



## CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
  - A. City Manager's Report
5. City Council Comments
6. Presentations
  - A. Employee Appreciation Week Proclamation
  - B. Westminster Presbyterian Church's 115<sup>th</sup> Anniversary Proclamation
7. Citizen Communication (5 minutes or less)

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

8. Consent Agenda
  - A. Financial Report for July 2007
  - B. Change Orders for Additional 2007 Roadway Improvements
  - C. Semper Water Treatment Facility Filter Media Replacement Contract Award
  - D. IGA with the City of Arvada and Jefferson County re 88<sup>th</sup> Avenue Widening
  - E. Second Reading Councillor's Bill No. 45 re Cost Recovery for the Huron St. Improvements, 128<sup>th</sup> to 140<sup>th</sup> Avenues
  - F. Second Reading Councillor's Bill No. 46 re Cost Recovery for the Huron St. Improvements, 140<sup>th</sup> to 150<sup>th</sup> Avenues
  - G. Second Reading Councillor's Bill No. 47 re 2007 2<sup>nd</sup> Quarter Budget
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Public Hearing re Ganzhorn Property Annexation, CLUP Amendment and Zoning
  - B. Resolution No. 28 re Annexation Finding re the Ganzhorn Property
  - C. Councillor's Bill No. 48 re Annexation re Ganzhorn Property No. 1
  - D. Councillor's Bill No. 49 re Annexation re Ganzhorn Property No. 2
  - E. Councillor's Bill No. 50 re CLUP Amendment re Ganzhorn Property
  - F. Councillor's Bill No. 51 re Zoning the Ganzhorn Property
  - G. Councillor's Bill No. 52 re Increasing Liquor License Application Fees
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
  - A. City Council
13. Adjournment

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

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, AUGUST 27, 2007 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro Tem Kauffman and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by Price, to approve the minutes of the regular meeting of August 13, 2007, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that the Westminster Faire had been extremely successful with estimated attendance of 10,000 people. The pancake breakfast was well received by the public and grossed approximately \$1,900. Net revenues from the event would be donated to the Armed Forces Tribute Garden. He thanked Council, members of the Legacy Foundation, and the Boy Scouts who organized that event.

Mr. McFall advised there would be no study session on September 3, and City offices would be closed that day in observance of Labor Day.

In conclusion, he reported that following this meeting Council would meet in the Board Room to discuss the Cable TV Franchise build-out requirement policy and the US 36 Draft Environmental Impact Statement. The public was welcome to attend.

CITY COUNCIL COMMENTS

Councillor Major echoed Mr. McFall's comments about the success of the Westminster Faire. He enjoyed the event, including his time spent flipping pancakes for the all-you-could-eat breakfast.

Mayor Pro Tem Kauffman reported that he and other Council members had attended an open house at Synchroness recently. The firm had been the beneficiary of a business assistance package from the City and had enlarged its facility to accommodate growth. Synchroness was an engineering development company that took inventions and engineered them prior to production. The company paid high wages to their amazing staff, many of whom not only worked, but also lived in Westminster.

Mayor McNally concurred with the Mayor Pro Tem, noting that Synchroness employees repeatedly thanked the City for helping them remain in Westminster through the business assistance package. Having toured the facility, she had found the work performed there fascinating. Several Councillors also had attended the grand opening of Lodo's Bar and Grill, a new restaurant at 104<sup>th</sup> Avenue and Federal Boulevard.

The Mayor also reported that the Westminster Historical Society had held a wonderful tribute to Mr. Ranum on Saturday and would be conducting its annual tea at the Westminster Grange on September 8.

In conclusion, Mayor McNally agreed with previous comments about the Westminster Faire, noting that each time she looked around, she observed staff lending a hand to help make the event a success. She thanked Troup 98 for organizing the pancake breakfast and reported having heard numerous participants say they hoped the breakfast would become a tradition, not just a one-time event.

Councillor Dittman reminded everyone that the annual 911 Banquet in tribute to Westminster Police and Fire employees was rapidly approaching. If tickets were still available, he urged people to acquire them and attend this meaningful event.

### PRESENTATIONS

Mayor McNally proclaimed September 3 through 7 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. She presented the proclamation to members of the Employee Advisory Committee and the Employee Recognition Action Team and gave them gifts from Council to distribute to employees at the 18<sup>th</sup> annual employee appreciation breakfast on September 5. On behalf of City Council, Mayor McNally extended sincere appreciation of the duties staff fulfilled daily.

Councillor Kaiser invited members of the Westminster Presbyterian Church congregation to the front and read a proclamation declaring September 8 and 9 as Westminster Presbyterian Church's 115<sup>th</sup> Anniversary Weekend. The first community church in Westminster, the Westminster Presbyterian Church members had been active participants and leaders in the City's growth, development, and history.

### CITIZEN COMMUNICATION

Sean Hiller, 5970 West 118<sup>th</sup> Avenue and a member of the Torrey Peaks Homeowners Association Board of Directors, presented a petition requesting that speed humps be installed in front of 5930 and 5980 West 118<sup>th</sup> Avenue to reduce the speed of vehicles that traveled 118<sup>th</sup> Avenue and endangered children walking to nearby schools. Mr. Hiller indicated that other efforts to gain compliance with speed limits had failed.

Jeff LaMonte, co-founder and director of Second Wind Fund, a teen suicide prevention program, encouraged participation in the organization's annual walk/run/bike fundraising event in Lakewood. The organization served youth of Westminster that were under or uninsured, and this was the single event held annually to support the program.

### CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: approve the July 2007 Financial Report; authorize change orders to Asphalt Specialties, Inc. in the amount of \$293,326 for the 2007 pavement rehabilitation project, to Keene Concrete, Inc. in the amount of \$254,048 for the 2007 concrete replacement project, and to United Rentals Highway Technologies, Inc. in the amount of \$15,690 for the 2007 striping and pavement marking project; authorize the City Manager to execute a \$57,530 contract with Carbonite Filter Corporation for the purchase and delivery of anthracite filter media for the Semper Water Treatment Facility; authorize the City Manager to execute an Intergovernmental Agreement with the City of Arvada and Jefferson County regarding cost-sharing and project management responsibilities for the widening of 88<sup>th</sup> Avenue west of Independence Street; final passage of Councillor's Bill No. 45 establishing recovery payments owed to the City for costs incurred in constructing improvements to Huron Street between 128<sup>th</sup> and 140<sup>th</sup> Avenues; final passage of Councillor's Bill No. 46 establishing recovery payments owed to the City for costs incurred in constructing improvements to Huron Street between 140<sup>th</sup> and 150<sup>th</sup> Avenues; and final passage of Councillor's Bill No. 47 providing for supplementary appropriations to the 2007 budget of the General, General Capital Improvement, General Capital Outlay Replacement, Parks, Open Space, and Trails and Debt Service Funds.

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

It was moved by Councillor Major and seconded by Lindsey to approve the consent agenda as presented. The motion passed unanimously.

PUBLIC HEARING RE GANZHORN PROPERTY ANNEXATION, CLUP AMENDMENT & REZONE

At 7:25 p.m., the Mayor opened a public hearing to consider the annexation of the Ganzhorn Property No. 1 and Property No. 2, a Comprehensive Land Use Plan (CLUP) amendment changing the designation of the property from Northeast Comprehensive Development Plan to Retail Commercial, and rezone of the property from Jefferson County A-1 to Planned Unit Development (PUD). Dave Shinneman, Planning Manager, introduced the public hearing and advised that the 1.1-acre property was located at 10385 Wadsworth Boulevard and was subject to provisions of the Northeast Comprehensive Development Plan Subarea C that permitted general retail office and mixed use development. The applicant wanted to annex in order to make the vacant property more attractive to a future purchaser and to make in-City water and sewer rates available. Due to contiguity requirements the annexation had to be accomplished in two sequential annexations. Notice of this hearing had been published, the property had been posted, and notices of this hearing had been mailed to property owners within 300 feet of the Ganzhorn property. Mr. Shinneman entered the agenda memorandum and attachments in the record.

Pat Murphy, the applicant, was present to answer any questions. He confirmed there were no development plans for the property now, and the purpose of annexing was to make the property more desirable.

Mr. Shinneman responded to a question about a portion of Wadsworth Boulevard right-of-way adjacent to the Ganzhorn property being excluded from this annexation. The property in question had never been dedicated for public right-of-way. Dedication would be necessary when development occurred.

In conclusion, Mr. Shinneman advised that the Planning Commission had reviewed this proposal on August 14 and had voted to recommend approval.

The hearing was closed at 7:35 p.m.

RESOLUTION NO. 28 RE GANZHORN PROPERTY ANNEXATION FINDINGS OF FACT

It was moved by Councillor Dittman and seconded by Councillor Kaiser to adopt Resolution No. 28 making certain findings of fact as required by § 31-12-110, C.R.S. regarding the Ganzhorn property annexation. On roll call vote, the motion passed unanimously.

COUNCILLOR'S BILL NO. 48 ANNEXING THE GANZHORN PROPERTY NO. 1

It was moved by Councillor Dittman and seconded by Councillor Kaiser to pass Councillor's Bill No. 48 on first reading annexing the Ganzhorn property No. 1 to the City. At roll call, the motion passed unanimously.

COUNCILLOR'S BILL NO. 49 ANNEXING THE GANZHORN PROPERTY NO. 2

Upon a motion by Councillor Dittman, seconded by Councillor Kaiser, the Council voted unanimously on roll call vote to pass Councillor's Bill No. 49 on first reading annexing the Ganzhorn property No. 2 to the City.

COUNCILLOR'S BILL NO. 50 RE GANZHORN PROPERTY CLUP AMENDMENT

Councillor Dittman moved, seconded by Councillor Kaiser, to pass Councillor's Bill No. 50 on first reading amending the Comprehensive Land Use Plan for the Ganzhorn property by changing the designation from Northeast Comprehensive Development Plan to Retail Commercial based on findings that the proposed amendment would be in the public good, that there was justification for the proposed change and the Plan was in need of revision as proposed, that the amendment was in conformance with the overall purpose and intent and the goals and policies of the Plan, that the proposed amendment was compatible with existing and planned surrounding land uses, and that the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems. At roll call the motion passed unanimously.

COUNCILLOR'S BILL NO. 51 REZONING THE GANZHORN PROPERTY

It was moved by Councillor Dittman, seconded by Councillor Kaiser, to pass Councillor's Bill No. 51 on first reading rezoning the Ganzhorn property from Jefferson County A-1 to Planned Unit Development (PUD) based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code had been met. The motion passed with all Council members voting yes at roll call.

COUNCILLOR'S BILL NO. 52 INCREASING LIQUOR LICENSE APPLICATION FEES

It was moved by Councilor Major and seconded by Councillor Kaiser to pass Councillor's Bill No. 52 on first reading to increase application fees for new liquor licenses, transfers of liquor licenses, renewed liquor licenses, and special event permits. At roll call, the motion passed unanimously.

ADJOURNMENT

There was no further business to come before the City Council and the meeting was adjourned at 7:39 p.m.

ATTEST:

\_\_\_\_\_  
Mayor

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



## Agenda Item 6 A

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 27, 2007



**SUBJECT:** Proclamation re Employee Appreciation Week

**Prepared By:** Lisa Chrisman, Senior Human Resources Analyst

**Recommended City Council Action**

Mayor McNally proclaim September 3 through September 7, 2007 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 3 through September 7, 2007 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 994 full and part-time benefited employees, and the more than 644 seasonal and non-benefited employees who comprise the City of Westminster's workforce.
- On September 5, the 18<sup>th</sup> annual employee appreciation breakfast will be prepared by the City Manager, Assistant City Manager, City Attorney, Presiding Municipal Court Judge, and City Department Heads.
- Members of the City's Employee Advisory Committee and the Employee Recognition Action Team, who represent employees from all City departments, have been invited to attend Monday evening's meeting to accept the proclamation on behalf of all City employees.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None 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 994 full-time and part-time regular employees working in Information Technology, Police, Fire, Public Works and Utilities, Finance, General Services, Parks, Recreation and Libraries and Community Development Departments, and the City Attorney's and City Manager's Offices. Overall, there are roughly 1640 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 biennial surveys and the many national and regional awards the City has received attest to the caliber of the City's workforce.

The attached Proclamation summarizes the contributions of City employees and recognizes their efforts by proclaiming September 3 through September 7, 2007 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 18<sup>th</sup> year in a row that the City Manager, Assistant City Manager, City Attorney, Presiding Municipal Court Judge, and Department Heads have arrived at 5:00 a.m. to prepare a full breakfast with pancakes, hash browns, eggs, fruit, ham and orange juice for employees at the start of their workday. Employees will stop by anytime between 6:00 a.m. and 9:00 a.m. to partake in the breakfast and comradery prior to the start of their normal workday.

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

Several 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,

Stephen P. Smithers  
Acting City Manager

Attachment



**WHEREAS**, Westminster citizens have given the City very high service ratings in each of the past citizen surveys attesting 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 994 full-time and part-time benefited employees and over 640 seasonal and non-benefited employees have contributed significantly to the quality of life of Westminster citizens; and

**WHEREAS**, these employees who 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 comprise a workforce that is unquestionably one of the City's most valuable resources; and

**WHEREAS**, on September 5, 2007 the City Manager, Assistant City Manager, City Attorney, and all City Department Heads will be preparing an Employee Appreciation Breakfast in recognition of all City employees at City Park Recreation Center; and

**WHEREAS**, the week of September 3, 2007 will include several other activities designed to express appreciation to City Employees.

**NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council do hereby proclaim September 3 through September 7, 2007 as**

**CITY OF WESTMINSTER  
EMPLOYEE APPRECIATION WEEK**

Signed this 27<sup>th</sup> of August, 2007.

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Nancy McNally, Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 27, 2007



**SUBJECT:** Proclamation re Westminster Presbyterian Church's 115<sup>th</sup> Anniversary

**Prepared By:** Ron Hellbusch, Special Projects Coordinator

**Recommended City Council Action**

Present a proclamation to leaders and members of the Westminster Presbyterian Church proclaiming the weekend of September 8 and 9 as Westminster Presbyterian Church 115<sup>th</sup> Anniversary Weekend in the City of Westminster in recognition of their 115 years of contributions to the Westminster community.

**Summary Statement**

- Westminster Presbyterian Church was the first community church in Westminster.
- Members of the Church will be present to accept the proclamation from the City Council.
- Church centered religion and faith are key elements of all communities.
- The Westminster Presbyterian Church members have been active participants and leaders in Westminster's growth and development and history.
- The Church officially took the name "Westminster" in 1911, the same year the Town of Westminster was incorporated.
- Councillor Kaiser will present the proclamation.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues**

None identified

**Alternative**

None identified

**Background Information**

The Westminster Presbyterian Church is celebrating its 115<sup>th</sup> anniversary the weekend of September 8 and 9, 2007. The Church extends an invitation to the City Council, employees and all citizens and businesses of Westminster to the "Fall Festival" celebration, which will be held at the Church Park at 74<sup>th</sup> Avenue and Osceola Street.

Members of the Westminster Presbyterian Church have faithfully supported and contributed to Westminster as members of the City Council, in the City administration, City boards and commissions, members of the Board of Education and in various community civic and youth organizations and activities.

The Westminster Presbyterian Church was organized in 1892, took the name of Westminster University, and was the only church in the Westminster community for over a half century.

The City of Westminster is proud to proclaim September 8 and 9, 2007 as Westminster Presbyterian Church 115<sup>th</sup> Anniversary Weekend. The City looks forward to another 115 years of community contributions, involvement and religious leadership, in partnership with the Westminster Presbyterian Church.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

**WHEREAS,** Westminster Presbyterian Church has been in existence for 115 years from its official organization on August 14, 1892; and

**WHEREAS,** Westminster Presbyterian Church was named after the Westminster University built on Crown Point (site of current Pillar of Fire campus), whose cornerstone was laid on June 6, 1892; and the surrounding community later took the name of Westminster in 1911; and

**WHEREAS,** Westminster Presbyterian Church was the only church within the community for nearly 55 years after its organization in 1892; and

**WHEREAS,** the members of the Westminster Presbyterian Church have contributed to the prosperity of the community with their support and leadership within the City of Westminster; and

**WHEREAS,** The members of the Westminster Presbyterian Church continue to maintain an active presence in the community with their over 500 active members; and

**WHEREAS,** The members of the Westminster Presbyterian Church plan to continue to support endeavors in Westminster throughout the next 100 years as a solid church foundation dedicated to the Westminster Community.

**NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council, and Staff, do hereby proclaim September 8 through 9, 2007**

**WESTMINSTER PRESBYTERIAN CHURCH  
115<sup>th</sup> ANNIVERSARY WEEKEND**

Signed this 27<sup>th</sup> Day of August, 2007

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Nancy McNally, Mayor



WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
August 27, 2007



**SUBJECT:** Financial Report for July 2007  
**Prepared By:** Tammy Hitchens, Finance Director

**Recommended City Council Action**

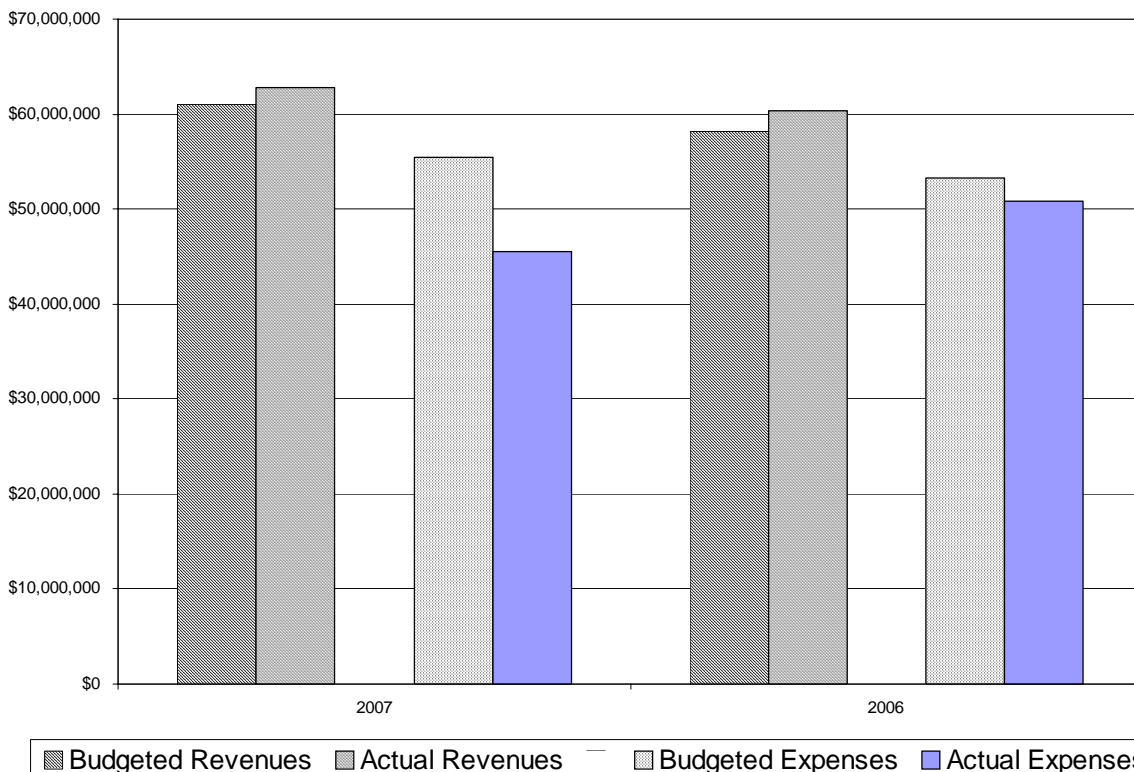
Accept the Financial Report for July as presented.

**Summary Statement**

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. Revenues also include carryover where applicable. With the exception of the Sales and Use Tax Fund, the revenues are pro-rated based on 10-year historical averages. The Sales and Use Tax Fund pro-rated revenue has been changed to reflect the pattern of 2006 and expected pattern of 2007. This pattern has changed over time and a 10-year trend is no longer an appropriate comparison. Expenses are also pro-rated based on 5-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$9,535,000. The following graph represents Budget vs. Actual for 2006 – 2007. The \$32,944,900 Refunding Certificates of Participation, Series 2007 has been omitted from the graph in order to more accurately reflect operations and to reflect a more appropriate comparison to 2006.

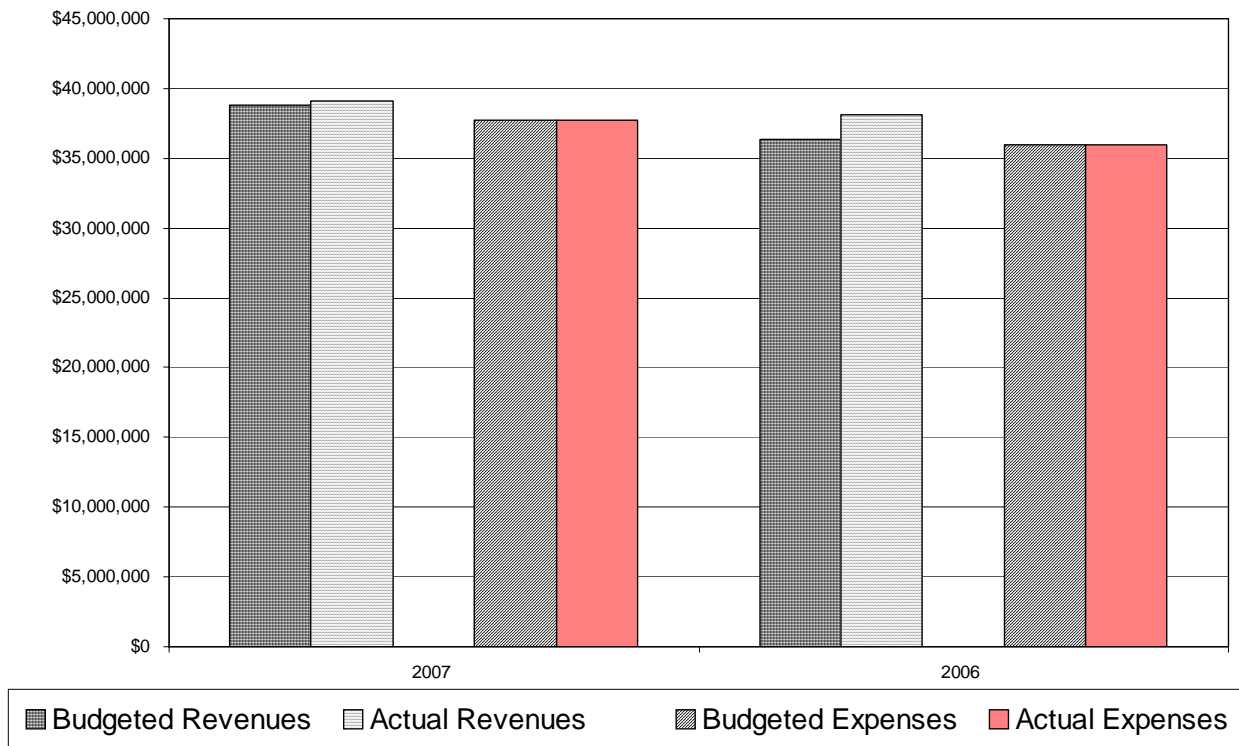
**General Fund  
Budget vs Actual**



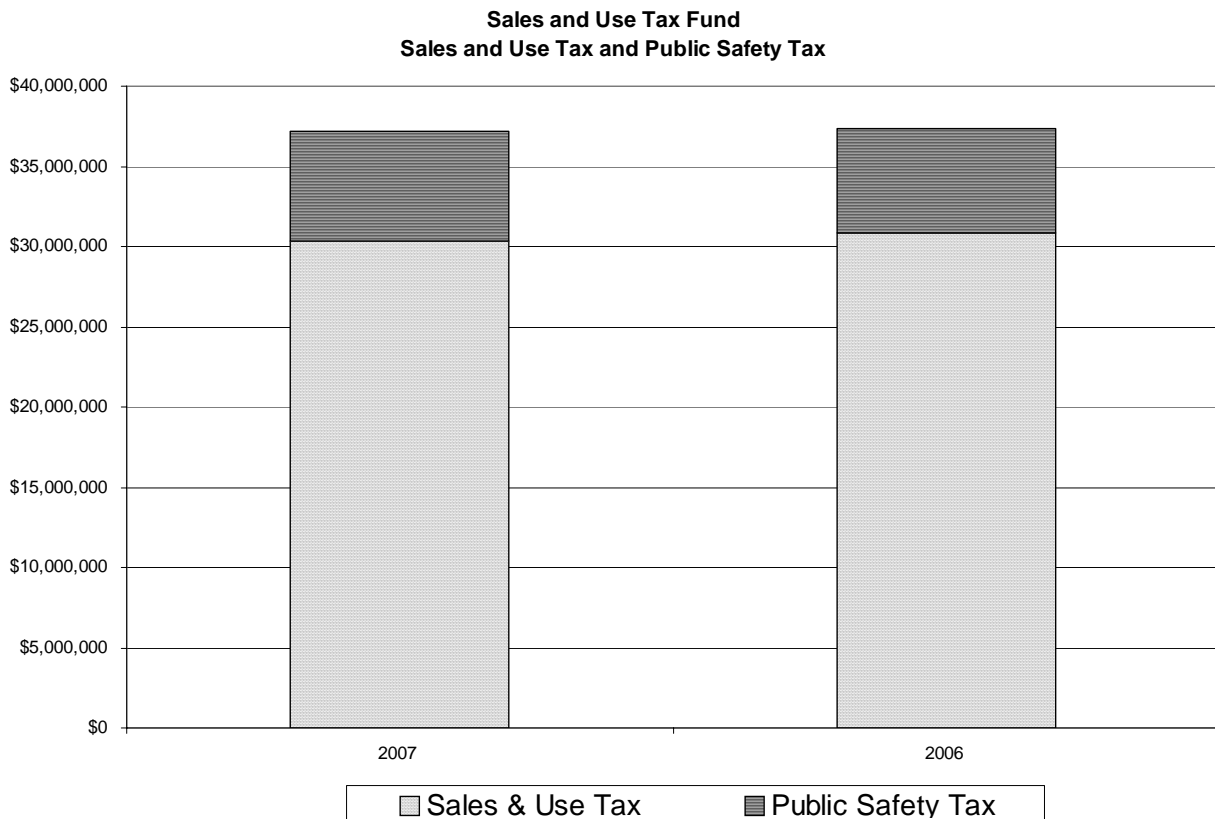
The Sales and Use Tax Fund's revenues and carryover exceed expenditures by \$1, 362,000.

- On a year-to-date cash basis, sales & use tax returns are down 2.8%. This does not include a \$149,000 refund that was given.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 10.0% from the prior year. Included in the Shopping Center report is \$455,000 of audit revenue from 2 different audits. It also includes Urban Renewal Area (URA) money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are down 2.9%. This reflects the significant contribution to Sales Tax the URA's are making.
- The top 50 Sales Taxpayers, who represent about 58% of all collections, were down 1.7% after adjusting for one time audit revenue and Urban Renewal Area money.
- The Westminster Mall is down 9% on a year-to-date basis. This includes an audit payment of \$138,000.
- Building Use Tax is down 6.2% year-to-date over 2006.
- \$474,000 in audit revenue was collected in July.

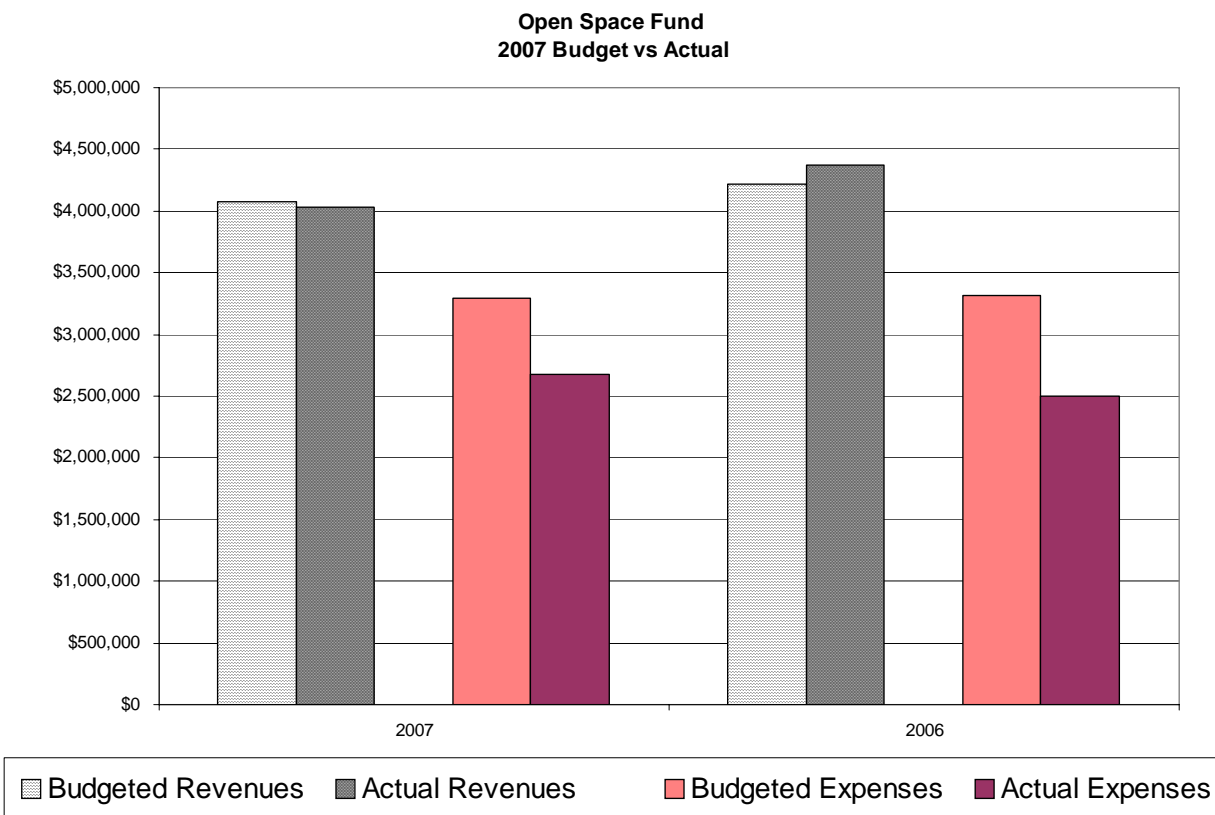
**Sales & Use Tax Fund  
Budget vs Actual**



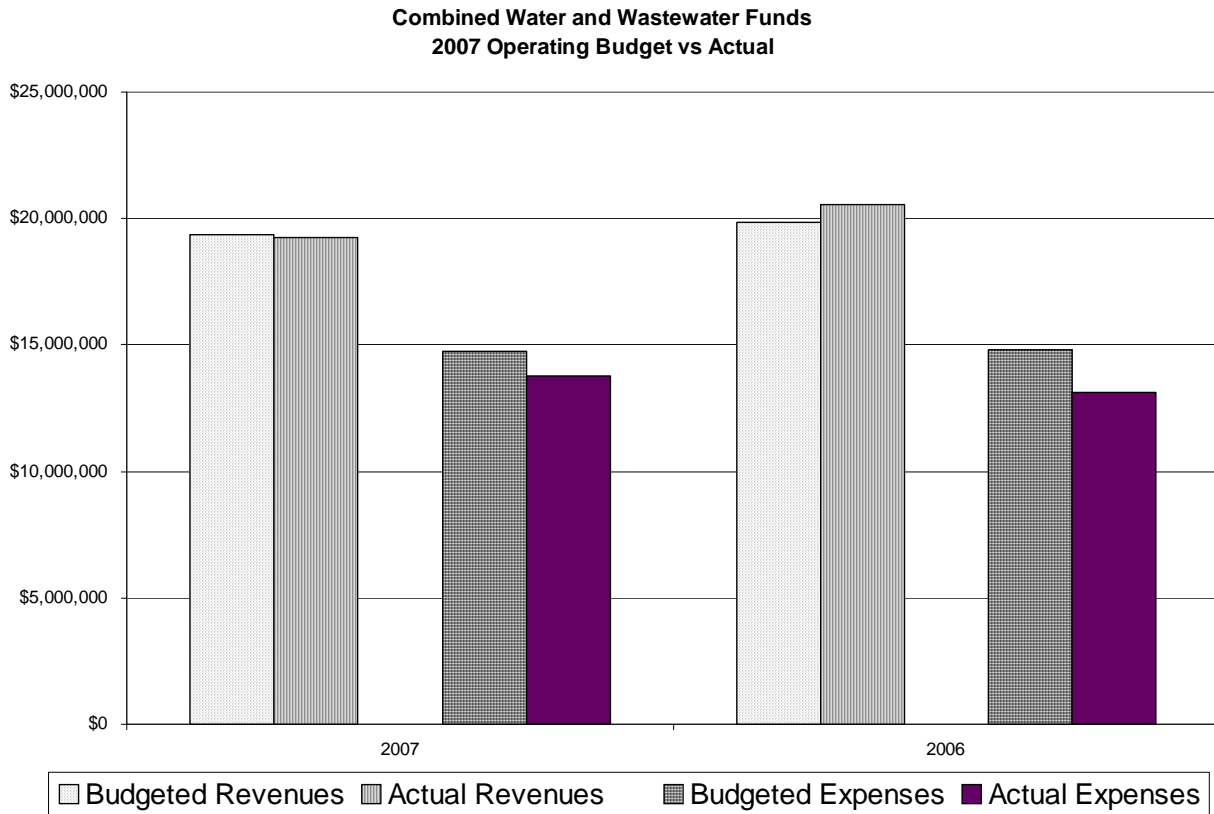
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



The Open Space Fund revenues exceed expenditures by \$1,352,000.



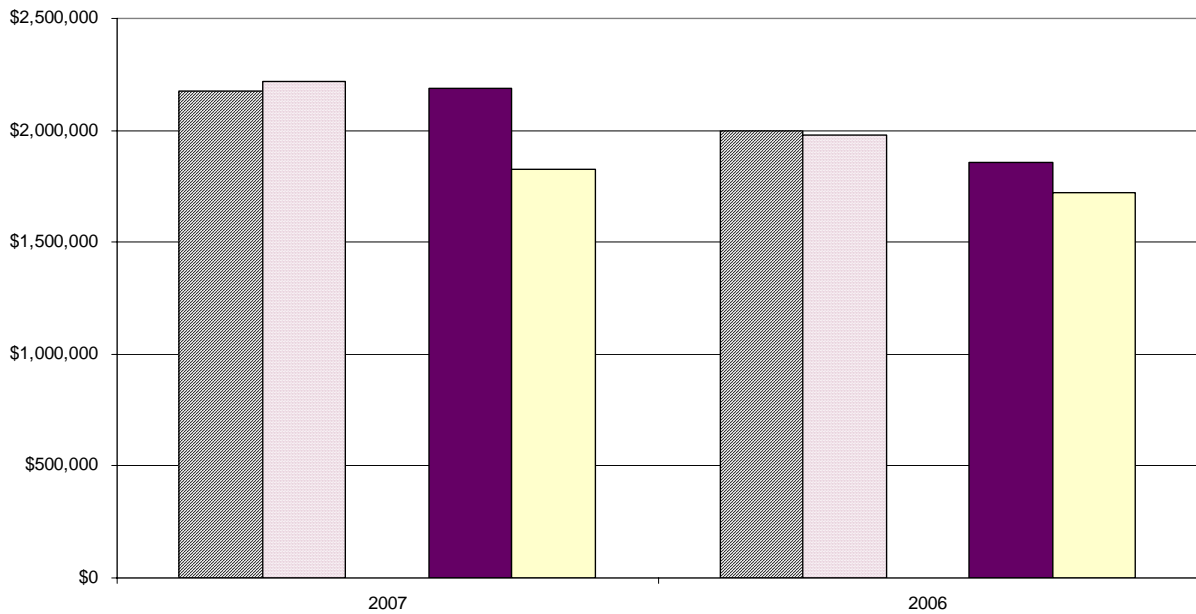
The combined Water & Wastewater Funds' operating revenues and carryover exceed operating expenses by \$11,023,000. \$18,898,000 is budgeted for capital projects and reserves. Year-to-date, the City has collected \$2,517,000 less in tap fees than in 2006.





The combined Golf Course Funds' revenues exceed expenditures by \$390,000. Year to date revenues for Charges for Services are \$145,000 higher than 2006. A one time Other Financing Source and Use of \$547,000, which was a lease purchase of maintenance equipment at Legacy Ridge, is omitted from 2007. A one time Other Financing Source and Use of \$582,144, which was for a lease purchase of golf carts, is not included in 2006. In addition, cash transfers of \$700,000 and \$750,000 in 2007 and 2006, respectively have been omitted. These transfers were made to help reduce the negative cash balance and are not available for spending. This adjustment was made in order to reflect a more appropriate comparison between years.

**Golf Course Enterprise  
Budget vs Actual**



Budgeted Revenues
  Actual Revenues
  Budgeted Expenses
  Actual Expenses

**Policy Issue**

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

**Alternative**

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

**Background Information**

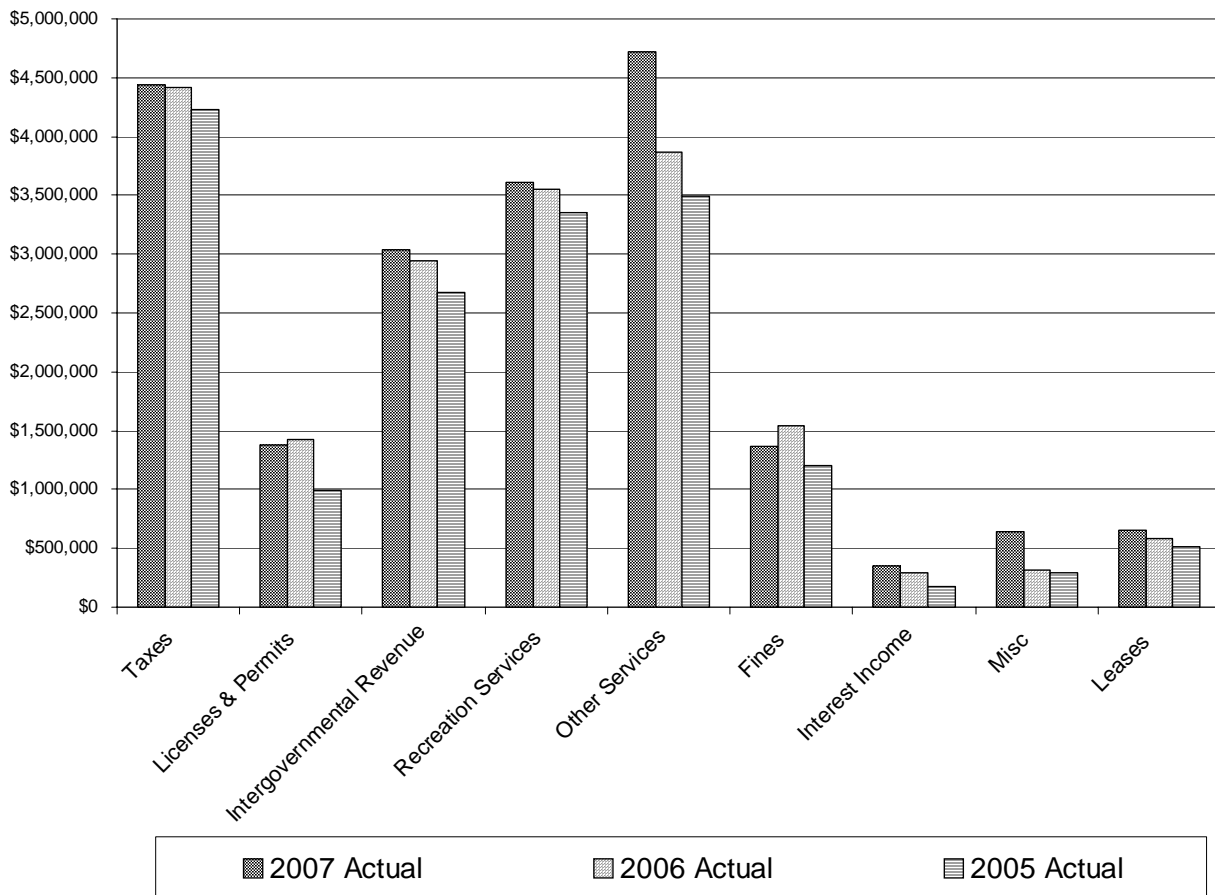
This section includes a discussion of highlights of each fund presented.

**General Fund**

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

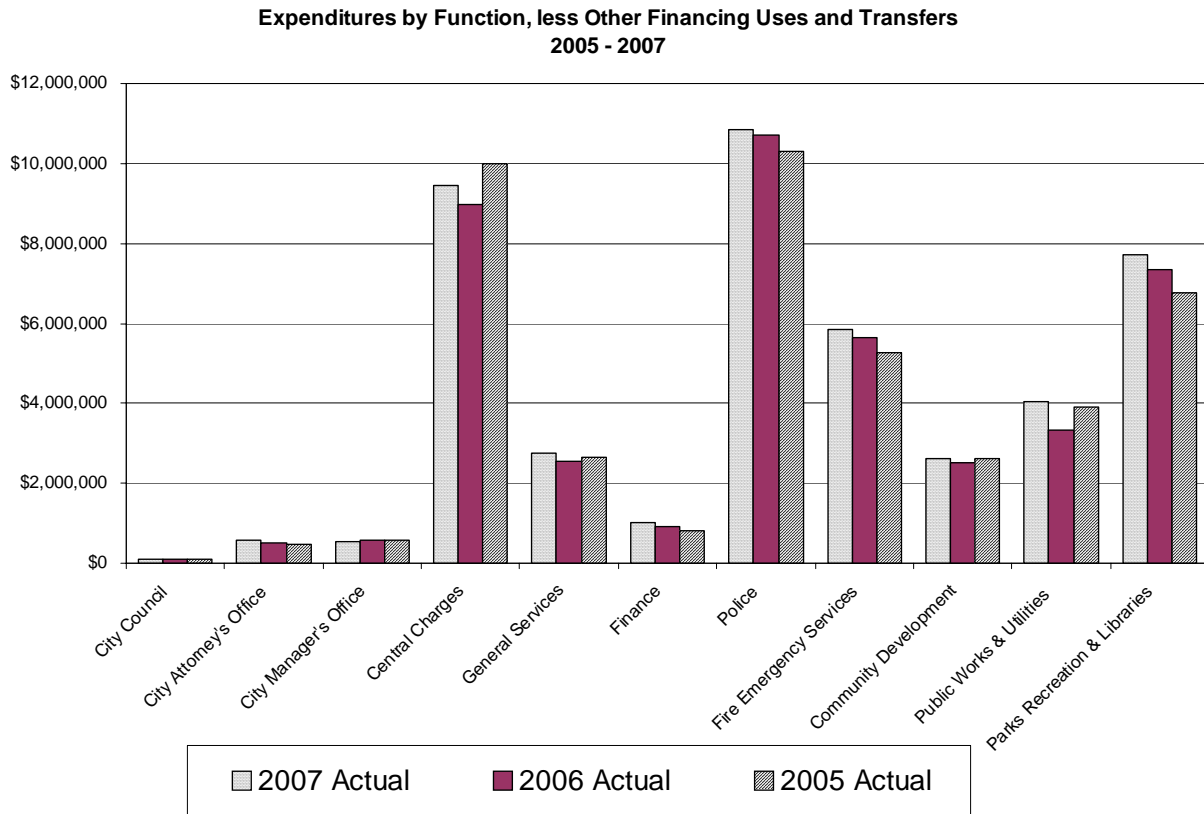
The following chart represents the trend in actual revenues from 2005 – 2007 year-to-date.

**General Fund Revenues without Transfers, Carryover, and Other Financing Sources  
2005 - 2007**



The increase in Other Services reflects the Infrastructure fee. The increase in Recreation Services reflects the Standley Lake boat permits. As reflected in the Licenses & Permits of the Financial Report, commercial building permits are up significantly, causing a positive variance. Intergovernmental revenues are also up compared to the budget amount. This is primarily due to the Federal Emergency Management Agency (FEMA) reimbursement and an increase in road & bridge taxes from both counties and grant revenue. Leases are lower than anticipated due to the delay in getting the former police building leased.

The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2005 –2007.

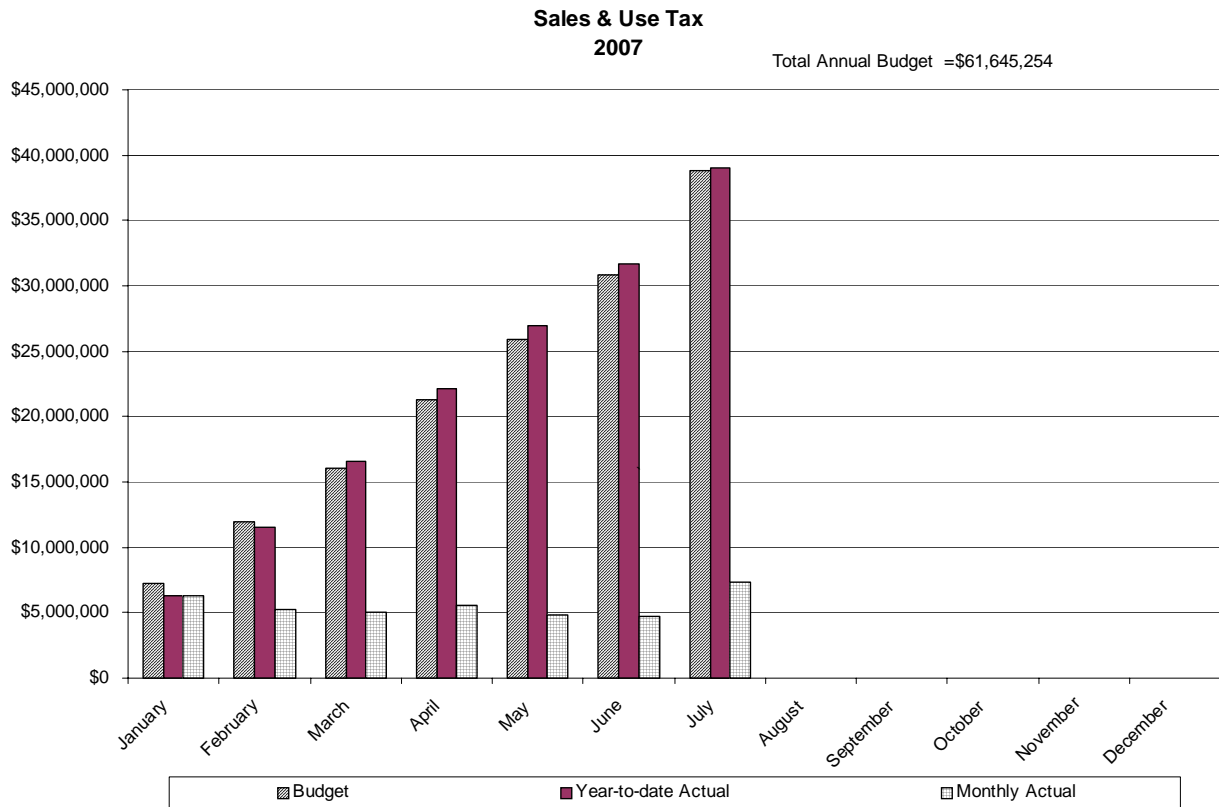


The positive variances seen on the attached spreadsheets (page 1), in CMO, Police and Fire are mostly related to salary savings. The savings reflected in Parks, Recreation and Libraries is related to utility savings as well as some salary savings. Although one particular area does not stand out, City Council's budget reflects a positive variance due to overall less spending.

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

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

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

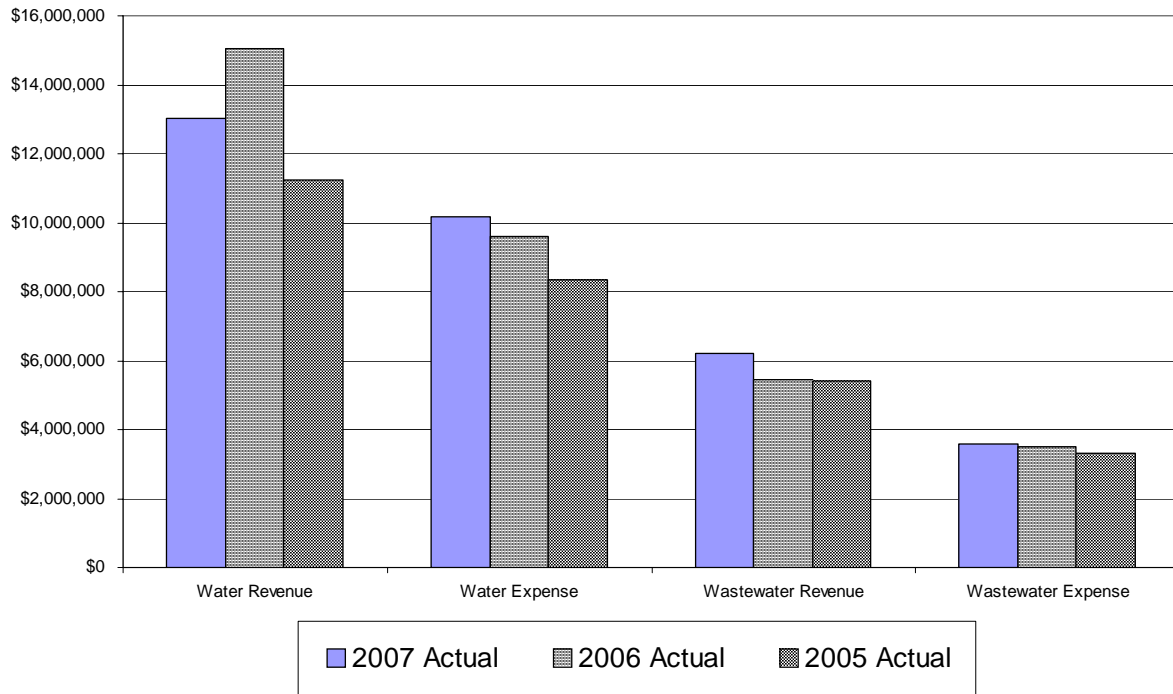


**Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)**

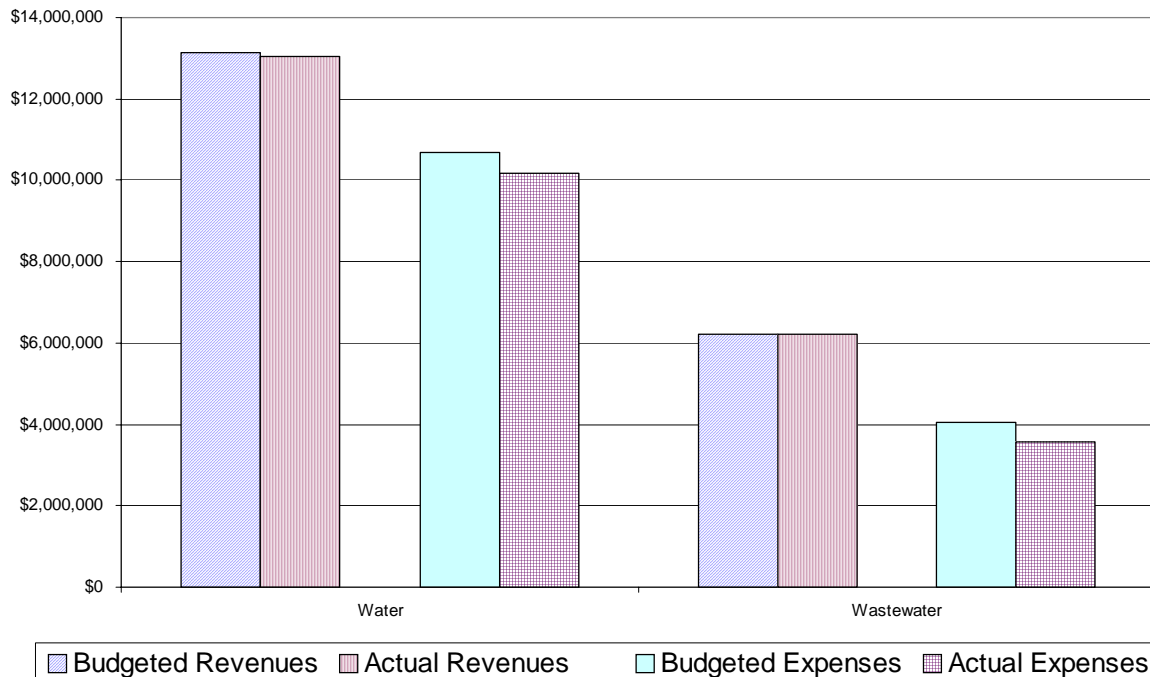
This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects. The variance between 2006 and 2007 can be attributed to an unusually high 2006 and a slightly low 2007.

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

**Water and Wastewater Funds  
Operating Revenue and Expenses 2005-2007**



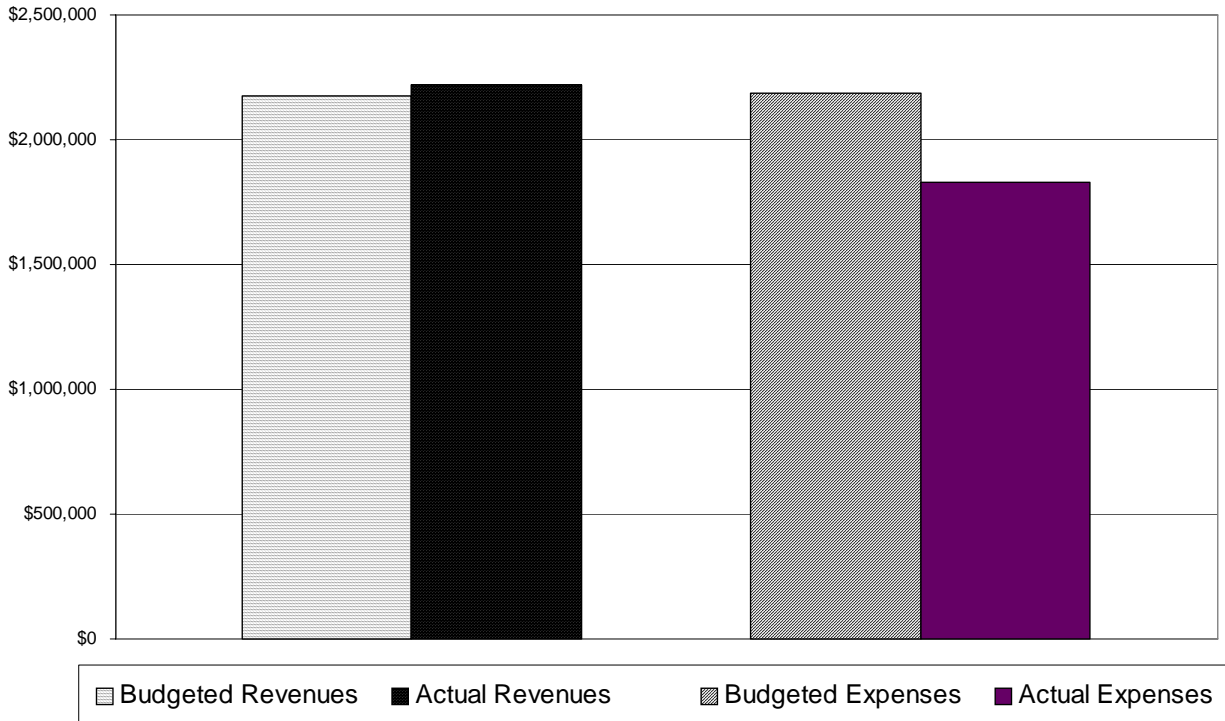
**Water and Wastewater Funds  
2007 Operating Budget vs Actual**



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

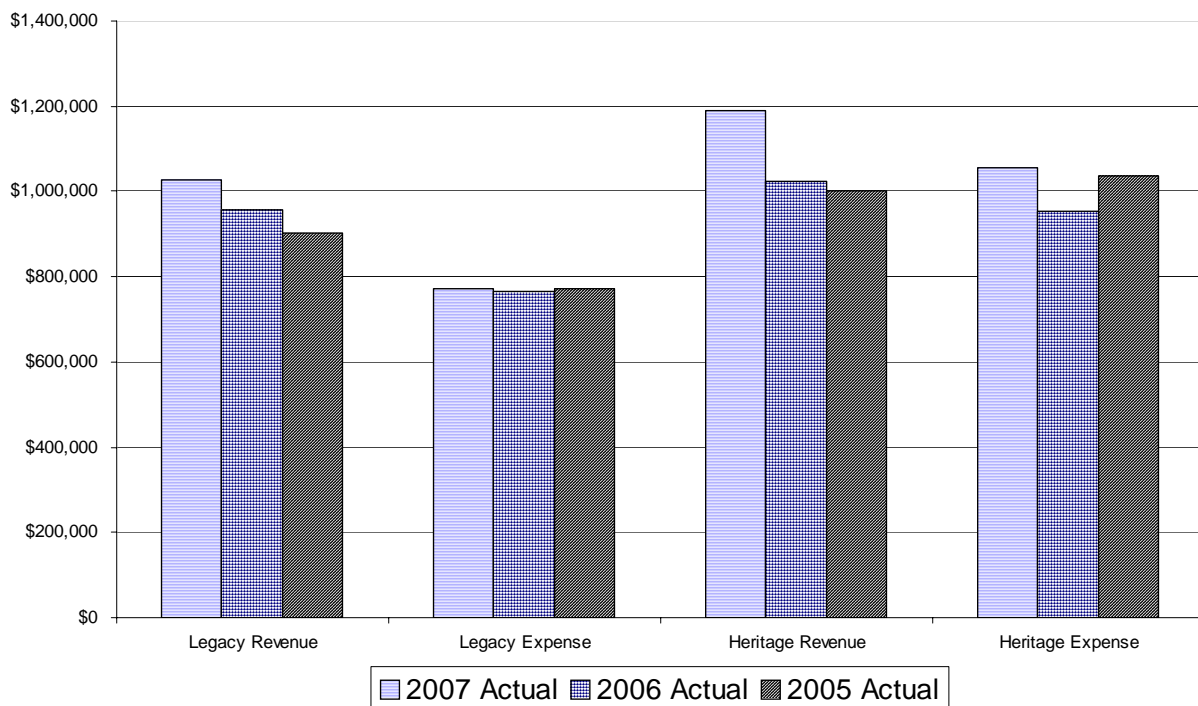
This enterprise reflects the operations of the City's two municipal golf courses.

**Combined Golf Courses  
2007 Budget vs Actual**



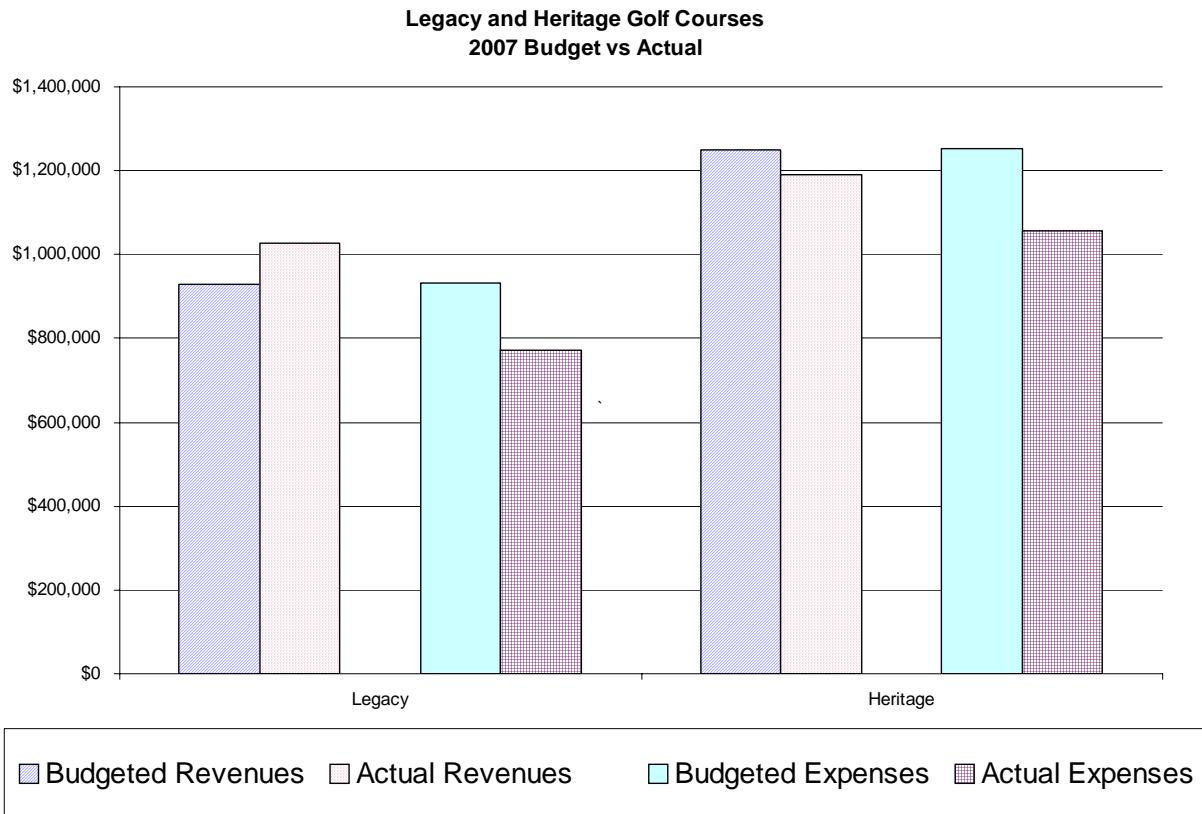
The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses  
Revenue and Expenses 2005-2007**



Heritage's expenses reflect the lease payments that were started in July of 2006. A one time Other Financing Source and Use of \$547,000, which was a lease purchase of maintenance equipment, is omitted from 2007. A one time Other Financing Source and Use of \$582,144, which was a lease purchase of golf carts, is omitted from 2006 Heritage Revenue and Expense for comparison purposes. The increase in revenue can be attributed to the sale of corporate passes and an increase in transfers in.

The financial statements reflect a positive variance in Recreation Facilities versus the budget. This is primarily due to salary and utility savings.



Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2007**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Revenues and Carryover</b>						
Taxes	4,870,787	4,494,895		4,435,341	(59,554)	98.7%
Licenses & Permits	1,675,000	997,780		1,374,367	376,587	137.7%
Intergovernmental Revenue	4,721,000	2,786,147		3,038,675	252,528	109.1%
Recreation Services	5,666,336	3,248,567		3,610,847	362,280	111.2%
Other Services	8,420,624	4,353,961		4,717,030	363,069	108.3%
Fines	2,311,250	1,324,346		1,362,659	38,313	102.9%
Interest Income	360,000	210,000		353,087	143,087	168.1%
Misc	726,652	267,156		640,992	373,836	239.9%
Leases	1,564,170	802,016		652,200	(149,816)	81.3%
Interfund Transfers	58,637,996	34,205,498		34,367,384	161,886	100.5%
Sub-total Revenues	<u>88,953,815</u>	<u>52,690,366</u>		<u>54,552,582</u>	<u>1,862,216</u>	<u>103.5%</u>
Carryover	8,278,290	8,278,290		8,278,290	0	100.0%
Revenues and Carryover	<u>97,232,105</u>	<u>60,968,656</u>		<u>62,830,872</u>	<u>1,862,216</u>	<u>103.1%</u>
<b>Expenditures</b>						
City Council	205,023	126,550		105,142	(21,408)	83.1%
City Attorney's Office	1,064,790	614,140		585,139	(29,001)	95.3%
City Manager's Office	1,171,996	674,812		559,501	(115,311)	82.9%
Central Charges	30,987,043	17,535,089	(1)	9,446,716	(8,088,373)	53.9%
General Services	5,084,431	2,933,117		2,746,516	(186,601)	93.6%
Finance	1,813,924	1,046,477		1,008,348	(38,129)	96.4%
Police	19,830,280	11,437,307		10,842,954	(594,353)	94.8%
Fire Emergency Services	10,675,644	6,152,252		5,860,156	(292,096)	95.3%
Community Development	4,672,743	2,692,974		2,634,283	(58,691)	97.8%
Public Works & Utilities	7,795,132	4,224,703	(2)	4,045,372	(179,331)	95.8%
Parks, Recreation & Libraries	13,931,099	7,998,933		7,717,678	(281,255)	96.5%
Total Expenditures	<u>97,232,105</u>	<u>55,436,354</u>		<u>45,551,805</u>	<u>(9,884,549)</u>	<u>82.2%</u>
Revenues and Carryover						
Over(Under) Expenditures	<u>0</u>	<u>5,532,302</u>		<u>17,279,067</u>	<u>11,746,765</u>	

(1) Other financing sources and & uses of \$32,944,900 relate to refunding of the 1998 & 1999 COPs.

They have been omitted from this statement in order to better reflect results of operations.

(2) Public Works and Utilities has incurred unusually high costs related to the snow storms in early 2007.



**CITY OF WESTMINSTER**  
GENERAL RECEIPTS BY CENTER - SUMMARY (CC)  
MONTH OF JULY 2007

Center Location Major Tenant	Current Month General Sales	Current Month General Use	Total	General Sales	General Use	Total Sales	%Change	Use Total
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER	428,047	1,661	429,708	407,321	5,811	413,132	5	-71 4
WALMART WESTMINSTER MALL 88TH & SHERIDAN	402,740	3,347	406,087	351,457	3,484	354,941	15	-4 14
4 DEPARTMENT STORES WESTMINSTER CROSSING 136TH & I-25	279,182	1,729	280,911	80,715	1,144	81,859	246	51 243
LOWE'S CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN	227,046	2,595	229,641	208,810	552	209,362	9	370 10
COMP USA/CIRCUIT CITY BROOKHILL I & II N SIDE 88TH OTIS TO WADS	198,318	5,589	203,907	191,747	2,316	194,064	3	141 5
HOME DEPOT SHOPS AT WALNUT CREEK 104TH & REED	201,499	793	202,292	165,007	2,909	167,916	22	-73 20
TARGET NORTHWEST PLAZA SW CORNER 92 & HARLAN	184,248	347	184,595	206,826	1,118	207,944	-11	-69 -11
COSTCO THE ORCHARD 144TH & I-25	154,970	1,110	156,081	0	24,790	24,790 *****	-96	530
JC PENNEY PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANOH BLVD	130,776	15,679	146,455	125,837	17,506	143,343	4	-10 2
SHANE/AMC SHERIDAN CROSSING SE CORNER 120TH & SHER	127,119	986	128,105	171,915	1,079	172,994	-26	-9 -26
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	114,297	14	114,311	114,163	1,470	115,634	0	-99 -1
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	95,545	339	95,884	90,049	395	90,444	6	-14 6
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	63,441	136	63,577	58,984	1,293	60,277	8	-89 5
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	60,245	1,425	61,670	58,408	127	58,535	3	1018 5
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH	59,474	475	59,950	48,243	128	48,372	23	270 24

CITY OF WESTMINSTER  
GENERAL RECEIPTS BY CENTER - SUMMARY (CC)  
MONTH OF JULY 2007

Center Location Major Tenant	General Sales	Current Month General Use	Total	General Sales	General Use	Last Year General Use	Total Sales	%Change	Use Total
SAFEMAY LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL	12,295	43,838	56,133	10,792	40,401	51,193	14	9	10
LUCENT TECHNOLOGY WESTMINSTER PLAZA	55,436	150	55,587	44,716	182	44,898	24	-17	24
FEDERAL-IRVING 72ND-74TH SAFEMAY WILLOW RUN 128TH & ZUNI	54,581	123	54,704	57,876	259	58,135	-6	-53	-6
SAFEMAY ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED	38,102	9,694	47,796	31,540	1,338	32,878	21	624	45
ELWAY MOTORS VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON	40,403	542	40,945	44,461	303	44,763	-9	79	-9
CB & POTTS MISSION COMMONS W SIDE WADSWORTH 88-90TH	34,893	164	35,057	40,866	189	41,055	-15	-13	-15
BIG 5 SPORTS BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR	29,254	1,231	30,484	30,159	200	30,359	-3	514	0
AMERICAN FURNITURE WAREHOUSE NORTHVIEW S SIDE 92ND YATES-SHER	27,399	365	27,764	40,175	351	40,526	-32	4	-31
STANDLEY PLAZA SW CORNER 88TH & WADS	25,842	1,304	27,146	18,495	762	19,256	40	71	41
WALGREENS FEDERAL STRIP W SIDE FEDERAL 68TH-72ND BOVAS	25,359	434	25,793	33,972	345	34,317	-25	26	-25
	3,070,511	94,070	3,164,582	2,632,534	108,453	2,740,987	17	-13	15

**CITY OF WESTMINSTER**  
GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)  
MONTH OF JULY 2007

Center Location Major Tenant	YTD 2007 General Sales	YTD 2007 General Use	Total	YTD 2006 General Sales	YTD 2006 General Use	Total Sales	%Change	Use Total
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER	2,974,629	15,098	2,989,727	2,836,692	19,351	2,856,043	5	-22
WESTMINSTER MALL 88TH & SHERIDAN	2,662,356	26,127	2,688,483	2,946,985	22,209	2,969,194	-10	18
4 DEPARTMENT STORES CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN	1,777,598	11,468	1,789,066	1,621,404	4,348	1,625,752	10	164
COMP USA/CIRCUIT CITY NORTHWEST PLAZA SW CORNER 92 & HARLAN	1,382,866	8,157	1,391,023	1,660,903	3,467	1,664,370	-17	135
COSTCO WESTMINSTER CROSSING 136TH & I-25	1,373,341	54,417	1,427,758	323,479	40,449	363,927	325	35
LOWE'S PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD	1,307,556	105,720	1,413,276	943,272	111,284	1,054,555	39	-5
SHANE/AMC SHOPS AT WALNUT CREEK 104TH & REED	1,307,492	13,338	1,320,830	949,126	16,473	965,599	38	-19
TARGET BROOKHILL I & II N SIDE 88TH OTIS TO WADS	1,302,534	13,292	1,315,825	1,356,076	15,403	1,371,480	-4	-14
HOME DEPOT SHERIDAN CROSSING SE CORNER 120TH & SHER	953,972	9,136	963,108	1,215,799	10,189	1,225,988	-22	-10
THE ORCHARD 144TH & I-25	770,995	4,250	775,244	0	24,790	24,790 *****	-83	3027
JC PENNEY NORTH PARK PLAZA SW CORNER 104TH & FEDERAL	711,975	12,034	724,009	667,052	2,453	669,505	7	391
KING SOOPERS VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN	702,596	2,101	704,697	735,102	8,841	743,943	-4	-76
TOYS 'R US STANDLEY SHORES CENTER SW CORNER 100TH & WADS	488,788	1,717	490,504	511,455	2,937	514,392	-4	-42
KING SOOPERS ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER	419,182	4,011	423,193	427,394	1,849	429,244	-2	117
GUITAR STORE STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH	376,629	1,804	378,433	376,348	1,205	377,553	0	50







**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 27, 2007



**SUBJECT:** Change Orders for Additional 2007 Roadway Improvements

**Prepared By:** Dave Cantu, Contract Maintenance Supervisor  
Ray Porter, Street Operations Manager

**Recommended City Council Action**

Authorize change orders with the following 2007 low bid contractors: Pavement Rehabilitation Project, Asphalt Specialties Inc. in the amount of \$293,326; Concrete Replacement Project, Keene Concrete Inc. in the amount of \$254,048; Striping and Pavement Marking Project, United Rentals Highway Technologies Inc. in the amount of \$15,690.

**Summary Statement**

- City Council previously authorized 2007 Project contracts with the following contractors: Pavement Rehabilitation Project - Asphalt Specialties, Inc.; approved April 23, 2007, in the amount of \$1,097,029. Concrete Replacement Project – Keene Concrete Inc.; approved March 12, 2007, in the amount of \$1,265,564. Striping and Pavement Marking Project – United Rentals Highway Technologies Inc.; approved April 9, 2007, in the amount of \$205,086.
- City Council approved appropriation of fiscal year 2006 carryover funds into the fiscal year 2007 General Fund Capital Improvement Project Budget for Roadway Improvements in the amount of \$400,000 at the June 25, 2007, City Council meeting. The carryover funds will supplement nearly \$75,000 that is currently available in the Street Division operating budget for roadway improvements.
- The change orders will fund an additional 4 lane miles of roadway improvements at the same bid prices approved by City Council earlier this year.
- Street Division Staff has reviewed the Pavement Management Recommendations and identified Countryside Drive from 100<sup>th</sup> Avenue to Oak Street and Oak Street from Countryside Drive to 108<sup>th</sup> Avenue as prime candidates for Hot Mix Asphalt (HMA) patching and overlay at this time as the best maintenance strategy to prolong pavement life. Both sections have below average pavement condition ratings and require a HMA overlay to provide additional structural strength for the traffic volumes and loads they carry. Both sections of roadway are experiencing moderate to severe rutting, poor rideability and numerous potholes have been patched as a result of extreme winter conditions during the 2006/2007 winter.
- The change order to Keene Concrete will incorporate \$75,000 for 2,500 lineal feet of unplanned concrete replacement on streets already earmarked for work in 2007; and at numerous locations that are deemed hazardous due to the extensive damage during the back to back blizzards in 2006 and 2007.
- The construction of a concrete drive at Fire Station #5, which is \$88,077, will also be included in the amended contract with keene Concrete using funds previously set aside in the Fire Department’s CIP project account for concrete and asphalt replacement.

**Expenditure Required:** \$ 563,064

**Source of Funds:** General Fund - Capital Improvement Program (\$488,077)  
General Fund - Street Division Operating Budget (\$74,987)

**Policy Issue**

Should City Council authorize change orders for pavement improvements of Countryside Drive, Oak Street, additional concrete replacement on streets where extensive damaged occurred as a result of the 2006/2007 blizzards, and improvements to the driveway and parking lot of Fire Station #5?

**Alternative**

The City could choose not to increase the 2007 Pavement Rehabilitation, Concrete Replacement, Striping and Traffic Marking Projects' contracts to improve Countryside Drive, Oak Street and make additional concrete repairs and carry over CIP funding to the 2008 Roadway Improvements Projects. Staff recommends proceeding with improvements of Countryside Drive, Oak Street and additional concrete repairs now because the City can take advantage of 2007 pricing of projects already bid and avoid anticipated 2008 Concrete and Asphalt price increases.

**Background Information**

City Council appropriated an additional \$400,000 into the fiscal year 2007 General Fund Capital Improvement Project Budget for roadway improvements from fiscal year 2006 carryover funds. Street Division Staff recommends expenditure of additional CIP funding for roadway improvements of Countryside Drive from 100<sup>th</sup> Avenue to Oak Street, and Oak Street from Countryside Drive to 108<sup>th</sup> Avenue (see attached map). These projects were identified by the Pavement Management System as prime for HMA overlays to provide needed strength and prolong the life of these City infrastructure assets. The asphalt pavements of Countryside Drive and Oak Street have shown accelerated deterioration due to severe winter conditions 2006/2007. Project managers from Asphalt Specialties, Keene Concrete and United Rentals Highway Technologies Inc. have agreed to complete the additional work at their originally submitted unit prices.

The concrete drive at Fire Station #5 (100th Avenue and Garland Street) that was originally planned and never built is now being recommended for construction using the Fire Department CIP funds. The concrete drive will eliminate the need for the Fire Department to stop traffic on Garland Street when backing the fire engine into the bays. The new drive will allow the Fire Department to drive around the Fire Station and park its fire vehicles as is done at the other City Fire Stations. In addition, employee parking spaces will be added to enlarge the existing lot.

City Council's approval is required on these change orders since the change orders are greater than five percent and cumulative change orders are greater than ten percent per the City's purchasing requirements, as stated in Westminster Municipal Code 15-1-7 (A).

The proposed Council action supports City Council's goals and objectives of Financially Sustainable City Government by providing well maintained city infrastructure and facilities through road improvements; vibrant neighborhoods and commercial areas by maintaining and improving neighborhood infrastructure and housing.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

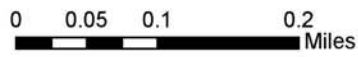


# Countryside Drive & Oak Street



## Legend

— Proposed Improvements





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 27, 2007



**SUBJECT:** Semper Water Treatment Facility Filter Media Replacement Contract Award

**Prepared By:** Kent W. Brugler, Senior Engineer, Capital Projects and Budget Management

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Carbonite Filter Corporation in the amount of \$57,530 for the purchase and delivery of anthracite filter media for the Semper Water Treatment Facility.

**Summary Statement**

- The Semper Water Treatment Facility operates 26 dual media filters utilizing anthracite coal and silica sand.
- The media in filters 1-14 was last replaced in 1986, and the latest laboratory evaluations indicate that the media is deteriorated and is beginning to lose its effectiveness.
- The normal useful life of filter media is 10 years and staff has been able to attain over 20 years of service life through careful operational management and maintenance of the filters.
- Staff obtained three quotes for the anthracite media, with Carbonite Filter Corporation providing the lowest cost proposal.
- The media will be replaced in filters 1-14 through the fall and winter months after the peak water demand season.
- The cost of this purchase is well within the Facility's budget for filter supplies.

**Expenditure Required:** \$57,530

**Source of Funds:** Utility Fund CIP – SWTF Filter 1-14 Media Replacement Project



**Policy Issue**

Should the City proceed with the replacement of the worn filter media in filters 1-14 at this time, and award the contract for the purchase of the anthracite media to Carbonite Filter Corporation?

**Alternatives**

1. The City could choose to award the contract to another supplier, however Carbonite Filter Corporation submitted the lowest cost proposal and is a reputable provider of anthracite filter media.
2. The City could choose to postpone the replacement of the filter media in filter 1-14. This alternative is not recommended because the media has already been utilized for twice its life expectancy and continued use will likely result in decreased treated water quality and increased potential for regulatory violations.

**Background Information**

The Semper Water Treatment Facility, the City’s largest and primary potable water treatment plant, was first constructed in 1969 with a capacity of 6 million gallons per day (mgd). The plant underwent major expansions in 1973, 1979, 1985 and 1995 resulting in its current capacity of 44 mgd. Filters 1 - 14 were constructed over several plant expansions including filters 1 - 4 in 1969, filters 5 - 8 in 1973, and filters 9 - 14 in 1985, and it was during the 1985 expansion that the media was replaced in filters 1 through 8 and newly installed in filters 9 - 14.

The filter media consists of 18 inches of anthracite coal and 12 inches of silica sand, supported by a layer of gravel and a porous underdrain system. The media replacement project involves removing and replacing just the anthracite and sand layers since these materials breakdown over time and lose their filtering effectiveness. Laboratory tests conducted in 2006 indicated that the media has worn to the point where the acceptable filter run times have decreased and the filters have become less efficient. The normal life expectancy for this type of filter media is 10 years, and Staff has been able to attain over 20 years of service due to careful operational management and maintenance of the filters.

Staff solicited proposals from three suppliers of anthracite filter media, as summarized in the table below, and Carbonite Filter Corporation provided the lowest cost proposal.

<u>Company</u>	<u>Quoted Cost</u>
Carbonite Filter Corporation	\$57,530
Red Flint Sand & Gravel LLC	\$63,261
ITT Corporation/Leopold	\$80,753

In addition to the anthracite media materials, Staff also solicited proposals for the supply and delivery of the silica sand media, and the removal of the old and placement of the new media in the fourteen filters. Red Flint Sand & Gravel LLC provided the lowest quote of four firms of \$25,822 to supply and deliver the silica sand. McDonald Farms Enterprises provided the lowest quote of three firms of \$23,380 to remove the old media and place the new media. The total cost of the media replacement project, based on the proposals received, will be \$106,732.

This project helps achieve the City Council’s Strategic Plan Goal of “Financially Sustainable City Government” by contributing to the objective of Well-maintained City Infrastructure and Facilities.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 27, 2007



**SUBJECT:** Intergovernmental Agreement with the City of Arvada and Jefferson County re 88<sup>th</sup> Avenue Widening

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

**Recommended City Council Action**

Authorize the Mayor to execute the attached Intergovernmental Agreement (IGA) with the City of Arvada and Jefferson County regarding cost-sharing and project management responsibilities for the widening of 88<sup>th</sup> Avenue west of Independence Street.

**Summary Statement**

- The areas west of Independence Street and east of Standley Lake, portions of 88<sup>th</sup> Avenue are located within or adjacent to three different governmental jurisdictions – Westminster, Arvada or unincorporated Jefferson County. Due to the fact that a relatively large parcel of land on the north side of 88<sup>th</sup> Avenue in this vicinity is located within unincorporated Jefferson County and has never been developed beyond its current single-family use, a 600-foot long segment of the road abutting this property has not been widened to arterial street standards. Furthermore, the culvert that conveys the Farmers’ High Line Canal under 88<sup>th</sup> Avenue that is located immediately west of this undeveloped parcel, has also not been widened. These circumstances create a “bottleneck” in 88<sup>th</sup> Avenue that impedes the flow of traffic.
- Last year, representatives of the three entities verbally agreed to work together to pursue the completion of the widening of 88<sup>th</sup> Avenue in this area. It was proposed to split the cost of the work equally with each jurisdiction contributing \$350,000 toward this effort.
- The attached IGA, which has been approved by the City Attorney, outlines the cost-sharing and project management responsibilities of the parties. The City of Arvada has agreed to provide the majority of the coordination of the design, right-of-way acquisition and construction tasks for the project at no additional cost to the other parties.
- Adequate funds for this project are available in the General Capital Improvement Fund 88<sup>th</sup> Avenue Bottleneck Project account.

**Expenditure Required:** \$ 350,000

**Source of Funds:** General Capital Improvement Fund – 88<sup>th</sup> Avenue Bottleneck Project

**Policy Issue**

Should the City participate with the City of Arvada and Jefferson County in the widening of 88<sup>th</sup> Avenue at the western boundary of the City?

**Alternative**

The City is not obligated to participate in this project, nor is Arvada or Jefferson County. However, the currently proposed three-way sharing of expenses provides an advantageous method of resolving this long-standing traffic problem that might never be addressed without the participation of all three of the governmental entities.

**Background Information**

The City of Arvada has promoted this widening project for the past several years. However, representatives of the two cities could never come to terms over the proper split of the component of the cost of the project associated with the extension of the Farmers' High Line Canal (FHLC) culvert. Finally in 2006, Jefferson County agreed to participate with an equal share of the cost, thus resolving the disagreement over the financial responsibility for the canal crossing. For the estimated one-third share of \$350,000, it became feasible for the City to consider partnering with Arvada and the County to accomplish the widening of 88<sup>th</sup> Avenue.

With the exception of the FHLC crossing, the majority of the cost of this project is due to the widening of the north side of the road adjacent to an undeveloped parcel that is currently located in unincorporated Jefferson County between Independence Street and the canal. It is probable that, if this parcel is ever developed, it will first be annexed into the City of Westminster. Under the terms of the Municipal Code, the future developer of that parcel would be responsible for a recovery payment to the City for much if not all of the cost (plus accrued interest) of this proposed widening adjacent to the site. With that knowledge, Arvada and the County have strongly suggested that any such recovery payment that is collected within the next ten years be divided evenly among the three entities. City Staff believes that this is a fair request, and language defining that clause is included in the attached document.

Arvada Staff have offered to serve as the lead agency in the coordination of the design and construction of the proposed project at no additional cost to the other two partners. All three entities have joint approval authority for the construction plans and bids. If unfavorable construction bids are encountered, terms have been included in the IGA for the elimination of non-essential facets of the project (e.g. sidewalks, raised medians, an on-street bike lane) to bring the cost back within budget. It is anticipated that the necessary design and right-of-way acquisition functions will be completed in 2007, with a slim possibility that construction may also commence yet this year. The completion of the project is slated for the spring of 2008.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments – Draft Intergovernmental Agreement  
Map of the project area

**INTERGOVERNMENTAL FUNDING AGREEMENT BY AND BETWEEN THE  
COUNTY OF JEFFERSON, THE CITY OF ARVADA, AND THE CITY OF  
WESTMINSTER, PERTAINING TO WEST 88<sup>TH</sup> AVENUE IMPROVEMENTS.  
(Arvada Project No. 06-ST-10)**

**THIS INTERGOVERNMENTAL FUNDING AGREEMENT** (the “Agreement”), dated for reference purposes only this \_\_\_\_\_ day of \_\_\_\_\_, 2007, is made and entered into by and between the COUNTY OF JEFFERSON, STATE OF COLORADO (“County”), the CITY OF ARVADA, COLORADO (“Arvada”), and the CITY OF WESTMINSTER, COLORADO (“Westminster”) (collectively, the “Parties”).

**RECITALS**

**WHEREAS**, the County, Arvada, and Westminster desire to design and construct two (2) continuous travel lanes in each direction on West 88<sup>th</sup> Avenue from Independence Way to the transition into W. 86<sup>th</sup> Parkway, approximately 75 feet west of the Farmers High Line Canal (the “Canal”), as well as appurtenant facilities described herein (the “Project”); and

**WHEREAS**, the respective governing bodies of the County, Arvada, and Westminster have budgeted and appropriated funds for the Project; and

**WHEREAS**, intergovernmental agreements between political subdivisions of the State of Colorado are specifically authorized by Section 29-1-203 C.R.S., as amended;

**AGREEMENT**

**NOW, THEREFORE**, for and in consideration of the covenants and conditions set forth herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

**1.0 SCOPE OF THE PROJECT.**

**1.1** The primary elements of the Project shall consist of :

(a) The design and construction of two (2) continuous travel lanes in each direction on West 88<sup>th</sup> Avenue, from Independence Way to the transition into W. 86<sup>th</sup> Parkway, approximately 75 feet west of the Canal; together with:

(b) The design of the following items: (1) a detached sidewalk along the north side of such travel lanes; (2) an on-street bike lane, four (4) feet in width, along the north side of such travel lanes; and (3) a raised, landscapable median, from the Canal to the existing raised median west of the Canal.

**1.2** The secondary elements of the Project shall consist of the construction of those items set forth in subparagraph 1.1 (b) above. Construction of any or all of these said secondary elements will occur only as project funds allow.

**1.3** In order to accomplish the Project, and as an integral part of the scope thereof, the Parties intend that the following activities be undertaken, or items acquired:

(a) the preparation of a complete set of construction drawings, specifications, plans, maps, etc.;

(b) the acquisition of all necessary permits and clearances;

(c) the identification and acquisition of all necessary rights-of-way or other easements, fee simple interests, or other property interests; and

(d) all activities and items (e.g., hiring of consultants, bidding of Project, etc.) as are directly related to the accomplishment of the Project.

**1.4** No landscaping is included in the Project other than that required to achieve permanent revegetation of any disturbed areas.

## **2.0 FINANCIAL PARTICIPATION.**

**2.1** Each Party hereto shall contribute the initial sum of Three Hundred and Fifty Thousand Dollars (\$350,000.00), which sum represents one-third (1/3) of the presently-estimated total Project costs and expenses.

**2.2** Said monies shall be deposited into a separately-earmarked interest-bearing account, established and held by Arvada (the "Project Account"), and from which Arvada shall pay all incurred Project costs and expenses. Each Party shall make available its funds for deposit into the Project Account within thirty (30) days of the execution of this Agreement.

**2.3** Arvada shall prepare and provide Project accounting reports to each of the other Parties hereto on a quarterly basis, or more frequently as mutually agreed to by all Parties.

**2.4** Upon the expiration of the warranty period for the Project, all unexpended funds and interest in the Project Account shall be divided equally among the Parties.

**2.5** For the period of ten (10) years following the Parties' acceptance of all construction included within the Project, any Party receiving a cost reimbursement for any construction, real property acquisition, or improvement within the scope of the Project shall be obligated to share such reimbursement equally among all other Parties hereto. For purposes of this paragraph, "cost reimbursement" shall include any monies or other things of value received for such purpose from any agency, developer, individual, or other public or private entity, whether or not such monies or things of value are specifically delineated as being for such purpose, including but not limited to reimbursements received as a condition of annexation or development approval.

### **3.0 PROJECT COSTS IN EXCESS OF ORIGINAL CONTRIBUTIONS.**

**3.1** Upon the mutual agreement and determination of the Parties that insufficient funds exist in the Project Account to accomplish the Project in its entirety, the Parties shall either:

(a) mutually agree to each contribute, in equal amount, additional funds as necessary to complete all, or mutually designated, elements of the Project still uncompleted; or

(b) mutually agree to delete from the Project designated elements, so as not to exceed the Parties' original contributions. In no event will the elements in 1.1(a) be deleted.

**3.2** Responsibility for future construction of any elements deleted from the Project is beyond the scope of this Agreement.

### **4.0 PROJECT MANAGEMENT AND REVIEW.**

**4.1** Arvada shall serve in the capacity of Project Manager and, with the concurrence of the other Parties, perform the duties and responsibilities of a Project Manager, including but not limited to, obtaining the services of a design consultant; acquiring necessary rights-of-way, easements, or other property interests; advertising for construction bids; managing the construction contracts(s); and monitoring the Project budget.

**4.2** Arvada, as Project Manager, shall have the authority to approve change orders up to \$10,000 without conferring with the other Parties; change orders greater than \$10,000 must first be reviewed and mutually agreed to by all Parties.

**4.3** The County, through its Highways and Transportation Division, and Westminster may, but are not required to, participate in all Project activities such as attending status meetings; reviewing and commenting on construction plans and submitted bids; providing construction management support on an "as needed" basis; reviewing legal descriptions; participating in final inspection and closure, etc. Any construction permits, review fees, etc. that may be required by a Party shall be issued by such Party on a "no fee" basis.

**5.0 ADDITIONAL DOCUMENTS OR ACTION.** The Parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement.

**6.0 SUBSEQUENT FISCAL YEARS.** Payments or contributions by the Parties to this Agreement in fiscal years subsequent to the current year are contingent upon funds for this Agreement being appropriated, budgeted, and made available by each Party hereto.

**7.0 NOTICES.** With the exception of day-to-day communications in the course of accomplishing the Project, any formal notice required or desired to be given under the terms of this Agreement shall be in writing, and delivered by first-class mail, postage prepaid, return receipt requested, to the Parties at the addresses set forth below:

ARVADA:

Deputy Director of Public Works  
City of Arvada  
8101 Ralston Road  
Arvada, Colorado 80002

COUNTY:

Director of Highways & Transportation Division  
100 Jefferson County Parkway, #3500  
Golden, Colorado 80419

WESTMINSTER:

City Engineer  
City of Westminster  
4800 West 92<sup>nd</sup> Avenue  
Westminster, Colorado 80031

with a copy to:

Jefferson County Attorney  
Jefferson County Government Center  
100 Jefferson County Parkway  
Golden, Colorado 80419

**8.0 PARAGRAPH CAPTIONS.** The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

**9.0 INTEGRATION AND AMENDMENT.** This Agreement represents the entire agreement between the Parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the Parties. If any other provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

**10.0 SEVERABILITY.** If any provisions of this Agreement or the application thereof to any Party or circumstance is held to be invalid, illegal, or unenforceable, all other provisions nevertheless shall remain effective, provided the Parties shall forthwith enter into good faith negotiations and proceed with due diligence to draft a term that will achieve the original intent of the Parties hereunder. To this end, the provisions of the Agreement are declared to be severable.

**11.0 NO THIRD PARTY BENEFICIARIES.** It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the County, Arvada, and Westminster, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the Parties hereto that any person other than the Parties hereto receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

**12.0 GOVERNING LAW AND VENUE.** This Agreement shall be governed by the laws of the State of Colorado. Venue for any action arising under this Agreement or for the enforcement of this Agreement shall be in the appropriate court for Jefferson County, Colorado.

**13.0 COUNTERPARTS.** This agreement may be executed in several counterparts and each such counterpart shall be deemed an original.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

ATTEST:  
[SEAL]

**COUNTY OF JEFFERSON**  
**STATE OF COLORADO**

\_\_\_\_\_  
Deputy Clerk & Recorder

\_\_\_\_\_  
Jim Congrove, Chairman  
Board of County Commissioners  
Date:\_\_\_\_\_

STATE OF COLORADO )  
                                  ) ss.  
COUNTY OF JEFFERSON )

Subscribed and sworn to before me this \_\_ day of \_\_\_\_\_, 2007 by Jim Congrove, as Chairman of the Board of County Commissioners for the County of Jefferson, State of Colorado.

WITNESS my hand and official seal.  
My Commission Expires:\_\_\_\_\_

\_\_\_\_\_  
Notary Public

APPROVED AS TO FORM:

\_\_\_\_\_  
Jean L. Ayars, Assistant County Attorney

ATTEST:

**CITY OF ARVADA**

\_\_\_\_\_  
Chris Koch, City Clerk

\_\_\_\_\_  
Ken Fellman, Mayor  
Date:\_\_\_\_\_

STATE OF COLORADO )  
                                  ) ss.  
COUNTY OF JEFFERSON )

Subscribed and sworn to before me this \_\_ day of \_\_\_\_\_, 2007 by Ken Fellman, as Mayor of the City of Arvada, Colorado.

WITNESS my hand and official seal.  
My Commission Expires:\_\_\_\_\_

\_\_\_\_\_  
Notary Public

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher K. Daly, City Attorney



ATTEST:

**CITY OF WESTMINSTER**

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

\_\_\_\_\_  
Nancy McNally, Mayor  
Date:\_\_\_\_\_

STATE OF COLORADO   )  
  ) ss.  
COUNTY OF JEFFERSON )

Subscribed and sworn to before me this \_\_ day of \_\_\_\_\_, 2007 by Nancy McNally, as Mayor of the City of Westminster, Colorado.

WITNESS my hand and official seal.  
My Commission Expires:\_\_\_\_\_

\_\_\_\_\_  
Notary Public

APPROVED AS TO FORM:

\_\_\_\_\_  
Marty McCullough, City Attorney



# Proposed 88th Ave Widening Improvement



City of Westminster

Jefferson County Enclave

City of Westminster

City of Arvada

Widening Area

86th Pkwy

Jellison St

Johnson St

87th Pl

87th Ave

87th Ave

87th Cir

Iris St

Independence Way

89th Way

88th Pl

88th Ave

Jellison Ct



All data from the City of Westminster  
Map prepared by Bill Jeffrey, Community Development

1 inch equals 200 feet







## Agenda Item 8 E

WESTMINSTER

COLORADO

Agenda Memorandum

City Council Meeting  
August 27, 2007



**SUBJECT:** Second Reading of Councillor's Bill No. 45 re Cost Recovery for the Huron Street Improvements, West 128<sup>th</sup> Avenue to West 140<sup>th</sup> Avenue

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

**Recommended City Council Action:**

Pass Councillors Bill No. 45 on second reading establishing recovery payments owed to the City for costs incurred in constructing improvements to Huron Street between 128<sup>th</sup> Avenue and 140<sup>th</sup> Avenue.

**Summary Statement**

- The improvements to Huron Street between 128<sup>th</sup> Avenue and 140<sup>th</sup> Avenue were completed in 2006 at an overall cost of \$13.9 million. Westminster Municipal Code allows the recovery of portions of those costs from the adjoining benefited properties.
- Costs of the project were categorized and evaluated according to guidelines in the Municipal Code to determine the level of assessment of those costs to properties that benefit from them. Generally, improvements that would normally be installed by the adjacent developer as a condition of development were included. The costs of improvements that have wide-ranging benefits, such as major structures, were excluded. The total cost was then apportioned among the City and the undeveloped properties on either side of Huron Street based on their frontage.
- The attached Councillor's Bill lists the qualifying costs and establishes the cost recovery mechanism for assessing those costs to the adjoining ownerships when they develop.
- City Council action is requested to pass the attached Councillors Bill on second reading establishing recovery payments owed to the city for costs incurred in constructing improvements to Huron Street between 140<sup>th</sup> Avenue and 150<sup>th</sup> Avenue.
- This Councillor's Bill was passed on first reading on August 13, 2007.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager  
Attachment

BY AUTHORITY

ORDINANCE NO. **3373**

COUNCILLOR'S BILL NO. **45**

SERIES OF 2007

INTRODUCED BY COUNCILLORS  
**Major - Dittman**

**A BILL**

**FOR AN ORDINANCE ESTABLISHING COST RECOVERIES FOR CITY-CONSTRUCTED  
PROJECT: HURON STREET IMPROVEMENTS, 128<sup>TH</sup> TO 140<sup>TH</sup> AVENUE**

WHEREAS, Westminster Municipal Code § 11-6-7(B)(1) provides that the City shall have the authority to allocate and recover the costs of construction of public improvements or facilities from property owners based on the benefit of such improvement, facility, or service to said owners; and

WHEREAS, Westminster Municipal Code § 11-6-7(B)(3) provides that the City Council shall provide by ordinance for the recovery of appropriate costs for public improvements, facilities, or services constructed by the City, and that said ordinance shall establish the nature and extent of the recoveries due to the City, and that such ordinance may include provisions for simple interest payable to the City; and

WHEREAS, Westminster Municipal Code § 11-6-7(E)(2)(a) provides that any ordinance establishing cost recovery obligations for City-constructed improvements shall include a list of properties to be charged with cost recovery for said improvements, that said ordinance shall be recorded in the real estate records of the counties in which the properties to be charged with cost recoveries are located and, if available, shall include a final statement of construction costs for the improvements subject to recovery or, otherwise, an estimate of construction costs for the improvements to be constructed until a final statement of construction costs for the improvements may be determined and recorded following the completion of the improvements; and

WHEREAS, the City completed the installation of roadway and utility improvements along the general alignment of Huron Street from 128<sup>th</sup> Avenue to 140<sup>th</sup> Avenue; and

WHEREAS, the City, through this ordinance, now wishes to establish a cost assessment recoverable from benefiting properties.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. The nature and extent of the recoverable costs owed to the City pursuant to this ordinance includes costs associated with the planning, design and construction of improvements to Huron Street between 128<sup>th</sup> Avenue and 140<sup>th</sup> Avenue listed and summarized in Exhibit A, attached hereto and incorporated herein by this reference, and those costs (the "Recoverable Construction Costs") will be assessed at the rate of \$418 per linear foot of property in the City with frontage on Huron Street.

Section 2. The nature and extent of the recoverable costs owed to the City pursuant to this ordinance also includes costs associated with right-of-way acquisition necessary to complete the improvements to Huron Street between 128<sup>th</sup> Avenue and 140<sup>th</sup> Avenue, and those costs (the "Recoverable Right-of Way Costs") will be assessed on a property-by-property basis in accordance with the dedication requirements pursuant to W.M.C. §§ 11-6-1 (A) and 11-6-2 (C), (G), and (I).

Section 3. The properties (the "Assessed Properties") described in Exhibit B, attached hereto and incorporated herein by this reference, are hereby assessed the Recoverable Costs noted in Exhibit B. The Recoverable Costs shall be due and payable in accordance with the provisions of W.M.C. § 11-6-7, as the same may be amended.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

Section 6. The City Clerk shall cause a copy of this ordinance to be recorded in the real estate records of Adams County immediately following its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13<sup>th</sup> day of August, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney's Office



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 27, 2007



**SUBJECT:** Second Reading of Councillor's Bill No. 46 re Cost Recovery for the Huron Street Improvements, West 140<sup>th</sup> Avenue to West 150<sup>th</sup> Avenue

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

**Recommended City Council Action:**

Pass Councillors Bill No. 46 on second reading establishing recovery payments owed to the City for costs incurred in constructing improvements to Huron Street between 140<sup>th</sup> Avenue and 150<sup>th</sup> Avenue.

**Summary Statement**

- The improvements to Huron Street between 140<sup>th</sup> Avenue and 150<sup>th</sup> Avenue were completed in 2006 at an overall cost of \$11.5 million. Westminster Municipal Code allows the recovery of portions of those costs from the adjoining benefited properties.
- Costs of the project were categorized and evaluated according to guidelines in the Municipal Code to determine the level of assessment of those costs to properties that benefit from them. Generally, improvements that would normally be installed by the adjacent developer as a condition of development were included. The costs of improvements that have wide-ranging benefits, such as major structures, were excluded. The total cost was then apportioned among the City and the undeveloped properties on either side of Huron Street based on their frontage.
- The attached Councillor's Bill lists the qualifying costs and establishes the cost recovery mechanism for assessing those costs to the adjoining ownerships when they develop.
- City Council action is requested to pass the attached Councillors Bill on second reading establishing recovery payments owed to the City for costs incurred in constructing improvements to Huron Street between 140<sup>th</sup> and 150<sup>th</sup> Avenue.
- This Councillor's Bill was passed on first reading on August 13, 2007.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager  
Attachment

BY AUTHORITY

ORDINANCE NO. **3374**

COUNCILLOR'S BILL NO. **46**

SERIES OF 2007

INTRODUCED BY COUNCILLORS  
**Lindsey - Price**

**A BILL**

**FOR AN ORDINANCE ESTABLISHING COST RECOVERIES FOR CITY-CONSTRUCTED  
PROJECT: HURON STREET IMPROVEMENTS, 140<sup>TH</sup> TO 150<sup>TH</sup> AVENUE**

WHEREAS, Westminster Municipal Code § 11-6-7(B)(1) provides that the City shall have the authority to allocate and recover the costs of construction of public improvements or facilities from property owners based on the benefit of such improvement, facility, or service to said owners; and

WHEREAS, Westminster Municipal Code § 11-6-7(B)(3) provides that the City Council shall provide by ordinance for the recovery of appropriate costs for public improvements, facilities, or services constructed by the City, and that said ordinance shall establish the nature and extent of the recoveries due to the City, and that such ordinance may include provisions for simple interest payable to the City; and

WHEREAS, Westminster Municipal Code § 11-6-7(E)(2)(a) provides that any ordinance establishing cost recovery obligations for City-constructed improvements shall include a list of properties to be charged with cost recovery for said improvements, that said ordinance shall be recorded in the real estate records of the counties in which the properties to be charged with cost recoveries are located and, if available, shall include a final statement of construction costs for the improvements subject to recovery or, otherwise, an estimate of construction costs for the improvements to be constructed until a final statement of construction costs for the improvements may be determined and recorded following the completion of the improvements; and

WHEREAS, the City completed the installation of roadway and utility improvements along the general alignment of Huron Street from 140<sup>th</sup> Avenue to 150<sup>th</sup> Avenue; and

WHEREAS, the City, through this ordinance, now wishes to establish a cost assessment recoverable from benefiting properties.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. The nature and extent of the recoverable costs owed to the City pursuant to this ordinance includes costs associated with the planning, design and construction of improvements to Huron Street between 140<sup>th</sup> Avenue and 150<sup>th</sup> Avenue listed and summarized in Exhibit A, attached hereto and incorporated herein by this reference, and those costs (the "Recoverable Construction Costs") will be assessed at the rate of \$365.00 per linear foot of property in the City with frontage on Huron Street.

Section 2. The nature and extent of the recoverable costs owed to the City pursuant to this ordinance also includes costs associated with right-of-way acquisition necessary to complete the improvements to Huron Street between 140<sup>th</sup> Avenue and 150<sup>th</sup> Avenue, and those costs (the "Recoverable Right-of Way Costs") will be assessed on a property-by-property basis in accordance with the dedication requirements pursuant to W.M.C. §§ 11-6-1 (A) and 11-6-2 (C), (G), and (I).

Section 3. The properties (the "Assessed Properties") described in Exhibit B, attached hereto and incorporated herein by this reference, are hereby assessed the Recoverable Costs noted in Exhibit B. The Recoverable Costs shall be due and payable in accordance with the provisions of W.M.C. § 11-6-7, as the same may be amended.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

Section 6. The City Clerk shall cause a copy of this ordinance to be recorded in the real estate records of Adams County immediately following its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13<sup>th</sup> day of August, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney's Office





WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
August 27, 2007



**SUBJECT:** Second Reading of Councillor’s Bill No. 47 re 2007 2nd Quarter Budget Supplemental Appropriation

**Prepared By:** Gary Newcomb, Accountant

**Recommended City Council Action**

Adopt Councillor’s Bill No. 47 on second reading providing for supplementary appropriations to the 2007 budget of the General, General Capital Improvement, General Capital Outlay Replacement, Parks Open Space, and Trails and Debt Service Funds.

**Summary Statement**

- City Council action is requested to adopt the attached Councillor’s Bill on second reading authorizing a supplemental appropriation to the 2007 budget of the General, General Capital Improvement, General Capital Outlay Replacement, Parks Open Space, and Trails and Debt Service Funds.
  - General Fund amendments total: \$33,030,644
  - General Capital Improvement Fund amendments total: \$2,548,769
  - General Capital Outlay Replacement Fund amendments total: \$2,666,090
  - Parks, Open Space, and Trials Fund amendments total: \$4,275,000
  - Debt Service Fund amendments total: \$26,002,713
- This Councillor’s Bill was passed on first reading August 13, 2007.

**Expenditure Required:** \$68,523,216

**Source of Funds:** The funding sources for these expenditures include achievement awards, interest earnings, lease proceeds, refunding proceeds, grants, participation funds, cash-in-lieu, energy rebates, reimbursements, carryover funds, and reimbursement resolution funds.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager  
Attachment

BY AUTHORITY

ORDINANCE NO. **3375**

COUNCILLOR'S BILL NO. **47**

SERIES OF 2007

INTRODUCED BY COUNCILLORS  
**Dittman - Major**

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2007 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, GENERAL CAPITAL OUTLAY REPLACEMENT, PARKS, OPEN SPACE, AND TRAILS, AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2007 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2007 appropriation for the General, General Capital Improvement, General Capital Outlay Replacement, Parks, Open Space, and Trails, and Debt Service Funds, initially appropriated by Ordinance No. 3316 are hereby increased in aggregate by \$68,523,216. This appropriation is due to the receipt of achievement awards, interest earnings, lease proceeds, refunding proceeds, grants, participation funds, cash-in-lieu, energy rebates, reimbursements, carryover funds, and reimbursement resolution funds.

Section 2. The \$68,523,216 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 E&F dated August 13, 2007 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$33,030,644
General Capital Improvement Fund	2,548,769
General Capital Outlay Replacement Fund	2,666,090
Parks, Open Space, and Trails Fund	4,275,000
Debt Service	<u>26,002,713</u>
Total	<u>\$68,523,216</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13<sup>th</sup> day of August, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of August, 2007.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 27, 2007



**SUBJECT:** Public Hearing and Action re the Annexation, Comprehensive Land Use Plan Amendment, and Rezoning of the Ganzhorn Property

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

**Recommended City Council Action**

1. Hold a public hearing.
2. Adopt Resolution No. 28 making certain findings of fact as required under section 31-12-110 C.R.S regarding the Ganzhorn property annexation.
3. Pass Councilor’s Bill No. 48 on first reading annexing the Ganzhorn property No. 1 to the City of Westminster.
4. Pass Councilor’s Bill No. 49 on first reading annexing the Ganzhorn property No. 2 to the City of Westminster.
5. Pass Councilor’s Bill No. 50 on first reading amending the Comprehensive Land Use Plan (CLUP) for the Ganzhorn property changing the designation from Northeast Comprehensive Development Plan (NECDP) to Retail Commercial. This action is based on a finding that the proposed amendment will be in the public good and that:
  - a) There is justification for the proposed change and the Plan is in need of revision as proposed; and
  - b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
  - c) The proposed amendment is compatible with existing and planned surrounding land uses; and
  - d) The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.
6. Pass Councilor’s Bill No. 51 on first reading rezoning the Ganzhorn property from Jefferson County A-1 to Planned Unit Development (PUD). This action is based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code (WMC) have been met.

**Summary Statement**

- The Ganzhorn property is located at 10385 Wadsworth Boulevard and consists of approximately 1.1 acres.
- The property is subject to the provisions of the Northeast Comprehensive Development Plan Subarea C and permits general retail office and mixed use development on this property.
- The applicant wishes to annex in order to make the vacant property more attractive to a future purchaser and to make in-City water and sewer rates available.
- Due to contiguity requirements this annexation must be accomplished as two sequential annexations.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Planning Commission Recommendation**

The Planning Commission reviewed this proposal on August 14, 2007, and voted unanimously (7-0) to recommend the City Council approve the annexation of the Ganzhorn property, to amend the CLUP to designate the property from Northeast Comprehensive Development Plan to Retail Commercial, and to rezone the property from Jefferson County A-1 to Planned Unit Development (PUD).

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

**Policy Issues**

1. Should the City annex the Ganzhorn property?
2. Should the CLUP designation for the Ganzhorn property be changed from Northeast Comprehensive Development Plan to Retail Commercial?
3. Should the City approve the rezoning of the Ganzhorn property from A-1 to PUD?

**Alternatives**

1. Make a finding that there is no community of interest for the proposed annexation and take no further action. If this action is taken, the applicant may proceed with the development of the property within the County and the City would be obligated to provide water and sewer services.
2. Deny the Comprehensive Land Use Plan amendment or assign a different designation. Any different designation must conform to the requirements of the Northeast Comprehensive Development Plan.
3. Deny the rezoning of the Ganzhorn property from A-1 to PUD, and assign an alternative zoning category.

**Background Information**

Nature of Request

The applicant is requesting that the subject property be annexed by the City in order to present a more developable parcel to a future purchaser. If annexed, the property would also be eligible for in-City water and sewer rates. Since there are no plans for immediate development, staff is recommending that a CLUP designation of Retail Commercial be assigned to the property and allow the uses as permitted under the provisions of the NECDP. At such time as development is proposed, an application for a Preliminary Development Plan (PDP) and Official Development Plan (ODP) will be made to the City for approval prior to any construction. The application must meet all of the City's land development regulations and guidelines.

A portion of the Wadsworth Boulevard right-of-way adjacent to the Ganzhorn property has been excluded from this annexation. Current County records show that this parcel was never dedicated to the County and therefore remains privately owned. Since the legal status of the property is not clear, City Staff did not include it in the annexation.

Location

The site is located at 10385 Wadsworth Boulevard. (Please see attached vicinity map).

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

1. The proposed amendment must, "Demonstrate that there is justification for the proposed change, and that the Plan is in need of revision as proposed." In September of 2006, the City Council renewed the NECDP with a number of revisions, one of which required annexed properties to be re-designated to a category within the CLUP. The proposed amendment will accomplish that directive.

2. The proposed amendment must, “Be in conformance with the overall purpose, intent, goals, and policies of the Plan.” Applicable goals are stated in Section III of the Community Goals and Policies section of the Plan. They include:
  - Goal A1 – Growth will occur in a manner that balances the pace of development with the City’s ability to provide quality services and capital improvements.
  - Policy A1c – Annexation of County enclaves and adjoining lands will be considered on a case by case basis, taking into consideration the fiscal, social and land use factors.

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

3. The proposal must, “Be compatible with existing and surrounding land uses.” Any uses proposed on this property must meet the requirements of the NECDP that was adopted after a number of meetings with the area residents to determine a vision for the area. Said vision was then adopted by both the City of Westminster and Jefferson County as the highest and best use for the area.
4. The proposal must, “Not result in detrimental impacts to the City’s existing or planned infrastructure or provide measures to mitigate such impacts to the satisfaction of the City.” While the development will have impacts, any proposed ODP will be reviewed by Staff to assure that negative impacts are minimized. Said proposed ODP will be subject to review by the public in accordance with all City Codes and policies.

Public Notification

Westminster Municipal Code 11-5-13 requires the following three public notification procedures:

- **Published Notice:** Notice of public hearings scheduled before Planning Commission shall be published and posted at least 10 days prior to such hearing and at least four days prior to City Council public hearings. Notice was published in the Westminster Window on July 26, 2007.
- **Property Posting:** Notice of public hearings shall be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. One sign was posted on the property on August 3, 2007.
- **Written Notice:** At least 10 days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowners’ associations registered with the City within 300 feet of the subject property. The applicant has provided the Planning Manager with a certification that the required notices were mailed on August 3, 2007.

Applicant/Property Owner

Pat Murphy/Conrad Ganzhorn

Surrounding Land Use and Comprehensive Land Use Plan Designations

<b>Development Name</b>	<b>Zoning</b>	<b>CLUP Designation</b>	<b>Use</b>
North: Mandalay Gardens	A-1, County	Northeast Comprehensive Development Plan	Residential
West: Mandalay Gardens	A-1, County	Northeast Comprehensive Development Plan	Residential/Agricultural
East: Across Wadsworth Boulevard	A-1, County	Northeast Comprehensive Development Plan	Mandalay Community Center
South: Mandalay Gardens	A-1, County	Northeast Comprehensive Development Plan	Residential/Agricultural

Site Plan Information

No development is proposed for the site at this time. Any future development will be required to meet the criteria established in the applicable Design Guidelines and City Codes.

Service Commitment Category

None at this time. This property is exempt from competition requirements.

Referral Agency Responses

A copy of the proposed plans was sent to the following agencies: Jefferson County and all special districts as required by State Statute. No responses have been received.

Neighborhood Meeting(s) and Public Comments

The neighborhood meeting will be held when any development proposal is received for review by the City.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments

- Ganzhorn Vicinity Map
- Findings Resolution
- Annexation Ordinances
- Comprehensive Land Use Plan Amendment Ordinance
- Ganzhorn Comprehensive Land Use Plan Map
- Rezoning Ordinance
- Ganzhorn Zoning Map
- Criteria and Standards for Land Use Applications

RESOLUTION

RESOLUTION NO. 28

INTRODUCED BY COUNCILLORS

SERIES OF 2007

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

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

WHEREAS, City Council has previously adopted Resolution No. 25 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 perimeters of each of the areas proposed to be annexed serially are contiguous with the City of Westminster;
- b. A community of interest exists between the area proposed to be annexed and the City;
- c. The area is urban or will be urbanized in the near future; and
- d. The area is integrated with or is capable of being integrated with the City.

2. The City Council further finds:

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

3. The City Council further finds:

- a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;
- b. That the annexation will not result in the detachment of any 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 27th day of August, 2007.

ATTEST:

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Mayor

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City Clerk

APPROVED AS TO LEAGAL FORM:

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City Attorney's Office

Ganzhorn Annexation



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **48**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

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**A BILL**

**FOR AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 14,  
TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owner of more than 50 percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; 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. 28, Series of 2007 making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council has satisfied itself that the proposed annexation conforms with the Comprehensive Land Use Plan of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

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

Ganzhorn Annexation #1

Considering the north line of the Northeast ¼ of Section 14, Township 2 South, Range 69 West of the 6<sup>th</sup> P.M., to bear North 88°52'39" East, with all bearings herein relative thereto.

Commencing at the northwest corner of the Northeast ¼ of said Section 14; thence South 03°31'50" West, a distance of 640.66 feet to the northeast corner of said tracts and the point of beginning; thence coincident with the east line of said tracts South 21°07'49" East, a distance of 170.43 feet to the south line of the North ½ of said tracts; thence coincident with the south line of the North ½ of said tracts South 89°38'23" West, a distance of 284.56 feet to the west line of said tracts; thence coincident with the west line of said tracts North 00°48'52" East, a distance of 159.21 feet to the northwest corner of said tracts; thence coincident with the north line of said tracts North 89°35'40" East, a distance of 220.86 feet to the point of beginning.

Consisting of approximately .33 Acres.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE  
ORDERED PUBLISHED this 27th day of August, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 10th day of September, 2007.

ATTEST:

\_\_\_\_\_  
Mayor

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

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **49**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 14,  
TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owner of 100 percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; 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. 28, Series of 2007 making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council has satisfied itself that the proposed annexation conforms with the Comprehensive Land Use Plan of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

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

**Ganzhorn Annexation #2**

Considering the north line of the Northeast ¼ of Section 14, Township 2 South, Range 69 West of the 6<sup>th</sup> P.M. to bear North 88°52'39" East, with all bearings herein relative thereto.

Commencing at the northwest corner of the Northeast ¼ of said Section 14, thence South 08°07'18" East, a distance of 660.31 feet to the point of beginning at the intersection of the east right-of-way line of said Old Wadsworth Boulevard and the north right-of-way line of 103<sup>rd</sup> Avenue, also being the southwest corner of Lot 1, first replat Church Ranch Home Place Filing No. 1, recorded at Reception No. F0321019; thence North 89°40'44" West, a distance of 90.00 feet to the west right-of-way line of said Old Wadsworth Boulevard and the east boundary of Lot 2, platting exemption agreement Case No. E53-6-85, recorded at Reception No. 85072556 in the official records of said County; thence coincident with the east right-of-way line of said Old Wadsworth and the east line of said Lot 2 South 00°19'16" West, a distance of 13.43 feet to the southeast corner of said Lot 2; thence coincident with the west right-of-way line of said Old Wadsworth Boulevard and the southwest line of said Lot 2 North 21°07'49" West, a distance of 29.37 feet to the southeast corner of parcel of land described in Reception No. 194693; thence coincident with the south line of said parcel of land described at Reception No. 194693 South 89°35'40" West, a distance of 32.08 feet to the northeast corner of Tract B1 and B2, Mandalay Gardens, recorded at Reception No. 194693; thence coincident with the east line of said Tract B1 and B2 and the west right-of-way line of said Wadsworth Boulevard South 21°07'49" East, a distance of 187.03 feet to the north line of that portion of annexation map recorded at Reception No. F1186035; thence coincident with the north line of said portion of Wadsworth Boulevard North 89°48'38" East, a distance of 64.24 feet to the east right-of-way line of said Old Wadsworth Boulevard and the west line of Tract 57B, of said Mandalay Gardens; thence coincident with the west line of said Tract 57B North 21°07'49" West, a distance of 107.07 feet to the northwest

corner of said Tract 57B; thence coincident with the north line of said Tract 57B North 89°48'38" East, a distance of 39.33 feet to the west line of that portion annexed to the City of Westminster by annexation map recorded at Reception No. 88080480; thence coincident with said west line North 00°19'16" East, a distance of 60.00 feet to the point of beginning.

Consisting of approximately .77 Acres.

Section 2. That the City Council finds that the owners of one hundred percent of the above-described area, exclusive of streets and alleys, have petitioned for annexation.

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 27th day of August, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of September, 2007.

ATTEST:

\_\_\_\_\_  
Mayor

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

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **50**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described below, incorporated herein by reference, requesting a change in the land use designations from "Northeast Comprehensive Development Plan" to "Retail Commercial" for the Ganzhorn property located at 10385 Wadsworth Boulevard, consisting of approximately 1.1 acres.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on August 14, 2007, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

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

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

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly Policy A1c which states that the City will consider the annexation of enclaves on a case by case basis taking into consideration fiscal, social and land use factors.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designation of the property more particularly described as follows:

Parcel 1

The north ½ of Tracts B1 & B2, Mandalay Gardens, County of Jefferson, State of Colorado.

Considering the north line of the Northeast ¼ of Section 14, Township 2 South, Range 69 West of the 6<sup>th</sup> P.M., to bear North 88°52'39" East, with all bearings herein relative thereto.

Commencing at the northwest corner of the Northeast ¼ of said Section 14; thence South 03°31'50" West, a distance of 640.66 feet to the northeast corner of said tracts and the point of beginning; thence coincident with the east line of said tracts South 21°07'49" East, a distance of 170.43 feet to the south line of the North ½ of said tracts; thence coincident with the south line of the North ½ of said tracts South 89°38'23" West, a distance of 284.56 feet to the west line of said tracts; thence coincident with the west line of said tracts North 00°48'52" East, a distance of 159.21 feet to the northwest corner of said tracts; thence coincident with the north line of said tracts North 89°35'40" East, a distance of 220.86 feet to the point of beginning.

Parcel 2

A part of Old Wadsworth Boulevard, located in Section 14, Township 2 South, Range 69 West of the 6<sup>th</sup> P.M., County of Jefferson, State of Colorado, described as follows:

Considering the north line of the Northeast ¼ of Section 14, Township 2 South, Range 69 West of the 6<sup>th</sup> P.M. to bear North 88°52'39" East, with all bearings herein relative thereto.

Commencing at the northwest corner of the Northeast ¼ of said Section 14, thence South 08°07'18" East, a distance of 660.31 feet to the point of beginning at the intersection of the east right-of-way line of said Old Wadsworth Boulevard and the north right-of-way line of 103<sup>rd</sup> Avenue, also being the southwest corner of Lot 1, first replat Church Ranch Home Place Filing No. 1, recorded at Reception No. F0321019; thence North 89°40'44" West, a distance of 90.00 feet to the west right-of-way line of said Old Wadsworth Boulevard and the east boundary of Lot 2, platting exemption agreement Case No. E53-6-85, recorded at Reception No. 85072556 in the official records of said County; thence coincident with the east right-of-way line of said Old Wadsworth and the east line of said Lot 2 South 00°19'16" West, a distance of 13.43 feet to the southeast corner of said Lot 2; thence coincident with the west right-of-way line of said Old Wadsworth Boulevard and the southwest line of said Lot 2 North 21°07'49" West, a distance of 29.37 feet to the southeast corner of parcel of land described in Reception No. 194693; thence coincident with the south line of said parcel of land described at Reception No. 194693 South 89°35'40" West, a distance of 32.08 feet to the northeast corner of Tract B1 and B2, Mandalay Gardens, recorded at Reception No. 194693; thence coincident with the east line of said Tract B1 and B2 and the west right-of-way line of said Wadsworth Boulevard South 21°07'49" East, a distance of 187.03 feet to the north line of that portion of annexation map recorded at Reception No. F1186035; thence coincident with the north line of said portion of Wadsworth Boulevard North 89°48'38" East, a distance of 64.24 feet to the east right-of-way line of said Old Wadsworth Boulevard and the west line of Tract 57B, of said Mandalay Gardens; thence coincident with the west line of said Tract 57B North 21°07'49" West, a distance of 107.07 feet to the northwest corner of said Tract 57B; thence coincident with the north line of said Tract 57B North 89°48'38" East, a distance of 39.33 feet to the west line of that portion annexed to the City of Westminster by annexation map recorded at Reception No. 88080480; thence coincident with said west line North 00°19'16" East, a distance of 60.00 feet to the point of beginning.

to "Retail Commercial", as depicted on the map attached as Exhibit A.

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

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

Section 5.      The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th of August, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of September, 2007.

ATTEST:

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney's Office

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **51**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AMENDING THE ZONING OF THE  
GANZHORN PROPERTY LOCATED AT 10385 WADSWORTH  
BOULEVARD, JEFFERSON COUNTY, COLORADO FROM A-1  
TO PUD**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located at 10385 Wadsworth Boulevard, as described below, from the A-1 to PUD zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on August 14, 2007 and has recommended approval of the requested amendments.

d. 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 and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, a rezoning to the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described as:

Parcel 1

The north ½ of Tracts B1 & B2, Mandalay Gardens, County of Jefferson, State of Colorado.

Considering the north line of the Northeast ¼ of Section 14, Township 2 South, Range 69 West of the 6<sup>th</sup> P.M., to bear North 88°52'39" East, with all bearings herein relative thereto.

Commencing at the northwest corner of the Northeast ¼ of said Section 14; thence South 03°31'50" West, a distance of 640.66 feet to the northeast corner of said tracts and the point of beginning; thence coincident with the east line of said tracts South 21°07'49" East, a distance of 170.43 feet to the south line of the North ½ of said tracts; thence coincident with the south line of the North ½ of said tracts South 89°38'23" West, a distance of 284.56 feet to the west line of said tracts; thence coincident with the west line of said tracts North 00°48'52" East, a distance of 159.21 feet to the northwest corner of said tracts; thence coincident with the north line of said tracts North 89°35'40" East, a distance of 220.86 feet to the point of beginning.

Parcel 2

A part of Old Wadsworth Boulevard, located in Section 14, Township 2 South, Range 69 West of the 6<sup>th</sup> P.M., County of Jefferson, State of Colorado, described as follows:

Considering the north line of the Northeast ¼ of Section 14, Township 2 South, Range 69 West of the 6<sup>th</sup> P.M. to bear North 88°52'39" East, with all bearings herein relative thereto.

Commencing at the northwest corner of the Northeast ¼ of said Section 14, thence South 08°07'18" East, a distance of 660.31 feet to the point of beginning at the intersection of the east right-of-way line of said Old Wadsworth Boulevard and the north right-of-way line of 103<sup>rd</sup> Avenue, also being the southwest corner of Lot 1, first replat Church Ranch Home Place Filing No. 1, recorded at Reception No. F0321019; thence North 89°40'44" West, a distance of 90.00 feet to the west right-of-way line of said Old Wadsworth Boulevard and the east boundary of Lot 2, platting exemption agreement Case No. E53-6-85, recorded at Reception No. 85072556 in the official records of said County; thence coincident with the east right-of-way line of said Old Wadsworth and the east line of said Lot 2 South 00°19'16" West, a distance of 13.43 feet to the southeast corner of said Lot 2; thence coincident with the west right-of-way line of said Old Wadsworth Boulevard and the southwest line of said Lot 2 North 21°07'49" West, a distance of 29.37 feet to the southeast corner of parcel of land described in Reception No. 194693; thence coincident with the south line of said parcel of land described at Reception No. 194693 South 89°35'40" West, a distance of 32.08 feet to the northeast corner of Tract B1 and B2, Mandalay Gardens, recorded at Reception No. 194693; thence coincident with the east line of said Tract B1 and B2 and the west right-of-way line of said Wadsworth Boulevard South 21°07'49" East, a distance of 187.03 feet to the north line of that portion of annexation map recorded at Reception No. F1186035; thence coincident with the north line of said portion of Wadsworth Boulevard North 89°48'38" East, a distance of 64.24 feet to the east right-of-way line of said Old Wadsworth Boulevard and the west line of Tract 57B, of said Mandalay Gardens; thence coincident with the west line of said Tract 57B North 21°07'49" West, a distance of 107.07 feet to the northwest corner of said Tract 57B; thence coincident with the north line of said Tract 57B North 89°48'38" East, a distance of 39.33 feet to the west line of that portion annexed to the City of Westminster by annexation map recorded at Reception No. 88080480; thence coincident with said west line North 00°19'16" East, a distance of 60.00 feet to the point of beginning.

from the A-1 zoning district to the PUD zoning district, as depicted on the map marked Exhibit A, attached hereto.

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 27th day of August, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of September, 2007.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney's Office



## Criteria and Standards for Land Use Applications

### *Comprehensive Land Use Plan Amendments*

- The owner/applicant has “the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan...” (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

### *Approval of Planned Unit Development (PUD), Preliminary Development Plan (PDP) and Amendments to Preliminary Development Plans (PDP)*

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:

1. The Planned Unit Development (PUD) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The PUD exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The PUD is compatible and harmonious with existing public and private development in the surrounding area.
5. The PUD provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The PUD has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.
9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

***Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)***

11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:

1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.
2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

***City Initiated Rezoning***

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
3. The surrounding development is or may be adversely impacted by the current zoning.
4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

***Official Development Plan (ODP) Application***

11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. The plan is in conformance with all City Codes, ordinances, and policies.
2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.

9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.



# Ganzhorn Vicinity Map



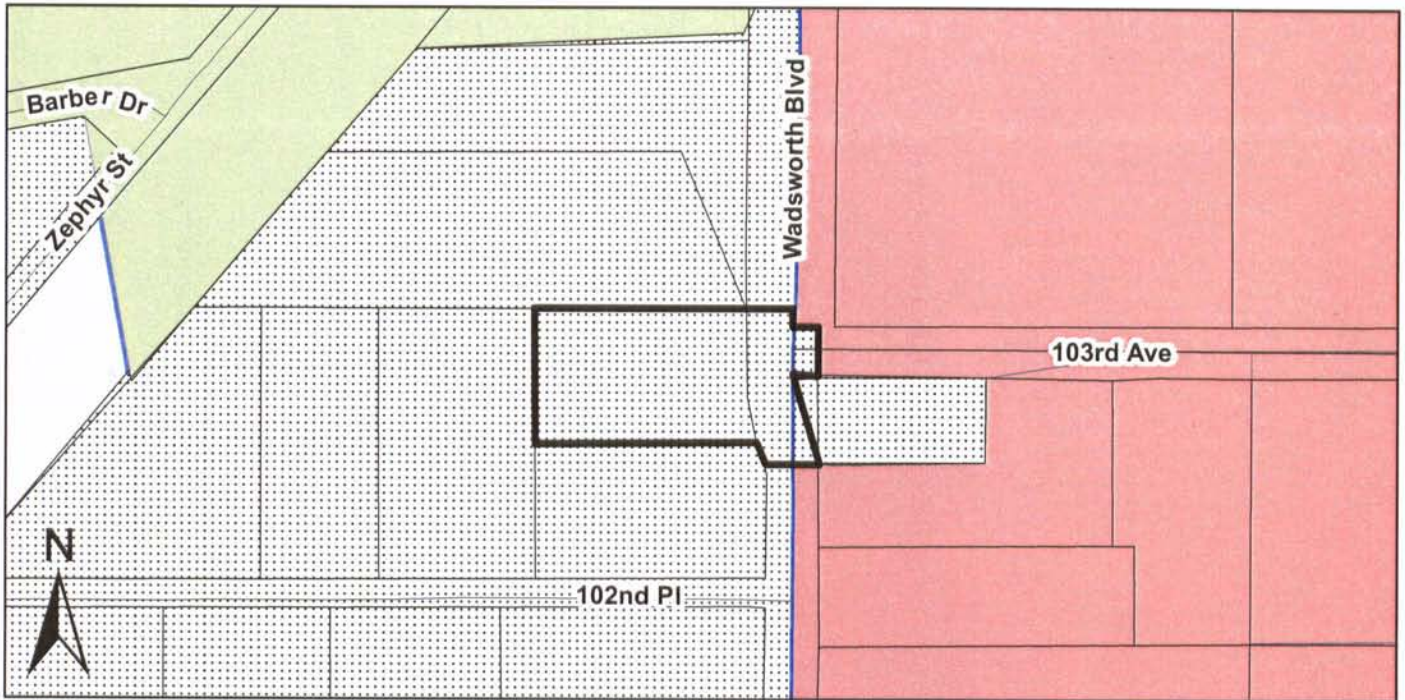
### Legend

- City Boundary
- ▨ Ganzhorn Property
- Not in City Limits



# Ganzhorn CLUP Designation

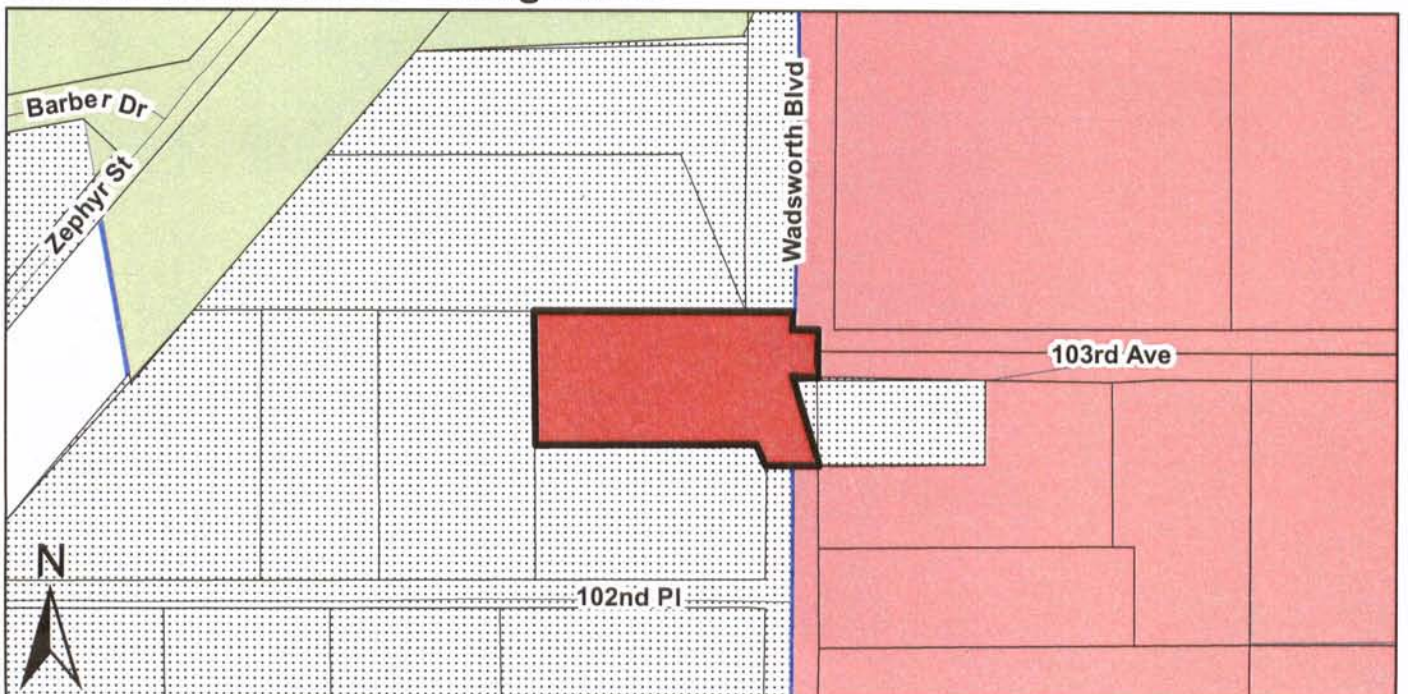
# Exhibit A



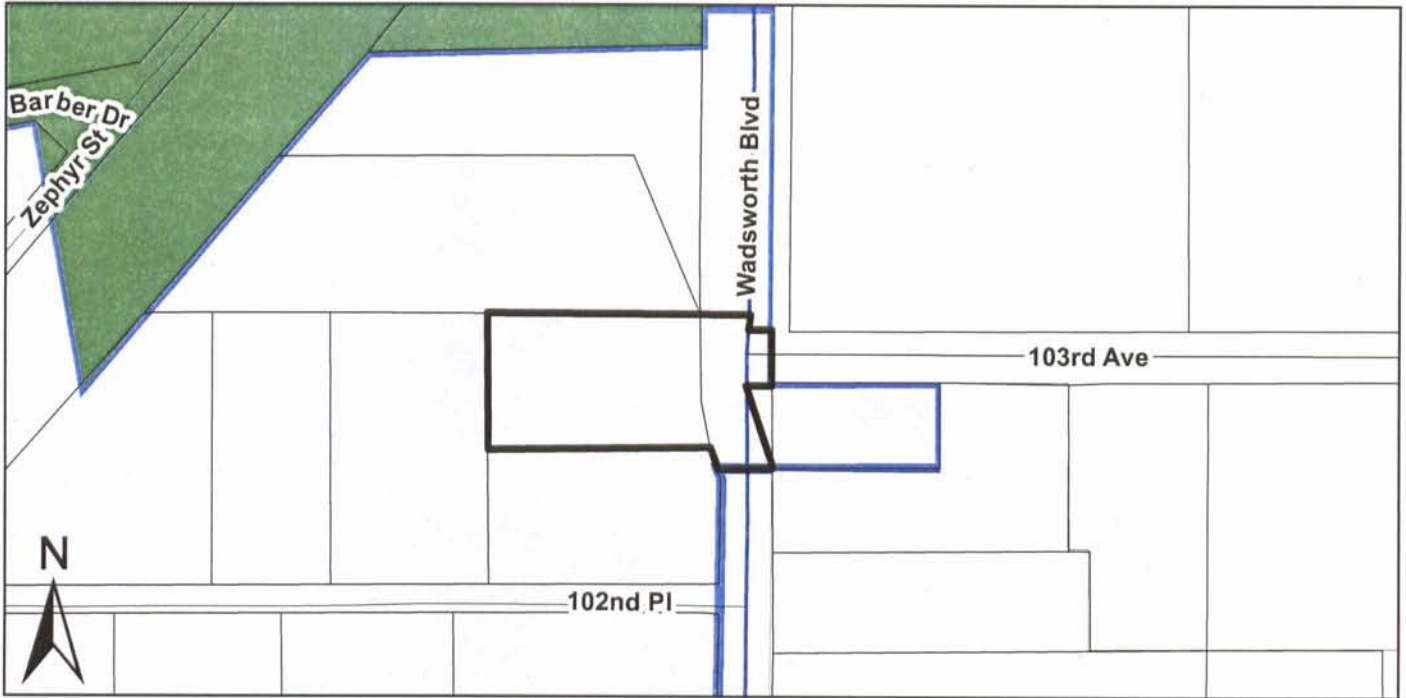
LEGEND			
R-1	R-18	Office/Residential	Private Parks/Open Space
R-2.5	Retail Commercial	District Center	Golf Courses
R-3.5	Office	Traditional Mixed Use	Public/Quasi Public
R-5	Industrial	City Owned Open Space	N.E. Comprehensive Dev. Plan
R-8	Business Park	Public Parks	Major Creek Corridor Non Public

Description of Change: North East Comprehensive Plan to Retail/Commercial 0 150 300 600 Feet

# Ganzhorn New CLUP Designation



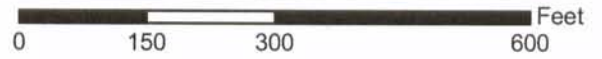
# Ganzhorn Property Zoning Designation



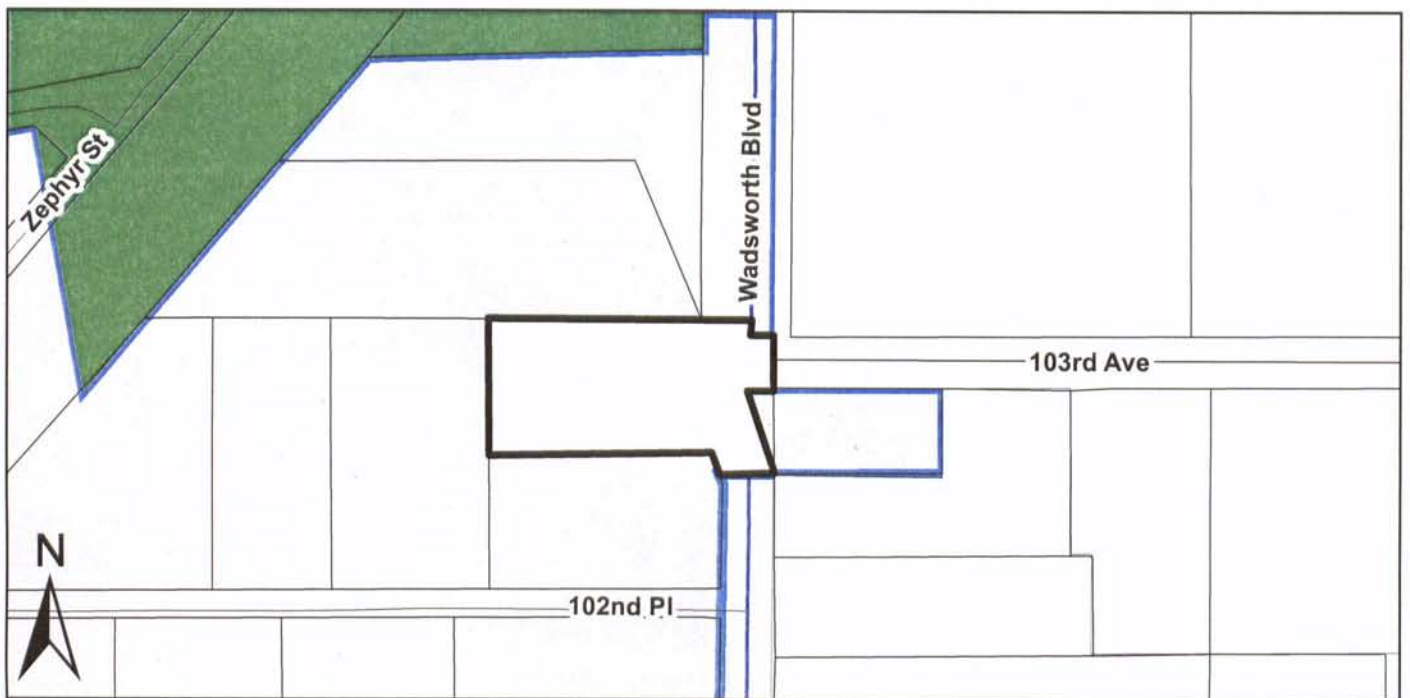
**LEGEND**

B-1	O-1	R-1	R-5	T-1
C-1	PUD	R-2	R-A	Not in City Limits
M-1	R-3	R-4	R-E	

Description of Change: Not in City Limits to PUD



# Ganzhorn Property New Zoning Designation







**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 27, 2007



**SUBJECT:** Councillor's Bill No. 52 Concerning Application Fees for Licenses

**Prepared By:** Linda Yeager, City Clerk

**Recommended City Council Action**

Pass Councillor's Bill No. 52 on first reading to increase application fees for new liquor licenses, transfers of liquor licenses, renewed liquor licenses, and special event permits.

**Summary Statement**

- During its 2007 session, the Colorado General Assembly adopted and the Governor signed Senate Bill (SB) 07-149 authorizing incremental increases in specific liquor license application fees that have not been increased for at least ten years.
- SB 07-149 was supported by the Colorado Municipal Clerks Association (CMCA), the Colorado Municipal League (CML), and the Westminster City Council as a fair means of recapturing a percentage of the actual cost associated with processing and considering applications for liquor licenses.
- To minimize the financial impact of recommended increases to applicants and existing licensees, SB 07-149 allows phased-in, graduated fee increases over the four-year period from 2007 to 2010.
- As discussed with Council at the August 6, 2007 study session, staff believes the fee increases proposed are justified based on actual costs of services provided. The application fee for new or transfers of licenses is currently \$500, while the cost of petitioning a neighborhood to determine the needs and desires of the adult inhabitants for the licensure requested (a state mandated requirement) is \$700. Additional costs include legal publications, signage to notify passersby of a pending application, copying of local and state application forms, and staff time in the Police Department, City Clerk and City Attorney's Offices.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Does the City Council wish to increase fees paid by applicants and current liquor licensees and recapture a portion of the cost associated with processing and considering the applications?

**Alternative**

Do not increase application fees for liquor licenses and continue to subsidize costs of processing that are in excess of current application fees. Staff does not recommend this approach as fees have not been adjusted since 1997 while costs in the interim have increased significantly.

**Background Information**

Legislation recently adopted by the Colorado General Assembly and signed by the Governor recognizes the need to allow increases in local application fees that have not been adjusted in ten years. During that ten-year period the cost to local government of processing applications has risen, but fees have not been adjusted. State application fees are adjusted administratively on an annual basis to cash fund the Liquor Enforcement Division, but increases in local fees require action of the State Legislature.

In 2006, the CMCA convened an ad hoc committee to examine average costs of local processing and worked in concert with CML to propose fee increases. The results of their work justified an increase in new application fees from \$500 to \$1,000; in transfer application fees from \$500 to \$750; in annual renewal fees from \$50 to \$100; and in special event permit fees from \$25 for a one-day permit to sell malt, vinous and spirituous liquors and \$10 for a one-day permit to sell fermented malt beverage (3.2% beer products) to \$100 for either one-day permit.

Faced with proposed legislation to authorize these large increases, the State Legislature ultimately adopted and the Governor signed SB 07-149 that permits the increases gradually in annual increments to minimize the financial impact on applicants and liquor licensees. The table below reflects the allowed annual increases by category of application process, which are incorporated in the attached Councillor’s Bill.

<b>YEAR</b>	<b>NEW APPLICATION</b>	<b>TRANSFER APPLICATION</b>	<b>ANNUAL RENEWAL</b>	<b>SPECIAL EVENT PERMITS</b>
2007	\$625	\$625	\$75	\$100
2008	\$750	\$750	\$100	n/c
2009	\$875	n/c	n/c	n/c
2010	\$1,000	n/c	n/c	n/c

In addition to the cost of conducting neighborhood surveys that are required to satisfy state law, publishing legal notices, and purchasing signs to notify the public of new license and special event permit applications, other costs associated with processing applications include City Clerk’s Office, Police Department, and City Attorney’s Office staff time, preparation and maintenance of state and local application forms, copying, and imaging. Adopting justifiable fee increases allowed by State law supports Council’s strategic goal of a Financially Sustainable City Government with fees that more accurately reflect actual costs of services.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager  
Attachment – Councillor’s Bill



**A BILL  
FOR AN ORDINANCE AMENDING SECTION 5-14-5 OF THE WESTMINSTER MUNICIPAL  
CODE CONCERNING APPLICATION FEES FOR LICENSES**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 5-14-5, subsection (A), W.M.C., is hereby AMENDED to read as follows:

**5-14-5: FEES:**

(A) Each application for a license or transfer of a license shall be accompanied by the following application fees:

1. For a new license:
  - (A) ON OR BEFORE JULY 1, 2008, ~~Five~~ SIX hundred TWENTY-FIVE dollars (\$~~500~~ 625);
  - (B) AFTER JULY 1, 2008, AND BEFORE JULY 2, 2009, SEVEN HUNDRED FIFTY DOLLARS (\$750);
  - (C) AFTER JULY 1, 2009, AND BEFORE JULY 2, 2010, EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$875);
  - (D) AFTER JULY 2, 2010, ONE THOUSAND DOLLARS (\$1,000).
2. For a transfer of location or ownership:
  - (A) ON OR BEFORE JULY 1, 2008, ~~Five~~ SIX hundred TWENTY-FIVE dollars (\$~~500~~ 625);
  - (B) AFTER JULY 1, 2008, SEVEN HUNDRED FIFTY DOLLARS (\$750).
3. For renewal of a license:
  - (A) ON OR BEFORE JULY 1, 2008, ~~fifty~~ SEVENTY-FIVE dollars (\$~~50~~ 75);
  - (B) AFTER JULY 1, 2008, ONE HUNDRED DOLLARS (\$100).
4. ~~For transfer of ownership, Five hundred dollars (\$500)~~
5. For a manager registration, seventy five dollars (\$75).
6. For a late renewal application fee, where the license has expired, ~~Five~~ five hundred dollars (\$500).
7. For a temporary permit to continue selling pending a transfer of the permanent license, one hundred dollars (\$100).
8. Change of corporate structure or transfer of stock, ~~One~~ one hundred dollars (\$100) per person investigated by the City of Westminster.
9. Special events permit ~~for liquor, twenty five dollars (\$25); for 3.2% beer, Ten dollars (\$10)~~ ONE HUNDRED DOLLARS (\$100).

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 27<sup>th</sup> day of August, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10<sup>th</sup> day of September, 2007.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney's Office

## Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, August 27, 2007. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the August 13, 2007 regular meeting were approved.

The Mayor proclaimed September 3 – 7, 2007 to be Employee Appreciation Week and September 8 and 9 to be the Westminster Presbyterian Church 115<sup>th</sup> Anniversary Weekend.

Council approved the following: July 2007 Financial Report; change orders for additional 2007 roadway improvements; Semper Water Treatment Facility Filter Media Replacement contract award; IGA with the City of Arvada and Jefferson County re 88<sup>th</sup> Avenue widening; final passage of Councillor's Bill No. 45 re cost recovery for the Huron St. Improvements, 128<sup>th</sup> to 140<sup>th</sup> Avenues; final passage of Councillor's Bill No. 46 re cost recovery for the Huron St. Improvements, 140<sup>th</sup> to 150<sup>th</sup> Avenues; and final passage of Councillor's Bill No. 47 re 2007 2<sup>nd</sup> quarter budget supplemental appropriation.

Council conducted a public hearing concerning the Ganzhorn property annexation, CLUP amendment, and zoning.

Council adopted Resolution No. 28 re Ganzhorn property annexation findings.

Council passed the following Councillors' Bills on first reading:

**A BILL FOR AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO.** Purpose: annexation of Ganzhorn property No. 1.

**A BILL FOR AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO.** Purpose: annexation of Ganzhorn property No. 2.

**A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN.** Purpose: changing the land use designation of the Ganzhorn property from Northeast Comprehensive Development Plan to Retail Commercial.

**A BILL FOR AN ORDINANCE AMENDING THE ZONING OF THE GANZHORN PROPERTY LOCATED AT 10385 WADSWORTH BOULEVARD, JEFFERSON COUNTY, COLORADO FROM A-1 TO PUD.** Purpose: Zoning of the Ganzhorn property PUD (Planned Unit Development).

**A BILL FOR AN ORDINANCE AMENDING SECTION 5-14-5 OF THE WESTMINSTER MUNICIPAL CODE CONCERNING APPLICATION FEES FOR LICENSES.** Purpose: Increasing application fees for liquor licenses.

The meeting adjourned at 7:39 p.m.

By Order of the Westminster City Council  
Linda Yeager, City Clerk

Published in the Westminster Window on September 6, 2007

**A BILL  
FOR AN ORDINANCE ESTABLISHING COST RECOVERIES FOR CITY-CONSTRUCTED  
PROJECT: HURON STREET IMPROVEMENTS, 128<sup>TH</sup> TO 140<sup>TH</sup> AVENUE**

WHEREAS, Westminster Municipal Code § 11-6-7(B)(1) provides that the City shall have the authority to allocate and recover the costs of construction of public improvements or facilities from property owners based on the benefit of such improvement, facility, or service to said owners; and

WHEREAS, Westminster Municipal Code § 11-6-7(B)(3) provides that the City Council shall provide by ordinance for the recovery of appropriate costs for public improvements, facilities, or services constructed by the City, and that said ordinance shall establish the nature and extent of the recoveries due to the City, and that such ordinance may include provisions for simple interest payable to the City; and

WHEREAS, Westminster Municipal Code § 11-6-7(E)(2)(a) provides that any ordinance establishing cost recovery obligations for City-constructed improvements shall include a list of properties to be charged with cost recovery for said improvements, that said ordinance shall be recorded in the real estate records of the counties in which the properties to be charged with cost recoveries are located and, if available, shall include a final statement of construction costs for the improvements subject to recovery or, otherwise, an estimate of construction costs for the improvements to be constructed until a final statement of construction costs for the improvements may be determined and recorded following the completion of the improvements; and

WHEREAS, the City completed the installation of roadway and utility improvements along the general alignment of Huron Street from 128<sup>th</sup> Avenue to 140<sup>th</sup> Avenue; and

WHEREAS, the City, through this ordinance, now wishes to establish a cost assessment recoverable from benefiting properties.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. The nature and extent of the recoverable costs owed to the City pursuant to this ordinance includes costs associated with the planning, design and construction of improvements to Huron Street between 128<sup>th</sup> Avenue and 140<sup>th</sup> Avenue listed and summarized in Exhibit A, attached hereto and incorporated herein by this reference, and those costs (the "Recoverable Construction Costs") will be assessed at the rate of \$418 per linear foot of property in the City with frontage on Huron Street.

Section 2. The nature and extent of the recoverable costs owed to the City pursuant to this ordinance also includes costs associated with right-of-way acquisition necessary to complete the improvements to Huron Street between 128<sup>th</sup> Avenue and 140<sup>th</sup> Avenue, and those costs (the "Recoverable Right-of Way Costs") will be assessed on a property-by-property basis in accordance with the dedication requirements pursuant to W.M.C. §§ 11-6-1 (A) and 11-6-2 (C), (G), and (I).

Section 3. The properties (the "Assessed Properties") described in Exhibit B, attached hereto and incorporated herein by this reference, are hereby assessed the Recoverable Costs noted in Exhibit B. The Recoverable Costs shall be due and payable in accordance with the provisions of W.M.C. § 11-6-7, as the same may be amended.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

Section 6. The City Clerk shall cause a copy of this ordinance to be recorded in the real estate records of Adams County immediately following its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13<sup>th</sup> day of August, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of August, 2007.

**Exhibits A & B not published but are available for review in the City Clerk's Office.**

**A BILL  
FOR AN ORDINANCE ESTABLISHING COST RECOVERIES FOR CITY-CONSTRUCTED  
PROJECT: HURON STREET IMPROVEMENTS, 140<sup>TH</sup> TO 150<sup>TH</sup> AVENUE**

WHEREAS, Westminster Municipal Code § 11-6-7(B)(1) provides that the City shall have the authority to allocate and recover the costs of construction of public improvements or facilities from property owners based on the benefit of such improvement, facility, or service to said owners; and

WHEREAS, Westminster Municipal Code § 11-6-7(B)(3) provides that the City Council shall provide by ordinance for the recovery of appropriate costs for public improvements, facilities, or services constructed by the City, and that said ordinance shall establish the nature and extent of the recoveries due to the City, and that such ordinance may include provisions for simple interest payable to the City; and

WHEREAS, Westminster Municipal Code § 11-6-7(E)(2)(a) provides that any ordinance establishing cost recovery obligations for City-constructed improvements shall include a list of properties to be charged with cost recovery for said improvements, that said ordinance shall be recorded in the real estate records of the counties in which the properties to be charged with cost recoveries are located and, if available, shall include a final statement of construction costs for the improvements subject to recovery or, otherwise, an estimate of construction costs for the improvements to be constructed until a final statement of construction costs for the improvements may be determined and recorded following the completion of the improvements; and

WHEREAS, the City completed the installation of roadway and utility improvements along the general alignment of Huron Street from 140<sup>th</sup> Avenue to 150<sup>th</sup> Avenue; and

WHEREAS, the City, through this ordinance, now wishes to establish a cost assessment recoverable from benefiting properties.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. The nature and extent of the recoverable costs owed to the City pursuant to this ordinance includes costs associated with the planning, design and construction of improvements to Huron Street between 140<sup>th</sup> Avenue and 150<sup>th</sup> Avenue listed and summarized in Exhibit A, attached hereto and incorporated herein by this reference, and those costs (the "Recoverable Construction Costs") will be assessed at the rate of \$365.00 per linear foot of property in the City with frontage on Huron Street.

Section 2. The nature and extent of the recoverable costs owed to the City pursuant to this ordinance also includes costs associated with right-of-way acquisition necessary to complete the improvements to Huron Street between 140<sup>th</sup> Avenue and 150<sup>th</sup> Avenue, and those costs (the "Recoverable Right-of Way Costs") will be assessed on a property-by-property basis in accordance with the dedication requirements pursuant to W.M.C. §§ 11-6-1 (A) and 11-6-2 (C), (G), and (I).

Section 3. The properties (the "Assessed Properties") described in Exhibit B, attached hereto and incorporated herein by this reference, are hereby assessed the Recoverable Costs noted in Exhibit B. The Recoverable Costs shall be due and payable in accordance with the provisions of W.M.C. § 11-6-7, as the same may be amended.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

Section 6. The City Clerk shall cause a copy of this ordinance to be recorded in the real estate records of Adams County immediately following its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13<sup>th</sup> day of August, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of August, 2007.

**Exhibits A & B not published but are available for review in the City Clerk's Office.**

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2007 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, GENERAL CAPITAL OUTLAY REPLACEMENT, PARKS, OPEN SPACE, AND TRAILS, AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2007 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2007 appropriation for the General, General Capital Improvement, General Capital Outlay Replacement, Parks, Open Space, and Trails, and Debt Service Funds, initially appropriated by Ordinance No. 3316 are hereby increased in aggregate by \$68,523,216. This appropriation is due to the receipt of achievement awards, interest earnings, lease proceeds, refunding proceeds, grants, participation funds, cash-in-lieu, energy rebates, reimbursements, carryover funds, and reimbursement resolution funds.

Section 2. The \$68,523,216 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 E&F dated August 13, 2007 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$33,030,644
General Capital Improvement Fund	2,548,769
General Capital Outlay Replacement Fund	2,666,090
Parks, Open Space, and Trails Fund	4,275,000
Debt Service	<u>26,002,713</u>
Total	<u>\$68,523,216</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13<sup>th</sup> day of August, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of August, 2007.