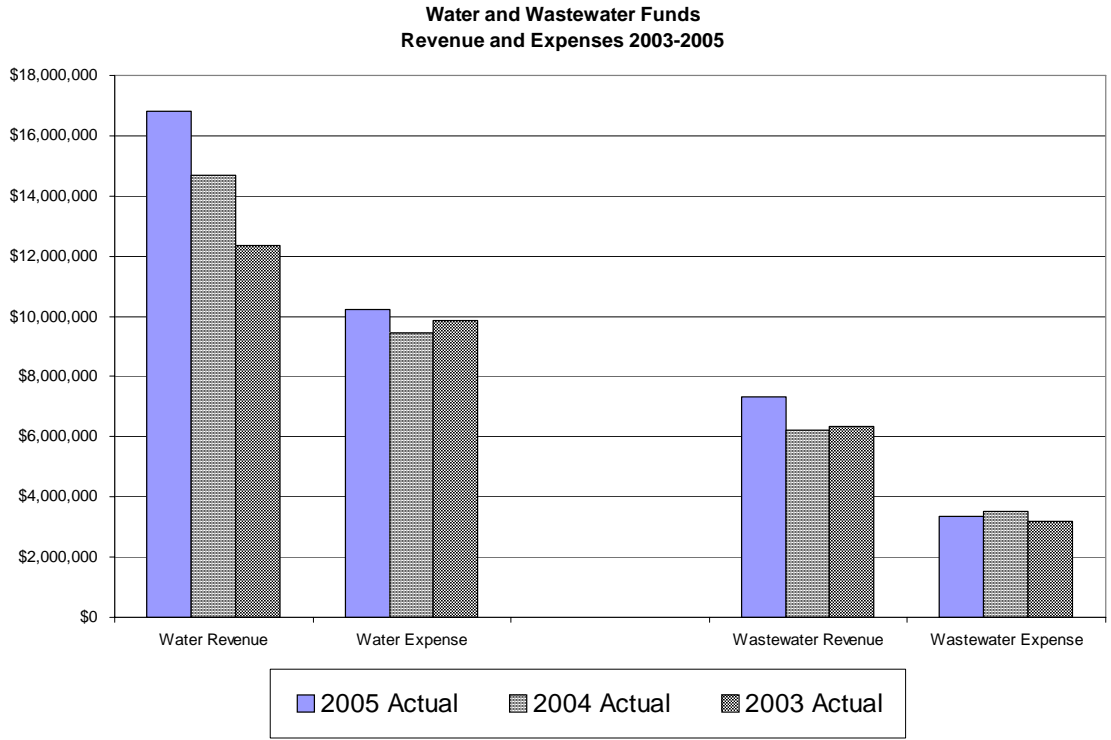
This chart indicates how the City's Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.



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

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

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

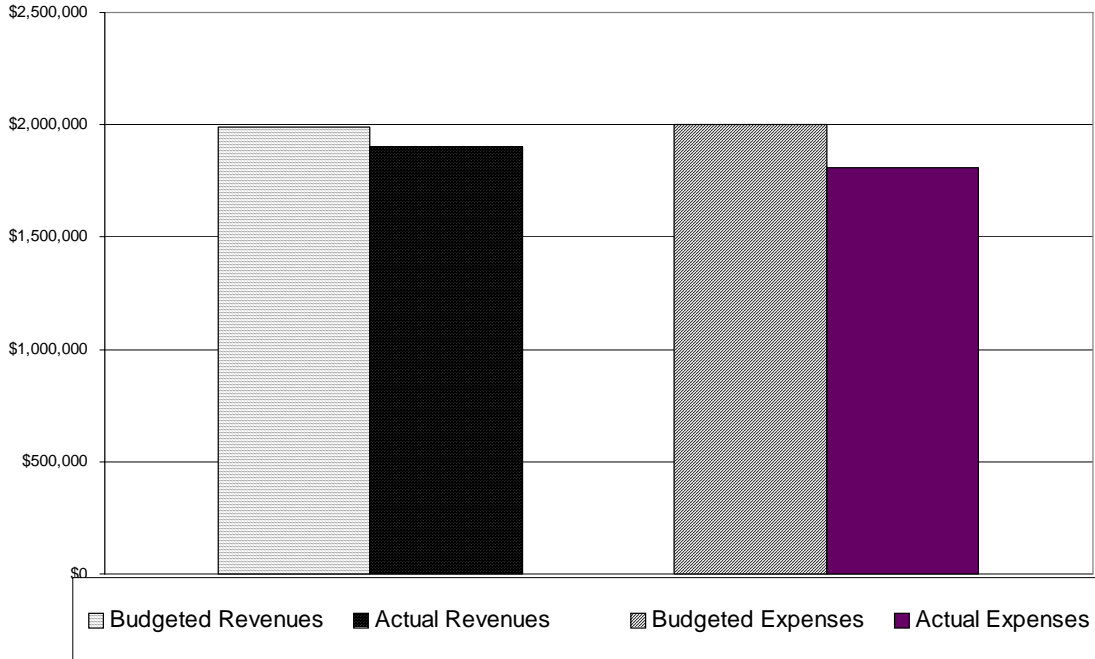




**Golf Course Enterprise (Legacy and Heritage Golf Courses)**

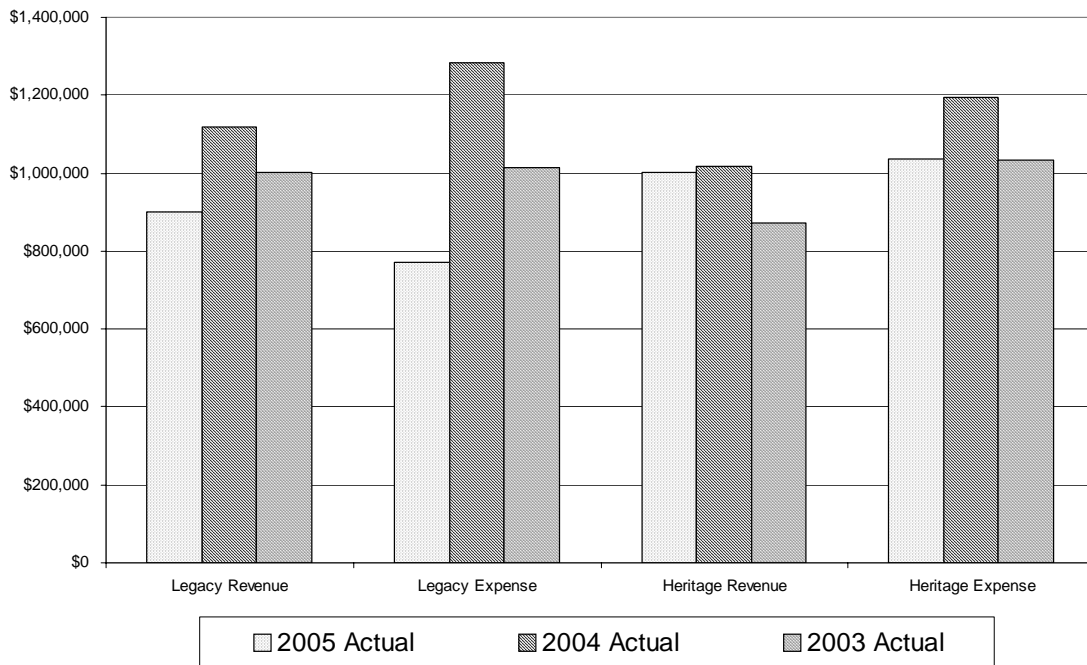
This enterprise reflects the operations of the City's two municipal golf courses. On October 11, 2004, City Council approved a four-point program to provide relief to the golf courses over the coming years.

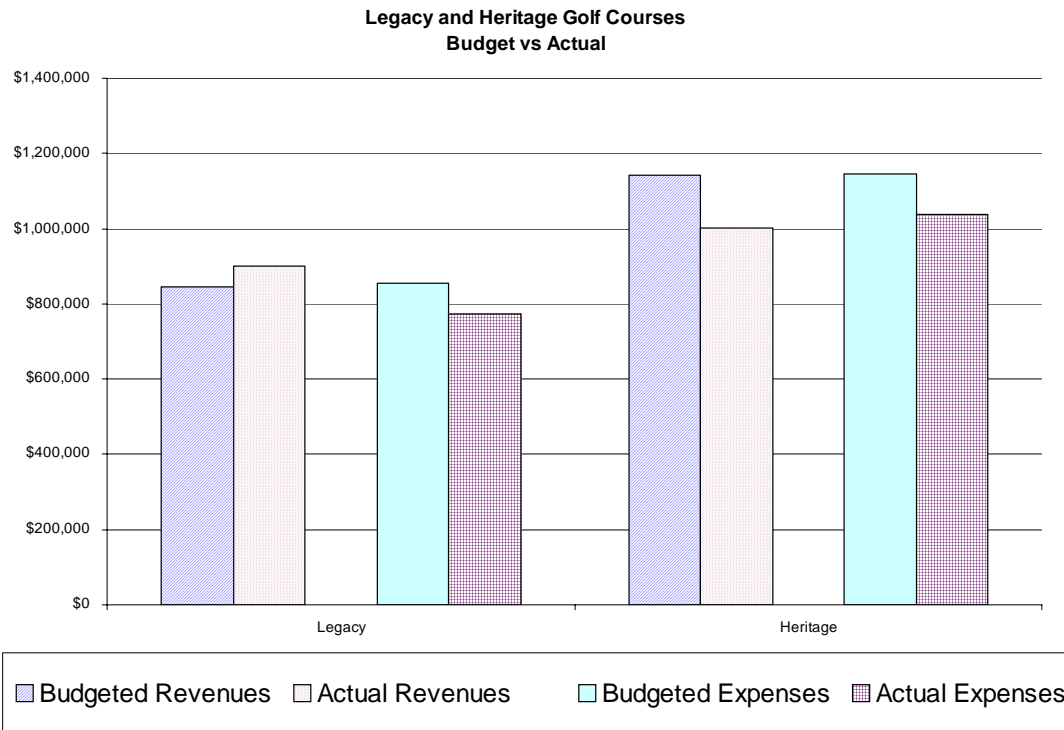
**Combined Golf Courses  
Budget vs Actual**



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

**Legacy and Heritage Golf Courses  
Revenue and Expenses 2003 - 2005**





Respectfully submitted,

J. Brent McFall, City Manager

Attachments -  
Statement  
Receipts

**City of Westminster  
Financial Report  
For the Seven Months Ending July 31, 2005**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
<b>Heritage at Westmoor Fund</b>						
<b>Revenues</b>						
Business Fees						
Charges for Services	1,717,976	996,426		854,622	(141,804)	86%
Interest Income	0	0		1,123	1,123	N/A
Interfund Transfers	250,000	145,833		145,833	0	100%
Total Revenues	<u>1,967,976</u>	<u>1,142,259</u>		<u>1,001,578</u>	<u>(140,681)</u>	<u>88%</u>
<b>Expenses</b>						
Central Charges	91,600	52,487		55,372	2,885	105%
Recreation Facilities	1,377,386	936,622		824,537	(112,085)	88%
Sub-Total Expenses	<u>1,468,986</u>	<u>989,109</u>		<u>879,909</u>	<u>(109,200)</u>	<u>89%</u>
Operating Income	498,990	153,150		121,669	(31,481)	
Debt Service Expense	<u>498,990</u>	<u>156,995</u>		<u>156,995</u>	<u>0</u>	<u>100%</u>
Revenues Over(Under) Expenses	<u>0</u>	<u>(3,845)</u>		<u>(35,326)</u>	<u>(31,481)</u>	

CITY OF WESTMINSTER

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

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	394,123	7,482	401,605	419,167	5,085	424,252	-6	47	-5
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	297,997	2,366	300,363	383,790	2,515	386,305	-22	-6	-22
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	215,293	776	216,070	212,576	2,763	215,339	1	-72	0
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	202,617	231	202,849	198,176	281	198,457	2	-18	2
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	118,894	80,746	199,639	134,382	21,338	155,720	-12	278	28
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	188,001	3,239	191,240	201,219	5,049	206,268	-7	-36	-7
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	172,060	1,596	173,656	147,631	691	148,321	17	131	17
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	118,735	2,121	120,856	36,340	226	36,566	227	839	231
SHOPS AT WALNUT CREEK 104TH & REED TARGET	111,509	589	112,098	0	0	0	*****	*****	*****
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	88,428	444	88,872	96,557	158	96,715	-8	180	-8
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	78,176	2,821	80,997	77,058	560	77,618	1	404	4
OFFICE MAX CENTER SW CORNER 88TH & SHER OFFICE MAX	62,224	2,020	64,244	45,076	403	45,478	38	402	41
WILLOW RUN 128TH & ZUNI SAFEWAY	61,334	1,148	62,482	53,065	1,066	54,132	16	8	15
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	61,205	131	61,335	61,882	129	62,011	-1	2	-1
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	55,772	979	56,751	60,772	233	61,005	-8	320	-7

CITY OF WESTMINSTER

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

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFEWAY NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	45,157	250	45,407	48,201	273	48,474	-6	-8	-6
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR HOMESTEAD HOUSE/H M WOODS	44,905	0	44,905	19,224	450	19,674	134	*****	128
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	41,571	278	41,849	43,473	403	43,876	-4	-31	-5
WESTMOOR NW OF 108TH AND WADSWORTH	25,567	16,031	41,598	12,082	15,139	27,220	112	6	53
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	39,309	1,843	41,152	30,290	146	30,436	30	1160	35
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	39,525	863	40,387	21,495	625	22,120	84	38	83
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	31,211	149	31,359	34,738	593	35,331	-10	-75	-11
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	28,924	423	29,346	24,904	252	25,156	16	68	17
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	26,098	252	26,351	31,515	100	31,615	-17	153	-17
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	25,537	666	26,203	25,531	1,693	27,224	0	-61	-4
	2,574,170	127,445	2,701,616	2,419,144	60,169	2,479,313	6	112	9

CITY OF WESTMINSTER

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

Center Location Major Tenant	/----- YTD 2005 -----/			/----- YTD 2004 -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	3,156,838	25,538	3,182,376	3,388,315	52,738	3,441,054	-7	-52	-8
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	2,322,213	34,776	2,356,989	2,759,563	14,667	2,774,230	-16	137	-15
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	1,649,443	8,615	1,658,058	1,656,605	27,736	1,684,340	0	-69	-2
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	1,571,688	1,831	1,573,519	1,572,049	4,028	1,576,077	0	-55	0
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	867,199	192,212	1,059,411	755,637	142,336	897,972	15	35	18
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,380,249	12,696	1,392,944	1,338,210	19,291	1,357,501	3	-34	3
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	1,173,401	21,720	1,195,121	1,034,151	28,848	1,062,999	13	-25	12
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	692,364	39,659	732,023	349,713	3,330	353,042	98	1091	107
SHOPS AT WALNUT CREEK 104TH & REED TARGET	698,938	19,333	718,271	0	0	0	*****	*****	*****
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	683,629	6,197	689,826	763,868	2,366	766,235	-11	162	-10
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	564,126	4,816	568,942	588,201	4,780	592,981	-4	1	-4
OFFICE MAX CENTER SW CORNER 88TH & SHER OFFICE MAX	461,238	5,293	466,531	347,610	2,041	349,651	33	159	33
WILLOW RUN 128TH & ZUNI SAFEWAY	392,649	10,947	403,596	375,324	4,540	379,864	5	141	6
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	405,410	1,662	407,072	437,384	2,115	439,499	-7	-21	-7
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	370,052	6,302	376,354	402,091	2,533	404,624	-8	149	-7

CITY OF WESTMINSTER

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

Center Location Major Tenant	YTD 2005			YTD 2004			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFEWAY NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	312,450	4,149	316,599	350,037	1,881	351,917	-11	121	-10
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR HOMESTEAD HOUSE/H M WOODS	128,943	4,135	133,078	109,307	3,297	112,605	18	25	18
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	296,862	2,940	299,802	261,421	4,873	266,294	14	-40	13
WESTMOOR NW OF 108TH AND WADSWORTH	79,805	61,314	141,119	37,589	73,641	111,229	112	-17	27
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	412,565	5,634	418,199	213,656	298	213,954	93	1793	95
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	169,852	5,091	174,942	172,911	3,905	176,817	-2	30	-1
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	239,859	2,697	242,556	265,921	1,893	267,814	-10	42	-9
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	170,774	7,161	177,935	166,051	2,200	168,251	3	226	6
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	239,677	2,453	242,130	273,565	298	273,864	-12	722	-12
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	179,476	10,929	190,405	178,151	18,696	196,846	1	-42	-3
	18,619,699	498,099	19,117,798	17,797,329	422,331	18,219,660	5	18	5



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 22, 2005



**SUBJECT:** Award of England Park Drainage Improvements Contracts

**Prepared By:** Stephen C. Baumann, Assistant City Engineer

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Diamond Contracting Corporation in the amount of \$96,167.50 for construction of drainage improvements near England Park. Authorize a project budget of \$126,168.00 for the total project, including the construction contract, up to \$15,000 for construction inspection services and a \$15,000 project contingency.

**Summary Statement**

- Over the years, flooding has been a chronic problem for properties in the vicinity of 70<sup>th</sup> Avenue and Raleigh Street, a light industrial area immediately south and west of the England Park ball field. The property at 7000 Raleigh has experienced the worst of the damage from water ponding to a depth above their building floor elevations.
- Analysis of the area has resulted in the design of drainage improvements that should significantly reduce flooding frequencies at 7000 Raleigh, particularly during small but high intensity storm events. The property owner will reconstruct his parking area, lowering it to provide a positive slope for drainage. The City will re-grade the south edge of the England Park field, lowering it and shaping it for channelizing runoff received from the south. Together, this system of improvements will convey flows across the two properties and eventually to Little Dry Creek.
- Bids on the improvements were received from two contractors. The low bid of \$96,167.50 was received from Diamond Contracting Corporation, a contractor experienced in these types of projects. Staff is recommending that the contract for the England Park Drainage Improvements be awarded to Diamond so that work can be completed in the next several months. Authorization of a total of \$126,168 will cover the construction contract, construction inspection services and a small contingency for the work.

**Expenditure Required:** \$126,168.00

**Source of Funds:** Utility Fund, Stormwater Capital Project Account



**Policy Issue**

Should the City cooperate with an upstream property owner to jointly modify the path of stormwater runoff across the two properties and alleviate flooding problems on the upstream property?

**Alternative**

The Little Dry Creek drainage basin has several areas with local flooding problems. This project deals with one area in a cost effective approach that will improve flow characteristics and reduce property damage. Alternatives include doing nothing or designing an extensive reconstruction of streets and storm sewers in a wider area. Neither of those approaches is recommended. Solving the problem of flooding and recurrent damage during smaller, more frequent storms is the first priority and allows the property owner to do parking lot upgrades that are also long overdue.

**Background Information**

Over the years, flooding and property damage have been regular events near 70<sup>th</sup> Avenue and Raleigh Street, a light industrial area located southwest of the England Park ball field. This is a low-lying area tributary to Little Dry Creek that is slow to drain during both small and large storm events. Using Stormwater Utility funds, an analysis of the drainage sub-basin determined that storm sewers and other drainage facilities installed in the area many years ago are generally inadequate. Solutions included the wholesale replacement of sewers and reconstruction of portions of Raleigh Street and 70<sup>th</sup> Avenue to improve conveyance to the Creek. However, because Little Dry Creek regularly exceeds its channel capacity downstream of 72<sup>nd</sup> Avenue, such improvements are of limited value during major storms since the discharge points become submerged. With costs in the vicinity of one million dollars for this level of reconstruction, alternatives that focus on the basic protection of property during the more frequent, smaller storms become more cost effective.

7000 Raleigh is a private property in one of the flow paths in the basin, conveying stormwater runoff from the Adams Count School District 50 property through the parking area to England Park ball field, which then conveys it east along the south side of that property, across Elk Drive and then to Little Dry Creek (see map). Because of inadequate slopes and other obstacles, this “system” causes water to back up on the 7000 Raleigh property to above building floor elevations. This has happened at least twice in the past ten years.

A plan was developed to re-grade the south side of the England Park ball field, lowering the elevation at the boundary of the two properties in conjunction with the owner’s reconstruction of the 7000 Raleigh parking lot to better convey storm runoff across both properties. The City will perform the work on England Field and the property owner will rebuild his facilities to fit with the City’s plan. A future project will include modification of a small pond near Little Dry Creek that will receive these flows. The modifications will include facilities designed to improve the quality of runoff from what is largely an industrial area to its outfall in Little Dry Creek. That project will be a qualifying best management practice under the City’s municipal stormwater discharge permit, mandated by the Environmental Protection Agency and administered by the Colorado Department of Health.

Plans for the England Park Drainage Improvements were prepared and reviewed by three contractors and bids were received from the two listed below. The low bidder, Diamond Contracting Corporation (Diamond), is a firm experienced in this type of project, having worked for the City reconstructing several streets to improve drainage in the Northridge Manor subdivision south of 92<sup>nd</sup> Avenue.

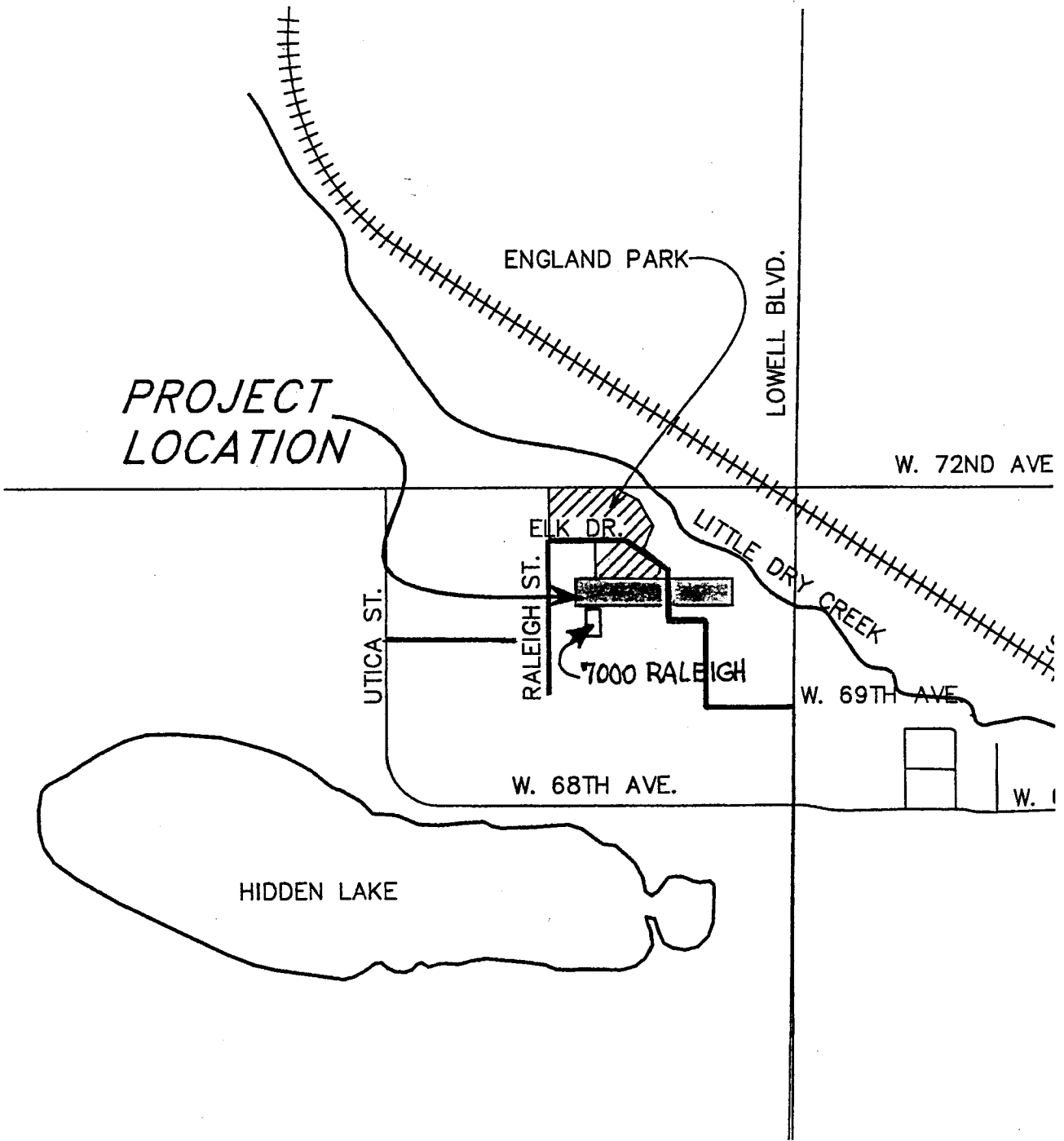
<b>Contractor</b>	<b>Bid Amount</b>
Diamond Contracting Corporation	\$ 96,167.50
Kemp and Hoffman, Inc.	\$113,852.50
Engineer's Estimate	\$ 71,701.25

Staff is recommending that the contract for the England Park Improvements be awarded to Diamond in the amount of \$96,167.50 along with authorization to spend a total of \$126,168 for the project, including up to \$15,000 for quality control testing and construction inspection services and a project contingency of \$15,000. Funds are available in the Utility Fund, Stormwater Capital Project Account for the work.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



England Park Drainage Improvements  
Vicinity Map



Agenda Memorandum

City Council Meeting  
August 22, 2005



**SUBJECT:** Squires Park Shelter Renovation Construction Contract Award

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

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Pirnack Walters in the amount of \$251,872, as the sole source provider, for the replacement of the Squires Park shelter, authorize a \$25,187 contingency fund for a total amount of \$277,059.

**Summary Statement**

- In 2002, the Department of Parks, Recreation and Libraries determined, as part of its park system audit, that due to its insufficient size and failing structure, the existing shelter at Squires Park needed to be replaced.
- Squires Park is located at 3450 West 99<sup>th</sup> Avenue at Lowell Boulevard.
- Staff wishes to enhance the Park and its amenities by increasing the amount of sun and rain shelter provided by the shelter. Staff also wishes to take advantage of this highly visible structure to showcase the City's park services to the community.
- Squires Park experiences the highest volume of shelter reservations of all park facilities.
- The City hired BBB Architects to develop shelter replacement concepts for Squires Park in 2003.
- After the City chose its favored concept, BBB Architects developed contract documents and assisted the City with retaining competitive bids for the work.
- The bids received were significantly higher than the budget, so the City and its architect negotiated with the low bidder, Pirnack Walters, and arrived at a modified design and acceptable cost.
- The Contractor presented the City with a not-to-exceed cost for the altered design, which is acceptable to Staff.

**Expenditure Required:** \$277,059

**Source of Funds:** General Capital Improvement Fund – Park Renovation Program

**Policy Issue**

Should the City continue with replacement of the park shelter at Squires Park?

**Alternatives**

1. City Council could choose to not authorize the replacement of the Squires Park shelter. Staff would not recommend this alternative as the existing shelter provides minimum protection for the large parties that use the facility. Also, a portion of the existing shelter is structurally failing and is no longer functional.
2. City Council could require that the Department of Parks, Recreation and Libraries further modify the scope of the project, thereby reducing the size and quality of the structure. Staff does not recommend this alternative as the opportunity to showcase the City's facilities is perfect at this site due to its exposure and frequency of use.

**Background Information**

During the Park Facility Inventory project conducted in 2002, Staff determined that the shelter at Squires Park was in need of enhancements. Its current configuration offers minimal protection from the elements. Squires Park experiences the highest volume of reserved and drop-in use by the citizens of Westminster and surrounding areas. Also, the athletic uses, summer playground program in the park, as well as frequent use by the students and faculty of Rocky Mountain Elementary School exhibit its popularity.

Part of the existing shelter is constructed of a wooden arbor whose members are severely warped. Some of them were so severely warped that they have been removed, thereby rendering that portion of the shelter structure unusable and unsightly.

The project plans call for a complete demolition of the existing structure with exception of the piers, which will be utilized for the proposed shelter. The covered area will more than double in size and the enhanced façade will become an impressive icon when viewed from Lowell Boulevard. The roof over the existing restroom building will be replaced as part of this project to match the proposed shelter's roof system. Staff plans to replace the barbecue grills and picnic tables following the renovation of the structure. The construction will occur in the slowest rental season so that minimal impact is apparent to the City's citizens.

The contractor, Pirnack Walters, was the low bidder in January 2005. Staff rejected all bids and chose to negotiate with Pirnack Walters. The City's consulting Architect was directed to work with the contractor to revise the plans and provide a structure that is functional and appealing. Staff believes that this team was successful in meeting the City's needs.

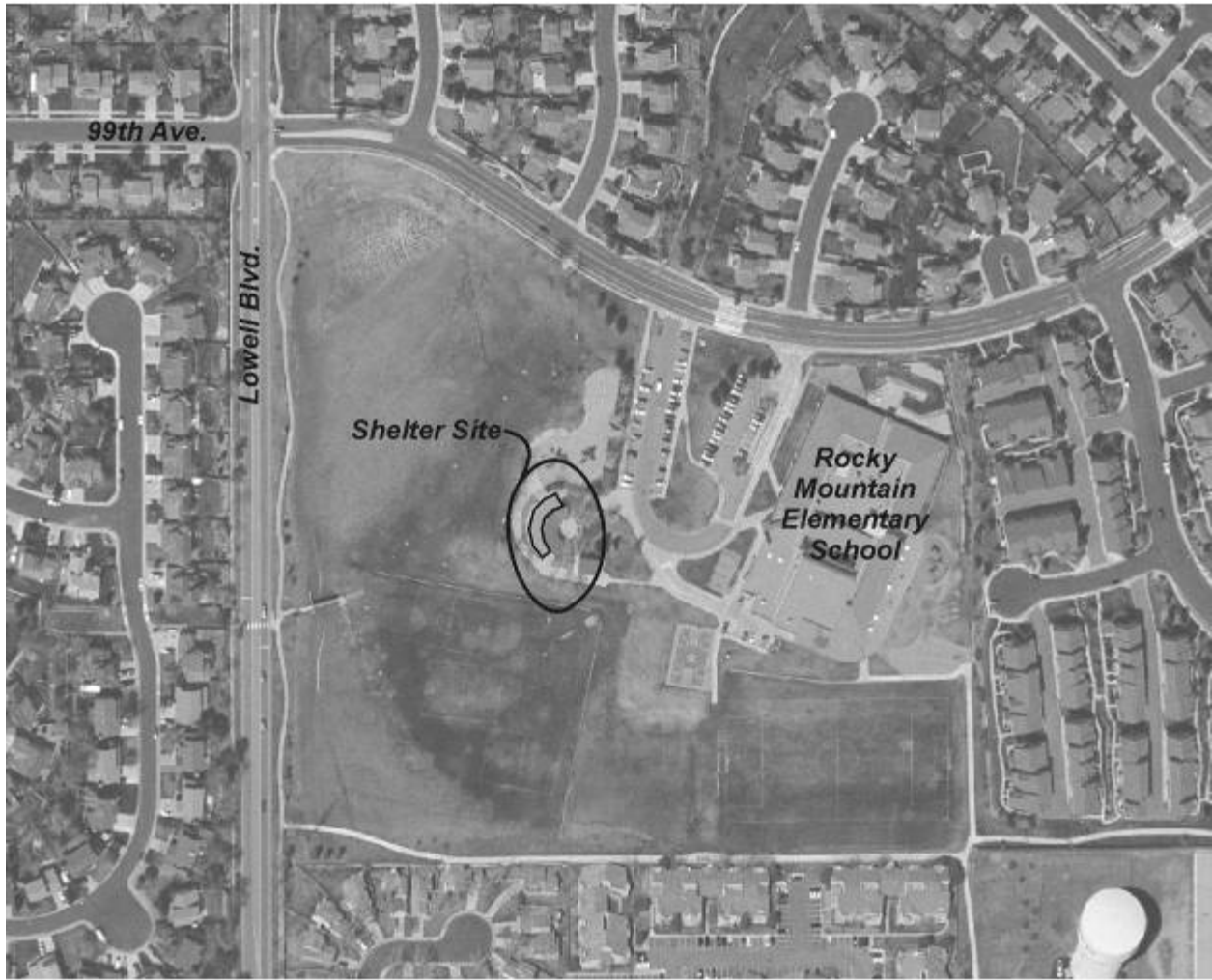
Respectfully submitted,

J. Brent McFall  
City Manager

Attachments (2)

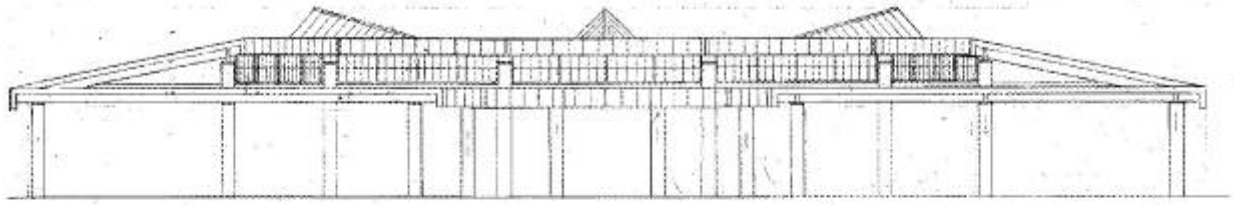
# Squires Park

## Shelter Renovation Site Plan

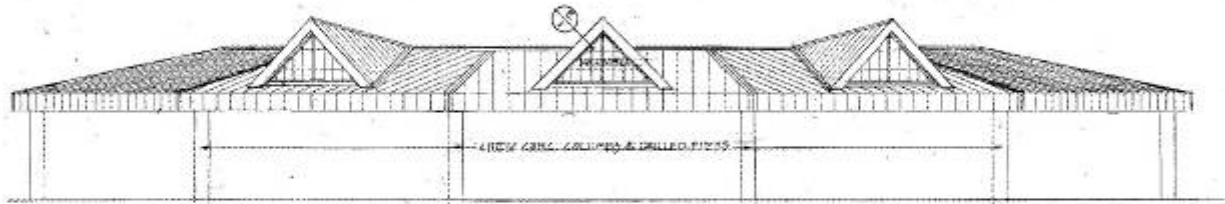


**3450 W. 99th Ave.**

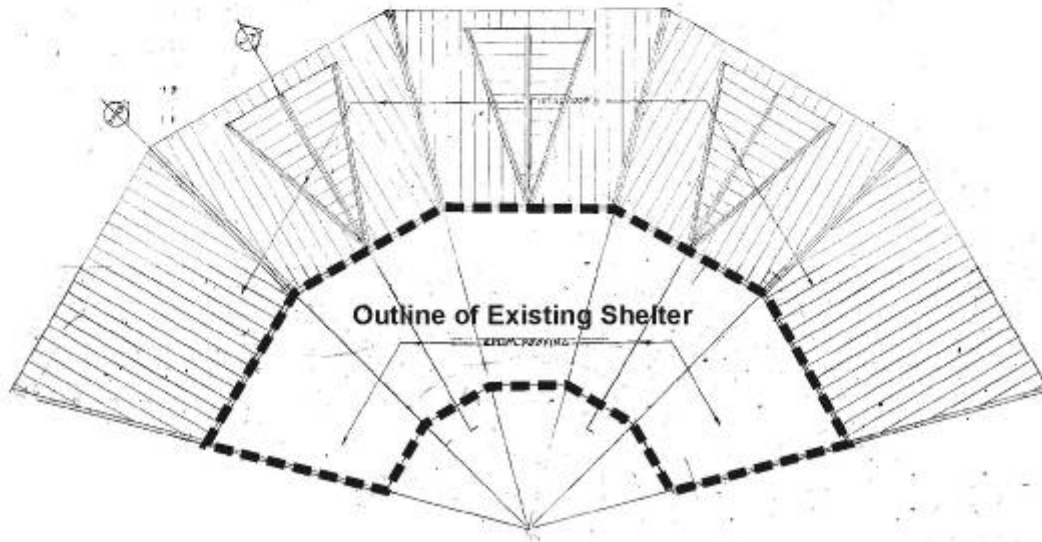
# Squires Park Shelter Replacement Plan



**REVISED EAST ELEVATION**  
1/8" = 1'-0"



**REVISED WEST ELEVATION (Lowell Blvd.)**  
1/8" = 1'-0"



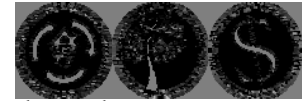
**Outline of Existing Shelter**  
1/8" = 1'-0"



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 22, 2005



**SUBJECT:** Bid Award for the Lowell Boulevard Reconstruction - 73<sup>rd</sup> to 76<sup>th</sup> Avenues

**Prepared By:** Tony Chacon, South Westminster Revitalization Coordinator

**Recommended City Council Actions:**

Authorize the City Manager to sign a contract with Goodland Construction, Inc. in the amount of \$766,922 for the reconstruction of Lowell Boulevard from 73<sup>rd</sup> Avenue to 76<sup>th</sup> Avenue; and, authorize the payment of \$83,473 to Xcel Energy for the undergrounding of utility lines and installation of pedestrian lighting in conjunction with the reconstruction of Lowell Boulevard.

**Summary Statement**

- Lowell Boulevard is a major transportation corridor through South Westminster that is in need of significant improvement that will assist in attracting new residents and businesses to the area.
- In accordance with the goals of the South Westminster Revitalization Plan adopted by City Council on January 22, 2001, construction plans have been completed for the reconstruction of a section of Lowell Boulevard between 73<sup>rd</sup> Avenue and 76<sup>th</sup> Avenue.
- The plans include the undergrounding of overhead utilities, the installation of decorative pedestrian street lighting, new curb, gutter and sidewalks, landscaping and new asphalt.
- City Council allocated CDBG funds from 2002 to 2005 and Capital Improvement Program (CIP) funds are available to cover the cost related to the planned improvements.
- The City published the request for bids in accordance with City purchasing requirements and received one bid on the project from Goodland Construction.
- The bid submitted by Goodland Construction was \$100,521 less than the estimate prepared by the City's engineering consultant.
- Improvements to Lowell Boulevard must commence soon to avoid loss of the allocated Community Development Block Grant (CDBG) funds.
- Goodland Construction is very familiar with the South Westminster area having satisfactorily completed the 73<sup>rd</sup> Avenue and Meade Street reconstruction projects and the Westminster Senior Center parking lot, all of which were funded with CDBG funds.
- Staff proposes to enter into contract with Goodland Construction to reconstruct Lowell Boulevard based upon the bid in comparison to the estimate, their qualifications relative to conducting work using CDBG funds, and their record of satisfactory work and knowledge of the area.

**Expenditure Required:** \$850,395

<b>Source of Funds:</b>	CDBG funds	\$688,285
	General Fund Capital Improvements – Lowell Boulevard Project	\$100,000
	General Fund Capital Improvements – South Westminster Project	\$ 62,110



## **Policy Issue**

Should the Council proceed with awarding the bid?

## **Alternative**

Do not award the contract at this time and re-bid the project to increase the number of prospective bids. Staff recommends against this alternative as it is uncertain how many more contractors would actually submit a bid given the relatively small scale of the project and the burden of complying with Federal wage requirements. In addition, the one bid received was \$100,521 less than the engineers estimate for this project. Further delay could also affect the City's ability to maintain an acceptable rate of expenditure with HUD by year end.

## **Background Information**

The reconstruction of Lowell Boulevard is viewed by Staff and the South Westminster community as a major initiative in pursuing revitalization of the South Westminster area. Other projects in the immediate and near vicinity of the proposed improvements, either underway or completed, include the Harris Park townhouses, 73<sup>rd</sup> Avenue, Meade Street, the Career Enrichment Park (CEP) and the Westminster Grange. Other projects in process include an approved new commercial building on the northwest corner of 73<sup>rd</sup> Avenue and Lowell Boulevard, and the initial planning for a new condominiums-over-commercial project between 72<sup>nd</sup> Avenue and 73<sup>rd</sup> Avenue on Lowell Boulevard. The planned improvements to Lowell Boulevard will greatly enhance the impact of those projects by creating an enticing visual corridor upon entering the neighborhood. These improvements will ultimately lead to an increased level of interest to prospective residents and businesses.

The proposed long-term goal is to improve and reconstruct Lowell Boulevard from 68<sup>th</sup> Avenue to 84<sup>th</sup> Avenue as funds are available. Improvements were made between the Burlington Northern Santa Fe Railroad (BNSF) tracks and 73<sup>rd</sup> Avenue in conjunction with the 72<sup>nd</sup> Avenue enhancements in the late 1990's. Another section of the roadway from 68<sup>th</sup> Avenue to the BNSF was improved with new curb, gutter sidewalk, and asphalt pavement a few years later in 2000-2001. The plans as currently prepared would extend the improvements from 73<sup>rd</sup> Avenue to 75<sup>th</sup> Avenue, with some demolition work up to 76<sup>th</sup> Avenue also included. The extent of this phase of improvements was dictated by the funds currently available. The improvements as planned include the undergrounding of the overhead utilities and the installation of decorative pedestrian street lighting, intersection enhancements utilizing pavers, landscaping, widening of the sidewalks, decorative pavers in conjunction with landscaping, and new curb, gutter, and asphalt paving.

City Staff published a bid-notice on two consecutive weeks and received a single bid from Goodland Construction, Inc. for \$766,922, which is \$100,521 below the estimate provided by the City's engineering design consultant. Goodland Construction, Inc. has worked with the City in the past on several construction projects: traffic calming, Bishop's Square ballfield, Community Senior Center parking lot, Terrace Park improvements, 73<sup>rd</sup> Avenue reconstruction, and Meade Street reconstruction. Given the relative cost of the bid, the company's familiarity with the area, and an ability to provide quality work, Staff recommends that Council authorize the City Manager to execute a contract with Goodland Construction, Inc. to provide the construction services for this project.

Funds to proceed with this work would come from several sources with the bulk of funds coming from the CDBG account, where there is currently \$688,285 that is available for the project. These funds were appropriated specifically towards the project between 2002 and 2005. Another \$100,000 in General Fund CIP money was allocated towards the project in 2004. The balance of the funding (\$62,110) to provide funding for the decorative lighting will come from the South Westminster Revitalization Project Account.

To maintain the “rate of expenditure” and overall grant performance expected by HUD, the City needs to proceed with the expenditure of the CDBG funds as soon as possible. A delay in proceeding with this project can result in the City not meeting the expenditure requirement by year end.

With Council’s authorization of the execution of this contract, work should begin in September 2005 and be completed prior to the end of the year.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 22, 2005



**Subject:** Approval of Contract Amendment for Additional Professional Services for the Greenbriar/88<sup>th</sup> and Zuni Lift Station.

**Prepared By:** Dan Carroll, PE, Senior Engineer, Public Works and Utilities  
Abel Moreno, Capital Projects and Budget Manager  
Jim Arndt, PE, Director of Public Works and Utilities

**Recommended City Council Action**

Authorize the City Manager to execute a contract amendment to the existing “Design and Construction Inspection for the 2003 Sewer Improvements” agreement with Martin/Martin Consulting Engineers for the not to exceed amount of \$20,250.

**Summary Statement**

- Martin/Martin Consulting Engineers started working on this project under the existing agreement “Design and Construction Inspection for the 2003 Sewer Improvements.” City Council approved this contract on May 12, 2003 in the amount of \$79,387. The contract included three other projects (also completed) as well as design and preparation of construction documents for the Greenbriar project.
- After the engineer started designing the Greenbriar improvements, staff became aware of a Colorado Department of Public Health and Environment (CDPHE) requirement that the City prepare a formal Site Application for the existing lift station.
- In addition, staff increased the scope of work to include design for an emergency generator and electrical improvements.
- Authorization of the additional work is necessary to finalize the design and prepare the documents necessary for the City to hire a construction contractor to complete the Greenbriar improvements.
- City Council authorized \$250,000 at the May 23, 2005 Council meeting for the construction of the Greenbriar Lift Station Improvements as a part of the Utility Fund CIP Modifications. The engineer’s preliminary estimate of construction costs is in excess of the current \$250,000 approved budget, which suggests that the City may not have enough project funds. Therefore, staff may be requesting additional project funds after competitive construction bids are received.

**Expenditure Required:** \$20,250 (Design)

**Source of Funds:** Utility Fund Capital Improvement Program (Existing Project)

**Policy Issue**

Should the City authorize the contract amendment with Martin/Martin Consulting Engineers for the not to exceed amount of \$20,250 to complete the facility design, contract documents, and construction phase services?

**Alternative**

The City could choose not to approve the contract amendment, and either place the project on hold, or solicit other engineering proposals to complete the work. This is not recommended since it would delay the design and construction of the lift station improvements resulting in additional operational problems, and could result in higher project design costs for another engineer to become familiar with the project.

**Background Information**

This project is the fourth and final project of the 2003 Sewer Improvements initially approved. Martin/Martin has performed engineering services on all previous projects.

City Council approved the Martin/Martin contract on May 12, 2003 in the amount of \$79,387. The existing design agreement included the original Greenbriar project and the three other projects that have been completed satisfactorily.

After the lift station was 60% designed, staff became aware of a requirement to obtain an approved Site Plan from the Colorado Department of Public Health and Environment (CDPHE). When the scope for the design contract for the lift station improvements was prepared, neither the City or the consultant were aware that the Site Application process applied to existing facilities. As a result, the consultant was not tasked to complete a Site Application, nor did their fees include compensation for it. In addition, staff revised the scope of work to include a new emergency generator and electrical improvements to help ensure increased operational efficiency.

The Greenbriar/88<sup>th</sup> and Zuni Lift Station must be improved to efficiently operate in the City's collection system. Problems with the existing facilities include an inadequately sized wet well and suction-lift pumping equipment. Because the wet well is too small, the pumps are required to cycle too often, which leads to increased wear on the pump and motor. A larger wet well will allow the pumps to operate for a longer time period during each cycle and substantially reduce the number of cycles each day. Suction-lift pumps can lose their prime and cease to function properly for several reasons including a small leak in the suction piping.

This lift station has experienced overflows in the past at least in part due to the pumps losing their prime. Replacement equipment is planned as submersible pumps that are suspended in the bottom portion of the wet well and are not susceptible to losing their prime. With the planned improvements of building a larger wet well and incorporating submersible pumping equipment, this should provide for a more reliable, more efficiently operating and lower maintenance lift station.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 22, 2005



**SUBJECT:** Purchase of Hydra Hammer

**Prepared By:** Carl F. Pickett, Purchasing 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 proceeding with the purchase from MAC Equipment Co., in the amount of \$84,348 for a 2005 Arrow HJ 1350 Mobile Hydraulic Hammer.

**Summary Statement**

- In July 2005, the City's Purchasing Officer requested formal quotes for a hydra hammer. This expense was previously approved by City Council in the 2004-2005 budget. The only quote of \$84,348, submitted to the City by MAC Equipment Co., is being recommended for this purchase.
- Arrow is the only manufacturer still making this piece of equipment, and MAC Equipment Co. is their regional representative.

**Expenditure Required:** \$ 84,348

**Source of Funds:** Utility Fund - Public Works and Utilities Operating Budget

**Policy Issue**

Should the City proceed with the replacement of a Utilities Division hydra hammer?

**Alternative**

Subcontract out the compaction services to an outside contractor. This is not recommended as there is no reliable method to verify the method and quality of compaction done by a subcontractor.

**Background Information**

As part of the 2005 budget, City Council approved the purchase of a replacement hydra hammer. This vehicle is used for the compaction of fill behind pipe repair and utility maintenance. Unit #9711 has reached a point where it is no longer economically reasonable to maintain it in service. Information regarding this vehicle replacement is as follows:

<u>UNIT #</u>	<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>HOURS</u>	<u>VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)</u>
9711	1992	Broderson	MH 42 F	1247	\$55,456.31

The present condition and maintenance history of this vehicle would make it impractical to continue to operate it in regular service based on Fleet Maintenance replacement recommendations.

Because there is only one manufacturer in the country for this type of equipment, quotes instead of formal bids were solicited. That quote is \$84,348. The amount previously approved in the 2005 budget for this piece of equipment is \$85,000. The old unit #9711 will be sent to auction. The quote from MAC Equipment Co. meets all specifications and requirements set by the City.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 22, 2005



**SUBJECT:** Traffic Signal System Upgrade

**Prepared By:** Greg Olson, Transportation Systems Coordinator

**Recommended City Council Action**

Based on the recommendation of the City Manager, the City Council finds that the public interest would best be served by awarding the purchase of an Advanced Traffic Management System (ATMS) in the amount of \$120,320 to Econolite Control Products, Inc. as the sole source provider; authorize the City Manager to execute an Intergovernmental Agreement (IGA) with the Denver Regional Council of Governments (DRCOG) for reimbursement of up to \$80,000 for a new ATMS purchase; and authorize a project contingency of \$10,000.

**Summary Statement:**

- The City’s traffic signal infrastructure is rapidly expanding with the new commercial developments in the north Huron corridor. The City’s current computerized traffic signal system was developed in the 1980’s and is considered archaic and ineffective in managing modern transportation systems. An ATMS will provide the capability for City Staff to enhance the effective management of the City’s traffic signal system.
- Staff recommends the purchase of the ICONS Advanced Traffic Management System from Econolite Control Products, Inc. as a “sole source” provider with justification as follows:
  - Econolite is the manufacturer of the City’s traffic signal intersection controllers and the existing computerized traffic signal system and can provide the highest level of support during system conversion.
  - ICONS is the only product on the market that provides an interface to the City’s existing signal system.
  - Econolite is the only ATMS vendor that has an in-state engineering and testing facility and has provided top-notch support for the City’s transportation systems for over 20 years.
  - Staff is confident that no other product could match the functionality and support that Econolite can provide with ICONS.
- The Denver Regional Council of Governments (DRCOG) has a program in place that provides federal funding for traffic signal optimization projects. DRCOG has authorized reimbursement of up to \$80,000 for a new traffic signal system purchase. The IGA between the City and DRCOG addresses the utilization of federal funds and subsequent reimbursement to the City. It is important to note that a Finding in the Public Interest (FIPI) was approved by the Colorado Department of Transportation (CDOT) who is the administrator for Federal funds distributed by DRCOG. The FIPI endorses the aspect of using Econolite Control Products, Inc. as the sole source provider for the proposed signal system upgrade.

**Expenditure Required:** \$130,320

**Source of Funds:** General Capital Improvement Fund – Traffic Signal Project

**Policy Issue**

Should the City upgrade the existing computerized traffic signal system and execute a contract with Econolite for an Advanced Traffic Management System (ATMS) called ICONS?

**Alternative**

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

- Econolite is the manufacturer of both the City's traffic signal intersection controllers and the existing traffic signal system and can provide the highest level of support during system conversion.
- ICONS is the only product that provides an interface to the City's existing system
- Econolite is the only ATMS vendor that has an in-state engineering and testing facility. Econolite has provided top-notch support for the City's transportation systems for over 20 years.

**Background Information**

City Staff has evaluated the traffic signal needs for 2005, which indicates that no new traffic signals are warranted at this time. City Staff proposes that the traffic signal funding be utilized for the optimization of the City's existing traffic signals.

The City's current traffic signal system was developed and installed in the 1980's and is considered archaic by the standards of modern traffic signal technology. The existing computerized traffic signal system is made up of seven individual micro systems called on-street masters. Each on-street master is limited to 14 intersections and controls what traffic signal coordination plan to run within its own micro system. Under the City's current signal system, communications between on-street masters is not possible, which prohibits the system from running concurrent traffic signal coordination plans to any area encompassing more than 14 intersections. The on-street master technology is suitable for very small cities and was state of the art technology when the City's current computerized system was selected in the late 1980's.

The size of the City's traffic signal system has steadily increased over the years and is again expanding with The Orchard at Westminster and other commercial developments in the north Huron corridor. The need has become apparent for a system that allows for easy integration of new traffic signals and provides the ability to create user-defined networks covering a wide area. ICONS will also eliminate the need for slow Qwest telephone connections used by some of the on-street masters by providing a communications server for efficient utilization of the City's high speed fiber optic network.

DRCOG allocates Federal Congestion Mitigation/Air Quality funds to carry out traffic signal system improvements and purchases in the Denver metropolitan region. DRCOG has authorized the City to receive a reimbursement of up to \$80,000 towards the purchase of a new ATMS. City Staff will prepare a supplemental appropriation whenever the reimbursement is received from DRCOG. The IGA with DRCOG requires that the new ATMS be fully operational and verified by March 1, 2006.



Econolite is the manufacturer of both the City's traffic signal controllers and the existing computerized traffic signal system and can provide the highest level of support during system conversion. They are the sole source manufacturer for the hardware upgrades necessary at the City's existing 92 signalized intersections for operation with any new ATMS system. Econolite's system is the only ATMS that provides an interface to the City's existing computerized traffic signal system. This ensures a smooth migration path as some of the City's non-fiber optic communication systems are converted to ICONS in the future. In addition, Econolite is the only ATMS vendor that has an in-state engineering and testing facility. The engineering facility can test system operations prior to a new system implementation and can quickly resolve any technical difficulties as they may arise. This will provide for the timely completion of the project by the March 1, 2006 deadline.

The ATMS project with Econolite requires system software, hardware upgrades and other technical services.

It is important to select a proven system provider with a local engineering facility that can provide all the resources to ensure a timely system implementation. Econolite's familiarity with the details of this project and their engineering expertise as our controller manufacturer and hardware upgrade provider will avoid any delays and possible system failure that another system would likely introduce. Staff is confident that no other vendor can provide the functionality and support that Econolite can deliver with ICONS and therefore believes it is in the best interest of the public to award this contract to Econolite Control Products, Inc.

If City Council approves the proposed traffic signal system upgrade, City Staff and the vendor anticipates that the new system up will be up and running no later that November 1, 2005.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 H

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 22, 2005



**SUBJECT:** Acquisition of Approximately One Acre of Open Space,  
Tract B, Westbrook Subdivision at the end of Kipling Way.

**Prepared By:** Ruth C. Becker, Open Space Coordinator

### Recommended City Council Action

Authorize the City Manager to execute a Purchase and Sale Agreement and all necessary closing documents for the acquisition of Tract B, Westbrook Subdivision, as open space, and authorize the City Manager to expend \$50,000, plus closing costs not to exceed \$3000, of City Open Space Funds for the purchase of the property.

### Summary Statement

- Staff has negotiated the purchase of the approximately 1 acre tract located at the southern end of the Westbrook subdivision at the end of Kipling Way for a purchase price of \$50,000.
- The proposed acquisition parcel is surrounded by City open space. Acquisition of this parcel would maintain an uninterrupted swath of open space bordering Big Dry Creek, between the Standley Lake Dam and Lucas Elementary School.
- The owner is willing to sell the property to the City at a price substantially below listing price because of questions concerning development in the floodplain and provided that the City signs an acknowledgement that the property is being sold below the appraised value.
- Many of the neighbors believed that this property was City open space and were distressed to learn that it had been acquired by a private company. They have encouraged the City to acquire this property for open space and preclude residential development.

**Expenditure Required:** Not to Exceed \$53,000

**Source of Funds:** Open Space Land Purchases Account

**Policy Issue**

Should the City's Open Space Funds be used for this acquisition?

**Alternative**

Not acquire the property at this time. This alternative is not recommended because Staff believes the acquisition would provide an important connection to existing open space and prevent development that would adversely impact the neighborhood.

**Background Information**

Acquisition of this property will add approximately one acre of preserved open space along Big Dry Creek to the east of the Standley Lake dam, and preserve the continuity of a large expanse of open land. The purchase of this property would allow the City to locate a trail across this parcel and maintain the broad preserve of riparian corridor and wildlife habitat that is adjacent to the dam and the Big Dry Creek corridor. Neighbors contacted the City this spring when the property was listed for sale. They were under the impression it was open space and were dismayed to learn a private owner intended to develop the property with one or more homes. The neighborhood strongly supports City acquisition of this parcel.

This property has been listed for sale and Staff has negotiated a purchase price substantially below the listing price. The purchase price of \$50,000 is equivalent to \$1.12 per square foot or \$48,828 per acre. The owner of the property has included a condition in the purchase agreement that the City will sign an Internal Revenue Service Form 8283, to acknowledge receipt of a donation under a bargain sale transaction. The form indicates that the City has received the property and that the appraised price is above the purchase price. The City makes no representations as to the value of the property.

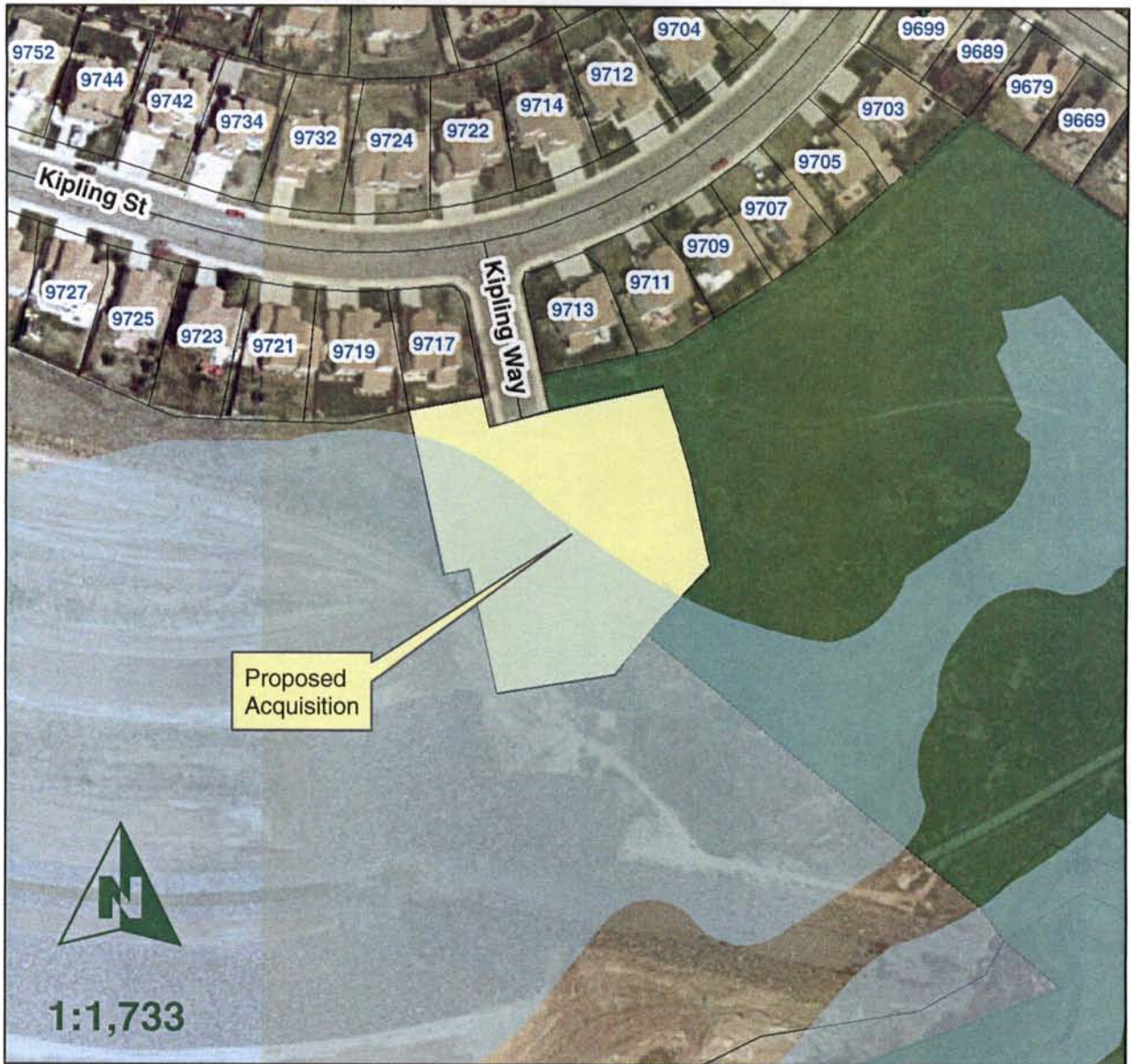
This property meets the criteria for the selection of open space as established by Section 13-5-2 of the City Code. It protects a scenic view corridor, preserves wildlife habitat, provides an extension/addition to existing park and open space areas, provides a trail linkage, is under immediate development pressure, and it is available now for a fair price. The City's Open Space Advisory Committee recommends that Council proceed with this acquisition.

Respectfully submitted,

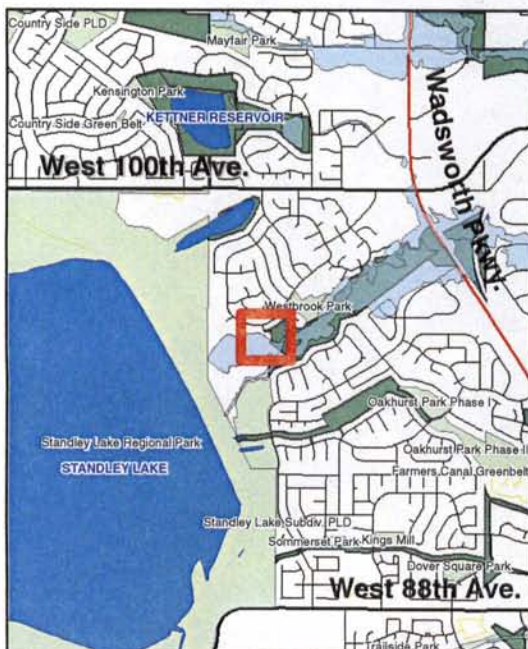
J. Brent McFall  
City Manager

Attachment: Parcel Map

# Westbrook Subdivision



## Highlighted Area



**NOTE: Proposed acquisition area is approximately 1.02 acres**

### Legend

- Tract B
- Open Space
- Floodplain
- Parks
- Water Bodies



**Agenda Memorandum**

City Council Meeting  
August 22, 2005



**SUBJECT:** Addendum to Hyland Hills Park and Recreation District IGA

**Prepared By:** Peggy Boccard, Recreation Services Manager

**Recommended City Council Action**

Authorize the City Manager to sign an addendum to the 1993 Intergovernmental Agreement (IGA) between Hyland Hills Park and Recreation District (Hyland Hills) and the City of Westminster transferring certain staffing responsibilities to the City and requiring ongoing funding from Hyland Hills for these positions.

**Summary Statement**

- The proposed addendum would move responsibility for this position from Hyland Hills to the City. The existing Hyland Hills position would be split into two City positions and funding for these positions would be provided by Hyland Hills, however the hiring and supervision would be conducted by City staff.
- According to the 1993 IGA #6 (see attached) between the City of Westminster and Hyland Hills regarding the Senior Center, it is stated that, "The day-to-day operation of the Center shall be conducted by Westminster, subject to and in accordance with the Operational Protocols agreed to by the parties hereto."
- Upon the retirement of one 40-hour/wk Hyland Hills staff member in June, 2005, staff from both entities met to determine the needs of the Center.
- Staff determined that, in the best interests of the Center, the position should become two part-time positions to ensure coverage of Center hours of operation.
- Both entities recommend that the two positions should be placed under the jurisdiction of the City.
- These new positions will be reflected as indexed positions in the 2006 budget amendment. The positions are recommended to be indexed to the continuation of Hyland Hills funding (ie, if the funding is discontinued by Hyland Hills, the positions will be discontinued).
- Annual expenses and revenue will continue to be equally shared by both entities.
- Hyland Hills has already approved the IGA.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Does City Council wish to adjust the current IGA with Hyland Hills to adjust City staffing levels at the Senior Center allowing the City to assume supervisory responsibilities for the positions?

**Alternative**

Council could choose to not support this addendum. Staff does not recommend this action, however, noting that no additional funding is being requested and the needs of the community would be better served by making this adjustment.

**Background Information**

- In 1993, the City of Westminster and Hyland Hills Park and Recreation District joined forces to convert a vacated Safeway store to the Community Senior Center. At that time, staff from both entities were assigned to the facility, under the supervision of a City employee.
- Currently, City staffing at the Senior Center includes:
  - 1.0 supervisor,
  - 1.0 program specialist
  - 0.5 facility assistant
  - 0.8 guest clerk
  - 1.0 custodian
- Currently, Hyland Hills staffing at the Senior Center includes:
  - 1.0 recreation supervisor
  - 1.0 transportation specialist
  - 1.0 vacant position
- The 1.0 vacant Hyland Hills position will be split into two part time City positions to address staffing needs at the Center.
- Council's approval of this amendment would provide temporary approval for these positions in 2005. In the 2006 budget review process, these two indexed positions would be brought back for Council's approval.
- Hyland Hills revenues and expenses are equally shared with the City. An itemized statement is provided annually.
- This proposed IGA amendment meets Council's Strategic Plan Goal 1: Financially Sound City Government, Objective 6: Partnering with other agencies to expand resources.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

- IGA signed by Hyland Hills Board of Directors

**ADDENDUM NO. 2 TO THE  
AGREEMENT TO FURNISH SERVICES BETWEEN THE  
CITY OF WESTMINSTER AND THE HYLAND HILLS PARK AND RECREATION DISTRICT.  
FOR DEVELOPMENT OF NEW STAFF ALLOCATION TO SERVE AT THE  
COMMUNITY SENIOR CENTER  
DATED JANUARY 19 1993**

The City of Westminster (hereinafter referred to as "Westminster") and Hyland Hills Park and Recreation District (hereinafter referred to as Hyland Hills) agree to amend the Agreement described above as follows:

1. Westminster and Hyland Hills staffs agree to eliminate one Hyland Hills 1.0 FTE position and create one Westminster 0.5 indexed FTE Facility Assistant Position and one 0.3 indexed FTE Guest Relations Clerk I/II position. (indexed to the continuation of Hyland Hills funding)
2. Westminster is responsible for hiring and supervising both positions.
3. Hyland Hills is responsible for the cost of annual salary and benefits for both positions. The annual sum owed, once determined by Westminster's Human Resource Department, will be due in October of the preceding calendar year, enabling funds to be available at the beginning of each fiscal year.
4. The cost would increase annually to accommodate changes in the salary and benefits for these positions pursuant to Westminster's Pay Plan and changes in benefits.
5. All other terms and conditions of this Agreement shall remain in effect.

This Addendum is dated July 18, 2005.

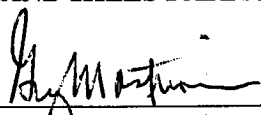
**CITY OF WESTMINSTER**

By \_\_\_\_\_  
City Manager

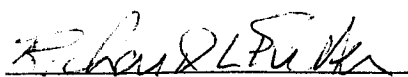
ATTEST:

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

**HYLAND HILLS PARK AND RECREATION DISTRICT**

By   
\_\_\_\_\_  
Its Executive Director

ATTEST:

  
\_\_\_\_\_  
Its Administrative Counsel



## Agenda Item 8 J-L

WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
August 22, 2005



**SUBJECT:** Second Reading of Councillor's Bill No. 39, 40, and 41 re the Annexation, Comprehensive Land Use Plan Amendment, and Zoning of the McGrath Property

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

**Recommended City Council Action**

1. Pass Councillor's Bill No. 39 on second reading annexing the McGrath property to the City of Westminster.
2. Pass Councillor's Bill No. 40 on second 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.
3. Pass Councillor's Bill No. 41 on second 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**

- These requests were approved on first reading by City Council on August 8, 2005.
- 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

Respectfully submitted,

J. Brent McFall  
City Manager  
Attachments



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **39**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**Dittman - Dixon**

**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:

---

Mayor

---

City Clerk

McGrath Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **40**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**Dittman – Dixon**

**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:

---

City Clerk

---

Mayor

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **41**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**Dittman - Kauffman**

**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:

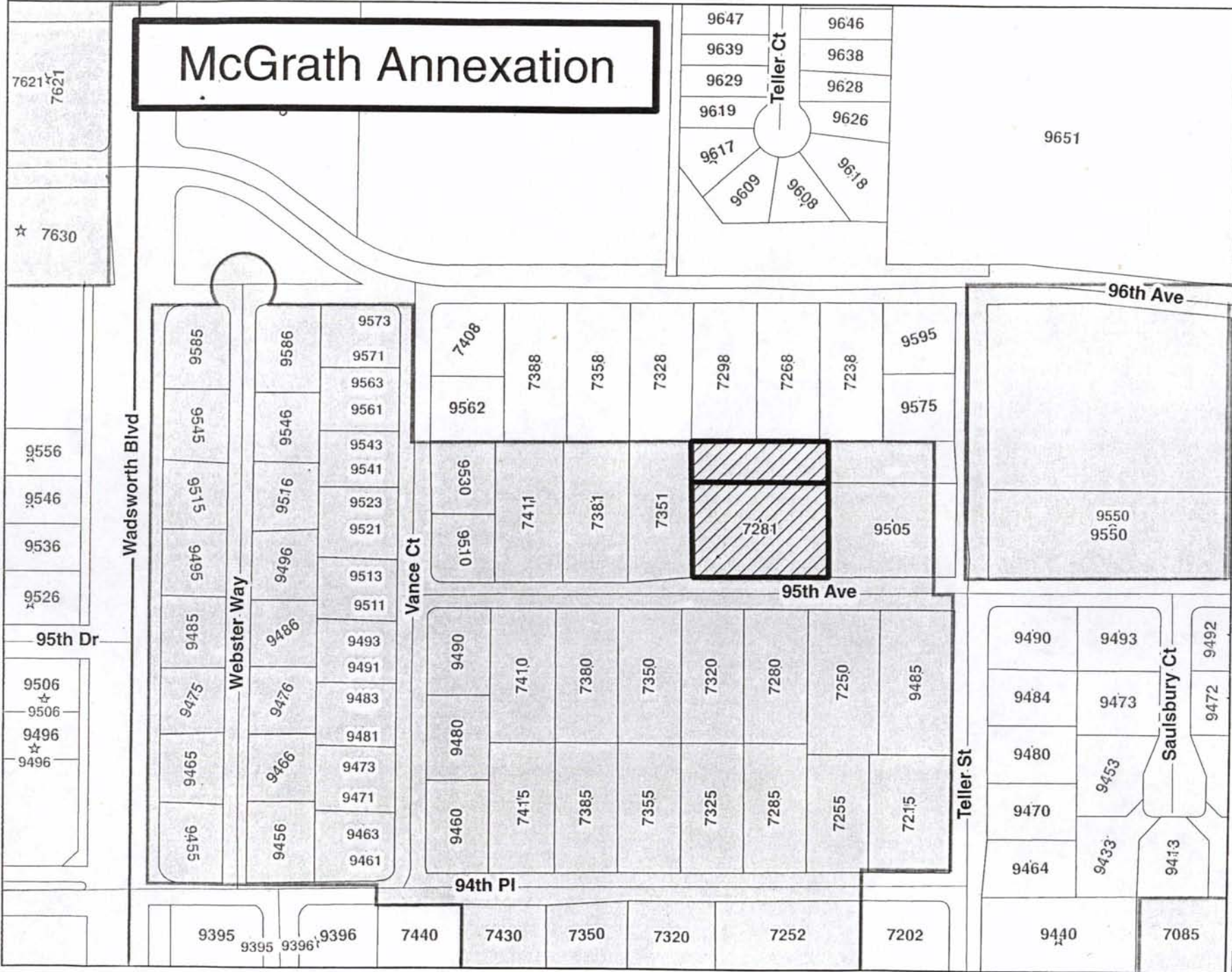
---

City Clerk  
McGrath Zoning

---

Mayor

# McGrath Annexation

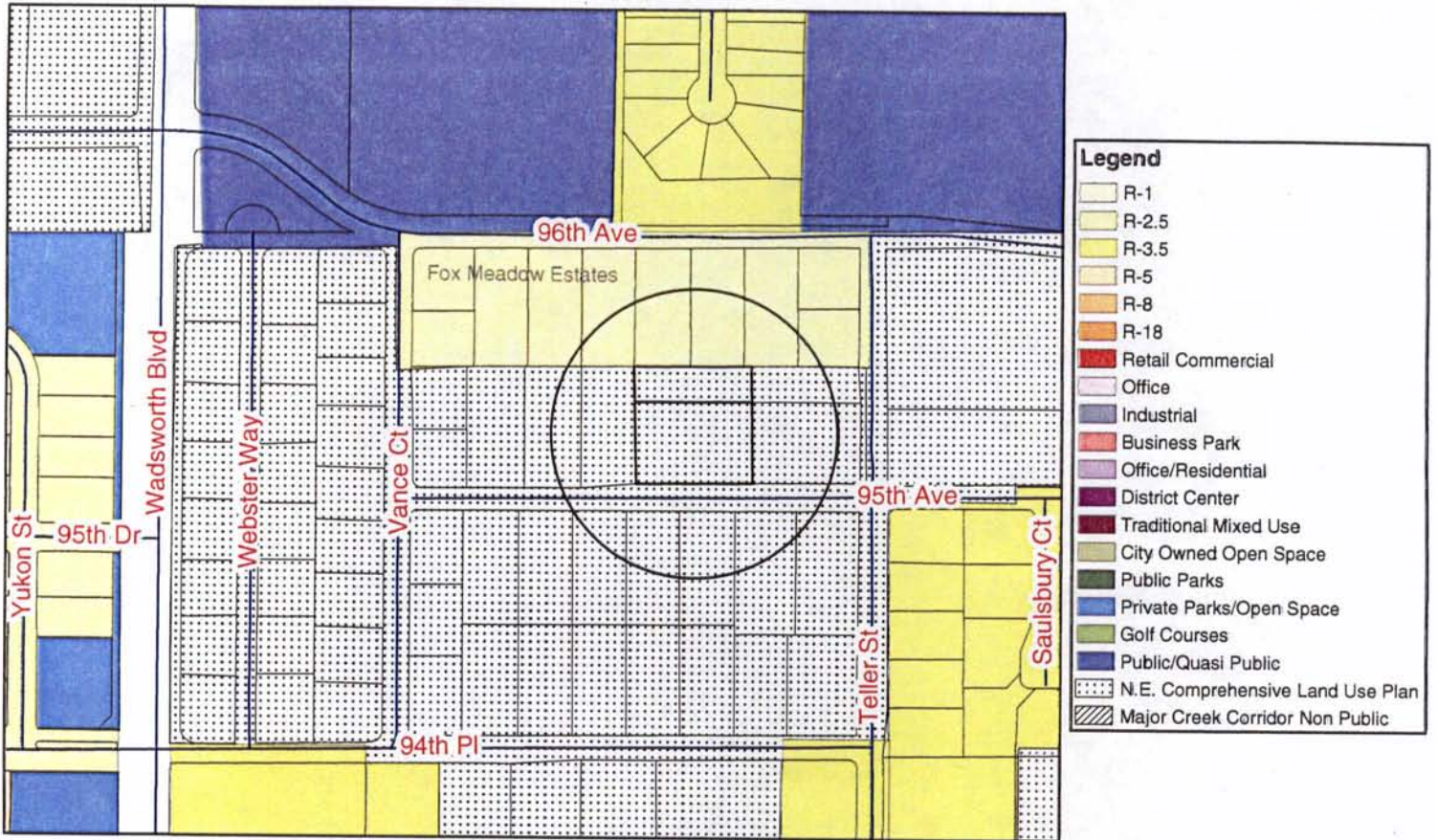


- Legend**
- City Limits
    - Outside (light gray box)
    - Inside (white box)
  - Annexation (hatched box)

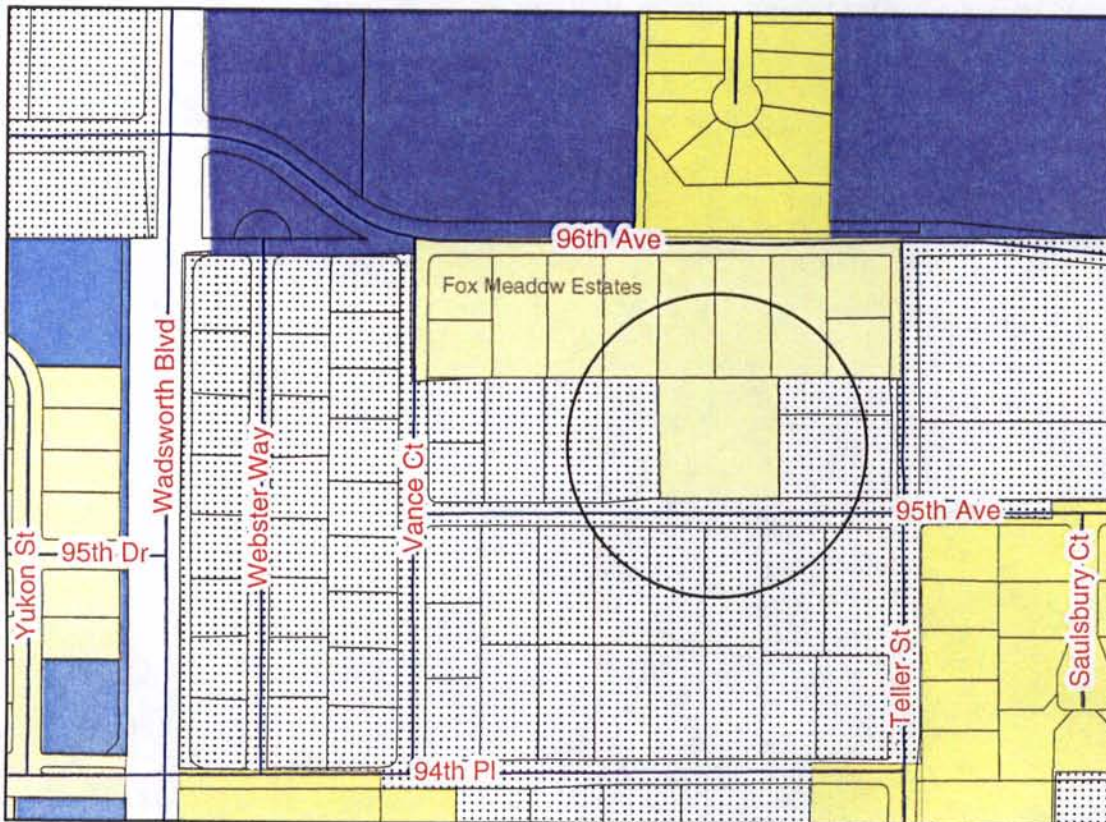


# McGrath Annexation

## Original Comp Plan Designation



## Proposed Comp Plan Designation



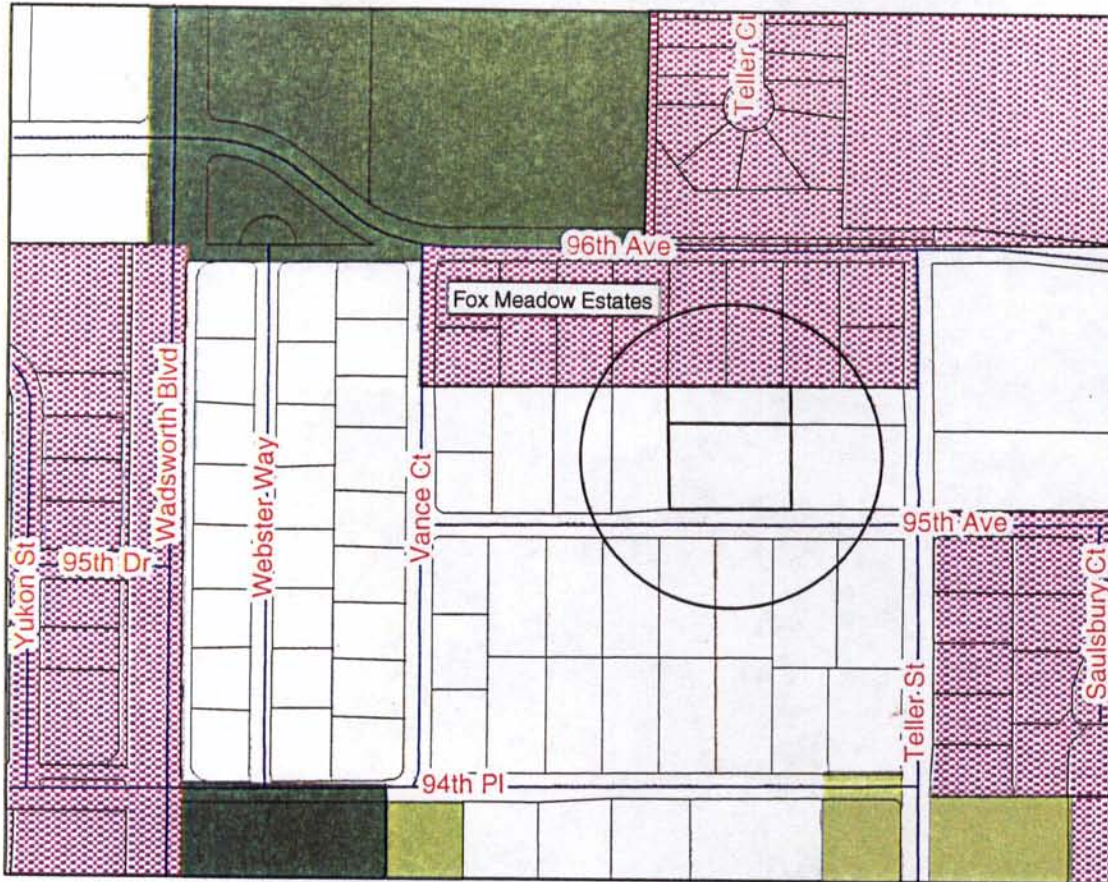
Description of Change:  
 Property was designated  
 Northeast Comprehensive  
 Land Use Plan.  
 Proposed designation is  
 R-2.5 (Residential: Up to  
 2.5 Dwelling Units per Acre).



Not to Scale

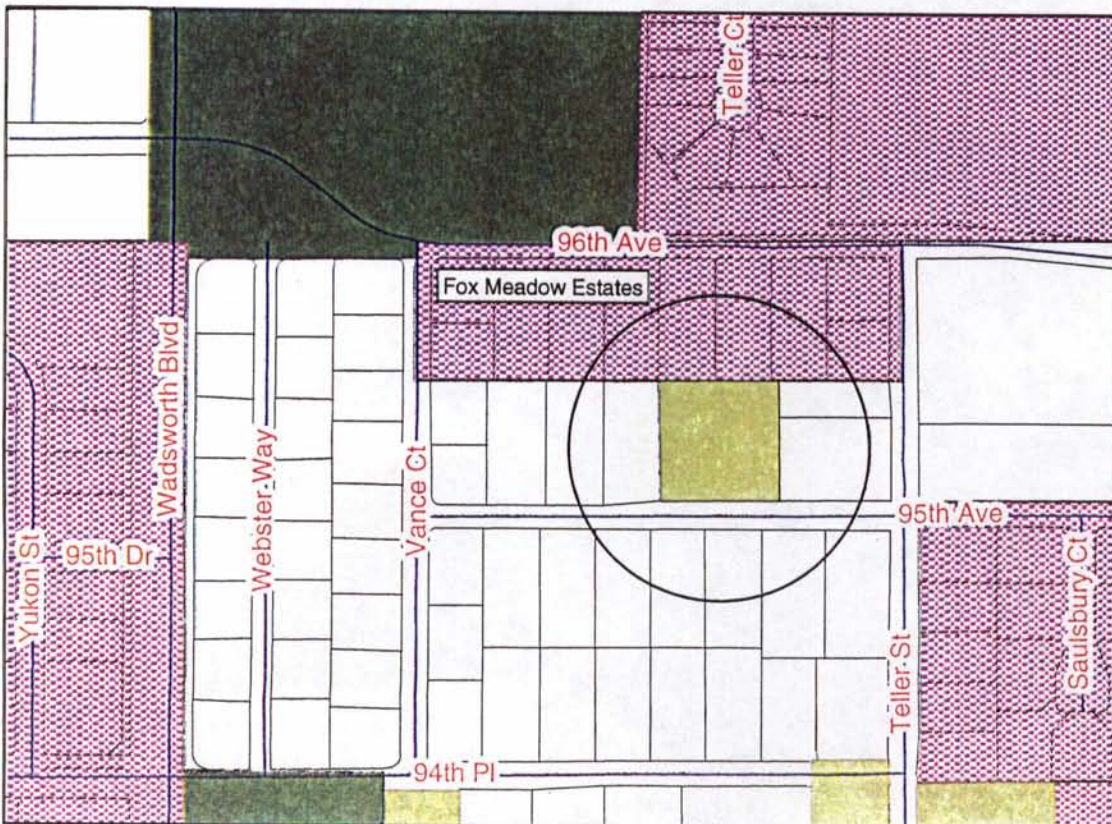
# McGrath Annexation Zoning Amendment

## 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 22, 2005



**SUBJECT:** Second Reading of Councillor's Bill No. 42 re City Park Maintenance Facility Fund Transfer

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

**Recommended City Council Action**

Pass Councillor's Bill No. 42 on second 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:**

- The total project budget, including architect fees and all other related expenses, is \$3,985,665.
- The Department of Public Works and Utilities is contributing \$1 million dollars toward the construction of the City Park Maintenance Facility in order to free up space at the Municipal Service Center currently occupied by Parks Staff for the expansion of their operations.
- In addition, excess funds are being transferred from several other General Fund Projects to fund this project.

**Expenditure Required:** \$1,000,000

**Source of Funds:** Utility Fund Capital Improvements  
General Capital Improvement Fund

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **42**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**Davia - Dixon**

**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



## Agenda Item 8 N

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 22, 2005



**SUBJECT:** Second Reading of Councillor's Bill No. 43 providing for a Supplemental Appropriation to the 2005 budget of the General Fund.

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

**Recommended City Council Action**

Pass Councillor's Bill No. 43 on second reading providing for a supplemental appropriation to the 2005 budget of the General Fund.

**Summary Statement**

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. This supplemental appropriation reflects this fee being paid to the General Fund in 2005.

This Councillor's Bill was passed on first reading August 8, 2005.

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

**Source of Funds:** Pension Fund

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **43**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**Kauffman - Dittman**

**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:

---

Mayor

---

City Clerk



**Agenda Memorandum**

City Council Meeting  
August 22, 2005



**SUBJECT:** Second Reading of 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 second 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.
- This Councillor's Bill was passed on first reading on August 8, 2005.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **44**

SERIES OF 2005

INTRODUCED BY COUNCILLORS  
**Price - Dixon**

**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 County 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 7313501009 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.~~

~~(B)~~ (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 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, 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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 22, 2005



**SUBJECT:** Councillor's Bill No.13 re Country Club Village Business Assistance Package

**Prepared By:** Susan Grafton, Economic Development Manager

**Recommended City Council Action**

- Remove Councillor's Bill No. 13 from the table.
- Pass Councillor's Bill No. 13 on first reading authorizing the City Manager to execute and implement the business assistance package (BAP) with Country Club Village Enterprises LLC, a Colorado limited liability company. The BAP totals \$500,000 and includes permit fee rebates, construction use tax rebates on up to 50,000 square feet of retail space, and sales tax rebates for the first three years of operation.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill that authorizes the execution of the attached business assistance package with Country Club Village Enterprises LLC for the attraction of a high quality tenant.
- Country Club Village Enterprises LLC is constructing a 20 acre upscale retail development near the northeast corner 120<sup>th</sup> Avenue and Federal Boulevard.
- Assistance to the developer is contingent upon the attraction of quality, high end retail user(s) for up to 50,000 square feet of space in the Country Club Village development (see map attached).
- Assistance does not apply to any existing user in the City that closes another facility in Westminster and reopens at this location.

**Expenditure Required:** \$ 500,000 (Rebates)

**Source of Funds:** The business assistance package with Country Club Village Enterprises LLC will be funded through revenue received from permit fees, construction use tax, and sales tax directly generated from the construction and operation of up to 50,000 square feet in Country Club Village.

**Policy Issue**

Does Council desire to provide assistance to Country Club Village Enterprises LLC contingent on the attraction of quality, high end retail user(s) for up to 50,000 square feet in Country Club Village project?

**Alternatives**

Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City's goal of attracting an upscale retail center would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is what the developer needs to attract a high end retail user.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. It is staff's opinion that additional assistance is not needed.

**Background Information**

Staff has been working with Mike Byrne and Tim Weins, managing members of Country Club Village Enterprises LLC, for the past several months, regarding a 20 acre high-end retail development on the northeast corner of 120<sup>th</sup> Avenue and Federal Boulevard. The partners in Country Club Village Enterprises LLC have been active in the development market for over 20 years. On September 13, 2004, City Council approved an amendment to the Preliminary Development Plan for the site changing the land use from Business Park to Retail/Commercial. On December 14<sup>th</sup>, Westminster's Planning Commission approved the Official Development Plan for this project, which includes 98,600 square feet of speculative retail, a bank, a car care facility, and a drive through restaurant.

For many years, City residents have requested that higher end, unique retailers found in other areas of metro Denver, be attracted to Westminster. The developers of Country Club Village desire to meet this market niche and have requested financial assistance in achieving this goal. Country Club Village Enterprises LLC has assured staff that this assistance is critical in attracting users like Tony's Meats or Blue Sky Market to the north metro area. It is anticipated that Country Club Village (excluding the bank, the car care facility and the drive through restaurant) will generate over \$3.9 million in new revenue directly to the City in the first five years of operation, based on the construction of 98,600 square feet of speculative retail with a total building valuation of \$9,168,000 and average sales per square foot of \$250 (sales tax projections were based upon similar size of buildings and types of retail).

Based upon these figures, staff recommends the following business assistance package:

<b>Proposed Assistance</b>	<b>Approximate Value</b>
<u>Building Permit-Fee Rebate</u> 50% of the City's building permit fees on the construction on up to 50,000 square feet of space (excluding water & sewer tap fees) will be rebated. Estimates will vary depending on square footage and building valuation and are subject to the limitations noted below.	\$13,280
<u>Building Use Tax Rebate</u> 50% of the general use tax (excludes the City's .25% open space tax and .6% public safety tax) on the construction materials for up to 50,000 square feet of space will be rebated. Estimates will vary depending on square footage and building valuation and are subject to the limitations noted below.	\$30,000
<u>Sales Tax Rebate for the First Three Years of Operation</u> 50% of the sales tax generated by up to 50,000 square feet, will be rebated up to a total of \$456,720 for a period of three years from the time of the certificate of occupancy whichever comes first (excludes the City's .25% open space tax and .6% public safety tax) and is subject to the limitations noted below.	\$456,720
<u>Limitations:</u> The BAP will be limited as follows: <ul style="list-style-type: none"><li>• City must approve the specific use that will receive assistance.</li><li>• Assistance is provided for no more than 50,000 square feet but could be for less square footage.</li><li>• The assistance will be capped at a total of \$500,000.</li><li>• Receipt of the rebates must occur within 3 years of the issuance of the first certificate of occupancy.</li></ul>	
<b>Total Proposed Business Assistance Package Not To Exceed</b>	<b>\$500,000</b>

This business assistance package is based upon the City's goals to attract high end, unique, retail users to Country Club Village in Westminster. The BAP is based on total revenue of the shopping center, but to be given specifically only for the attraction of high end users, as agreed upon by the City of Westminster and Country Club Village LLC. Assistance will not be given to an existing user in the City that may choose to close a current operation and reopen at this location.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **13**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

---

**A BILL  
FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE  
WITH COUNTRY CLUB VILLAGE ENTERPRISES LLC  
FOR THE CONSTRUCTION OF THE COUNTRY CLUB VILLAGE RETAIL PROJECT IN  
WESTMINSTER, COLORADO**

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

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

WHEREAS, Country Club Village Enterprises LLC plans to construct a 20 acre upscale retail center at the northeast corner of 120<sup>th</sup> Avenue and Federal Boulevard, and

WHEREAS, a proposed Business Assistance Package between the City and Country Club Village LLC is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into a Business Assistance Package with Country Club Village LLC in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22<sup>nd</sup> day of August 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12<sup>th</sup> day of September 2005.

ATTEST:

---

Mayor

---

City Clerk

## EXHIBIT A

### BUSINESS ASSISTANCE PACKAGE FOR COUNTRY CLUB VILLAGE ENTERPRISES LLC IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2005, between the CITY OF WESTMINSTER (the "City"), and Country Club Village Enterprises LLC, a Colorado limited liability company;

WHEREAS, the City wishes to provide certain assistance to Country Club Village Enterprises LLC contingent upon the attraction of quality, high end retail user(s) to the 50,000 square foot anchor space, and

WHEREAS, Country Club Village Enterprises LLC plans to construct a 20 acre high end retail development on the northeast corner of 120th Avenue and Federal Boulevard, consisting of approximately 98,600 square feet of speculative retail, plus a bank, a car care facility, and a drive through restaurant; and

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

In consideration of the mutual promises set forth below the City and Country Club Village Enterprises LLC agree as follows:

1. Limitations. The terms of this agreement are subject to the following limitations. There will be no obligation on the City to carry out the terms of this agreement outlined in paragraphs 2, 3, and 4 outside of the bounds of these limitations:

- City must approve the use for which rebates will be provided prior to application for a building permit for or by the user.
- Assistance will be provided for no more than 50,000 square feet but may be less, depending upon the flow of the rebate.
- The assistance is capped at a total of \$500,000. Once this amount is reached, no further assistance will be provided.
- Receipt of the rebates must occur within 3 years of the issuance of the first Certificate of Occupancy.

2. Building Permit Fee Rebates. The City shall rebate to Country Club Village Enterprises LLC 50% of the building related permit fees for the construction of up to 50,000 square feet in Country Club Village required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees.

3. Use Tax Rebate- Construction. The City shall rebate to Country Club Village Enterprises LLC 50% of the Building Use Tax on the construction materials, resulting from the construction of up to 50,000 square feet in Country Club Village, required under W.M.C. sections 4-2-9 and 4-2-3.

4. Sales Tax Rebate. The City shall rebate to Country Club Village Enterprises LLC 50% of the amount of the sales tax collected for the first three years (36 months) of operation on the designated 50,000 square feet in Country Club Village, as determined per Paragraph 1. Such rebate shall be payable exclusively from sales tax revenue collected by the City attributable to the imposition of the City's 3.0% general sales tax (exclusive of the City's .25% Open Space Tax and the .6% Public Safety Tax). The total sales tax rebate shall not exceed \$500,000 less the amount previously rebated in permit fees (reference paragraph 2) and construction use tax (reference paragraph 3), and shall not exceed 3 years of duration.

The rebate shall be paid by the City in quarterly installments from the revenue actually collected and received by the City. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter. Payments will be submitted electronically to a Country Club Village LLC designated financial institution.



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

6. Termination. This Business Assistance Package shall terminate and become void and of no force or effect upon the City if Country Club Village Enterprises LLC has not constructed and opened Building I on or before December 31, 2007; or, should Country Club Village Enterprises LLC fail to comply with any City code and/or approval process.

7. Business Termination. In the event that an approved user ceases business operations in the City within five years after the new operations commence, Country Club Village Enterprises LLC shall reimburse the City for any amounts rebated to or otherwise provided to Country Club Village Enterprises LLC pursuant to this Agreement, unless the City approves a successor to the initial approved user, which is substantially similar in quality and sales tax production as the approved user.

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

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

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

**COUNTRY CLUB VILLAGE ENTERPRISES**  
A Colorado Limited Liability Company

**CITY OF WESTMINSTER**

\_\_\_\_\_  
Michael Byrne, Manager Member

\_\_\_\_\_  
J. Brent McFall  
City Manager

ATTEST:

ATTEST:

\_\_\_\_\_  
Linda Yeager  
City Clerk

*Adopted by Ordinance No.*

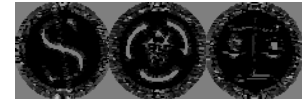


## Agenda Item 10 C

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 22, 2005



**SUBJECT:** Resolution No. 29 re The Orchard at Westminster

**Prepared By:** Susan Grafton, Economic Development Manager

### Recommended City Council Action

Adopt Resolution No. 29 to designate The Orchard at Westminster as an Economic Development Project for the purpose of receiving administrative review of the Official Development Plans within the project and subsequent amendments.

### Summary Statement

- City Code subsection 11-5-8 (B) allows a non-residential Official Development Plan to receive administrative review and approval if designated by resolution as an Economic Development Project.
- The Code allows administrative review for Official Development Plans affecting 20 acres or less. Although the Orchard is over 200 acres in total size, Staff anticipates receiving Official Development Plans for various portions of this project that will be less than 20 acres. The resolution presented with this agenda memorandum will allow administrative approval of each of these Official Development Plans as they come in.
- The Orchard at Westminster, which will be a 1.2 million square foot regional retail center, is to be built at the northeast corner of Huron Street and 144<sup>th</sup> Avenue.
- The project meets the general criteria required by Code, is zoned for the use intended, and, is considered an economic development project.
- Allowing administrative review is key to keeping the project on a time sensitive construction schedule.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Does Council desire to approve a resolution designating The Orchard at Westminster as an Economic Development Project for the purpose of allowing Official Development Plans for the project to receive administrative approval?

**Alternatives**

One alternative is to deny the request designating The Orchard at Westminster as an Economic Development Project.

Another alternative is to require that each individual Official Development Plan in 1.2 million square foot project be determined to be economic development projects for the purpose of receiving Administrative Review.

Both alternatives would result in time delays that could cause the project to not meet the fall 2006 opening date. Also, the Master Official Development over the entire project has already approved by the Planning Commission. All future Official Development Plans for The Orchard will relate to the individual pad users and tenants.

**Background Information**

In May 2005, Council approved the Final Development Agreement with Forest City to allow for the development of The Orchard at Westminster. In July, the Planning Commission reviewed and approved the Master Official Development Plan for this project. Neighborhood meetings were held prior to the July Planning Commission to receive input from the project's neighbors. Official Development Plans are now anticipated from each of the anchors, tenants and for smaller development pockets within The Orchard. All plans submitted for The Orchard project must still meet City planning requirements in order to receive administrative approval.

Section 11-5-8(B) of the Westminster Municipal Code allows that an Official Development Plan (ODP) for a non-residential project under 20 acres in size may be administratively approved by the City Manager if it is determined that the project furthers the City's economic development goals, or if it qualifies for economic development assistance. The Orchard at Westminster clearly meets the City's economic development goal for the development of a regional retail center on I-25.

To keep this project moving forward in a time sensitive manner, staff recommends that Council designate The Orchard at Westminster as and Economic Development Project for the purpose of receiving administrative approval.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**RESOLUTION**

RESOLUTION NO. **29**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

---

**DECLARING THE ORCHARD AT WESTMINSTER AS AN ECONOMIC DEVELOPMENT PROJECT FOR THE PURPOSE OF RECEIVING ADMINISTRATIVE REVIEW OF OFFICIAL DEVELOPMENT PLANS**

WHEREAS, the City has encouraged the development of a regional retail center at the northeast corner of Huron Street and 144<sup>th</sup> Avenue; and

WHEREAS, the project will result in the construction of a 1.2 million square foot retail center that will provide additional property, sales, and use tax to the City of Westminster and to the Westminster Economic Development Authority; and,

WHEREAS, when Official Development Plans in The Orchard at Westminster project meet staff approval, administrative approval will be granted; and,

WHEREAS, only Official Development Plans for sites of 20 acres or less are within the allowed site size to receive an Economic Development Project designation; and,

WHEREAS, Section 11-5-8(B) of the Westminster Municipal Code allows that an Official Development Plan (ODP) for a non-residential project under 20 acres in size may be administratively approved by the City Manager if it is determined that the project furthers the City's economic development goals, or if it qualifies for economic development assistance.

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that The Orchard at Westminster is be designated as an Economic Development project for the purposes of receiving administrative review as outlined in the Westminster City Code, Section 11-5-8 (B), enabling the City Manager to administratively approve Official Development Plans for the developments within the project, upon staff recommendation.

PASSED AND ADOPTED this 22<sup>nd</sup> day of August 2005.

ATTEST:

---

Mayor

---

City Clerk



**Agenda Memorandum**

City Council Meeting  
August 22, 2005



**SUBJECT:** Resolution No. 30 re Carry Forward Balance of 2005 Private Activity Bond Allocation

**Prepared By:** Vicky Bunsen, Programs Coordinator

**Recommended City Council Action**

Adopt Resolution No. 30 approving the carry forward of the City of Westminster's 2005 Private Activity Bond (PAB) allocation in the amount of \$4,180,880 for the qualified purposes set forth in the resolution, and authorize the Mayor to execute the documents necessary to preserve this allocation.

**Summary Statement**

- The City's 2005 PAB allocation is \$4,180,880. The allocation is issued by the State of Colorado pursuant to federal legislation, and is required for municipalities wanting to issue bonds for certain "private activities" such as residential mortgage programs, construction of affordable rental housing, and certain redevelopment projects.
- The City's 2005 PAB allocation has not been assigned to any project, nor has the City received any proposals to utilize the funds to date. However, Staff anticipates that these bonds may be needed for south Westminster redevelopment projects in the near future. If the City's PAB allocation is not carried forward by September 15, 2005, it will revert to the State pool. To maintain flexibility and not lose the allocation, the City may keep the allocation by passing a resolution stating that the allocation will be used for a qualified carry forward purpose.
- Qualified carry forward purposes include:
  - Qualified single-family mortgage revenue bonds, and mortgage credit certificates;
  - Qualified redevelopment bonds;
  - Qualified residential rental multifamily housing bonds.
- The attached Resolution has been reviewed and approved by the City Attorney's Office and is ready for City Council's formal action. This Resolution will formally carry forward \$4,180,880 of the City's 2005 PAB allocation. Staff will then proceed to identify for Council the specific project(s) for private activity bond financing prior to February 15, 2006, as required by state law. If a specific designation of the use of the City's PAB allocation is not made by February 15<sup>th</sup> 2006, the City and the State will lose this allocation.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Whether to carry forward the City's 2005 Private Activity Bond allocation or allow the \$4,180,880 allocation to revert back to the State pool.

**Alternative**

Take no action, and allow the City's allocation to revert to the State pool. This option is not recommended; as it would limit the options that City Council would have for use of the PAB allocation relative to redevelopment in Westminster. The action to carry forward the allocation is routinely used and is acceptable to the State of Colorado, acting as the administrative agent for the Federal government.

**Background Information**

When cities intend to issue tax-exempt bonds to finance certain eligible "private activities" as allowed by the Internal Revenue Code, they can do so only to the extent they have received a PAB allocation from the Federal government. Each year, the City of Westminster receives an allocation of private activity bonds to use towards bond financing of certain eligible "private activities" as defined by federal law. The issuance of low-interest, tax-exempt bonds can save developers and the City from the higher costs of commercial financing that can provide a significant savings to the project. Such bonds can also be used to provide subsidies for certain qualified homebuyers. The PAB financing further allows cities to sponsor community development and redevelopment activities that they deem important.

Previous allocations of the PAB have been directed by City Council towards revitalization and redevelopment activities within the south Westminster area, including the redevelopment of the Westminster Plaza shopping center. Since completion of the Plaza, the City has accumulated several years worth of PAB to possibly be used in conjunction with pending projects including the Northgate redevelopment, the implementation of transit-related development in south Westminster, a workforce housing project at 71<sup>st</sup> Avenue and Hooker Street (McDermott Properties project), and 73<sup>rd</sup> Avenue/Lowell Boulevard redevelopment. The 2004 allocation was carried forward in part, and also allocated to the Metro Mayors Caucus Single Family Mortgage Program, and to the improvements at the Toscana Apartment complex.

If the PAB allocation is not specifically designated to a specific project by September 15, 2005, federal law allows the allocation to be carried forward and preserved through February 15<sup>th</sup> of the following year. By February 15, 2006, a specific assignment of the allocation must be made or the City and the State will lose the PAB allocation. To maintain flexibility and to consider competitive projects, it is important that the City act to carry forward this allocation.

This action is consistent with City Council actions in past years and is considered routine by the State of Colorado, the administrative agent for the PAB program.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

## RESOLUTION

RESOLUTION NO. **30**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

**DIXION - HICKS**

**A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF WESTMINSTER TO ISSUE OR CAUSE BONDS TO BE ISSUED IN AN APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$4,180,880 FOR QUALIFIED MORTGAGE BONDS, ONE OR MORE QUALIFIED RESIDENTIAL RENTAL PROJECTS, OR ONE OR MORE QUALIFIED REDEVELOPMENT PROJECTS; AND AUTHORIZING THE OFFICERS, EMPLOYEES AND AGENTS OF THE CITY TO PROCEED AND CONTINUE WITH STEPS PRELIMINARY TO THE ISSUANCE OF SUCH BONDS.**

WHEREAS, the City of Westminster (the "City"), is a municipal corporation duly organized and existing as a home-rule municipality under Article XX of the State Constitution (the "Constitution") and laws of the State of Colorado; and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, pursuant to the Private Activity Bond Ceiling Allocation Act, Title 24, Article 32, Part 17, of Colorado Revised Statutes (the "Allocation Act"), the City has been allocated private activity bond "volume cap" for 2005, the amount of which is \$4,180,880; and

WHEREAS, the City intends and proposes to authorize, issue, sell and deliver, bonds in an approximate aggregate principal amount of \$4,180,880, in one or more series, for (1) qualified redevelopment purposes as described in Section 144(c) of the Internal Revenue Code of 1986, as amended (the "Code") OR (2) qualified mortgage bonds as described in section 143 of the code, or (3) qualified residential rental projects as described in Section 142(d) of the Code, together with the costs of funding any reserve funds for the bonds (the "Bonds"), the costs of securing the Bonds and costs incidental to the authorization, issuance and sale of the Bonds (collectively, the "Project").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, IN THE COUNTIES OF ADAMS AND JEFFERSON, STATE OF COLORADO:

Section 1. All action not inconsistent with the provisions of this resolution heretofore taken by the City Council, and the officers, employees and agents of the City, directed toward the Project, and the issuance and sale of the Bonds therefore, is hereby ratified, approved and confirmed.

Section 2. The City intends to issue, or cause to be issued by another qualified issuer, the Bonds in the approximate aggregate principal amount of \$4,180,880 to pay the cost of the Project, upon terms acceptable to the City as set forth in a bond ordinance or resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

Section 3. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by this resolution, including without limiting the generality of the foregoing, the following:

- (i) Carrying forward the City's unused private activity bond volume cap allocation for 2005 pursuant to Section 146(f) of the Code;
- (ii) Notifying the Colorado Department of Local Affairs prior to September 15, 2005, of the City's desire to treat its initial 2005 allocation of private activity bond volume cap as an allocation to the Project;
- (iii) Obtaining, if necessary, an additional share of the allocation for 2005 allotted to the State of Colorado pursuant to Section 146 of the Internal Revenue Code of 1986, as amended (the "Code");
- (iv) Assigning, if necessary, the City's 2005 allocation of private activity bond volume cap to another qualified issuer.

Section 4. The cost of financing the Project will be paid out of the proceeds of the Bonds or other available moneys of the City.

Section 5. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

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

Section 7. All acts, orders and resolutions, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 8. This resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED this 22<sup>nd</sup> day of August, 2005.

---

Mayor

(SEAL)

Attest:

---

City Clerk



STATE OF COLORADO )  
 )  
COUNTIES OF ADAMS ) SS.  
AND JEFFERSON )  
 )  
CITY OF WESTMINSTER )

I, Linda Yeager, the City Clerk of the City of Westminster, Colorado do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the City Council (the "Council") of the City at a meeting of the Council held on August 22, 2005.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of August 22, 2005, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye:

Those Voting Nay:

Those Absent:

Those Abstaining:

3. The members of the Council were present at such meetings and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Mayor, sealed with the City seal, attested by the Clerk and recorded in the minutes of the Council.

5. There are no bylaws, rules or regulations of the Council, which might prohibit the adoption of said Resolution.

6. Notice of the meeting of August 22, 2005, in the form attached hereto as Exhibit A was posted at the City Hall, Westminster, Colorado, not less than 24 hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of said City affixed this of August 23, 2005.

---

City Clerk

(SEAL)



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 22, 2005



**SUBJECT:** Resolution No. 31 re Residential Competition Service Commitment Award for The Village Promenade

**Prepared By:** Shannon Sweeney, Planning Coordinator

**Recommended City Council Action**

Adopt Resolution No. 31 awarding Category B-4 Service Commitments to The Village Promenade traditional mixed use neighborhood development. This resolution relates to the City's Growth Management Program and is based on the findings established in Section 11-3-1 of the Westminster Municipal Code.

**Summary Statement**

- On March 28, 2005, City Council awarded Service Commitments (SC) to one new project in the residential competitions and withheld an award, in accordance with Staff's recommendation, for The Village Promenade traditional mixed use neighborhood development (TMUND) proposed for a site on the west side of Westminster Boulevard, south of the Circle Point development. Council had authorized Staff to work further with the developer on a more suitable design for the site.
- The City has received a revised submittal that includes a mix of retail and residential land uses, and based on the conceptual redesign of the site, Staff now recommends a SC award to allow the project to proceed to the City's development review process.
- The developer is requesting 750 units (375 SCs) for the project. Staff recommends that the unit count be reduced to 600 units (300 SCs) to be more consistent with the density of the initial competition application for the site, and the attached resolution reflects this decrease. (Should the developer demonstrate during the development review process that the project can meet the City's requirements with additional units, and the design is desirable from the City's perspective, Staff would bring a supplemental SC request to City Council for consideration).
- The attached resolution for the project would award half of the SCs (150) in 2006 with the remaining half (150) in 2007. (No SCs are requested in 2005).
- More than adequate SCs are available to meet this request.
- The award resolution is contingent upon ultimate City approval of any necessary documents and does not commit the City to approve any document as a result of this award. Should the project not receive approval of any required documents, the SCs are returned to the water supply figures.

**Expenditure Required:** \$0

**Source of Funds:** N/A

## **Policy Issue**

Should the City award Service Commitments to The Village Promenade traditional mixed use neighborhood development as a result of the residential competition process?

## **Alternatives**

- Direct Staff to revise the attached resolution to award a total of 375, rather than 300, Service Commitments to the project as requested by the developer. If this option were chosen, Staff would prepare a revised resolution for Council adoption at an upcoming City Council meeting. Staff does not recommend this option as detailed site plans are not required or reviewed during the competition process, and Staff will need to evaluate the density further during the development review process to determine whether the increased density on the site is desirable and appropriate from the City's perspective. If ultimately supportive of an increase, Staff would then bring a subsequent request for additional Service Commitments to City Council for consideration.
- Do not adopt the attached resolution awarding Service Commitments to The Village Promenade traditional mixed use neighborhood development. With this alternative, the developer for this project would not be allowed to proceed to the Official Development Plan review process at this time but could potentially apply in a future competition if desired. Staff believes the developer has made significant improvements and enhancements as desired in the revised conceptual design submitted for the competition, and as a result, Staff recommends a Service Commitment award to the project.

## **Background Information**

For the 2005 residential competitions, the City received a total of five applications. Three of the projects requested Comprehensive Land Use Plan amendments that were denied or withdrawn prior to the competition awards. The two remaining projects, both proposed in the Promenade, were submitted in the traditional mixed use neighborhood development category. On March 28, 2005 City Council awarded 32 Service Commitments to the Village on the Promenade development proposed by the Fullerton Company on the vacant site between the Westin Hotel and the Ice Centre and an award recommendation was withheld on the second Promenade project for a site on the west side of Westminster Boulevard south of Circle Point to give Staff additional time (until the end of May) to work with the developer to improve and enhance the site design.

The original developer for the project, Lauth Property Group, did not meet the deadline and their contract to purchase the property expired. Urban Pacific Builders submitted a revised competition submittal for the site that incorporates a mix of residential and retail and requests 750 units on the site. Because detailed site plan review is not conducted during the competition process and the appropriate density for the site will need further review, Staff is not recommending award of this number of units at this point and recommends no more than 600 units (which is more in line with the density proposed in the original Lauth submittal). During the development review process, density would be reviewed further, and Council could later approve supplemental SCs for the project if desired.

**SUBJECT:** Resolution re Residential Service Commitment Award for The Village Promenade Page 3

A total of 32 of the 82 SCs set aside for the residential competitions in 2005 were awarded to one project in March. This second project proposed for the Promenade does not request any Service Commitments in 2005, so the remaining 50 Service Commitments for 2005 will be returned to the water supply figures. The attached resolution would award 150 SCs in 2006 with the remaining 150 SCs in 2007 to The Village Promenade. Because SCs for multi-family units are calculated at 0.5 SCs per unit, the resolution would award to a maximum of 600 units.

Because detailed site development plans have not been reviewed through the City's development review process, and significant changes can occur, the sketch plans submitted for the competitions are not reviewed with City Council as part of these competitions. A presentation will not be scheduled for the City Council meeting on August 22, since the applicant would tend to focus on site plans not yet through the City's review process.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**RESOLUTION**

**RESOLUTION NO. 31**

**INTRODUCED BY COUNCILLORS**

**SERIES OF 2005**

**HICKS - DITTMAN**

**CATEGORY B-4 (NEW TRADITIONAL MIXED-USE NEIGHBORHOOD DEVELOPMENT)  
COMPETITION AND SERVICE COMMITMENT AWARDS**

WHEREAS, the City of Westminster has adopted by Ordinance No. 2848 a Growth Management Program for the period 2000 through 2010; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

WHEREAS, within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded in Category B-4 (new traditional mixed-use neighborhood development) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new traditional mixed-use neighborhood development is limited, and the City of Westminster has previously adopted Resolution No. 71, Series of 1999, specifying the various standards for new traditional mixed-use neighborhood development projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City Council authorized a traditional mixed-use neighborhood development competition in 2005; and

WHEREAS, two applications were received for the traditional mixed-use neighborhood development competition and one project was awarded 32 Service Commitments on March 28, 2005; and

WHEREAS, a revised conceptual plan has been completed for the other traditional mixed use neighborhood project known as The Village Promenade; and

WHEREAS, the revised competition submittal requires no Service Commitments in 2005, 150 in 2006, and 150 in 2007 for a total of 300 Service Commitments for the total build-out of the residential portion of The Village Promenade.

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

- 1. Category B-4 Service Commitment awards are hereby made to the specific projects listed below as follows:

<u>Project</u>	<u>Location</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>Total</u>
The Village Promenade	W. of Westm. Bl., s. of the Circle Point development	0	150	150	300

- 2. These Service Commitment awards to the projects listed above are conditional and subject to the following:

- a. For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.
- b. Service Commitment awards for the projects listed above, if approved by the City, may only be used within the projects specified above.
- c. These Service Commitment awards shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.

- d. Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project, proposed density, and proposed number of units.
  - e. The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan or amendment, Official Development Plan or amendment, or rezoning action necessary for development of property involved in this Category B-4 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-4 award.
  - f. Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
  - g. The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. During the competition process the City Staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
  - h. Awards shown for the year 2005 are effective as of the date of this Resolution (August 22, 2005). Future year awards are effective as of January 1 of the specified year and cannot be drawn prior to that date. If fewer Service Commitments are needed for a project in any given year, the unused amount in that year will be carried over to the following year(s) provided the Service Commitments have not expired.
  - i. In order to demonstrate continued progress on a project, the following deadlines and expiration provisions apply:
    - 1) The project must proceed with the development review process and receive Official Development Plan approval by December 31, 2008, or the entire Service Commitment award for the project shall expire.
    - 2) The project must be issued at least one building permit within one year of Official Development Plan approval, or the entire Service Commitment award for the project shall expire.
    - 3) Following the issuance of the first building permit for the project, all remaining Service Commitments for a project shall expire if no building permit is issued for the project during any consecutive 12-month period.
  - j. If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the Service Commitment supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
  - k. This award resolution shall supersede all previous Service Commitment award resolutions for the specified project locations.
3. The Category B-4 Service Commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications.

PASSED AND ADOPTED this 22nd day of August, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

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



## Agenda Item 10 F

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 22, 2005



**SUBJECT:** Resolution No. 32 re Compliance Hearing for the Annexation of the DeCroce Property

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

### Recommended City Council Action

Adopt Resolution No. 32 accepting the annexation petition submitted by Marjory Goings and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of September 26, 2005, for the annexation hearing.

### Summary Statement

- The DeCroce property is located at the northwest corner of Church Ranch Boulevard and 101<sup>st</sup> Avenue (see attached vicinity map), and consists of approximately 12,094 square feet.
- The applicant wishes to annex into the City of Westminster in order to build a single-family residence and acquire City water and sewer services.
- The DeCroce property is subject to the requirements of the Northeast Comprehensive Development Plan that would permit the proposed use.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Whether to annex the DeCroce property at this time.

**Alternative**

Make a finding that there is no community of interest with the DeCroce property and take no further action. If this course is taken, the property in question will remain unincorporated, and subject to County laws and regulations.

**Background Information**

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed. (In this case, Marjory Goings, signer of the petition, owns 100% of the property.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date (September 26, 2005) at which time the Council will review the merits of the proposed annexation.

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments:**

- Resolution
- Annexation Petition
- Legal Description (Legal A)
- Vicinity Map



**RESOLUTION**

RESOLUTION NO. **32**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein-described to the City;

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes September 26th, 2005, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

PASSED AND ADOPTED this 22nd day of August, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

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



WESTMINSTER

Department of Community Development

ANNEXATION PETITION

- 1. It is desirable and necessary that the area shown on the attached annexation map be annexed into the City of Westminster.
- 2. The requirements of Sections 31-12-104 and 31-12-105 C.R.S. 1973, as amended, exist or have been met.
- 3. The signers of this petition comprise the landowners of more than fifty 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 Marjorie Goings

Title MARJORIE GOINGS  
(OWNER)

6. Mailing address of signer 15215 COUNTY ROAD 1  
WIGGINS, COLORADO 80654

7. Legal description of land owned by signer:

See Exhibit A Attached

8. Date of Signing 7/26/05

9. Subscribed and sworn to before me this 26th day of July  
2005

Witness my hand and Official Seal.

My Commission expires 10-21-2008

Deanna Rose  
Notary Public

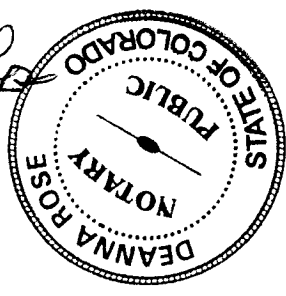


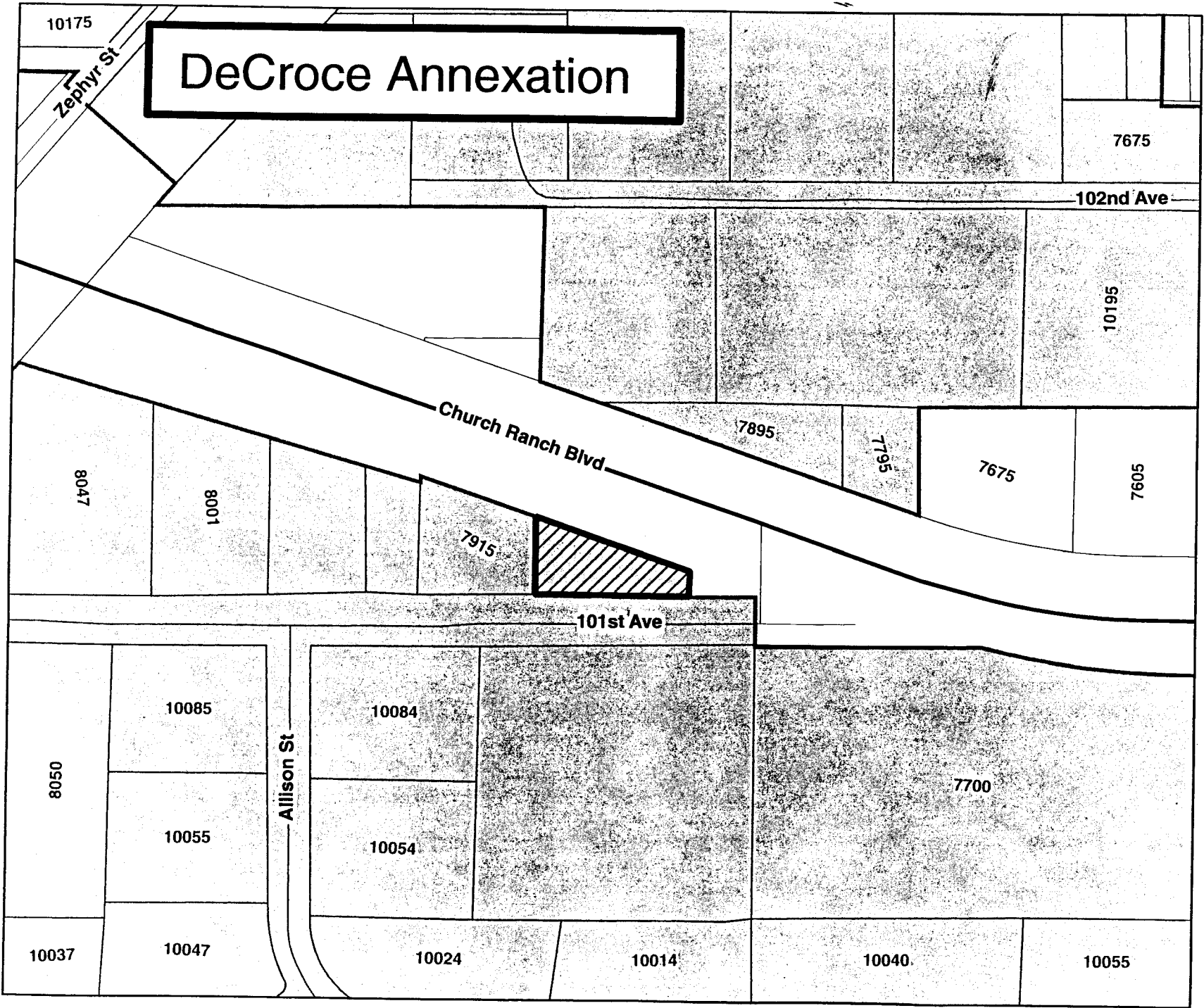
Exhibit A  
DeCroce Property  
Legal Description

Annexation Legal Description:

A portion of Tract 61 of Mandalay Gardens Subdivision, located in the northwest  $\frac{1}{4}$ , Section 2 South, Range 69 West of the 6<sup>th</sup> P.M., County of Jefferson, State of Colorado, more particularly described as follows:

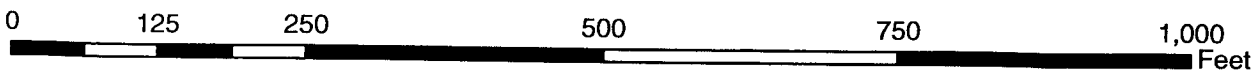
Beginning at the southwest corner of said Tract 61, which point also lies on the northerly right of way of West 101<sup>st</sup> Avenue; Thence N01°08'07"E, 97.65 feet to the southerly right of way of 101<sup>st</sup>/100<sup>th</sup> Avenue extension; Thence S70°55'27"E, along the southerly right of way of 101<sup>st</sup>/100<sup>th</sup> Avenue extension 198.07 feet to the intersection of the westerly right of way of West 101<sup>st</sup> Avenue; thence S02°18'08"W, along the right of way of West 101<sup>st</sup> Avenue 30.85 feet; Thence S89°21'57"W, continuing along what is now the northerly right of way of West 101<sup>st</sup> Avenue 187.90 feet to the point of beginning.

# DeCroce Annexation



**Legend**

- Outside COW (stippled pattern)
- Inside COW (white)
- Annexation (hatched pattern)





## Agenda Item 10 G

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 22, 2005



**SUBJECT:** Resolution No. 33 re Compliance Hearing for the Annexation of the Family in Christ Property

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

### Recommended City Council Action

Adopt Resolution No. 33 accepting the annexation petition submitted by the Family in Christ Church and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of September 26, 2005, for the annexation hearing.

### Summary Statement

- The Family in Christ property is located at northwest corner of 99<sup>th</sup> Avenue and Wadsworth Boulevard, and consists of approximately 5.4 acres (see attached vicinity map).
- The City has purchased a portion of the property and has an option on the remainder. The church has petitioned to annex the remainder of the property so that the entire parcel can be annexed at this time. The property will be added to the City's open space inventory, combined with the former Lang property to the south, and will be used as access to the Big Dry Creek trail system.
- The Family in Christ property is subject to the requirements of the Northeast Comprehensive Development Plan that permits the proposed open space use.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Whether to annex the Family in Christ property at this time.

**Alternative**

Make a finding that there is no community of interest with the Family in Christ property and take no further action. If this course is taken, the property in question will remain unincorporated, and subject to County zoning regulations and laws.

**Background Information**

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed. (In this case, the Family in Christ Church, signer of the petition, own 50% of the property and the City owns the rest.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date (September 26, 2005) at which time the Council will review the merits of the proposed annexation.

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments:**

- Resolution
- Annexation Petition
- Exhibit A (Legal Description)
- Vicinity Map

**RESOLUTION**

RESOLUTION NO. **33**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein-described to the City;

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes September 26, 2005, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

PASSED AND ADOPTED this 22nd day of August, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

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



WESTMINSTER

Department of Community Development

ANNEXATION PETITION

1. It is desirable and necessary that the area shown on the attached annexation map be annexed into the City of Westminster.
2. The requirements of Sections 31-12-104 and 31-12-105 C.R.S. 1973, as amended, exist or have been met.
3. The signers of this petition comprise the landowners of more than fifty 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 Rev. Paul Jordan  
 Title Pastor

6. Mailing address of signer Family in Christ Community Church  
7777 W. ~~15th~~ 99th Place  
Westminster, CO 80021

7. Legal description of land owned by signer:

See Exhibit A Attached

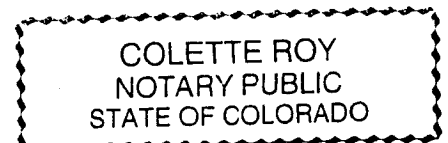
8. Date of Signing May 10, 2005

9. Subscribed and sworn to before me this 10th day of May, 2005.

Witness my hand and Official Seal.

My Commission expires \_\_\_\_\_

Colette Roy  
Notary Public



My Commission Expires 10/03/2006



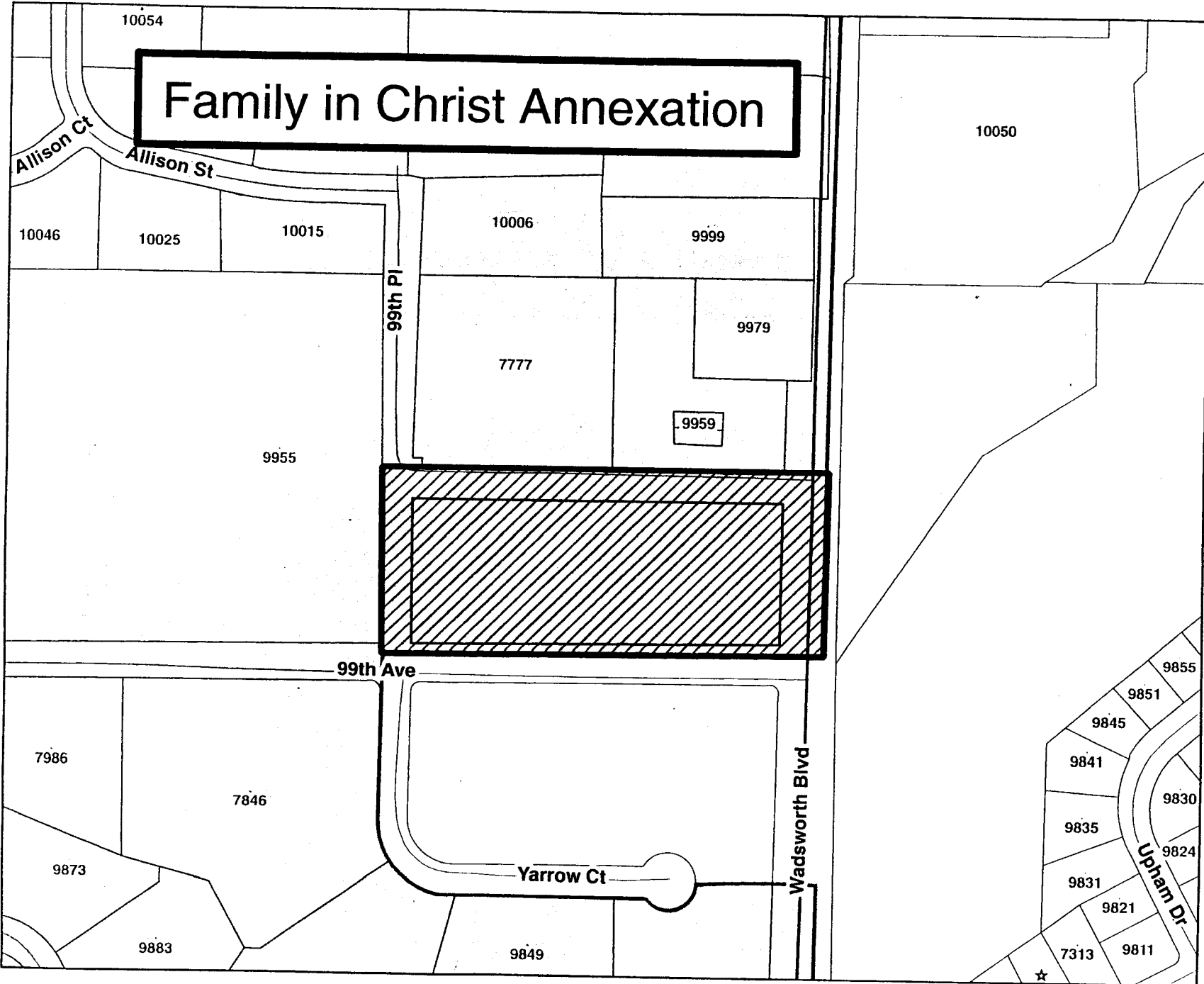
**EXHIBIT A  
TO ANNEXATION PETITION  
FOR FAMILY IN CHRIST COMMUNITY CHRISTIAN REFORMED CHURCH**

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER OF SAID SECTION 14;  
THENCE S00°41'00"W ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 14, A DISTANCE OF 346.06 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING S00°41'00"W ALONG SAID EAST LINE, A DISTANCE OF 271.05 FEET;  
THENCE LEAVING SAID EAST LINE S89°41'25"W, A DISTANCE OF 345.00 FEET;  
THENCE N00°41'00"E ALONG A LINE PARALLEL WITH AND 345.00 FEET WEST OF SAID EAST LINE, A DISTANCE OF 271.34 FEET;  
THENCE N89°44'17"E, A DISTANCE OF 345.00 FEET TO THE POINT OF BEGINNING.

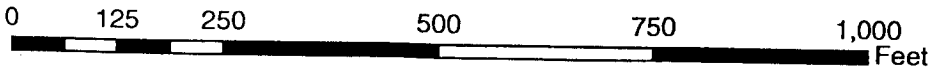
CONTAINING 93,552 SQUARE FEET, 2.15 ACRES MORE OR LESS.

# Family in Christ Annexation



**Legend**

- Outside COW
- Inside COW
- Annexation





## Agenda Item 10 H

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 22, 2005



**SUBJECT:** Resolution No. 34 re Compliance Hearing for the Annexation of the Jaidinger Property

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

### Recommended City Council Action

Adopt Resolution No. 34 accepting the annexation petition submitted by Sidney and Janna Jaidinger and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of September 26, 2005, for the annexation hearing.

### Summary Statement

- The Jaidinger property is located at the southeast corner of 106<sup>th</sup> Avenue and Balsam Street, and consists of approximately 8 acres (see attached vicinity map).
- The applicant wishes to annex into the City of Westminster in order to subdivide the property into two lots and acquire City water and sewer services for the new parcel
- The Jaidinger property is subject to the requirements of the Northeast Comprehensive Development Plan that would permit the proposed lot split. The proposed new parcel would be mostly out of the Jefferson County Airport influence zone, which would allow a new residence to be built outside the zone.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Whether to annex the Jaidinger property at this time.

**Alternative**

Make a finding that there is no community of interest with the Jaidinger property and take no further action. If this course is taken, the property in question will remain unincorporated, and the Jaidingers could proceed with their proposed subdivision in the County.

**Background Information**

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed. (In this case, the Jaidingers, signers of the petition, own 100% of the property.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date (September 26, 2005) at which time the Council will review the merits of the proposed annexation.

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments:**

- Resolution
- Annexation Petition
- Legal Description (Exhibit A)
- Vicinity Map

**RESOLUTION**

RESOLUTION NO. **34**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein-described to the City;

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes September 26, 2005, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

PASSED AND ADOPTED this 22nd day of August, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

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



WESTMINSTER

Department of Community Development

ANNEXATION PETITION

- 1. It is desirable and necessary that the area shown on the attached annexation map be annexed into the City of Westminster.
- 2. The requirements of Sections 31-12-104 and 31-12-105 C.R.S. 1973, as amended, exist or have been met.
- 3. The signers of this petition comprise the landowners of more than fifty 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 Sidney J. Gaudinger  
 Title Homeowner

6. Mailing address of signer 8200 W 106th Ave.  
Broomfield, CO 80021

7. Legal description of land owned by signer:  
 See Exhibit A Attached

8. Date of Signing 06-14-05

9. Subscribed and sworn to before me this 14<sup>th</sup> day of June,  
 2005.

Witness my hand and Official Seal.

My Commission expires 07-10-07

[Signature]  
 Notary Public

URBAN A. HOEBELHEINRICH, JR.  
 NOTARY PUBLIC  
 STATE OF COLORADO  
 My Commission Expires 07/10/07

Exhibit A  
Jaidinger Property  
Legal Description

Beginning at the southwest corner of the southeast one quarter of the southwest one quarter of Section 11, Township 2 South, Range 69 West of the 6<sup>th</sup> P.M., thence N00°45'12"E a distance of 897.29 feet, thence N89°45'32"W a distance of 20.00 feet to the point of beginning,

Thence N00°45'12"E a distance of 392.23 feet;

Thence N89°52'02"W a distance of 635.25 feet along the south line of 106<sup>th</sup> Avenue;

Thence S00°56'05"W a distance of 631.06 feet along the east line of Balsam Street;

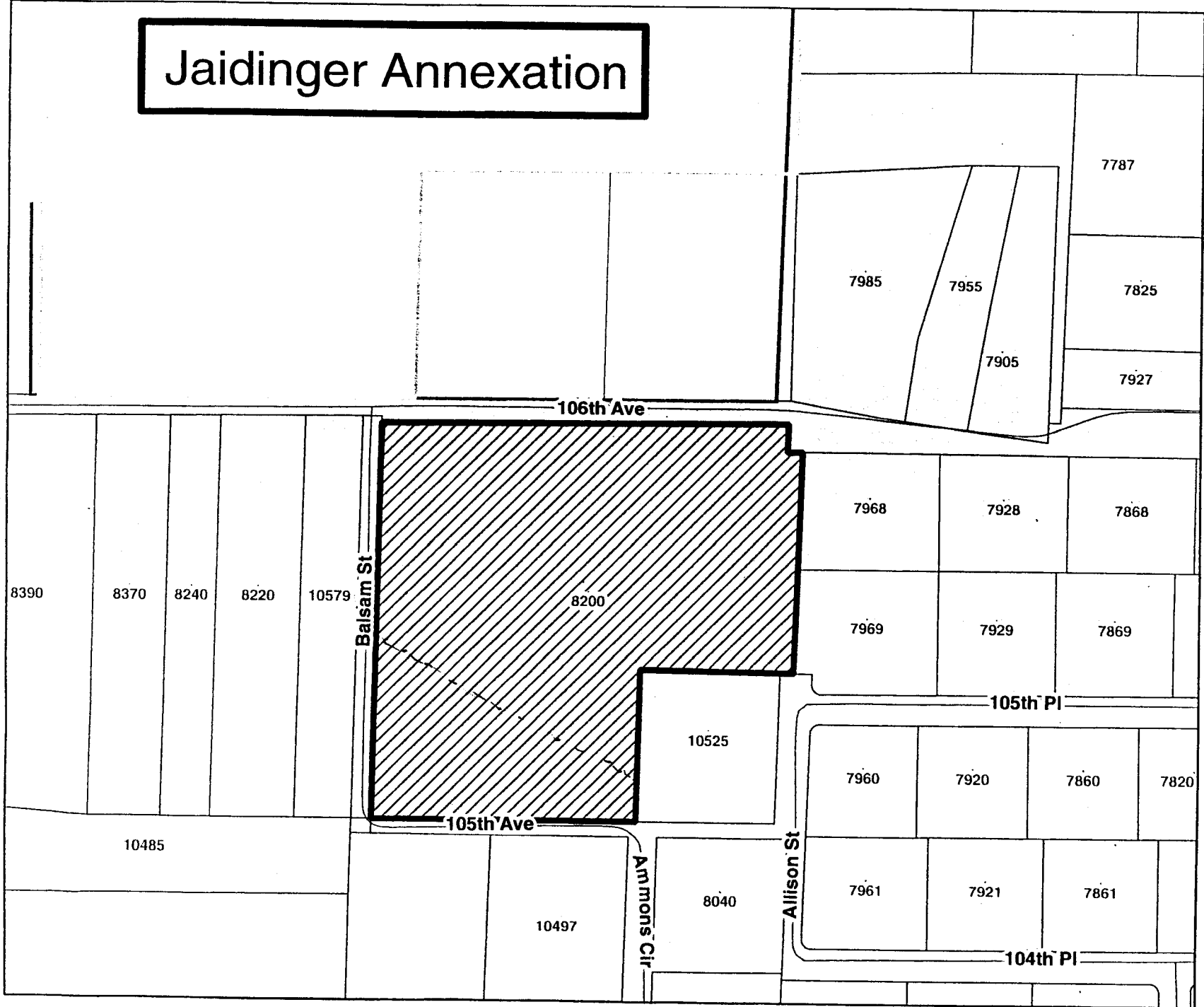
Thence S89°45'29"E a distance of 417.24 feet;

Thence N00°45'04"E a distance of 240.01 feet;

Thence S89°45'32"E a distance of 220.01 feet;

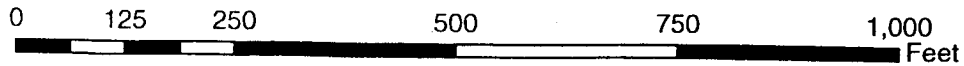
To the point of beginning containing 8.01 acres, more or less.

# Jaidinger Annexation



**Legend**

- Outside COW
- Inside COW
- ▨ Annexation





## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, August 22, 2005. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Davia, Dittman, Dixon, Hicks, and Price were present at roll call.

The minutes of the August 8, 2005 meeting were approved.

Council congratulated the Finance staff for receiving the GFOA Certificate of Achievement for Excellence in Financial Reporting award for the 21<sup>st</sup> consecutive year and proclaimed September 5 – 9 to be City of Westminster Employee Appreciation Week.

Council approved the following: July 2005 Financial Report; England Park Drainage Improvements contract award; Squires Park Shelter Renovation construction contract award; bid award for the Lowell Boulevard Reconstruction from 73<sup>rd</sup> to 76<sup>th</sup> Avenues; contract amendment for additional professional services for the Greenbriar/88<sup>th</sup> and Zuni lift station; purchase of Hydra Hammer; Traffic Signal System Upgrade; acquisition of approximately 1 acre of Open Space (Tract B, Westbrook Subdivision at Kipling Way); Hyland Hills Park and Recreation District IGA Addendum; final passage of CB No. 39 re McGrath Property Annexation; final passage of CB No. 40 re McGrath Property CLUP Amendment; final passage of CB No. 41 Zoning the McGrath Property R-E; final passage of CB No. 42 re City Park Maintenance Facility; final passage CB No. 43 re Pension Plans appropriation; final reading of CB No. 44 Amending Chapter 1 of Title VII, W.M.C. concerning Elections

The following Councillors' Bills were passed on first reading:

**A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH COUNTRY CLUB VILLAGE ENTERPRISES LLC FOR THE CONSTRUCTION OF THE COUNTRY CLUB VILLAGE RETAIL PROJECT IN WESTMINSTER, COLORADO.** Purpose: authorizing a \$500,000 business assistance package for Country Club Village Enterprises LLC.

Council approved the following resolutions: Resolution No. 29 re The Orchard at Westminster; Resolution No. 30 re carry forward balance of 2005 Private Activity Bond allocation; Resolution No. 31 re Residential Competition Service Commitment Award for The Village Promenade; Resolution No. 32 re DeCrocce Property annexation compliance hearing; Resolution No. 33 re Family in Christ Property annexation compliance hearing; and Resolution No. 34 re Jaidinger Property annexation compliance hearing.

At 7:48 p.m., the meeting was adjourned.

By order of the Westminster City Council  
Linda Yeager, MMC, City Clerk

Published in the Westminster Window on September 1, 2005

**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.

**Dittman – Dixon**

**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.

**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.

**Davia - Dixon**

**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.

**Kauffman - Dittman**

**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	500	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.

**Price - Dixon**

**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 County 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 7313501009 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 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, 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.

**Davia - Dixon**

**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	(22,220)	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.

**Kauffman - Dittman**

**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.

**Price - Dixon**

**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 County 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 231350102, 231350103, and 231350104.

Precinct 2 shall consist of. Adams County Precincts 2313501011, 2313501016 and 7313501009 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 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, 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.