



WESTMINSTER  
COLORADO

August 25, 2003  
7:00 P.M.

**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 5) 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. Presentations
  - A. Employee Appreciation Week Proclamation
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
  - A. City Manager's Report
7. City Council Comments

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 Financial Report
  - B. 2003 Traffic Calming
  - C. Irving St. Library Furniture & Equipment Purchase
  - D. Councillor's Bill No. 38 re Accent Windows Business Assistance Package (Dittman-Kauffman)
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Public Hearing re Chambers Preserve (South of 104<sup>th</sup>, East of Dover)
  - B. Resolution No. 32 re Chambers Preserve Annexation Findings of Fact
  - C. Councillor's Bill No. 39 re Chambers Preserve Annexation
  - D. Councillor's Bill No. 40 re Chambers Preserve rezoning
  - E. Public Hearing re Hazlewood Property (14781 Huron St)
  - F. Resolution No. 33 re Hazlewood Property Annexation Findings of Fact
  - G. Councillor's Bill No. 41 re Hazlewood Property Annexation
  - H. Councillor's Bill No. 42 re Adding Hazlewood Property to CLUP
  - I. Councillor's Bill No. 43 re Hazlewood Property rezoning
  - J. Public Hearing on the Proposed Meadow View Subdivision (107<sup>th</sup> Ave, West of Simms)
  - K. Preliminary and Official Development Plan on the Proposed Meadow View Subdivision
  - L. Resolution No. 34 re Approval of Selected Documents for WEDA Bond Issue
  - M. Councillor's Bill No. 44 re Vacation of a Portion of 105<sup>th</sup> Avenue Right-of-Way
  - N. Resolution No. 35 conveyance of City owned property/waiver of fees/use tax to Habitat for Humanity
  - O. Councillor's Bill No. 45 re Vacation of 105<sup>th</sup> Drive/Antero Street Right-of-Way for Hyland Hills
  - P. Resolution No. 36 re Project Applications for DRCOG's Transportation Improvement Program
  - Q. Councillor's Bill No. 46 re Vacation of Easement within the RTD's Westminster Center Park-N-Ride
  - R. Councillor's Bill No. 47 re 2003 Budget Supplemental Appropriation
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
  - A. Citizen Communication
  - B. City Council
    1. Meeting format for HOA President's Meeting
  - C. Executive Session
    1. Settlement re Civil lawsuit
    2. Negotiations concerning proposed Metro District
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.

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 25, 2003 AT 7:10 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally were present at roll call. J. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by Councillor Dixon to approve the minutes of the meeting of August 11, 2003 with no corrections or additions. The motion carried unanimously.

EMPLOYEE APPRECIATION WEEK

Mayor Moss presented ERAT members Scott Tekavec, Dave Murray, Brian Poggenklass, Kathleen Hix, Karen Sexton, Laura Rector, Debbie Mitchell, Judy Warhola, and Jim McMurdo with a proclamation declaring the week of September 1-5, 2003 as "Employee Appreciation Week."

CITIZEN COMMUNICATION

Pat Crossen, 10607 Kipling Way, addressed Council thanking them for the completion of the improvements to 106<sup>th</sup> Avenue from Johnson to Oak Street.

CITY MANAGER COMMENTS

Brent McFall, City Manager, thanked City employees for consistently exceeding expectations and mentioned the Volunteer Barbeque that will be held on Thursday, August 28, 2003 to recognize all the volunteers that work for the City.

CITY COUNCIL COMMENTS

Councillor McNally commented on the Employee Appreciation Week and Volunteer Barbeque and apologized that she will be out-of-town and unable to attend either function. She also commented on the Pet Parade that was held on Saturday, August 23, 2003.

Mayor Pro-Tem Atchison commented that he had participated in a business retention visit..

Councillor Dixon commented on the unveiling of the historic marker in the sidewalk at the Grange Hall.

CONSENT AGENDA

The following items were considered as part of the consent agenda: July Financial Report, 2003 Traffic Calming Project with K.E.C.I. Colorado for \$214,942; Irving Street Library Furniture & Equipment Purchase with OfficeScapes, Inc., for \$71,350; and CB No. 38 re Accent Windows Business Assistance Package.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. Councillor Dixon asked that the 2003 Traffic Calming project be removed for separate discussion.

Councillor Dittman moved, seconded by Atchison to adopt the remaining consent agenda items as presented. The motion carried unanimously.

#### 2003 TRAFFIC CALMING

Councillor Dittman moved, seconded by Kauffman, to authorize the City Manager to execute a contract for the construction of traffic calming devices with the low bidder, K.E.C.I. Colorado, Inc., in the amount of \$186,906 and authorize a total project budget of \$214,942, including a construction contingency of \$28,036. David Davia, representing the 300+ families within the Cedar Bridge Homeowners Association, addressed Council regarding additional traffic calming requests at the 111<sup>th</sup> Avenue & Alcott Street intersection and at the Bike Path on Alcott Street which are proposed to be funded by the City next year. The motion carried unanimously.

#### PUBLIC HEARING RE CHAMBERS PRESERVE ANNEXATION AND ZONING

At 7:32 p.m. the public hearing was opened for the Chambers Preserve Annexation and Zoning, located South of 104<sup>th</sup>, East of Dover. Dave Falconieri, Planner II, gave a power point presentation and entered the following information into the record: a copy of the Agenda Memorandum, and other related items. Lisa Engel-King, 10427 Ammons, and Craig Mowry, 10415 Balsam, asked questions about the property. No one spoke in opposition. The public hearing was declared closed at 7:40 P.M.

#### RESOLUTION NO. 32 RE FINDINGS OF FACT ON CHAMBERS PRESERVE

Councillor Dittman moved, seconded by Atchison, to adopt Resolution No. 32 making certain findings of fact as required under Section 31-12-10 C.R.S. regarding the Chambers Preserve annexation. Upon roll call vote, the motion carried unanimously.

#### COUNCILLOR'S BILL NO. 39 RE CHAMBERS PRESERVE ANNEXATION

Councillor Dittman moved, seconded by Atchison, to pass Councillor's Bill No. 39 on first reading annexing the Chambers Preserve property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

#### COUNCILLOR'S BILL NO. 40 RE CHAMBERS PRESERVE ZONING

Councillor Dixon moved, seconded by Atchison, to pass Councillor's Bill No. 40 on first reading rezoning the Chambers Preserve property from Jefferson County A-2 to O-1. Upon roll call vote, the motion carried unanimously.

#### PUBLIC HEARING RE HAZLEWOOD PROPERTY ANNEXATION, ZONING, CLUP AMENDMENT

At 7:41 p.m. the public hearing was opened for the Hazlewood Property Annexation, Zoning, and CLUP Amendment, located at 14781 Huron Street. Dave Falconieri, Planner II, gave a power point presentation and entered the following information into the record: a copy of the Agenda Memorandum, and other related items. Frank Hazlewood, the property owner, addressed Council. No one spoke in opposition. The public hearing was declared closed at 7:44 P.M.

#### RESOLUTION NO. 33 RE FINDINGS OF FACT ON HAZLEWOOD PROPERTY

Mayor Pro-Tem Atchison moved, seconded by Dixon, to adopt Resolution No. 33 making certain findings of fact as required under Section 31-12-10 C.R.S. regarding the annexation of the Hazlewood property. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 41 RE HAZLEWOOD PROPERTY ANNEXATION

Mayor Pro-Tem Atchison moved, seconded by Dixon, to pass Councillor's Bill No. 41 on first reading annexing the Hazlewood property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 42 RE CLUP AMENDMENT FOR HAZLEWOOD PROPERTY

Mayor Pro-Tem Atchison moved, seconded by Dixon, to pass Councillor's Bill No. 42 on first reading adding the Hazlewood property to the Westminster Comprehensive Land Use Plan with a designation of Single-Family Detached Residential-Very Low Density. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 43 RE HAZLEWOOD ZONING

Mayor Pro-Tem Atchison moved, seconded by Dixon, to pass Councillor's Bill No. 43 on first reading rezoning the Hazlewood property from Adams County A-1 to Westminster O-1. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE MEADOWVIEW SUBDIVISION

At 7:45 p.m. the public hearing was opened for the Meadowview Subdivision, located on 107<sup>th</sup> Avenue, west of Simms St. Dave Falconieri, Planner II, gave a power point presentation and entered the following information into the record: a copy of the Agenda Memorandum, and other related items. Greg Panza, 7000 Broadway, representing the developer, spoke in favor. Janette Fayhoe, Walnut Creek Homeowners Association representative, 10577 Tabor Court, spoke in opposition of the traffic circle and plastic fence. Victoria Royce, 10656 Urban St, asked questions about the development. The public hearing was declared closed at 8:25 P.M.

PRELIMINARY AND OFFICIAL DEVELOPMENT PLAN FOR MEADOWVIEW SUBDIVISION

Mayor Pro-Tem Atchison moved, seconded by Hicks, to approve the combined Preliminary/Official Development Plan for the Meadowview Subdivision with the following conditions: The 6-foot fences along 107<sup>th</sup> Avenue and along Simms Street be vinyl rather than cedar; and that all fees be paid as required by City Code and the deletion the Public Land Dedication verbage on page 2 of the Preliminary/Official Development Plan. The motion carried unanimously.

RESOLUTION NO. 34 RE APPROVAL OF SELECTED DOCUMENTS FOR WEDA BOND ISSUE

Councillor Dittman moved, seconded by Atchison, to adopt Resolution No. 34 that provides City approval to selected documents for the WEDA Bonds of \$38.525 million, to which the City is a party including the Replenishment Resolution, the City Cooperation Agreement with WEDA, and the Letter of Credit Reimbursement Agreement. Upon roll call vote, the motion carried with Councillor McNally abstaining.

COUNCILLOR'S BILL NO. 44 RE VACATION OF PORTION OF 105<sup>TH</sup> AVENUE RIGHT-OF-WAY

Councillor Kauffman moved, seconded by Dittman to pass Councillor's Bill No. 44 as an emergency ordinance, vacating a portion of 105<sup>th</sup> Avenue within the Mandalay Town Center property. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 35 CONVEYANCE CITY PROPERTY/WAIVE FEES TO HABITAT HUMANITY

Councillor Dixon moved, seconded by Hicks, to adopt Resolution No. 35 authorizing the City Manager to sign a contract to convey a parcel of City owned property located on 80<sup>th</sup> Avenue and Grove Street, valued at \$135,000, to Habitat of Humanity for Metro Denver and to also waive development fees and use tax in the amount of \$8,398 associated with the new construction of two single family homes on the property. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 45 RE VACATION OF 105<sup>TH</sup> DR/ANTERO STREET RIGHT-OF-WAY

Councillor McNally moved, seconded by Dixon, to pass Councillor's Bill No. 45 on first reading, vacating a portion of 105<sup>th</sup> Drive/Antero Street right-of-way for Hyland Hills Park & Recreation District's Valley View Park. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 36 RE PROJECT APPLICATIONS FOR DRCOG TRANSPORTATION PROGRAM

Councillor Dittman moved, seconded by Atchison, to adopt Resolution No. 36 authorizing the City to apply for 2005-2010 Denver Regional Council of Governments' Transportation Improvement Program funding for various intersections and trail improvements. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 46 RE VACATION OF EASEMENT WITHIN RTD PARK-N-RIDE

Councillor Hicks moved, seconded by Atchison, to pass Councillor's Bill No. 46 on first reading, vacating a portion of a certain easement located within the Regional Transportation District's Westminster Center Park-N-Ride, south of 88<sup>th</sup> Place and west of Yates Street. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 47 RE 2003 BUDGET SUPPLEMENTAL APPROPRIATION

Mayor Pro-Tem Atchison moved, seconded by Hicks, to pass Councillor's Bill No. 47 on first reading providing for supplementary appropriations to the 2003 budget of the General Fund, General Capital Improvement Fund and Utility Fund. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS

The City Council will be meeting with Homeowners Association representatives on September 25, 2003.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session item to discuss a Settlement on a civil lawsuit, negotiations concerning proposed Metro District, an Economic Development package, and a civil lawsuit.

ADJOURNMENT:

The meeting was adjourned at 8:40 P.M.

ATTEST:

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003

**SUBJECT:** Proclamation - Employee Appreciation Week

**Prepared By:** Kathleen Hix, Organizational Support Services Manager

**Recommended City Council Action**

Proclaim September 1-5, 2003 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 1-5, 2003 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 934 full and part-time individuals who comprise the City of Westminster's workforce.
- The proclamation will designate September 1-5, 2003 as City of Westminster Employee Appreciation Week.
- On September 3, the fourteenth annual employee appreciation breakfast will be prepared by the City Manager, Assistant City Manager, City Attorney and City Department Heads.
- Members of the City's Employee Advisory Committee, and members of the Employee Recognition and 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 Issues**

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 934 full-time and part-time 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 1,500 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 that 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 1-5, 2003 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 fourteenth year in a row that the City Manager, Assistant City Manager, City Attorney, and Department Heads have arrived at 5 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.

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 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 934 full-time and part-time benefited employees and over 1,500 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 3, 2003 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,

WHEREAS, the week of September 1, 2003, will include several activities designed to express appreciation to City Employees.

NOW THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and Staff, do hereby proclaim September 1-5, 2003 as

City of Westminster Employee Appreciation Week.

Signed this 25<sup>th</sup> day of August, 2003.

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Ed Moss, Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003



**SUBJECT:** Financial Report for July 2003

**Prepared By:** Mary Ann Parrot, 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 and monthly revenue report. The Shopping Center Report is also attached to this monthly financial report; this reflects June sales and use tax receipts received in July. A summary of key points of the shopping center report is as follows and shows improved results for the month and year to date.

- Overall shopping center sales and use tax returns (for 25 shopping centers) for the month of July 2003 were down 2% compared to last year July 2002.
- Overall shopping center sales and use tax returns (for 25 shopping centers) year-to-date for July were down 6%.
- Westminster Mall sales and use tax returns year-to-date for June were down 12%; sales and use tax returns year-to-date for July are still down 11%.
- Other sales tax generators (such as telecommunications services, out of city accounts) and use taxes are not reflected in the shopping center report. For the month and year to date, the overall picture has improved and is described below.

Key features of the monthly financial report for July are as follows:

- At the end of July, seven months of 12 months of the year have passed. This is 58.3% of the year.
- The Sales and Use Tax Fund revenues are currently \$1,532,893 under pro-rated budget for the year. The July figures reflect the sales in June, tax receipts received in July. Sales Tax Returns are up for July 2003 compared to July 2002 by 1.7% for the month but remain down by 1.4% year-to-date, or \$317,585 below July year-to-date 2002. This is the second month in 2003 where monthly returns are positive compared to the prior year. Staff does not have enough data to determine yet whether the June numbers indicate a turn around in the economy.
- For the entire Sales and Use Tax Fund (Sale and Use Tax Returns plus Audits), the fund is 0.6% below last year on a year-to-date basis. If this trend continues, the fund will be under budget by approximately \$2.75 to \$3.0 million. Staff presented to City Council a set of recommendations to address this shortfall and Staff will keep City Council apprised.
- The General Fund revenue is currently 103% of pro-rated budget for seven months, assisted by positive variances in property tax collections, licenses and permits, intergovernmental revenues, charges for services and miscellaneous payments.

## **Policy Issues**

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.

## **Alternatives**

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

## **Background Information**

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%.

### 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 such as City Manager, City Attorney, Finance, and General Services.

At the end of July, the General Fund is in the following position regarding both revenues and expenditures:

- Revenues over pro-rated budget (103% of budget) by \$1,033,148. This reflects the full budgeted transfer of funds from the Sales and Use Tax fund to the General Fund, which Staff is projecting will come in under budget.
- Expenditures under pro-rated budget (84% of pro-rated budget) by \$6.4 million. This is due to several factors: expenditures do not flow evenly during the year, 38 positions are still frozen and the salary savings are included in these numbers and lastly, the unspent contingency funds are reflected in Central Charges.

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

These funds are the repositories for the 3.25% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Projects 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. At the end of July, the position of these funds is as follows:

- Sales & Use Tax Fund revenues are under pro-rated budget (94.9% of pro-rated budget) by \$1,532,893.
- Sales & Use Tax Fund expenditures are even with pro-rated budget because of the transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund.
- Open Space Sales & Use Tax Fund revenues are slightly under pro-rated budget (98.8% of pro-rated budget) by \$30,279, due primarily to overall returns being below budget.
- Open Space Sales & Use Tax Fund expenditures are under pro-rated budget (87% of pro-rated budget) by \$385,898, due primarily to appropriating carryover from 2002. This increased the budget by \$1.4 million. Expenditures for the month were well below the \$1.4 million, leaving the fund's expenditures in a positive position.

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. At the end of July, the Enterprise is in a positive position.

- Combined Water & Wastewater revenues are under pro-rated budget (98% of budget) by \$287,287, due to a wet spring season and continuing conservation on the part of Westminster citizens:
  - Water revenues under pro-rated budget (96% of pro-rated budget) by \$558,321, due primarily to a negative variance in rates and charges of \$2,008,343 for the seven-month period.
  - Wastewater revenues over pro-rated budget (104% of pro-rated budget) by \$271,034.
  - Storm Water Drainage revenues over pro-rated budget (104% of pro-rated budget) by \$22,153.
- Combined Water & Wastewater expenses are under pro-rated budget (78% of budget) by \$3.7 million due primarily to under-spending in capital at this time of year:
  - Water expenses under pro-rated budget (81% of pro-rated budget) by \$2.3 million.
  - Wastewater expenses under pro-rated budget (70% of pro-rated budget) by \$1.4 million.
  - Storm Water Drainage expenses under pro-rated budget (70% of pro-rated budget) by \$41,847.

Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City's two municipal golf courses. The report for the Golf Courses shows an adjustment for the impact of the 1997 Sales Tax Bonds. The 1997 Sales Tax Bonds are not a legal obligation of the Legacy Ridge Golf Course. The Legacy Ridge statement reflects Operating Income and Net Income. The difference is that Operating Income does not reflect debt service while Net Income does reflect debt service. By showing the debt service separately, this will indicate the operating performance of the golf courses as a whole. This is highlighted in the footnotes:

- Combined Enterprise operating income - actual, year to date, without the impact of debt service for Legacy - is a surplus of \$184,084, an improvement over last month's operating surplus of \$90,457.
- Combined Enterprise net income - actual, year to date, with the impact of debt service for Legacy - is a deficit of \$172,833, an improvement from last month's net deficit of \$239,037.
- Legacy – Revenues are under pro-rated budget (93% of pro-rated budget) by \$71,838.
- Legacy – Expenses are slightly over pro-rated budget (100.05% of pro-rated expenses) by \$384.
- Heritage – Revenues are under pro-rated budget (80% of pro-rated budget) by \$223,407.
- Heritage – Expenses are over pro-rated budget (152% of pro-rated budget) by \$296,137, due mostly to equipment lease payments paid in April, inventory purchases and interest payments on debt service in June.

Staff will attend the August 25th City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall  
City Manager

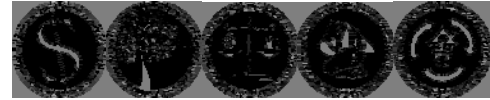
Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003



**SUBJECT:** 2003 Traffic Calming

**Prepared By:** Annette Rodenberg, Neighborhood Traffic Specialist

**Recommended City Council Action**

Authorize the City Manager to execute a contract for the construction of traffic calming devices with low bidder, K.E.C.I. Colorado, Inc., in the amount of \$186,906 and authorize a total project budget of \$214,942, including a construction contingency of \$28,036.

**Summary Statement**

- City Council approved funds in the 2003 General Capital Improvement Fund for construction of traffic calming projects. Working from a prioritized list, three projects that were carried over from 2002 and two projects designed in 2003 were included in the bidding for this year's program. Bids were solicited from eight contractors, with four of those responding.
- City Council action is requested to award the bid for the 2003 Traffic Calming projects to K.E.C.I. Colorado, Inc. and authorize the City Manager to execute that contract in the amount of \$186,906 along with a construction contingency of \$28,306 for the installation of traffic calming devices at five locations in the City.
- The contingency funds for this project will be set aside in a separate account.

**Expenditure Required:** \$214,942.00

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

**Policy Issues**

Should the City continue its program to construct traffic calming devices on residential streets?

**Alternatives**

Alternative 1 - Do not construct traffic calming devices. This action would be a significant disappointment to residents in the several neighborhoods who have participated in planning these projects, particularly in light of the adopted budget for these purposes

Alternative 2 - Postpone construction of traffic calming devices until a future year. This action would disappoint many residents who have been anticipating these projects for several years. Costs may increase in the future as the price of materials and services increase.

**Background Information**

The City has pursued an active program for the installation of traffic calming devices in residential neighborhoods as a means of promoting safe vehicle use. Since the program began several years ago, a growing list of requests for such devices is being prioritized and managed. Using the budgeted funds in the 2003 General Capital Improvement Program, the top five priorities will be installed this year.

- **Turnpike Drive at 80<sup>th</sup> Avenue** – Raised school crossing
- **132<sup>nd</sup> Avenue and Zuni Street** – Raised center median to improve intersection operations
- **Eaton Street at 109<sup>th</sup> Avenue** – Raised school crossing
- **Home Farm Lane at 126<sup>th</sup> Court** – Raised school crossing
- **Alcott Street near 108<sup>th</sup> Avenue** – Raised pedestrian crossing near a park and school bus stop

The projects proposed for construction at this time combine three projects from 2002 that were not constructed due to funding limitations and two projects designed in 2003. All of the projects proposed have been approved by residents and have been placed on a prioritized list in accordance with the current procedure. Two of the locations included in this year’s program have been on the list for three years. The five projects are at school and trail crossings where raised pedestrian crosswalks will be installed, and raised medians to improve intersection operations and pedestrian visibility.

Bids for the referenced projects were received and are compared below:

<u>Contractor</u>	<u>Bid Amount</u>
New Design Construction	\$263,893.34
Technology Constructors	\$237,022.08
Goodland Construction, Inc.	\$203,855.50
K.E.C.I. Colorado, Inc.	\$186,906.00
<b>Engineer’s Estimate</b>	<b>\$215,612.29</b>

The low bidder, K.E.C.I. Colorado has met all of the bid requirements and has successfully completed similar traffic calming projects for the City of Westminster in years past. Staff is recommending award of the contract to K.E.C.I. Construction will begin in mid-September and should be completed by mid-November 2003.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003



**SUBJECT:** Irving St. Library Furniture & Equipment Purchase

**Prepared By:** Kathy Sullivan, Library Services Manager

**Recommended City Council Action**

Authorize the City Manager to sign a contract with OfficeScapes, Inc. to provide furniture and equipment for the Irving Street Library in an amount of \$64,850 and also to set aside a contingency of \$6,500 for a total authorized project budget of \$71,350.

**Summary Statement**

- City Council action is requested to award a bid for the purchase of staff and public computer workstations, lounge furniture, and chairs for the Irving Street Library.
- The approved budget for all Irving Street Library technology, furniture and equipment items is \$300,000.
- \$150,000 was allocated in the budget for computers and other technical equipment, leaving \$110,000 for general furniture items and \$40,000 for library shelving.
- All furniture items provided by OfficeScapes are being offered at (GSA) discount prices.
- The new furnishings are of the high quality required to hold up under years of use in a popular public facility. Staff and public computer workstations offer up-to-date technological and ergonomic features, and other furniture items will complement the building design. All items selected are within a moderate price range.
- The furnishings selected will support the City's goal of providing quality facilities for residents. The new library will be both functional and aesthetically pleasing, serving as a source of pride for Westminster residents, especially those residing in South Westminster.
- The contingency funds for this project will be set aside in a separate account.

**Expenditure Required:** \$71,350

**Source of Funds:** Irving Street Library Capital Improvement Project

**Policy Issue**

Should the City award the contract for the Irving Street Library general furniture items to OfficeScapes, Inc.?

**Alternative**

Council could choose to award the contract to another vendor. This is not recommended, as the vendor chosen was the lowest of the three bidders who provided complete responses to the City’s Request for Proposals.

**Background Information**

Library Staff evaluated a number of furniture lines over the past several months, including, but not limited to, some recommended by the project architect. Visits were made to the showrooms of seven local furniture dealers: Herman Miller, Pear Commercial Interiors, Steelcase/OfficeScapes, Teammates Commercial Interiors, J. Garlin Commercial Furnishings, Downs and Associates, and Jordy Carter Commercial Interiors. Staff compared a number of products for affordability, durability, ergonomic features, and compatibility with the building design, among other factors. Items that were available from a number of different vendors were selected to ensure a competitive process, and all items selected were also available under GSA discount.

A Request for Proposal was sent out by the City on July 16, 2003, for the major furniture items for the library (staff and public computer workstations, lounge seating, general library seating, and stacking chairs). Six vendors responded to the request for proposal for furnishings: Herman Miller, Pear, OfficeScapes, Teammates, Jordy Carter, and Spaces. Two firms were eliminated due to incomplete proposals. One firm was eliminated because their cost exceeded all other bids, they could provide only four of the six specified items, and their suggested substitutions were not acceptable. Staff interviewed the following three remaining firms:

Vendor	Base Bid	No. of Specified Items Provided	Hourly Rates for Extra Services		
			Design	Reconfiguration	Overtime
Herman Miller	\$67,663	All 6 items	\$55	\$37.00	\$55.50
Pear	65,294	5, plus 1 sub	50	32.00	48.00
OfficeScapes	64,850	5, plus 1 sub	55	37.50	56.25

All three firms interviewed offered high-quality services. Although Herman Miller, Inc., was the only firm that could provide all items specified, the substitution offered by the other two firms for chairs for the Children’s library were deemed to be acceptable by Staff.

After reviewing all bids submitted by the vendors, staff recommends awarding the bid to the lowest responsive bidder, OfficeScapes, Inc.

Respectfully submitted,

J. Brent McFall  
City Manager





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003



**SUBJECT:** Second Reading of Councillor's Bill No. 38 re Accent Windows Business Assistance Package

**Prepared By:** Becky Johnson, Economic Development Program Coordinator

**Recommended City Council Action**

Pass Councillor's Bill No. 38 on second reading authorizing the City Manager to execute the business assistance package (BAP) between the City of Westminster and Accent Windows.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading that authorizes the execution of the amendment to the business assistance agreement with Accent Windows.
- Accent Windows manufactures and installs vinyl windows and doors. Accent Windows is considering locating their manufacturing facility from 54<sup>th</sup> Avenue and Washington Street, in unincorporated Adams County, to the existing Data Ray building at 12300 Pecos Street in Park Centre.
- Accent Windows will employ 115 people at move-in.
- Assistance is based in the City's desire to encourage the filling of existing vacant office and industrial space.
- Adams County Economic Development is also proposing an assistance package personal property tax rebates over 4 years. This assistance is provided to aid in the retention of existing County business.

**Expenditure Required:** \$6,000 (Permit Fees and Use Tax Rebates)

**Source of Funds:** The business assistance package to Accent Windows will be funded through the rebate of permit fees, construction use tax, and equipment use tax directly generated from Accent Windows locating to the existing DataRay building in Park Centre Business Park.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **38**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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**A BILL**

**FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN ACCENT WINDOWS AND THE CITY OF WESTMINSTER TO AID IN THE RELOCATION TO PARK CENTRE BUSINESS PARK IN WESTMINSTER**

WHEREAS, the successful attraction and retention of high quality 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 remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, Accent Windows plans to occupy 62,000 square feet in the current DataRay facility at 124<sup>th</sup> Avenue and Pecos Street in Park Centre Business Park, in Westminster; and

WHEREAS, the assistance agreement continues to meet the goal of filling vacant space in the City; and

WHEREAS, a proposed Assistance Agreement between the City and Accent Windows 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 an Assistance Agreement with Accent Windows 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 11th day of August 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 25th day of August 2003.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003



**SUBJECT:** Public Hearing and Action on the Chambers Preserve Annexation and Zoning

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

**Recommended City Council Action:**

1. Hold a public hearing.
2. Adopt Resolution No. 32 making certain findings of fact as required under Section 31-12-10 C.R.S. regarding the Chambers Preserve annexation.
3. Pass Councillor's Bill No. 39 on first reading annexing the Chambers Preserve property to the City of Westminster.
4. Pass Councillor's Bill No. 40 on first reading rezoning the Chambers Preserve property from Jefferson County A-2 to O-1.

**Summary Statement:**

- The Chambers Preserve property is a 15.1-acre parcel located south of the 104<sup>th</sup> Avenue alignment and east of Dover Street. (Please refer to the attached vicinity map.) The property is owned by the Nature Conservancy and is unimproved.
- As a Conservancy property, no development is permitted by deed restriction, and the City has designated this parcel part as open space with the permission of the Conservancy.
- The Conservancy has petitioned for annexation in order to have City emergency services available to the property. Staff believes this is a reasonable request that will not place any significant burden on City services.
- The property is designated as Northeast Comprehensive Development Plan in the City's Comprehensive Land Use Plan (CLUP). No amendment to the CLUP is required.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**SUBJECT:** Public Hearing and Action on the Chambers Preserve Annexation and Zoning Page 2

### **Planning Commission Recommendation**

This proposal was reviewed by the Planning Commission on August 12, 2003. No one appeared in favor or opposition to the request. The Commission voted unanimously (5-0) to recommend that the Chambers Preserve Property be annexed to the City and that it be zoned O-1.

### **Policy Issue**

Should the City annex the Chambers Preserve property at this time? The property is governed by the provisions of the Northeast Comprehensive Development Plan IGA which includes policy adopted by the City Council stating that annexations within the enclave area are in the best interests of the City.

### **Alternative**

Make a finding that there is no community of interest with the Chambers Preserve property, and take no further action. If this action were taken, the property will remain unincorporated and subject to County regulations.

### **Background Information**

No development is proposed or contemplated for this property.

#### Applicant/Property Owner

The Nature Conservancy

#### Surrounding Land Use and Comprehensive Land Use Plan (CLUP) Designations

The property is bordered on the north, east and south by unincorporated land designated as Northeast Comprehensive Development Plan in the CLUP. The land use is low density residential and agricultural.

On the west and southwest the property is bordered by the Warwick Station apartment development within the City of Westminster and is designated as Multi-family residential in the CLUP.

#### Site Plan Information

The property is to remain undeveloped.

#### Traffic and Transportation

Not applicable.

#### Service Commitment Category

No Service Commitments will be required.

#### Referral Agency Responses

None received.

#### Public Comments

No public meeting was held as no development is proposed.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **32**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 26 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:
  - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
  - b. A community of interest exists between the area proposed to be annexed and the City;
  - c. The area is urban or will be urbanized in the near future; and
  - d. The area is integrated with or is capable of being integrated with the City.
  
2. The City Council further finds:
  - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
  
  - b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.
  
3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 25th day of August, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **39**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there 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 Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land, a part of Tracts 42A and 42B, Mandalay Gardens recorded at Reception Number 194693 in Book 15 at Page 36 of the records of the Jefferson County Clerk and Recorder and recorded in the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the northwest corner of said Section 14, the true point of beginning; thence along the north line of said Section N89°59'04"E, 1349.11 feet to a point on the west line of Tract 43 of said Mandalay Gardens, a point on the east line of the northwest quarter of the northwest quarter of said section; thence along said east line S00°35'15"E, 508.96 feet to a point on the south line of Barber Drive; thence along said south line S79°37'16"W, 62.70 feet; thence continuing along said south line N82°11'44"W, 655.15 feet; thence S78°20'16"W, 94.69 feet to a point on the Corporate Limits of the City of Westminster as shown on the "Annexation Plat – Wallace Village," recorded at Rec. # 84050557 of the

Records of the Jefferson County Clerk and Recorder; thence along said Corporate Limits S78°20'16"W, 552.77 feet; thence along said Corporate Limits S89°32'41"W, 4.21 feet (Record 2.92 feet); thence continuing along said Corporate Limits N00°32'12"W, 561.84 feet to the true point of beginning;

Said parcel contains 657772 square feet or 15.1004 acres more or less.

Total perimeter = 3789.4 feet

City of Westminster contiguity = 1118.9 feet/29.5%

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 25th day of August, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **40**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14, 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 A-2 to City of Westminster O-1 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 A-2 to City of Westminster O-1. A parcel of land located in Section 14, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land, a part of Tracts 42A and 42B, Mandalay Gardens recorded at Reception Number 194693 in Book 15 at Page 36 of the records of the Jefferson County Clerk and Recorder and recorded in the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the northwest corner of said Section 14, the true point of beginning; thence along the north line of said Section N89°59'04"E, 1349.11 feet to a point on the west line of Tract 43 of said Mandalay Gardens, a point on the east line of the northwest quarter of the northwest quarter of said section; thence along said east line S00°35'15"E, 508.96 feet to a point on the south line of Barber Drive; thence along said south line S79°37'16"W, 62.70 feet; thence continuing along said south line N82°11'44"W, 655.15 feet; thence S78°20'16"W, 94.69 feet to a point on the Corporate Limits of the City

of Westminster as shown on the "Annexation Plat – Wallace Village," recorded at Rec. # 84050557 of the Records of the Jefferson County Clerk and Recorder; thence along said Corporate Limits S78°20'16"W, 552.77 feet; thence along said Corporate Limits S89°32'41"W, 4.21 feet (Record 2.92 feet); thence continuing along said Corporate Limits N00°32'12"W, 561.84 feet to the true point of beginning;

Said parcel contains 657772 square feet or 15.1004 acres more or less.

Total perimeter = 3789.4 feet

City of Westminster contiguity = 1118.9 feet/29.5%

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 25<sup>th</sup> day of August, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003



**SUBJECT:** Public Hearing and Action on the Annexation, Zoning and Comprehensive Land Use Plan Amendment for the Hazlewood Property Located at 14781 Huron Street

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

**Recommended City Council Action:**

1. Hold a public hearing.
2. Adopt Resolution No. 33 making certain findings of fact as required under Section 31-12-110 C.R.S. regarding the annexation of the Hazlewood property.
3. Pass Councillor's Bill No. 41 on first reading annexing the Hazlewood property to the City of Westminster.
4. Pass Councillor's Bill No. 42 on first reading adding the Hazlewood property to the Westminster Comprehensive Land Use Plan with a designation of Single-Family Detached Residential – Very Low Density.
5. Pass Councillor's Bill No. 43 on first reading rezoning the Hazlewood property from Adams County A-1 to City of Westminster O-1.

**Summary Statement:**

- The Hazlewood property is a 2.5-acre parcel located at 14781 Huron Street that is at the southwest corner of 148<sup>th</sup> Avenue and Huron Street. (Please refer to the attached vicinity map.) The property is owned by the Hazlewood family and is improved with a single-family residence.
- The Hazlewood's have requested annexation for the purpose of allowing connection to the City's water and sewer system at some time in the future. No other development is proposed at this time.
- This parcel is part of the Robin Hill Subdivision that is a completely surrounded enclave in Adams County. All necessary services are currently available to serve this property.
- Staff is recommending that the property be added to the Comprehensive Land Use Plan (CLUP) as Single-Family Detached Residential – Very Low Density. This category is consistent with the adjacent Quail Hill subdivision and the existing land use.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**SUBJECT:** Public Hearing and Action on the Annexation, Zoning and Comprehensive Land Use Plan Amendment for the Hazlewood Property Located at 14781 Huron Street Page 2

### **Planning Commission Recommendation**

This request was heard by the Planning Commission on August 12, 2003. No one spoke in favor or opposition to the annexation. The Commission voted unanimously (5-0) to recommend to the City Council that the property be annexed to the City and that it be zoned O-1 (which allows limited agricultural uses). The Commission also recommended that the Comprehensive Land Use Plan be amended to add the Hazlewood property and that it be designated as Single-Family Detached – Very Low Density.

### **Policy Issue**

Should the City annex the Hazlewood property at this time?

### **Alternative**

Make a finding that there is no community of interest for the Hazlewood property, and take no further action. If this action were taken, the property will remain unincorporated and City services will not be available to the owners.

### **Background Information**

No further development is proposed for this property. It is located along the side south of the entrance to Quail Hill and is surrounded by the City on three sides. The applicant has asked that the property be zoned O-1, which permits limited agricultural uses. The proposed CLUP designation of Single Family Detached Residential– Very Low Density is the same as that for the Quail Hill Subdivision, which borders the property on the west.

### Applicant/Property Owner

Fred and Deborah Hazlewood

### Surrounding Land Use and Comprehensive Land Use Plan (CLUP) Designations

The property is bordered on the north and west by the Quail Hill Subdivision that is designated as Single - Family Detached - Very Low Density in the CLUP, and on the east by Huron Street. To the south, the property is unincorporated Adams County where the land use is low density residential and agricultural.

### Site Plan Information

There is a single-family residence on the property and no further development is proposed.

### Traffic and Transportation

Not applicable.

### Service Commitment Category

A single Service Commitment would be required to be allocated as an infill property.

### Referral Agency Responses

None

### Public Comments

No public meeting was held since no new development is proposed.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

## RESOLUTION

RESOLUTION NO. **33**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 27 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:
  - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
  - b. A community of interest exists between the area proposed to be annexed and the City;
  - c. The area is urban or will be urbanized in the near future; and
  - d. The area is integrated with or is capable of being integrated with the City.
2. The City Council further finds:
  - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
  - b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.
3. The City Council further finds:
  - a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;
  - b. That the annexation will not result in the attachment of area from a school district;
  - c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;
  - d. That the City of Westminster has in place a plan for the area proposed to be annexed; and

e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

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

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

PASSED AND ADOPTED this 25th day of August, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **41**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, 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 Adams, 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 Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

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

Lot 1, Robin Hill Farm and 20' of right-of-way for Huron Street as dedicated in said Robin Hill Farm. More particularly described as follows:

Commencing at the northeast corner of the southeast one-quarter of Section 16, Township 1 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado; thence South 89°56'18" West, on the north line of said southeast one-quarter, a distance of 30.00 feet; thence south 00°08'42" East on the west line of Huron Street, a distance of 120.00 feet to the point of beginning; thence continuing south 00°08'42" East, a distance of 150.00 feet;

Thence south 89°56'18" West on the south line of said Robin Hill Farm, a distance of 726.00 feet to the southwest corner of said Lot 1;

Thence north 00°08'42" West, on the east line of Lot 12, Quail Hill Subdivision, also being the west line of said Lot 1, Robin Hill Farm, a distance of 150.00 to the northwest corner of said Lot 1;

Thence north 89°56'18" East, on the south line of West 148<sup>th</sup> Avenue, also being the north line of Robin Hill Farm, a distance of 726.00 feet to the point of beginning. Containing 108,900 square feet or 2.5 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 25th day of August, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **42**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan that 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 which are necessary to alter the designation of the Hazlewood annexation property, legally described as follows:

Lot 1, Robin Hill Farm and 20' of right-of-way for Huron Street as dedicated in said Robin Hill Farm. More particularly described as follows:

Commencing at the northeast corner of the southeast one-quarter of Section 16, Township 1 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado; thence South 89°56'18" West, on the north line of said southeast one-quarter, a distance of 30.00 feet; thence south 00°08'42" East on the west line of Huron Street, a distance of 120.00 feet to the point of beginning; thence continuing south 00°08'42" East, a distance of 150.00 feet;

Thence south 89°56'18" West on the south line of said Robin Hill Farm, a distance of 726.00 feet to the southwest corner of said Lot 1;

Thence north 00°08'42" West, on the east line of Lot 12, Quail Hill Subdivision, also being the west line of said Lot 1, Robin Hill Farm, a distance of 150.00 to the northwest corner of said Lot 1;

Thence north 89°56'18" East, on the south line of West 148<sup>th</sup> Avenue, also being the north line of Robin Hill Farm, a distance of 726.00 feet to the point of beginning. Containing 108,900 square feet or 2.5 acres more or less.

The Hazlewood annexation property shall be changed from Unincorporated Adams County, to Single Family Detached Residential-Very Low Density, 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 25<sup>th</sup> of August, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **43**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, 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 Adams County A-1 to City of Westminster O-1 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 Adams County A-1 to City of Westminster O-1. A parcel of land located in Section 16, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Lot 1, Robin Hill Farm and 20' of right-of-way for Huron Street as dedicated in said Robin Hill Farm. More particularly described as follows:

Commencing at the northeast corner of the southeast one-quarter of Section 16, Township 1 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado; thence South 89°56'18" West, on the north line of said southeast one-quarter, a distance of 30.00 feet; thence south 00°08'42" East on the west line of Huron Street, a distance of 120.00 feet to the point of beginning; thence continuing south 00°08'42" East, a distance of 150.00 feet;

Thence south 89°56'18" West on the south line of said Robin Hill Farm, a distance of 726.00 feet to the southwest corner of said Lot 1;

Thence north 00°08'42" West, on the east line of Lot 12, Quail Hill Subdivision, also being the west line of said Lot 1, Robin Hill Farm, a distance of 150.00 to the northwest corner of said Lot 1;

Thence north 89°56'18" East, on the south line of West 148<sup>th</sup> Avenue, also being the north line of Robin Hill Farm, a distance of 726.00 feet to the point of beginning. Containing 108,900 square feet or 2.5 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 25<sup>th</sup> day of August, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003



**SUBJECT:** Public Hearing and Action on the Proposed Meadow View Preliminary and Official Development Plan

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

**Recommended City Council Action:**

1. Hold a public hearing.
2. Approve the combined Preliminary/Official Development Plan for the Meadow View Subdivision with the following conditions:
  - The 6-foot fences along 107<sup>th</sup> Avenue and along Simms Street be vinyl rather than cedar;
  - That all fees be paid as required by City Code.

**Summary Statement:**

- The Meadow View subdivision is located on both sides of 107<sup>th</sup> Avenue, west of Simms Street and consists of 7.4 acres of vacant land. (Please refer to the attached vicinity map.)
- The applicant is requesting Preliminary Development Plan (PDP) and Official Development Plan (ODP) approval for 20 single-family detached residences. Lot sizes will range from 6,759 square feet to 11,467 square feet, with a project density of 3.38 units per acre.
- The proposed homes will be compatible with the existing residences in the Walnut Creek development that is located to the west, and will meet the requirements of the City's Comprehensive Land Use Plan (CLUP).
- The property is located within the Standley Lake Water and Sanitary Sewer Dissolution Agreement area, and is therefore not subject to the Category B competition.
- The property was annexed in 2002. An annexation agreement was also adopted at that time in which the applicant agreed to dedicate additional land for the Simms Street right-of-way, and was in return permitted to count that area when determining the allowed density for the property.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

### **Planning Commission Recommendation**

The Planning Commission heard this proposal on August 12, 2003. Three residents in the neighboring subdivisions spoke in favor of the proposal. One resident expressed opposition to the proposed traffic circle on 107<sup>th</sup> Avenue and one resident requested clarification on the fences, costs of homes, covenant agreements and maintenance of streets. The City received one letter in opposition to the proposal. The following actions were taken by the Planning Commission:

- 1) The Commission voted unanimously (5-0) to recommend to the City Council that the combined PDP/ODP for the Meadow View subdivision be approved.
- 2) The Commission voted (3-2) to recommend the ODP be amended to require the fences along Simms Street and 107<sup>th</sup> Avenue be vinyl instead of cedar. The two Commissioners who voted against the motion felt that the cedar fence was a better fit in this area.

### **Policy Issue**

Whether to approve the combined PDP/ODP for the Meadow View subdivision.

### **Alternative**

Deny the proposed PDP/ODP for the Meadow View, or approve the plan with modifications. If it were denied the applicant would not be able to develop the property as anticipated.

### **Background Information**

The proposed Meadow View subdivision is located between the Walnut Creek subdivision and Simms Street across from the Countryside subdivision. The average lot size for the proposed twenty lots is 9,093 square feet with a project density of 3.38 units per acre. The maximum density permitted by the CLUP is 3.5 units per acre.

The project will be built in two phases. The first phase will be the five lots located on the north side of 107<sup>th</sup> Avenue; and the second, the 15 lots south of 107<sup>th</sup> Avenue.

### Applicant/Property Owner

The property is owned by Signature Financial Properties, represented by John Ray.

### Surrounding Land Use and Comprehensive Land Use Plan (CLUP) Designations

The property to the north is a planned office park in the City of Broomfield; to the south is City of Westminster open space; to the east across Simms Street is the Countryside subdivision that is Single-Family Detached - Medium Density; and to the west is the Walnut Creek subdivision located in unincorporated Jefferson County.

### Site Plan Information

Five lots are located along the north side of 107<sup>th</sup> Avenue, and the balance of the lots on the south side accessed by a local loop street. A split rail fence is proposed to separate the property from the open space to the south and a 6-foot privacy fence with brick columns will be constructed along Simms Street. The Planning Commission and Staff are recommending that the 6-foot fence be vinyl rather than cedar. A ten-foot easement will be added to the dedication for Simms Street in order to provide a better buffer. A berm with landscaping will be constructed in that area.

Detention areas will be constructed on both sides of 107<sup>th</sup> Avenue at the entrance of the development to further remove the homes from the street and to provide a landscaped area at the entrance.

The lots will be comparable in size to those in the Walnut Creek subdivision that will share an entrance with this development.

Traffic and Transportation

In order to calm traffic along 107<sup>th</sup> Avenue, the ODP proposes a traffic circle at the west end of the development, at the west end of the 106<sup>th</sup> Place loop street. This is intended to prevent excessive speeds along that portion of the road, which also serves as the only access to the adjacent Walnut Creek subdivision.

A deceleration lane will also be constructed by the developer on Simms Street to provide safe access to this site until improvements are made to expand Simms Street.

Service Commitment Category

Twenty Service Commitments will be required to serve the project that, if approved, will be allocated out of Category A.

Referral Agency Responses

No responses were received.

Public Comments

A meeting was held with the residents of the Walnut Creek subdivision who have indicated their support for the development of single-family residences in this area.

Respectfully submitted,

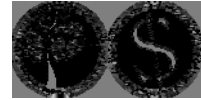
J. Brent McFall  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**



City Council Meeting  
August 25, 2003

**SUBJECT:** Resolution No. 34 re Approval of Selected Documents for WEDA Bond Issue

**Prepared by:** Mary Ann Parrot, Finance Director

**Recommended City Council Action:**

Adopt Resolution No. 34 that provides City approval to selected documents for the WEDA Bonds of \$38.525 million, to which the City is a party including the Replenishment Resolution, the City Cooperation Agreement with WEDA, and the Letter of Credit Reimbursement Agreement.

**Summary**

Replenishment Resolution: Adoption by the City Council of the Replenishment Resolution is required to complete the part of the bonding structure known as the "moral obligation."

- The basis of the resolution is such that if, at any time, the WEDA bonded reserve of \$3,160,000 falls below this required level, the City will budget, appropriate, and transfer to the trustee bank the funds necessary to replenish these bonded reserves. Because the Replenishment Resolution is subject to annual appropriation, it does not constitute a multi-year fiscal obligation, and therefore does not subject the City to TABOR requirements.
- By providing its non-binding moral obligation, subject to annual appropriation, the City is providing a further credit enhancement to the Authority's bonds, thus serving to minimize interest costs and improve the marketability of the bonds. Because of the structure of the reserves (there is a bonded reserve and also a minimum balance maintained in another account for this bond issue), Staff does not anticipate the need for the City to actually transfer funds at any time.
- Staff has also had discussions with the credit rating agencies about the impact on the City's credit of issuing a moral obligation pledge for the WEDA Bonds. At this time the agencies have told City officials that the City's credit rating will not be affected. For future financings, this needs to be reviewed on a case-by-case basis, as has been done with the past WEDA financings, in the event this would have an impact on the City's credit rating.

Cooperation Agreement

In addition, City Council action is requested to approve a Cooperation Agreement between the City and the Authority, which provides for the repayment to the City of funds advanced to and on behalf of the Authority from tax increment, if such revenue is available after other debts are paid. This would permit recovery by the City of any amounts paid by the City to replenish reserve and revenue funds held by the trustee bank in connection with the Authority's bonds. This is a routine WEDA-City action when WEDA is issuing bonds: two prior agreements were approved in 1991 and 1997.

Letter of Credit Reimbursement Agreement

Lastly, City Council action is requested to approve a three-party Letter of Credit Reimbursement Agreement between HSH Nordbank AG (WEDA's Letter of Credit Bank), WEDA and the City. This is necessary because the City is referenced in this agreement as a party to the replenishment resolution and the bank is desirous of City participation in this agreement. The City Attorney and Bond Counsel have agreed this is in conformance with state and local laws.

**Expenditure Required:** None

**Source of Funds:** N/A



**Policy Issues**

1. Does the City desire to provide its non-binding moral obligation pledge to replenish the reserve fund on the WEDA bonds in the event it is drawn down to meet debt service requirements?
2. Does the City desire to participate in the WEDA Cooperation Agreement and the Letter of Credit Reimbursement Agreement?

**Alternatives**

1. Decline or delay approval of the replenishment resolution. This is not recommended. Although non-binding, this would not be favorably viewed by the letter of credit bank, the bond investors and the marketplace, and would result in the failure of the bond sale.
2. Decline or delay approval of the Cooperation Agreement and the Letter of Credit Reimbursement Agreement. This is not recommended, as it will result in the failure of the bond sale.

**Background Information**

The advent of market acceptance of the value of a promise to pay by a local unit of government is a recent phenomenon. Because the City's credit rating is AA/AA-, the word of the City has merit and can and should be used to reduce the costs and improve the marketability of the Authority's (WEDA) bonds. The moral obligation is a promise to pay, but is also subject to annual appropriation, and is non-binding and thus does not constitute a multiple fiscal-year obligation.

Staff does not anticipate the need for the City's moral obligation to replenish the reserve fund to be called into play at any time. The forecasts for the tax increment revenues for the Mandalay Town Center project are as follows:

- From August 2003 through August 2005: No revenues from the district; capitalized interest will service the bonds and has been set aside to meet debt service requirements and leave excess funds in this account if needed.
- After August 2005, the district will need to rely on property and sales tax revenues to meet debt service requirements:
  - From April 2005 through June 2005: Property tax revenues will accrue for the partial Target assessment.
  - From December 2004 forward: Sales tax revenues will accrue ranging from \$1.68 million (Target only) to \$2.9 million at full build out and absorption-leasing (which ranges from 65% to 85% during the 25-year period).
  - Together, these funds are adequate to meet debt service requirements in late 2004 and through 2005.
- In 2006, the following revenue streams are adequate to meet debt service requirements as well:
  - From April 2006 through June 2006: Property tax revenues will accrue for the full Target assessment and the partial assessment for Phase II of the project.
  - Sales tax revenues on Target and Phase II of the project as it begins to lease up.
  - Together, these funds are adequate to meet debt service requirements in 2006.
- In 2007, the following revenue streams are adequate to meet debt service requirements as well:
  - From April 2007 through June 2007 and forward: Property tax revenues will accrue for the full project development.
  - Sales tax revenues on Target and Phase II of the project as it is fully leased up.
  - Together these funds are adequate to meet debt service requirements in 2007 and forward.
- Total Sales and Property Tax Revenues at build out (2007) are projected to be approximately \$4.0 million

- Average Debt Service is projected (at an assumed 4% interest rate) to be \$2.53 million, leaving excess sales tax revenues to flow to the City of \$1.47 million when the project is fully built and leased to the tenants. These funds will be available to the City for other uses.
- Assumptions in the feasibility study vary from 65% vacancy rate to 15% vacancy rate across the 25-year period, to allow for conservative occupancy rates.
- Until that time, Staff analysis shows that adequate funds are available to make debt service needs and to produce excess sales tax funds for use by the City.

The Cooperation Agreement is between WEDA and the City and is a continuation of earlier Cooperation Agreements from 1991 and 1997, wherein WEDA agrees to pay the City back for funds it has been advanced (for reserve fund replenishment and other loans for staffing time, etc.), and the City agrees to loan funds to WEDA as it needs to do so.

The Letter of Credit Reimbursement Agreement is the central document for providing payments to HSH Nordbank when they make debt service payments on WEDA's behalf. It governs how and when WEDA would reimburse HSH Nordbank for the draws on the letter of credit as they are made when they pay the bondholders the interest and principal payments due to them. It also describes covenants the City and WEDA make, defines defaults and the remedies. This is a standard document that is executed with each variable rate transaction.

Staff will attend the City Council meeting of August 25 to answer City Councillor questions.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 34

INTRODUCED BY COUNCILLORS

SERIES OF 2003

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A RESOLUTION CONCERNING THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY AND ITS TAXABLE TAX INCREMENT REVENUE BONDS SERIES 2003, AUTHORIZING AND DIRECTING ACTIONS BY THE CITY MANAGER WITH RESPECT TO THE PREPARATION OF REQUESTS TO THE COUNCIL FOR APPROPRIATION OF FUNDS FOR THE REPLENISHMENT OF CERTAIN FUNDS PERTAINING THERETO; AUTHORIZING THE COOPERATION AGREEMENT AND REIMBURSEMENT AGREEMENT AND OTHER ACTIONS TAKEN BY THE CITY IN CONNECTION THEREWITH.

WHEREAS, the City Council (the "City Council") of the City of Westminster, Colorado (the "City"), by Resolution No. 40 adopted September 14, 1987 (the "Authority Resolution"), created the Westminster Economic Development Authority (the "Authority"); and

WHEREAS, pursuant to Resolution No. 9 adopted on March 17, 2003, the City approved the Mandalay Gardens Urban Renewal Plan (the "Plan") pursuant to the Colorado Urban Renewal Law; and

WHEREAS, pursuant to an Indenture of Trust dated as of August 1, 2003 (the "Indenture"), the Authority is issuing its Taxable Tax Increment Adjustable Rate Revenue Bonds (Mandalay Gardens Urban Renewal Project) Series 2003, in the original aggregate principal amount of \$38,525,000 (the "Bonds") for the purpose of financing the acquisition, construction and equipping of the project described in the Indenture and the Plan (the "Project"); and

WHEREAS, pursuant to a Cooperation Agreement (the "Cooperation Agreement") between the City and the Authority, the City will agree, subject to conditions specified in the Cooperation Agreement, to loan funds to the Authority for the Project; and

WHEREAS, there will be created under the Indenture a reserve fund (the "Reserve Fund") which will be funded initially in the amount of Bond Reserve Requirement (as defined in the Indenture) on the Bonds, and is required to be maintained at such amount to be used as a reserve against deficiencies in the payment of principal of or interest on the Bonds and in certain other payments; and

WHEREAS, the Indenture contemplates that if, at any time, the funds available in the Reserve Fund are less than the Bond Reserve Requirement, the Trustee shall so notify the City Manager, who shall request that the City Council advance sufficient funds pursuant to the Cooperation Agreement to restore the Reserve Fund to the Bond Reserve Requirement; and

WHEREAS, the City Council wishes to make a non-binding statement of its present intent with respect to the appropriation of funds for the replenishment of the Reserve Fund, and to authorize and direct the City Manager to take certain actions for the purpose of causing requests for such appropriations to be presented to the City Council for consideration; and

WHEREAS, the Bonds will be secured by a direct pay letter of credit (the "Letter of Credit") issued by HSH Nordbank AG, New York Branch (the "Bank") pursuant to a Reimbursement Agreement by and between the Authority, the City and the Bank, a form of which has been presented to the City Council; and

WHEREAS, there have been presented to the City Council forms of the Cooperation Agreement and Reimbursement Agreement.

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

Section 1. Appropriations to Replenish Reserve Fund. The City Manager shall, upon notice from the Trustee that the Reserve Fund is funded at less than the Bond Reserve Requirement, prepare and submit to the City Council a request for an appropriation of a sufficient amount to replenish the Reserve Fund to the Bond Reserve Requirement. It is the present intention and expectation of the City Council to appropriate such funds as requested, within the limits of available funds and revenues, but this declaration of intent shall not be binding upon the City Council or any future City Council in any future fiscal year. The City Council may determine in its sole discretion, but shall never be required, to make the appropriations so requested. All sums appropriated by the City Council for such purpose shall be deposited by the Authority in the Reserve Fund. Nothing provided in this Section 1 shall create or constitute a debt, liability or multiple fiscal year financial obligation of the City.

Section 2. Repayment of Amounts Appropriated. In the event that the City Council appropriates funds as contemplated by Section 1 hereof, any amounts actually advanced shall be treated as an obligation under the Cooperation Agreement and shall be repaid by the Authority, with interest thereon, but shall be payable from and secured solely by the Pledged Revenues of the Authority, as provided in the Cooperation Agreement, on a basis expressly subordinate and junior to that of the Bonds and any obligations secured under the Indenture

Section 3. Limitation to Bonds and Other Obligations Originally Secured by Indenture. Unless otherwise expressly provided by a subsequent resolution of the City Council, the provisions of this Resolution shall apply only to the Reserve Fund originally established in connection with the Bonds and any obligations secured on a parity with the Bonds, and shall not apply to any other additional obligations issued under the Indenture.

Section 4. Approval and Authorization of the Cooperation Agreement and the Reimbursement Agreement. The forms of the Cooperation Agreement and the Reimbursement Agreement are hereby approved. The City shall enter into and perform its obligations under the Cooperation Agreement and Reimbursement Agreement, in the forms of each of such documents presented at this meeting, with only such changes therein as are not inconsistent herewith. The City Manager is hereby authorized and directed to execute the Cooperation Agreement and the Reimbursement Agreement on behalf of the City. The City Clerk is hereby authorized to attest to the Cooperation Agreement and the Reimbursement Agreement.

Section 5. General Repealer. All prior resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. Effectiveness. This Resolution shall take effect immediately upon its passage.

RESOLVED AND PASSED this 25<sup>th</sup> day of August, 2003.

CITY OF WESTMINSTER, COLORADO

\_\_\_\_\_  
Mayor

ATTEST:

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

STATE OF COLORADO                    )  
  ) SS.  
CITY OF WESTMINSTER                )

I, the City Clerk of the City of Westminster, do hereby certify that:

1.       The foregoing pages are a true and correct copy of a resolution (the “Resolution”) passed and adopted by the City Council (the “Council”) at a regular meeting held on August 25, 2003.

2.       The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of August 25, 2003, 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 of the City, sealed with the City seal, attested by the City 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 25, 2003 in the form attached hereto as Exhibit A was posted in at the Westminster City Hall, 4800 W. 92nd Street, in the City of Westminster, not less than twenty-four hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of the City affixed this 25<sup>th</sup> day of August, 2003.

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

(SEAL)

Exhibit A

(Form of Notice of Meeting)



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003



**SUBJECT:** Councillor's Bill No. 44 re Vacation of a Portion of 105<sup>th</sup> Avenue Right-of-Way

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

**Recommended City Council Action**

Pass Councillor's Bill No. 44 as an emergency ordinance, vacating a portion of 105<sup>th</sup> Avenue within the Mandalay Town Center property.

**Summary Statement**

- City Council action is requested on the above referenced Councillor's Bill to vacate a portion of 105<sup>th</sup> Avenue (see attached map).
- The vacation is needed in order to develop the Mandalay Town Center project as shown on the approved Preliminary Development Plan.
- An emergency ordinance is required in order to meet several time sensitive deadlines pertaining to the construction of the Target Superstore and associated infrastructure.
- Description of the street is included within the Background Information section of this agenda memorandum.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**SUBJECT:** Councillor's Bill re Vacation of a Portion of 105<sup>th</sup> Avenue within the Mandalay Town Center project.

Page 2

### **Policy Issue**

Should the City Council vacate portions of 105<sup>th</sup> Avenue, which by City Code, must be vacated by an ordinance of the City Council?

### **Alternative**

Do not vacate the subject right-of-way. This alternative is not recommended because the subject portion of the street runs through the middle of the proposed Mandalay Town Center development and would inhibit the implementation of that project.

### **Background Information**

The portion of 105<sup>th</sup> Avenue affected by the proposed ordinance runs through the middle of the property that has been planned for the Mandalay Town Center project, including the area upon which the proposed Target Superstore has been approved. The area to be vacated currently connects Wadsworth Boulevard to Reed Street, and is 60 feet wide at the west end and 40 feet wide between the railroad tracks and Reed Street. The total amount of land proposed for vacation is 2.14 Acres.

If the Council agrees to the vacation, the land would become the property of either WEDA or of RED Development depending on the timing of the land transfers between those two entities. Eventually, the western portion will be sold to Target and the remainder will become part of the Phase II development of the Mandalay Town Center.

Staff is recommending that the vacation be passed as an emergency ordinance in order to meet time sensitive deadlines pertaining to the transfer of ownership needed to proceed with the Target Superstore construction.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



BY AUTHORITY

ORDINANCE NO. **3042**

COUNCILLOR'S BILL NO. **44**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**Kauffman-Dittman**

A BILL

FOR AN ORDINANCE VACATING PORTIONS OF 105<sup>th</sup> AVENUE BETWEEN REED STREET AND WADSWORTH BOULEVARD

WHEREAS, a certain portion of 105<sup>TH</sup> Avenue was dedicated by the Mandalay Gardens Subdivision; and

WHEREAS, this portion of the street lies within the boundaries of the Mandalay Town Center PUD; and

WHEREAS, this portion of the street is not necessary for access to any private parcels within the development; and

WHEREAS, the vacation is necessary in order to make the improvements to the property in accordance with the approved Preliminary Development Plan.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the portion of 105<sup>th</sup> Avenue herein described.

Section 2. Legal Description of 105<sup>th</sup> Avenue:

A parcel of land being a portion of Wadsworth Avenue (now known as West 105<sup>th</sup> Avenue) and Haney Drive (now knows as West 105<sup>th</sup> Avenue) as shown on the plat of Mandalay Gardens, in the City of Westminster, County of Jefferson, State of Colorado, recorded in the office of the Clerk and Recorder of said county, lying in the southeast quarter of Section 11, Township 2 South, Range 69 West, of the Sixth Principal Meridian, in said City, county, and state, more particularly described as follows.

Commencing at the south quarter corner of said Section 11, whence the southeast corner of said Section 11 bears North 89°52'45" east, with all bearings herein being referenced to this line,

Thence along the southerly line of said southeast quarter of Section 11, north 88°52'45" east 69.80 feet to the easterly right-of-way of said West 105<sup>th</sup> Avenue,

Thence along the easterly and southeasterly right-of-way of said West 105<sup>th</sup> Avenue the following 2 courses.

- 1) North 15°16'11" East 187.26 feet,
- 2) North 40°35'24" East 24.58 feet to the true point of beginning,

Thence departing said southeasterly right-of-way north 00°19'32" east 92.83 feet to the northwesterly right-of-way of said West 105<sup>th</sup> Avenue,

Thence along the northwesterly and northerly right-of-way of said West 105<sup>th</sup> Avenue the following 2 courses.

- 1) North 40°35'24" east 507.80 feet,
  - 2) South 89°59'27" east 1543.66 feet to the westerly right-of-way of said reed street,
- Thence along the southerly prolongation of said westerly right-of-way south 00°52'42" west 40.00 feet to the southerly right-of-way of said West 105<sup>th</sup> Avenue,

Thence along the southerly and southeasterly right-of-way of said West 105<sup>th</sup> Avenue the following 2 courses.

- 1) North 89°59'27" west 1498.86 feet,
- 2) South 40°35'24" west 576.64 feet to the true point of beginning.

Containing 2.143 acres (93,362 sq. ft.), more or less.

Section 3. Because any delay in initiating and completing the Mandalay Town Center improvements pursuant to the Redevelopment Agreement with the developer could jeopardize the timely opening of the Target Superstore and the ability of the Authority to meet the debt service for the bond issue for the project, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on August 25, 2003, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 25<sup>th</sup> day of August, 2003.

\_\_\_\_\_  
Mayor

ATTEST:

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003



**SUBJECT:** Resolution No. 35 re conveyance of City owned property and waiver of development related fees and use tax to Habitat for Humanity of Metro Denver

**Prepared By:** Robin Byrnes, Community Development Programs Coordinator

**Recommended City Council Action:**

Adopt Resolution No. 35 authorizing the City Manager to sign a contract to convey a parcel of City owned property located on 80<sup>th</sup> Avenue and Grove Street, valued at \$135,000, to Habitat of Humanity for Metro Denver and to also waive development fees and use tax in the amount of \$8,398 associated with the new construction of two single family homes on the property.

**Summary Statement:**

- In November 1990 High Plains Group Homes received \$70,000 in Community Development Block Grant (CDBG) funds from the City to acquire land to construct a group home for adults with developmental disabilities at 3155 West 80<sup>th</sup> Avenue. Upon completing construction the City retained ownership of a tract of vacant land. Given the use of CDBG funds the land must be used for an eligible project. Providing housing for low-income families is consistent with the goals and objectives of the Community Development Block Grant program.
- Habitat for Humanity of Metro Denver is a 501(c)(3) non-profit agency that builds affordable single-family homes for families who are very low income. Habitat for Humanity has built three single-family homes in the City of Westminster on 79<sup>th</sup> Avenue and Appleblossom Lane that were completed in the Spring/Summer of 2002. The City waived the development fees and use tax in the amount of \$16,000 to support the housing project.
- Habitat for Humanity of Metro Denver, makes no profit or interest income on the homes they build and sell, and utilizes volunteers, donations of land, supplies and materials, reduction or waiver of development fees, and homeowner sweat equity to subsidize the construction of a single family home in order to reduce the purchase price.
- The City Planning, Building, Engineering, and South Westminster Division staff under the Department of Community Development have been working with Habitat for Humanity of Metro Denver for over a year on the development of two single family homes on a City owned parcel located at 80<sup>th</sup> Avenue and Grove Street, just west of 80<sup>th</sup> Avenue and Federal Boulevard.

**Expenditure Required:** \$135,000 Appraised Value of Property  
\$8,398 Waived Development and Use Tax Fees

**Source of Funds:** Conveyance of City Owned land

**Policy Issue**

Should the City convey property and waive development fees and use tax to support the development of affordable housing for low-income families?

**Alternatives**

Do not approve the Resolution authorizing the conveyance of the property and requested waivers or amend the attached Resolution and reduce the amount of the waivers. This option is not recommended as it could affect the cost of building the homes, and make it difficult for this affordable housing project to move forward.

**Background Information**

Habitat for Humanity of Metro Denver is a nonprofit affordable housing developer working in the Denver Metropolitan Area and has built three single-family homes in the City of Westminster. Habitat for Humanity utilizes volunteers, donations of supplies and materials, reduction or waiver of development fees, donated land and homeowner sweat equity to subsidize the construction of a single family home in order to reduce the purchase price. The families Habitat for Humanity picks to become homeowners are all low income and pay no more than 25% of their income towards the mortgage payment. Habitat holds the mortgage on the homes they build providing retention of the low income housing stock, and provides homeownership counseling to all prospective homebuyers. All mortgage loans are interest free. Habitat makes no profit or interest income on the homes they build and sell.

Habitat for Humanity of Metro Denver has requested that the City of Westminster waive development related fees and use taxes on the new construction of two single-family homes to be sold to low-income families. Habitat for Humanity is also requesting that the City convey city owned property appraised at \$135,000. The vacant parcel was purchased in 1990 with CDBG funds and therefore must be utilized for an eligible project purpose. The provision of affordable low-income housing is consistent with the goals and objectives of the CDBG program. Following is a break down of the requested fees and use tax to be waived for the two homes:

<b>Fee</b>	<b>2 homes</b>
Building Permit	\$1,003.10
Electric Permit	\$227.20
Plumbing Permit	\$227.20
Mechanical Permit	\$227.20
Plan check Fee	\$1,095.06
Estimated Use Tax	\$2,524.24
Park Development Fee	\$3,094.00
<b>Total</b>	<b>\$8,398.00</b>

Habitat for Humanity will purchase water and sewer tap fees. The waivers as requested will total approximately \$8,398 or an average subsidy of \$4,199 per house.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**RESOLUTION**

**RESOLUTION NO. 35**

**INTRODUCED BY COUNCILLORS**

SERIES OF 2003

\_\_\_\_\_

A RESOLUTION WAIVING CERTAIN DEVELOPMENT RELATED FEES AND USE TAXES, EXCEPT WATER AND SEWER TAP FEES AND PUBLIC LAND DEDICATION/SCHOOL FEES, AND AUTHORIZATION OF THE CITY MANAGER TO EXECUTE LOAN DOCUMENTS TO CONVEY A PARCEL OF CITY OWNED PROPERTY IN CONNECTION WITH THE NEW CONSTRUCTION OF TWO SINGLE FAMILY HOMES TO BE LOCATED AT 80<sup>TH</sup> AVENUE AND GROVE STREET BY HABITAT FOR HUMANITY OF METRO DENVER.

WHEREAS, Habitat for Humanity of Metro Denver is a nonprofit affordable housing developer;

WHEREAS, Habitat for Humanity of Metro Denver utilizes volunteers, donations of land, supplies and materials, reduction or waiver of development fees and use tax and homeowner sweat equity to subsidize the construction of single family homes in order to reduce the selling price to low income families; and

WHEREAS, Habitat for Humanity of Metro Denver wants to construct two single-family homes on City owned property located on 80<sup>th</sup> Avenue and Grove Street which the City intends to convey the property at an appraised value of \$135,000 to Habitat for Humanity of Metro Denver; and

WHEREAS, Habitat for Humanity of Metro Denver has requested that the City of Westminster waive it's development fees and use taxes associated with the new construction of two single family homes with the exception of water and sewer tap fees; specifically all building, electrical, plumbing, and mechanical permit fees, plan check fee, use tax, and park development, public land dedication, and school site fees.

NOW, THEREFORE, be it resolved that the Westminster City Council authorizes the City Manager to execute loan documents that convey the parcel of City owned property located on 80<sup>th</sup> Avenue and Grove Street to Habitat for Humanities of Metro Denver and further resolves to waive all related development fees (building, electrical, plumbing and mechanical permit fees, plan check fees, use tax, park development) associated with the new construction of two single family homes to be undertaken by Habitat for Humanity of Metro Denver.

Passed and adopted this 25th day of August 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
August 25, 2003



| **SUBJECT:** Councillor's Bill No. 45 re. Vacation of 105<sup>th</sup> Drive/Antero Street Right-of-Way for Hyland Hills Park & Recreation District's Valley View Park

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**Prepared By:** Dave Downing, City Engineer

**Recommended City Council Action**

Pass Councillor's Bill No. 45 on first reading, vacating a portion of 105<sup>th</sup> Drive/Antero Street Right-of-Way for Hyland Hills Park & Recreation District's Valley View Park.

**Summary Statement**

- City Council action is requested to pass on first reading the attached Councillor's Bill to vacate a portion of street right-of-way located within the Valley View Estates Subdivision and the Meadowlark Subdivision (see attached map).
- A 50-foot wide right-of-way was dedicated to the City of Westminster for the potential construction of 105<sup>th</sup> Drive and Antero Street by a future developer of the platted lots located to the west of Meadowlark Subdivision and to the east of Federal Boulevard.
- The development of these particular lots within Valley View Estates and Meadowlark Subdivisions has never occurred. Instead, the Hyland Hills Park & Recreation District now proposes to construct Valley View Park, a neighborhood park with ball fields, on this site.
- The Hyland Hills Park & Recreation District is requesting that the City Council vacate the 105<sup>th</sup> Drive/Antero Street right-of-way to accommodate the construction of the park.
- The legal description of this right-of-way is included within the Background Information section of this agenda memorandum.
- City Staff has established that the subject right-of-way is no longer needed by the City.

| **Expenditure Required:** N/A

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| **Source of Funds:** N/A

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**SUBJECT:** Councillor's Bill re. Vacation of 105<sup>th</sup> Drive/Antero Street Right-of-Way for Hyland Hills Park & Recreation District's Valley View Park

Page 2

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**Policy Issues**

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Shall the City Council vacate this specific section of public right-of-way, which by City Code, must be vacated by an ordinance of the City Council?

**Alternatives**

Do not vacate this right-of-way. This alternative is not recommended because the subject right-of-way is not needed by the City, but is required for the construction of the proposed park.

**Background Information**

The Hyland Hills Park & Recreation District staff has worked closely with City staff on the design and review of the proposed improvements for Valley View Park. Vehicular access to the park site will be gained via a driveway entrance off of Federal Boulevard to a large parking lot and also via a driveway entrance off of Decatur Street to a small parking lot. At the specific request of residents of the neighborhood, there will be no roadway connection from Federal Boulevard to Decatur Street. Therefore, the subject right-of-way is no longer needed by the City, and it must be vacated in order to allow the District to install other park improvements within the area encompassed by the right-of-way.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **45**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY WITHIN VALLEY VIEW ESTATES SUBDIVISION AND MEADOWLARK SUBDIVISION.

WHEREAS, a certain public right-of-way for 105<sup>th</sup> Drive/Antero Street was dedicated by the subdivision plat for Valley View Estates Subdivision at Book 7, Page 121 in the County of Adams and by the subdivision plat for Meadowlark Subdivision at File 14, Map 368 in the County of Adams; and

WHEREAS, this public right-of-way is no longer needed by the City of Westminster; and

WHEREAS, the vacation is necessary to accommodate the construction of Valley View Park by the Hyland Hills Park & Recreation District.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the right-of-way in Sections 2 and 3 hereof.

Section 2. Legal Description of Right-of-Way:

See attached legal description

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED THIS 25TH DAY OF AUGUST, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED THIS 8TH DAY OF SEPTEMBER, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003



**SUBJECT:** Resolution No. 36 re Project Applications for the 2005-2010 Denver Regional Council of Governments' Transportation Improvement Program

**Prepared By:** Michael Normandin, Transportation Engineer

**Recommended City Council Action**

Adopt Resolution No. 36 authorizing the City to apply for 2005-2010 Denver Regional Council of Governments' Transportation Improvement Program funding for various intersections and trail improvements.

**Summary Statement**

- City Council is requested to authorize Staff to submit project applications to the Denver Regional Council of Governments (DRCOG) for the 2005-2010 Transportation Improvement Program (TIP). Project submittals are due on Friday, October 3, 2003.
- The projects selected for inclusion in the TIP will be funded in part with federal funds provided through the Transportation Equity Act of the 21<sup>st</sup> Century (TEA-21). The minimum local match for projects utilizing TEA-21 funds has been set at 20%.
- Staff recommends that project applications for funding of intersection improvements be submitted for 104<sup>th</sup> Avenue/Sheridan Boulevard and 104<sup>th</sup> Avenue/Federal Boulevard; and for trail projects at the Big Dry Creek Crossing of Old Wadsworth Boulevard, the 120<sup>th</sup> Avenue/Big Dry Creek Trail from Bradburn Village to Pecos Street and the Wadsworth Parkway Trail from 104<sup>th</sup> Avenue north to the northern city limits at the approximate (112<sup>th</sup> Avenue) alignment.
- Funding for selected projects would be staged over the six-year time frame of the 2005-2010 TIP. This would provide adequate time to budget the local match should any of these projects be selected. The DRCOG Board is scheduled to approve the 2005-2010 TIP in March 2004. A detailed table is included in the Background Information section of this Agenda Memorandum, that outlines the proposed funding for the recommended projects.
- The project application submittals for the 104<sup>th</sup> Avenue/Federal Boulevard Intersection Improvement Project is contingent upon the Colorado Department of Transportation (CDOT) and the City of Federal Heights participating in the local match. The Wadsworth Parkway Trail project is proposed to be a joint project with the City and County of Broomfield as they would extend the project from Westminster's city limits north to Colorado Highway 128.

**Expenditure Required:** Dependent upon allocation of funds to specific projects

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

## **Policy Issues**

Should the City of Westminster submit applications for intersection and trail improvements to DRCOG for 2005-2010 TIP funding?

## **Alternatives**

1. Council could choose not to submit project applications to DRCOG for 2005-2010 TIP funding. The next opportunity will be in two years when DRCOG develops the 2007-2012 TIP.
2. Council could choose to submit a portion of the projects that Staff has recommended. In the unlikely event that every one of the City's project applications are accepted for funding under the TIP and all of the potential project co-sponsors elect to participate in the proposed projects, the potential cost to the City over the next six years could approach \$3.5 million. However, the City could withdraw from any or all of these projects at a later date with no penalty if local funding is not available during the years in which the projects are scheduled.

## **Background Information**

The Denver Regional Council of Governments (DRCOG) is currently soliciting project recommendations for the 2005-2010 Transportation Improvement Program (TIP). City Staff has prepared a list of recommendations, which are as follows:

- **West 104<sup>th</sup> Avenue and Sheridan Boulevard Intersection Improvements** -- Construct double left turn lanes on Sheridan Boulevard and a third through lane for the eastbound approach. This intersection is currently operating beyond capacity during peak traffic times and is the City's top priority project. Staff proposes to provide a 40% local match in lieu of the minimum 20%. The project ranking criteria provides additional points for overmatch, and Staff is hopeful that the overmatch points will result in a higher ranking of the project.
- **West 104<sup>th</sup> Avenue and Federal Boulevard Intersection Improvements** – Construct double left-turn lanes on Federal Boulevard and a third through lane for the eastbound approach. This intersection experiences delays during the peak periods, especially the eastbound approach. Staff will approach the Colorado Department of Transportation (CDOT) and the City of Federal Heights to seek their participation in the local match. CDOT has jurisdiction of Federal Boulevard and the City of Federal Heights abuts the southeast corner of the intersection.
- **Old Wadsworth Boulevard Grade-Separation at Big Dry Creek** – Construct a bridge on Old Wadsworth Boulevard over Big Dry Creek to accommodate the grade-separation of the Big Dry Creek Trail. Completion of this grade-separated trail link would allow trail users to travel from Standley Lake to 128<sup>th</sup> Avenue along the Big Dry Creek Trail without crossing any roadways at grade.
- **West 120<sup>th</sup> Avenue/Big Dry Creek Trail – Bradburn Village (Lowell Boulevard) to Pecos Street** – Construct a continuous trail link on the south side of 120<sup>th</sup> Avenue from the eastern boundary of Bradburn Village east to Pecos Street. The project includes an underpass under 120<sup>th</sup> Avenue at Ranch Creek, which ties the proposed trail into the Big Dry Creek Trail system via the underpass at 120<sup>th</sup> Avenue and Federal Boulevard. The completion of this trail link would provide a continuous trail from Sheridan Boulevard east to the Wagon Road Park-N-Ride.

- **Wadsworth Parkway Trail – 104<sup>th</sup> Avenue to the North City Limits** – Construct a trail on the west side of Wadsworth Parkway from 104<sup>th</sup> Avenue to the north city limits. This project would be a joint project with the City and County of Broomfield to provide a continuous trail link from Colorado Highway 128 (120<sup>th</sup> Avenue) south to 104<sup>th</sup> Avenue. The trail is currently in place from 104<sup>th</sup> Avenue south to the southern city limits and extends further south into Arvada.

The table shown below depicts the project costs, local match and the fiscal years in which funding will be requested. The actual years that funding would be needed for any local match funds is dependent upon the ranking of the projects by DRCOG and the years that federal funds would be available.

**Potential 2005-2010 DRCOG Transportation Improvement Plan Project Staging**

<u>Project</u>	<u>Total Cost</u>	<u>20% Minimum Match</u>	<u>40% Over Match</u>	<u>Recommended Funding Scenario</u>
* 104 <sup>th</sup> Avenue and Sheridan Blvd. Intersection Improvements	\$2,969,000		\$1,187,600	FY2005 -- \$310,400 FY2006 -- \$877,200
* 104 <sup>th</sup> Avenue and Federal Blvd. Intersection Improvements	\$4,287,000	\$857,400		FY2009 -- \$183,200 FY2010 -- \$674,200
* Old Wadsworth Boulevard Grade-Separation at Big Dry Creek	\$4,290,000	\$858,000		FY2006 -- \$286,200 FY2007 -- \$571,800
* 120 <sup>th</sup> Avenue/Big Dry Creek Trail – Bradburn Village to Pecos Street	\$1,729,000	\$345,800		FY2007 -- \$83,200 FY2008 -- \$262,600
* Wadsworth Parkway Sidewalk 104 <sup>th</sup> Avenue to North City Limits (112 <sup>th</sup> Avenue)	\$1,150,000	\$230,000		FY2009 -- \$64,800 FY2010 -- \$165,200
<b>Totals</b>	<b>\$14,425,000</b>	<b>\$2,291,200</b>	<b>\$1,187,600</b>	<b>\$3,478,800</b>

The current DRCOG 2005-2010 TIP preparation schedule is as follows:

- |   |  |
|---|--|
| • TIP Project submittals                      | October 3, 2003                        |
| • DRCOG/CDOT/RTD Review of Draft Projects     | November 19-24, 2003                   |
| • Reviews by various DRCOG Committees         | December 2003 thru<br>January 14, 2004 |
| • Public Hearing (DRCOG Board Meeting)        | February 18, 2004                      |
| • Governor Scheduled to approve 2005-2010 TIP | Late May 2004                          |
| • US DOT and EPA approval                     | July 2004                              |

Staff will apprise City Council of any substantial developments that occur during the development of the 2005-2010 TIP.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **36**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

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PROJECT APPLICATIONS FOR THE DENVER REGIONAL COUNCIL OF GOVERNMENTS' 2005-2010 TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the Denver Regional Council of Governments (DRCOG) is soliciting project applications for the 2005-2010 Transportation Improvement Program (TIP); and

WHEREAS, The City of Westminster recognizes the DRCOG TIP process as an opportunity to obtain Federal funding for multi-modal transportation improvements; and

WHEREAS, the City of Westminster will request funding for fiscal years 2005-2010 for the following projects; and

104<sup>th</sup> Avenue and Sheridan Boulevard Intersection Improvements

104<sup>th</sup> Avenue and Federal Boulevard Intersection Improvements

Old Wadsworth Boulevard Grade-Separation at Big Dry Creek

120<sup>th</sup> Avenue/Big Dry Creek Trail – Bradburn Village (Lowell Boulevard) to Pecos Street

Wadsworth Parkway Trail – 104<sup>th</sup> Avenue to the north City Limits

WHEREAS, the submittal of the 104<sup>th</sup> Avenue and Federal Boulevard Intersection Improvement Project is contingent upon the City of Federal Heights and the Colorado Department of Transportation participating in the local match.

NOW, THEREFORE, The Westminster City Council hereby resolves that City Staff submit project applications to DRCOG for 2005-2010 Transportation Improvement Program funding for multi-modal transportation improvements.

Passed and adopted this 25<sup>th</sup> day of August, 2003

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003



**SUBJECT:** Councillor's Bill No. 46 re Vacation of Easement within the Regional Transportation District's Westminster Center Park-N-Ride

**Prepared By:** Mikele Wright, Senior Civil Engineer

**Recommended City Council Action**

Pass Councillor's Bill No. 46 on first reading, vacating a portion of a certain easement located within the Regional Transportation District's Westminster Center Park-N-Ride.

**Summary Statement**

- City Council action is requested to pass on first reading the attached Councillor's Bill to vacate a portion of a certain easement located within the Second Amended Official Development Plan for Sheridan Park North Filing No. 1 (see attached maps).
- A 20-foot wide sanitary sewer easement was granted to the City by separate agreement several years ago.
- With the construction of the Regional Transportation District's (RTD) Westminster Center parking structure, the existing sanitary sewer main had to be relocated from under the proposed structure.
- The property owner is requesting two partial easement vacations.
- The legal description of this easement is included within the Background Information section of this agenda memorandum.
- City Staff has determined that the subject easement is no longer needed by the City.

**Expenditure Required:** N/A

**Source of Funds:** N/A

**SUBJECT:** Councillor's Bill Vacation of Easement within the Regional Transportation District's  
Westminster Center Park-N-Ride Page 2

**Policy Issues**

Shall the City Council vacate a portion of this utility easement, which by City Code, must be vacated by an ordinance of the City Council?

**Alternatives**

Do not vacate the portions of this utility easement. This alternative is not recommended because the subject portion of the easement is not needed by the City and is located under an existing structure.

**Background Information**

The Second Amended Official Development Plan (ODP) for the Sheridan Park North Filing No. 1 required the existing public sanitary sewer main to be relocated within the development. An easement for this sanitary sewer main was granted to the City on the final plat for the RTD Westminster Center Park-n-Ride parcel.

The owner has requested that this portion of the City's sanitary sewer easement be vacated. Staff has determined that the portion of the original easement can be vacated since there are no longer any utilities located within the subject easement.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **46**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE VACATING A PORTION OF A SANITARY EASEMENT WITHIN RTD'S WESTMINSTER CENTER PARK-N-RIDE.

WHEREAS, a certain easement was dedicated by separate agreement at Book 2269, Page 64 in the County of Adams; and

WHEREAS, this portion of sanitary sewer easement is not necessary for maintaining the City of Westminster's sanitary sewer lines; and

WHEREAS, the vacation is necessary since the sanitary sewer line has been relocated and a new easement was dedicated to the City of Westminster by plat.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the portions of easement in Sections 2 and 3 hereof.

Section 2. Legal Description of Utility Easement:

See attached legal description for Easement A

Section 3. This ordinance shall take effect upon its passage after second reading. 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 \_\_\_\_ day of \_\_\_\_\_, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2003



**SUBJECT:** Councillor's Bill No. 47 re 2003 Budget Supplemental Appropriation

**Prepared By:** Karen Creager, Internal Auditor

**Recommended City Council Action:**

Pass Councillor's Bill No. 47 on first reading providing for supplementary appropriations to the 2003 budget of the General Fund, General Capital Improvement Fund and Utility Fund.

**Summary Statement**

City Council action is requested to pass the attached Councillor's Bill on first reading amending the 2003 budget appropriations in the General Fund, General Capital Improvement Fund and Utility Fund.

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2003 2nd quarter supplemental appropriation.
- General Fund amendments:
  - \$15,433 Earnest money forfeiture by Western Gas Resources
  - \$8,500 Police Department training revenue
  - \$5,213 Police Department overtime reimbursement
  - \$33,369 Showcase event donations
- General Capital Improvement Fund amendments:
  - \$276 Interest earnings on the 2001 Certificates of Participation
  - \$1,000 Donation from Wal-Mart
- Utility Fund amendments:
  - \$5,000 Reimbursement payment for contractor damages
- Appropriation of these unbudgeted funds allows the funds to be spent in 2003.

**Expenditure Required:** \$ 68,791

**Source of Funds:** The funding sources for these expenditures include reimbursements, training class fees, donations, earnest money forfeiture and interest earnings



**Policy Issue**

Does City Council support amending the appropriations for the 2003 budget of the General Fund, General Capital Improvement and Utility Funds?

**Alternative**

The alternative would be not to amend the 2003 budget appropriations for the General Fund, General Capital Improvement and Utility Funds and utilize these funds to increase reserves. Staff does not recommend this alternative as the various departments have already incurred these expenses and covered them in their current budget in anticipation of receipt of the funds. In addition, these funds in many instances were provided to the City for specific purposes.

**Background Information**

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

The Police Department (PD) received \$2,603 and \$1,630 from the City of Lakewood for HIDTA Drug Investigations overtime and the U.S. Department of Justice, for Organized Crime Drug Enforcement Task Force overtime, respectively. Also received by the PD were reimbursements totaling \$980 from the State of Colorado for officer overtime used while attending the Crisis Intervention Team training and from Western Restoration Services for officer overtime used while providing security for the scene of a structure fire. (General Fund)

Additionally, the PD has received \$8,500 in revenue for training classes hosted by Westminster PD. These funds are over the amount originally budgeted for training revenue. In order to cover the cost of these trainings, these funds are being appropriated to the PD's training expenditure account. (General Fund)

City Attorney's Office received \$15,433 as a forfeiture of earnest money by Western Gas Resources when they failed to close on a piece of City property. These funds are being appropriated to Central Charges – Professional Services Litigation account to cover upcoming legal services on economic development projects. (General Fund)

Community Development received donations in the amount of \$33,369 from various businesses to offset the expenses of the annual Showcase Event. This event is in its 11<sup>th</sup> year and is an outreach to the real estate community. Sponsorships are received from exhibitors who offer information to the 150 attendees. (General Fund)

Interest earnings of \$276 from the 2001 Certificates of Participation are being appropriated to the Public Safety Building project and the US 36 Ramps project. (General Capital Improvement Fund) The City would not normally appropriate such a small amount of funds; however, in this instance, the funds need to be specifically allocated to this project.

Parks, Recreation and Libraries Department received a donation in the amount of \$1,000 from the Wal-Mart Foundation to purchase literacy materials for the Irving Street Library. (General Capital Improvement Fund)

Public Works and Utilities received \$5,000 as a reimbursement from a contractor's insurance company for damage to a sanitary sewer main caused by the contractor. The funds will be used to install a liner in that sewer main. (Utility Fund)

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

Respectfully submitted,

J. Brent McFall  
City Manager  
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **47**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$62,515 which, when added to the fund balance as of the City Council action on August 25, 2003 will equal \$70,914,863. 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. This increase is due to the appropriation of forfeited earnest money, training revenue, reimbursements and donations received by the City.

Section 2. The \$62,515 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Contributions			
1000.43100.0000	\$5,000	\$48,802	\$53,802
Training			
1000.41360.0000	10,000	8,500	18,500
General – Miscellaneous			
1000.43060.0000	184,221	<u>5,213</u>	189,434
Total Change to Revenues		<u>\$62,515</u>	
<b>EXPENSES</b>			
PD – Investigations overtime			
10020300.60400.0000	\$549,404	\$4,233	\$553,637
PD – Training			
10020050.61800.0612	9,500	8,500	18,000
PD Patrol Overtime			
10020500.60400.0000	377,071	980	378,051
CD – Special Promotions			
10030340.67600.0000	19,600	33,369	52,969
Central Charges – Prof Svcs Litigation			
10010900.65100.0258	35,000	<u>15,433</u>	50,433
Total Change to Expenditures		<u>\$62,515</u>	

Section 3. The 2003 appropriation for the Wastewater Portion of the Utility Fund, initially appropriated by Ordinance No. 2977 in the amount of \$12,387,808 is hereby increased by \$5,000 which, when added to the fund balance as of the City Council action on August 25, 2003 will equal \$14,376,379. The actual amount in the Wastewater Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a reimbursement for contractor damages.

Section 4. The \$5,000 increase in the Wastewater Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
General - Miscellaneous			
2100.43060.0000	\$4,498	<u>\$5,000</u>	\$9,498
Total Change to Revenues		<u>\$5,000</u>	
<b>EXPENSES</b>			
Professional Services			
20015240.67800.0000	\$477,574	<u>\$5,000</u>	\$482,574
Total Change to Expenses		<u>\$5,000</u>	

Section 5. The 2003 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$1,276 which, when added to the fund balance as of the City Council action on August 25, 2003 will equal \$11,993,615. 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 increase is due to the appropriation of interest earnings and a donation.

Section 6. The \$1,276 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Interest – 2001 COP’s			
7500.42520.0215	\$1,933	\$276	\$2,209
General Miscellaneous			
7501.43060.0000	0	<u>1,000</u>	1,000
Total Change to Revenues		<u>\$1,276</u>	
<b>EXPENSES</b>			
Public Safety Building-COPS			
80175020127.80400.8888	\$15,594,995	\$276	\$15,595,271
Irving Street Library			
80175050020.80400.8888	3,747,966	<u>1,000</u>	3,748,966
Total Change to Expenditures		<u>\$1,276</u>	

Section 7. – 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 8. This ordinance shall take effect upon its passage after the second reading.

Section 9. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 25th day of August, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, August 25, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally. Absent none.

The minutes of the August 11, 2003 meetings were approved. Council proclaimed September 1-5, 2003 as Employee Appreciation Week.

Council approved the following: July Financial Report; 2003 Traffic Calming Project with K.E.C.I. Colorado for \$214,942; Irving Street Library Furniture & Equipment Purchase with OfficeScapes, Inc., for \$71,350; and the Preliminary/Official Development Plan for the Meadow View Subdivision as amended.

The following Public Hearings were held: At 7:32 p.m. on the Chambers Preserve property located South of 104<sup>th</sup> Avenue, East of Dover; At 7:41 p.m. on the Hazlewood Property located at 14781 Huron Street; At 7:45 p.m. on the Meadow View Subdivision located at 107<sup>th</sup> Avenue, West of Simms.

The following Councillor's Bills were adopted on first reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: Annexing the Chambers Preserve property located South of 104<sup>th</sup>, East of Dover

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 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: Zoning the Chambers Preserve property located South of 104<sup>th</sup>, East of Dover

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO purpose: Annexing the Hazlewood property located at 14781 Huron St

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: adding the Hazlewood Property to the Comprehensive Land Use Plan

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 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO purpose: Zoning the Hazlewood property located at 14781 Huron St

A BILL FOR AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY WITHIN VALLEY VIEW ESTATES SUBDIVISION AND MEADOWLARK SUBDIVISION purpose: vacate easement at 105<sup>th</sup> Dr/Antero Street row for Hyland Hills

A BILL FOR AN ORDINANCE VACATING A PORTION OF A SANITARY EASEMENT WITHIN RTD'S WESTMINSTER CENTER PARK-N-RIDE purpose: vacate easement within RTD Park-N-Ride

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS purpose: supplementary appropriation for 2003 budget

The following Councillor' Bill was passed as an emergency ordinance:

A BILL FOR AN ORDINANCE VACATING PORTIONS OF 105<sup>th</sup> AVENUE BETWEEN REED STREET AND WADSWORTH BOULEVARD purpose: vacate easement on 105<sup>th</sup> Avenue within Mandalay Town Center property

The following Councillor's Bill was passed on second reading:

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN ACCENT WINDOWS AND THE CITY OF WESTMINSTER TO AID IN THE RELOCATION TO PARK CENTRE BUSINESS PARK IN WESTMINSTER

The following Resolution was adopted:

Resolution No. 32 re Findings of Fact on Chambers Preserve Annexation

Resolution No. 33 re Findings of Fact on Hazlewood Property Annexation

Resolution No. 34 re Approval of Selected Documents for WEDA Bond Issue

Resolution No. 35 re Conveyance of City Property & Waiver of Fees/Use Tax to Habitat for Humanity

Resolution No. 36 re Project Applications for DRCOG Transportation Improvement Program

At 8:40 P.M. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on September 4, 2003

ORDINANCE NO. **3041**  
SERIES OF 2003

COUNCILLOR'S BILL NO. **38**  
INTRODUCED BY COUNCILLORS  
**Dittman-Kauffman**

**A BILL**

**FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN ACCENT WINDOWS AND THE CITY OF WESTMINSTER TO AID IN THE RELOCATION TO PARK CENTRE BUSINESS PARK IN WESTMINSTER**

WHEREAS, the successful attraction and retention of high quality 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 remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, Accent Windows plans to occupy 62,000 square feet in the current DataRay facility at 124<sup>th</sup> Avenue and Pecos Street in Park Centre Business Park, in Westminster; and

WHEREAS, the assistance agreement continues to meet the goal of filling vacant space in the City; and

WHEREAS, a proposed Assistance Agreement between the City and Accent Windows 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 an Assistance Agreement with Accent Windows 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 11th day of August 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 25th day of August 2003.

A BILL

FOR AN ORDINANCE VACATING PORTIONS OF 105<sup>th</sup> AVENUE BETWEEN REED STREET AND WADSWORTH BOULEVARD

WHEREAS, a certain portion of 105<sup>th</sup> Avenue was dedicated by the Mandalay Gardens Subdivision; and

WHEREAS, this portion of the street lies within the boundaries of the Mandalay Town Center PUD; and

WHEREAS, this portion of the street is not necessary for access to any private parcels within the development; and

WHEREAS, the vacation is necessary in order to make the improvements to the property in accordance with the approved Preliminary Development Plan.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the portion of 105<sup>th</sup> Avenue herein described.

Section 2. Legal Description of 105<sup>th</sup> Avenue:

A parcel of land being a portion of Wadsworth Avenue (now known as West 105<sup>th</sup> Avenue) and Haney Drive (now known as West 105<sup>th</sup> Avenue) as shown on the plat of Mandalay Gardens, in the City of Westminster, County of Jefferson, State of Colorado, recorded in the office of the Clerk and Recorder of said county, lying in the southeast quarter of Section 11, Township 2 South, Range 69 West, of the Sixth Principal Meridian, in said City, county, and state, more particularly described as follows.

Commencing at the south quarter corner of said Section 11, whence the southeast corner of said Section 11 bears North 89°52'45" east, with all bearings herein being referenced to this line, Thence along the southerly line of said southeast quarter of Section 11, north 88°52'45" east 69.80 feet to the easterly right-of-way of said West 105<sup>th</sup> Avenue, Thence along the easterly and southeasterly right-of-way of said West 105<sup>th</sup> Avenue the following 2 courses. North 15°16'11" East 187.26 feet, North 40°35'24" East 24.58 feet to the true point of beginning, Thence departing said southeasterly right-of-way north 00°19'32" east 92.83 feet to the northwesterly right-of-way of said West 105<sup>th</sup> Avenue, Thence along the northwesterly and northerly right-of-way of said West 105<sup>th</sup> Avenue the following 2 courses. North 40°35'24" east 507.80 feet, South 89°59'27" east 1543.66 feet to the westerly right-of-way of said reed street, Thence along the southerly prolongation of said westerly right-of-way south 00°52'42" west 40.00 feet to the southerly right-of-way of said West 105<sup>th</sup> Avenue, Thence along the southerly and southeasterly right-of-way of said West 105<sup>th</sup> Avenue the following 2 courses. North 89°59'27" west 1498.86 feet, South 40°35'24" west 576.64 feet to the true point of beginning. Containing 2.143 acres (93,362 sq. ft.), more or less.

Section 3. Because any delay in initiating and completing the Mandalay Town Center improvements pursuant to the Redevelopment Agreement with the developer could jeopardize the timely opening of the Target Superstore and the ability of the Authority to meet the debt service for the bond issue for the project, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on August 25, 2003, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 4. This ordinance shall be published in full within ten days after its enactment.  
INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY  
ORDINANCE this 25<sup>th</sup> day of August, 2003.



## NOTICE OF HEARING

NOTICE is hereby given of a public hearing before the City Council of the City of Westminster, Colorado, at 7:00 p.m. on the 22<sup>nd</sup> day of September, 2003, at Westminster City Hall, 4800 W. 92<sup>nd</sup> Avenue, Westminster, Colorado, for the purpose of considering the adoption by reference of the "Model Traffic Code" 2003 edition, as the traffic ordinance of the City of Westminster, Colorado.

Copies of the Model Traffic Code are on file at the office of the City Clerk and may be inspected during regular business hours. If enacted as an ordinance of this City, the Model Traffic Code will not be published in full, but in accordance with state law, copies will be kept on file.

The "Model Traffic Code" 2003 edition is published by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of the Ordinance and the Code adopted therein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation.

Following this hearing, the City Council will consider passage of the adopting Ordinance.

This notice given and published by the order of the City Council.

Dated this 29<sup>th</sup> day of August, 2003.

CITY OF WESTMINSTER, COLORADO  
City Clerk

First notice of hearing published September 4, 2003.

Second notice of hearing published September 11, 2003.