



WESTMINSTER
COLORADO

AUGUST 28, 2000
7:00 P.M.

Cell phones and pagers must be turned OFF during meetings

AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Meritorious Service Awards to Lieutenant Mike Cressman, Sergeant Mike Kampf and Senior Police Officer Dave Tallman
 - B. Excellence in Design and Development and Excellence in Landscaping Design Award Presentation
 - C. Proclamation re Employee Appreciation Week September 5-8, 2000

5. **Citizen Communication (5 minutes or less)**

6. **Report of City Officials**

- A. City Manager's Report

7. **City Council Comments**

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

8. **Consent Agenda**

- A. Lease Financing for Computer Hardware for Financial Management System for \$210,000
- B. Councillor's Bill No. 73 re Annexation of Covenant at 112th & Sheridan Development (Merkel-Hicks)
- C. Councillor's Bill No. 75 re Zoning Covenant at 112th & Sheridan Development (Merkel-Hicks)
- D. Councillor's Bill No. 77 re Comprehensive Land Use Plan Amendment for Bruchez Homestead Property at Legacy Ridge (Dixon-Moss)
- E. Councillor's Bill No. 78 re Farmers Highline Canal Trail project appropriation of \$98,000 (Smith-Merkel)
- F. Councillor's Bill No. 79 re Changes to the Environmental Advisory Board duties (Hicks-Atchison)
- G. Councillor's Bill No. 80 re Off-Leash Dog Site Amendment to Animal Control and Park Ordinances (Moss-Smith)
- H. Councillor's Bill No. 81 re Community Service for Sale of Alcohol to Underage Persons (Atchison-Hicks)

9. **Appointments and Resignations**

None

10. **Public Hearings and Other New Business**

- A. TABLED Resolution No. 33 re Career Enrichment Park Site Improvement and Utilization Plan
- B. Continued Public Hearing re Huntington Trails Annexation, Zoning and Comprehensive Land Use Plan Amendment located at the southwest corner of 144th Avenue and Huron Street
- C. Annexation Agreement re Huntington Trails with Gary Fonay and Rhonda Swain
- D. Resolution No. 62 Findings re Annexation of SWC of 144th Avenue and Huron Street
- E. Councillor's Bill No. 61 Annexing 140 acres of Huntington Trails
- F. Councillor's Bill No. 62 Zoning 138 acres of Huntington Trails PUD
- G. Councillor's Bill No. 63 Amending Comprehensive Land Use Plan to include Huntington Trails
- H. Resolution No. 63 re 210 Service Commitments for Huntington Trails Development
- I. Councillor's Bill No. 82 re Ballot Issues for November, 2000 Election

10 Public Hearings and Other New Business (continued)

- J. Resolution No. 64 re Express Lane Tenant Finish Contingency Transfer
- K. Councillor's Bill No. 83 re Express Lane Tenant Finish Plan Review Fees
- L. Resolution No. 65 re 108th & Federal Boulevard Traffic Signal Change Order
- M. Joint Participation Agreement for 112th Avenue and Federal Boulevard Street Improvements
- N. Resolution No. 66 re GOCO Local Government Parks and Outdoor Recreation Grant Application for City Park Ballfield Complex
- O. Ball Corporation Fee Proposal Agreement guaranteeing \$17,000 revenue in exchange for Ball Corp employees purchasing recreation center passes as resident rates
- P. 136th Avenue General Improvement District Resolution No. 1 re establishing ballot language for November 7, 2000 mail ballot
- Q. Promenade Parking General Improvement District Resolution No. 1 re establishing ballot language for November 7, 2000 mail ballot
- R. Councillor's Bill No. 84 re Council Meeting Executive Sessions to include Board and Commission Members

11. Old Business and Passage of Ordinances on Second Reading

- A. Councillor's Bill No. 74 re Comprehensive Land Use Plan Amendment for Covenant at 112th & Sheridan Development (Merkel-Hicks)
- B. Councillor's Bill No. 76 re Comprehensive Land Use Plan Amendment for NWC of 104th Ave & Grove (Atchison-Hicks)

12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business

- A. Financial Report for July, 2000
- B. City Council
- C. Request for Executive Session
 - 1. Proposed Economic Development Prospect
 - 2. City Manager Annual Performance Evaluation

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 28, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon, and Councillors Atchison, Hicks, Merkel, Moss and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Hicks to accept the minutes of the meeting of August 14, 2000 with no additions or corrections. The motion carried unanimously.

MERITORIOUS SERVICE AWARDS:

The Mayor, Police Chief, Dan Montgomery and City Manager Bill Christopher, presented Meritorious Service Awards to Lieutenant Mike Cressman, Sergeant Mike Kampf and Senior Police Officer Dave Tallman.

EXCELLENCE IN DESIGN AND LANDSCAPING AWARDS:

Council, Staff and the audience viewed a slide presentation of the projects selected to receive the 1999 "Excellence in Design and Development" and "Excellence in Landscaping Design" awards, and the Mayor presented the awards to the developer and architect of each winning project.

PROCLAMATION RE EMPLOYEE APPRECIATION WEEK:

The Mayor presented a proclamation to Steve Smithers, Assistant City Manager, in recognition of City of Westminster Employee Appreciation Week to recognize the contributions of City employees to the overall success of the City organization and the quality of life of Westminster citizens.

CITIZEN COMMUNICATION

Carl Walzak, 3725 West 78th Avenue asked Council to consider recognition to developers for South Westminster revitalization. Lowell Boulevard from railroad tracks to 68th Avenue, wanted to know what was planned and the timing for improvements. He requested Council consider increasing the fined for those charged with creating graffitti.

CITY MANAGER'S REPORT

The City Manager reminded everyone of the change in the Study session date since Monday, September 4th is Labor Day, the next Study Session will be held on Wednesday, September 6th

COUNCIL COMMENTS

Councillor Hicks reported on the 40 Seniors who worked at Standley Lake to make a garden last weekend.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Lease Financing for Computer Hardware for Financial Management System for \$210,000 Authorize the City Manager to execute a lease/purchase agreement for hardware to supplement the Financial Management System for an amount not to exceed \$210,000. The financial institution would be secured through a bid process. The institution selected will be the firm determined to be the least cost (lowest interest rate) by the Finance Department; Councillors Bill No. 73 on second reading re Annexation of Covenant at 112th & Sheridan ; Councillors Bill No. 75 on second reading re Zoning Covenant at 112th & Sheridan Development; Councillors Bill No. 77 on second reading re Comprehensive Land Use Plan for Bruchez Homestead Property; Councillor's Bill No. 78 on second reading re Farmers Highline Canal Trail project appropriation of \$98,000; Councillor's Bill No. 79 on second reading re Changes to the Environmental Advisory Board duties; Councillor's Bill No. 80 on second reading re Off Leash dog Site Amendment to Animal Control & Park Ordinance and Councillor's Bill No. 81 on second reading re Community Service for Sale of Alcohol to Underage Persons.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There were no requests.

A motion was made by Merkel and seconded by Dixon to adopt the Consent Agenda items as presented. The motion carried unanimously.

TABLED RESOLUTION NO. 33 RE CAREER ENRICHMENT PARK SITE IMPROVEMENT AND UTILIZATION:

A motion was made by Atchison and seconded by Hicks to remove Resolution No. 33 from the table indefinitely. The motion carried with dissenting votes from Heil and Merkel.

CONTINUED PUBLIC HEARING RE HUNTINGTON TRAILS

At 7:55 P.M. the continued public hearing was opened on the Annexation, Zoning and Comprehensive Land Use Plan Amendment for Huntington Trails located at the southwest corner of 144th Avenue and Huron Street. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Ed Sutton, representing Huntington Trails spoke in favor of this application. Larry Berkowitz, attorney representing Lexington Homeowners Association submitted a map and a petition with 75 signatures in opposition to a proposed street linking Lexington to Huntington Trails. Katherine Lee, 1460 Lexington Avenue and Karen Scheuerman, 3900 West 103rd Avenue also addressed Council with concerns.. The public hearing was closed at 8:35 P.M.

ANNEXATION AGREEMENT RE HUNTINGTON TRAILS WITH GARY FONAY AND RHONDA SWAIN

A motion was made by Atchison and seconded by Merkel to authorize the City Manager to sign and execute the Annexation Agreement between Gary W. Fonay and Rhonda Swain, and the City of Westminster. The motion carried unanimously.

RESOLUTION NO. 62 FINDINGS RE ANNEXATION OF SWC OF 144TH AVENUE AND HURON ST:

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 62 setting forth the findings of fact and conclusion of City Council with regard to the proposed annexation of Huntington Trails. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 61 ANNEXING 140 ACRES OF HUNTINGTON TRAILS

A motion was made by Atchison and seconded by Merkel to pass Councillor's Bill No. 61 annexing the approximately 140 acre Huntington Trails site to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 63 AMENDING CLUP RE HUNTINGTON TRAILS

A motion was made by Atchison and seconded by Merkel to pass Councillor's Bill No. 62 on first reading zoning the Huntington Trails property to Planned Unit Development (PUD). Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 62 ZONING 138 ACRES OF HUNTINGTON TRAILS PUD

A motion was made by Atchison and seconded by Merkel to pass Councillor's Bill No. 63 amending the City of Westminster Comprehensive Land Use Plan to add the Huntington Trails property as "Single-Family Detached – Low Density". Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 63 RE 210 SERVICE COMMITMENTS FOR HUNTINGTON TRAILS:

A motion was made by Atchison and seconded by Merkel to approve Resolution No. 63 to award 210 Service Commitments to the Huntington Trails development, according to Section 11-3-5 of the City Code. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 82 RE BALLOT ISSUES FOR NOVEMBER, 2000 ELECTION

A motion was made by Moss and seconded by Hicks to divide Councillor's Bill No. 82, and only move on first reading on the ballot language for the following propositions to be placed on the November 7th election ballot: Issue A, concerning accelerate park maintenance, Issue B, concerning accelerated park development and improvements; Issue C concerning a no tax increase street improvements and interchange, which involves 125 and 136th Avenue and 112th Avenue; and Issue D, involving interfund transfers and increases and Question 1, concerning adopting a budget for 2 fiscal years rather than one fiscal year.

A motion was made by Smith and seconded by Merkel to vote on each ballot issue and question separately.

Councillor Moss requested to withdraw his motion and the second agreed to the withdrawal of the motion.

A motion was made by Moss and seconded by Atchison to pass Councillor's Bill No. 82 on first reading to approve only the ballot language for Issue A, accelerated park maintenance to be placed on the November 7 election ballot. The motion carried with a dissenting vote from Councillor Hicks.

A motion was made by Moss and seconded by Atchison to amend Councillor's Bill No. 82 on first reading to add Issue B, accelerated park development and improvements. to be placed on the November 7 election ballot.

A motion was made by Moss and seconded by Atchison to withdraw the motion and votes just taken.

A motion was made by Moss and seconded by Atchison to pass Councillor's Bill No. 82 on first reading to approve only the ballot language for the described propositions to be placed on the November 7 election ballot.

A motion was made by Atchison and seconded Merkel to move for a division of the question. The motion carried unanimously.

A motion was made by Moss and seconded by Merkel to introduce ballot issue A, accelerated park maintenance. Upon roll call vote, the motion carried unanimously.

A motion was made by Moss and seconded by Atchison to introduce ballot issue B, accelerated park development and improvements. Upon roll call vote, the motion carried unanimously.

A motion was made by Moss and seconded by Atchison to introduce ballot issue C, a no tax increase street improvement and interchange involving I-25 and 136th Avenue and 112th Avenue. Upon roll call vote, the motion carried unanimously.

A motion was made by Moss and seconded by Atchison to introduce ballot issue D, interfund transfers and reserve increases. Upon roll call vote, the motion carried unanimously.

A motion was made by Moss and seconded by Merkel to introduce Question 1, concerning adopting our budget for two fiscal years rather than the current one fiscal year. Upon roll call vote, the motion carried unanimously.

A motion was made by Moss and seconded by Atchison to introduce Question 2, involving amending the Charter so that Board or Commission members serve at the will of City Council by allowing Council to declare a vacancy on a Board or Commission.. Ben Beatty, Carl Walzak, Karen Scheurman, Bob June and Martha Brundage addressed the Council. Upon roll call vote, the motion carried with dissenting votes from Heil, Merkel and Smith.

At 9:55 P.M. the Mayor called for a 5 minute recess and Council reconvened at 10:05 P.M.

RESOLUTION NO. 64 RE EXPRESS LANE TENANT FINISH CONTINGENCY TRANSFER

A motion was made by Smith and seconded by Hicks to adopt Resolution No. 64 which authorizes a 1.0 FTE new position in the City Pay and Staffing Plan and authorizes a General Fund Contingency account transfer of \$24,500 to the appropriate Community Development Building Division and Fire Department budget accounts.

Joe Talarico, 4000 West 103rd Avenue, Tom Reck, architect and Wendy Glasspoole of the Metro North Chamber of Commerce addressed Council in support of this new procedure and the fees. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 83 RE EXPRESS LANE TENANT FINISH PLAN REVIEW FEES

A motion was made by Smith and seconded by Dixon to pass Councillor's Bill No. 83 which authorizes doubling the Plan Review fees when applicants voluntarily use the walk through process to save time. Mayor Pro Tem Dixon requested Staff review this procedure at the end of one year. The request was accepted as a friendly amendment from the maker and second of the motion. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 65 RE 108TH & FEDERAL BOULEVARD TRAFFIC SIGNAL CHANGE ORDER

A motion was made by Atchison and seconded by Dixon to adopt Resolution No. 65 authorizing the City Manager to execute the 108th Avenue and Federal Boulevard (U.S. 287) traffic signal agreement with the Colorado Department of Transportation; authorize a change order to the construction contract with Colorado Signal Company for the 2000 Traffic Signal Projects in the amount of \$57,803; authorize the expenditure of \$25,104 to Valmont Industries for the traffic signal poles and mast arms; authorize the expenditure of \$2,145 to 3M, Inc. for emergency vehicle pre-emption equipment; authorize a total additional project cost for the 2000 Traffic Signal Projects in the amount of \$97,000 that includes \$11,948 for a 20% construction contingency; and charge these expenses to the appropriate project account in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

JOINT PARTICIPATION AGREEMENT FOR 112TH AVE & FEDERAL BLVD IMPROVEMENTS

A motion was made by Merkel and seconded by Hicks to authorize the City Manager to sign a joint development agreement for 112th Avenue with the Bruchez Group LLP in substantially the same form as the attached agreement, and to make the payments as authorized by the agreement. The motion carried unanimously.

RESOLUTION NO. 66 RE GOCO GRANT APPLICATION FOR CITY PARK BALLFIELD COMPLEX

A motion was made by Dixon and seconded by Hicks to adopt Resolution No. 66 authorizing the submittal of a Local Government Parks and Outdoor Recreation Grant application to Great Outdoors Colorado (GOCO) for the City Park Ballfield Project. Upon roll call vote, the motion carried unanimously.

BALL CORPORATION FEE PROPOSAL AGREEMENT

A motion was made by Hicks and seconded by Dixon to authorize the City Manager to sign an agreement with Ball Corporation for a one year trial period, as drafted by the City Attorney's office, that guarantees the City minimum revenue of \$17,000 in exchange for allowing all Ball Corporation employees to purchase annual recreation center passes at resident rates. The motion carried unanimously.

136TH AVENUE GENERAL IMPROVEMENT DISTRICT ESTABLISHING BALLOT LANGUAGE

A motion was made by Atchison and seconded by Merkel, acting as the Board of Directors of the 136th Avenue General Improvement District, to adopt Resolution No. 1 approving the ballot language for the special election in November 2000. The motion carried unanimously.

PROMENADE PARKING GENERAL IMPROVEMENT DISTRICT RE BALLOT LANGUAGE

A motion was made by Merkel and seconded by Atchison, acting as a Board of Directors of the Promenade Parking General Improvement District, to adopt Resolution No. 1 of the Promenade Parking General Improvement District, approving the ballot language for the special election in November 2000. The motion carried unanimously.

COUNCILLOR'S BILL NO. 84 RE COUNCIL MEETING EXECUTIVE SESSIONS:

A motion was made by Atchison and seconded by Dixon to pass Councillor's Bill No. 84 on first reading, which would add discussions pertaining to Board and Commission Members in the Executive Session portion of the City Code. Upon roll call vote, the motion carried with dissenting votes from Smith.

ORDINANCE NO 2813 RE CLUP AMENDMENT FOR COVENANT AT 112TH & SHERIDAN :

A motion was made by Merkel and seconded by Hicks to pass Councillor's Bill No. 74 on second reading, amending the Comprehensive Land Use Plan by adding the Covenant property and designating it as "Office", "Public/Quasi-Public" (needed for a church use) and as "Single-Family Detached-Medium Density". Upon roll call vote the motion carried with dissenting votes from Atchison and Dixon.

ORDINANCE NO. 2814 RE CLUP AMENDMENT FOR NWC OF 104TH AVE & GROVE

A motion was made by Atchison and seconded by Hicks to pass Councilor's Bill No. 76 on second reading, amending the Comprehensive Land Use Plan to change the Land Use from "Single-Family Detached - Medium Density" to "Office." Upon roll call vote, the motion carried with a dissenting vote from Moss.

FINANCIAL REPORT FOR JULY, 2000

The financial report for July, 2000 was reviewed by Council

The Mayor stated there would be an executive session to discuss an economic development prospect, City Manager's evaluation and update on incubator project. There was no opposition to the executive session items.

ADJOURNMENT:

The meeting was adjourned at 10:40 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Meritorious Service Awards

Prepared by: Lee Birk, Police Captain and Dan Montgomery, Chief of Police

Introduction

Police Chief Dan Montgomery requests the assistance of Mayor Nancy Heil and City Manager Bill Christopher in presenting the Police Departments Meritorious Service Award to Lieutenant Mike Cressman, Sergeant Mike Kampf and Senior Police Officer Dave Tallman.

Summary

The nomination of these officers was submitted to the Police Department's Award Review Board for review and recommendation. The Board concluded that the actions taken by these officers during their tenure on the Tactical Team involved operational risk and that their performance exemplifies significant achievement. Their performance in many circumstances also involved life saving efforts and exposed the officers to great personal risk. The Board concluded as well, that all three officers are deserving of the police department's medal of Meritorious Service.

Policy Issues

Police Department Directive 94-8, adopted on December 22, 1994, provides for the awarding of service medals for meritorious, distinguished, and valorous police actions. This particular City Council action is in sync with the basic tenets of the awards policy, and no policy issues exist, in staff's opinion, with regard to the policy or the recommended action.

Staff Recommendation

Present the Meritorious Service Award to Lieutenant Mike Cressman, Sergeant Mike Kampf and Senior Police Officer Dave Tallman.

Background

The Westminster Police Department established a SWAT team, known as the Tactical Team, in 1980, to effectively and safely deal with the rising number of violent and armed confrontations that the Police Department was encountering. The Tactical Team is a voluntary unit, with rigorous selection criteria, that requires a great deal of personal commitment, dedication and sacrifice. Officers selected for this unit are picked based upon their judgement, physical fitness, weapons, self-defense and officer survival skills. Members of the Team are expected to be available at all hours to respond to an emergency. The Tactical Team routinely responds to situations involving active shooters, hostage incidents, barricaded gunmen and handles high risk warrant service, where suspects are known to be armed or dangerous. The nature of the work can be extremely hazardous and decisions made and actions taken, can have life threatening consequences for citizens, victims, officers and offenders. Many of the incidents the Tactical Team handled, during these three officers tenure involved an exchange of gunfire with suspects, entering buildings in search of armed felons, sometimes while the structure was burning, and face to face encounters with armed suspects.

All three of the officers being recognized have recently “retired” from the Unit, but have all served a minimum of fifteen years with the Tactical Team and have collectively served over fifty years.

Lieutenant Mike Cressman was selected for the Team in November of 1980. He served as a member and as a Unit Leader until March of 1990, when he temporarily left the Team. In January of 1993 he was appointed as the Tactical Team Commander and served in this capacity until May of 1999. He was involved in a total of forty-five Tactical Team incidents and was the Commander in charge of seventeen of those, during his fifteen years on the Team.

Sergeant Mike Kampf was selected for the Team in January of 1981 and served continuously until February of 2000. He initially served as a member, but earned his way to Entry Unit Leader and eventually to second in command of the Team. During the nineteen years he was on the Team he was involved in sixty-four Tactical Team incidents.

Senior Police Officer Dave Tallman was selected as a Team member in May of 1983 and served continuously until January of 2000. During his sixteen years on the Team he was involved in a total of fifty Tactical Team incidents.

These officers’ actions, long term commitment and dedication exemplify significant achievement and public service. Their willingness to put themselves at extreme risk in times of crisis is exemplary and reflects the highest standards of law enforcement professionalism.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 28, 2000
Subject: "Excellence in Design and Development" and "Excellence in Landscaping Design" Award Presentations
Prepared by: Shannon Sweeney, Planning Coordinator

Introduction

City Council action is requested to present the 1999 "Award for Excellence in Design and Development" and "Award for Excellence in Landscaping Design" to the developers and architects of the selected award-winning projects. A reception for the recipients has been scheduled with City Council at 6:30 P.M. on August 28th in the multi-purpose room on the lower level of City Hall.

Summary

The fourteenth annual "Award for Excellence in Design and Development" is a program to formally recognize outstanding architectural design and development taking place in Westminster. More than 100 projects were completed in 1999 and eligible for award consideration, and the judging committee chose a total of five projects (listed below). In addition, the judges chose two projects to receive the City's first "Award for Excellence in Landscaping Design." Those two projects are also included at the bottom of the list below.

Awards for Excellence in Design and Development:

Project: The Ranch Office
Address: 11859 Pecos Street
Category: Office
Developer: Jeff and Lisa Salter
Architect: Nowak Architects
Judges' Comments: *Building has an appealing, elegant architectural style
*Good choice of building materials with stucco and Spanish tile roofing
*Building designed with an effort to be compatible with nearby structures. (Spanish tile roofing material coordinates well with the materials used on the adjacent Ranch Country Club and City park structures)
*Office is positioned nicely on the lot to maximize views from the rear elevation across City open space and west to the mountains

Project: Standley Lake Marketplace
Address: 8393 Church Ranch Boulevard
Category: Commercial
Developer: S/S Landholdings
Architect: Humphries Poli Architects and George E. Smith
Judges' Comments: *Consistent themes and details throughout the project help create a unified appearance
*Art pieces placed at various locations enhance the center and add uniqueness and creativity to the design
*Outdoor patio seating in a central, visible location creates a focal point near the main entry drive to the center
*Planters are well placed and add to the overall design

Project: NorthPark Townhomes
Address: 101st Avenue and Grove Loop
Category: Residential – Single-Family Attached
Developer/Architect: The Writer Corporation
Judges' Comments: *Unit entries and porches of different buildings face each other creating a more inviting residential environment
*Front elevations have a variety of roof breaks and horizontal offsets to add interest and shadow
*Porch areas for each unit are nicely designed
*Good choice of landscaping materials and good overall landscaping design

Project: Hyland Greens East – Celebrity Homes Model 102
Address: 4360 W. 100th Avenue
Category: Single-Family Detached (Semi-Custom and Custom)
Developer: Celebrity Development Corporation
Architect: Kevin Reeder
Judges' Comments: *Ranch model is nicely designed and fits well on the lot
*Entry area to the home is well defined and elegant
*Roofing material color coordinates with masonry color scheme
*Third car garage is recessed from the street to diminish garage dominance on the streetscape

Project: Lexington – Custom Home
Address: 14071 Lexington Circle
Category: Single-Family Detached (Semi-Custom and Custom)
Developer: Lexington Enterprises
Architect: Kevin Reeder
Judges' Comments: *The overall architectural design with multiple horizontal offsets and variety of roof breaks adds interest
*The lighter stucco areas above the heavier brick help reduce the massiveness of this large home (4,600 S.F.)
*Turrets on each side of the front elevation add formality and balance to the design
*The house has nice placement and quantity of windows
*Even though the home has three garage doors, the side-load design effectively hides the doors from the street giving a more pleasant streetscape appearance

Award for Excellence in Landscaping Design:

Project: Home Farm Subdivision
Address: Southwest corner of 128th Avenue and Huron Street
Category: Landscaping Design - Residential
Developer: Home Farm Company, George Upton
Landscape Architect: Michael Stahl
Judges' Comments: *Many large, existing Cottonwood trees were preserved in the private park design
*Pathway location through the park winds through the existing tree clusters providing shade for pedestrians. Shaded seating areas also provided near these trees.
*Treed area of the park contrasts well with the open landscaped area for active recreational uses

Project: Westminster City Center Marketplace
Address: Northeast corner of 92nd Avenue and Sheridan Boulevard
Category: Landscaping Design – Non-residential
Developer: Sullivan Hayes Companies
Landscape Architect: Valerian, Inc.
Judges' Comments: *Landscaping treatment along the rear elevation of the shopping center is well designed:
*Large evergreen trees help screen dock and delivery areas year-round
*Placement of deciduous trees along the street give a more formal appearance while the evergreen tree clusters closer to the building give a more informal appearance
*Deciduous trees placed near the sidewalk help provide shaded area for pedestrians using the walkway
*Landscaping treatment of the north side near the irrigation channel of the site was also well planned (some very large trees preserved and add greatly to the area)
*Once fully mature, the trees in the parking lot will do a good job of providing shade for the shopping center pavement areas
*Nice choice of plant materials and good color variety.

Each of the award recipients has been invited to attend a reception with the City Council prior to the award presentations on August 28. This has been scheduled for 6:30 P.M. in the Multi-Purpose Room on the lower level City Hall. During the award presentations, at the City Council meeting, City Staff is prepared to present slides of the “Excellence in Design and Development” and “Excellence in Landscaping Design” award-winning projects. Staff will plan to present slides of one project at a time, detail the judges’ comments, and introduce the developer and architect for each project so City Council may present those awards before proceeding to slides of the next project. Attached for further information is a list of projects that received design awards in previous years, and a list identifying the names of the architects and developers who indicated to the City they plan to attend the reception and presentation on August 28.

Policy Issues

For the purpose of presenting the annual design awards, policy issue review is not applicable.

Staff Recommendation

View the slide presentation of the projects selected to receive the 1999 "Excellence in Design and Development" and “Excellence in Landscaping Design” awards, and present the awards to the developer and architect of each winning project.

Background

Every year, as part of the Excellence in Design and Development awards program, the City recognizes developers and architects of new projects that reflect the type of design and development the City encourages. To qualify for design award consideration, projects must be completed (issued Certificates of Occupancy) during that design award year. Each spring, after most projects have been fully landscaped, Planning Division Staff photographs all eligible projects and invites a team of outside architects and developers familiar with the City to view the slides and choose the design award recipients. Staff then orders the awards and schedules the City Council presentation.

During the design award preparations last year, City Staff was asked to establish a landscaping design award in the upcoming year. As a result, Staff initiated the award this year and incorporated this into the architectural design and development judging process. Because landscaping design often takes years to realize the full positive effects of a good design, and years for landscaping materials to mature, Staff did not limit eligible projects to those receiving Certificates of Occupancy over the last year.

Due to the high rate of 1999 building activity, the judging committee reviewed over 100 slides of new non-residential projects, housing models, and custom homes. This year, three professionals with design and development backgrounds, Marie Callaway (Bosch Land Group), Doug Craig (The Norris Dullea Company), and Sheldon Emery (Staller & Henry, Inc.), aided City Staff in choosing a total of five projects for the Design and Development awards and two projects for the Landscaping Design awards. Please note that the judges are not required to choose a project in each and every category and may select more than one project in any of the categories. The judges viewed slides and made site visits of projects they wished to see in the field. After discussion of the merits and weaknesses, they selected the projects that represent outstanding design, development and landscaping design in 1999.

City Staff extends its congratulations to the winning projects and Staff extends sincere appreciation to the judges who took time out of their busy schedules to participate in this process.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

LIST OF DEVELOPERS AND ARCHITECTS

1999 AWARDS FOR EXCELLENCE IN DESIGN AND DEVELOPMENT

NON-RESIDENTIAL CATEGORIES:

Office

The Ranch Office:

Developer – Jeff and Lisa Salter

Architect – Nowak Architects, Michael Nowak

Commercial

Standley Lake Marketplace:

Developer – S/S Landholdings, Steve Gittelman

Architect – HumphriesPoli Architects, Joe Poli and Tom Vecchio

RESIDENTIAL CATEGORIES:

Single-Family Attached

NorthPark Townhomes:

Developer and Architect – The Writer Corporation, Joe Sewell

Single-Family Detached

Hyland Greens East, Celebrity Homes Semi-Custom Model 102:

Developer – Celebrity Development Corporation, Dale Verdoorn

Architect – Kevin Reeder

Lexington, Custom Model:

Developer – Lexington Enterprises, Ray Schultz

Architect – Kevin Reeder

LIST OF DEVELOPERS AND LANDSCAPE ARCHITECTS

1999 AWARDS FOR EXCELLENCE IN LANDSCAPING DESIGN

RESIDENTIAL CATEGORY:

Home Farm Subdivision:

Developer – Home Farm Company, George Upton, Tim Sanford, Tom Hall

Landscape Architect – Michael Stahl

NON-RESIDENTIAL CATEGORY:

Westminster City Center Marketplace:

Developer – Sullivan Hayes Companies, John Liprando

Architect – Valerian, Inc. (*unable to attend presentation and reception*)



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Proclamation - Employee Appreciation Week

Prepared by: John Carpenter, Director of Community Development

Introduction

The Mayor is being requested to proclaim September 5-8, 2000 as City Employee Appreciation Week.

Summary

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 these approximately 865 full and part-time individuals who comprise the City of Westminster's workforce. The proclamation will designate September 5-8, 2000, as City of Westminster Employee Appreciation Week. On September 6th, the twelfth annual employee appreciation breakfast will be prepared by the City Manager, Assistant City Manager, City Attorney and City Department Heads.

Members of the City's Employee Advisory Committee, which represents employees from all City departments, have been invited to attend Monday evening's meeting to accept the proclamation on behalf of all City employees.

Staff Recommendation

Mayor proclaims September 5-8, 2000 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.

Background Information

The ability of the City of Westminster organization to provide quality municipal services is in no small part due to the commitment, dedication, talent, expertise, and knowledge of the City's employee workforce. Currently there are approximately 865 full-time and part-time employees working in Information Technology, Police, Fire, Public Works and Utilities, Finance, General Services, Parks, Recreation and Libraries, and Community Development Departments, and the City Attorney's and City Manager's Offices. In no small part due to the efforts of these individuals, Westminster is in the forefront of providing high quality facilities and services to its residents. Very positive citizen feedback in annual surveys and the many national and regional awards that the City has received attest to the caliber of the City's workforce.

The attached Proclamation summarizes the contributions of City employees and recognizes their efforts by proclaiming September 5-8, 2000 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 twelfth year in a row that the City Manager, Assistant City Manager, City Attorney, and Department Heads have gotten up at 5 A.M. to prepare a full breakfast with pancakes, hash browns, eggs, fruit, ham and orange juice for employees at the start of their work day.

Employee Appreciation Week Proclamation
Page 2

Employees will stop by anytime between 6:00 a.m. and 8:30 a.m. to partake in the breakfast and comradely prior to the start of their normal workday.

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

Respectfully submitted,

William M. Christopher
City Manager

Attachment

WHEREAS, the very high City service ratings from Westminster citizens in each of the past citizen surveys attest to the high quality of services provided by Westminster employees; and

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

WHEREAS, the 865 full-time and part-time employees have contributed significantly to the quality of life of Westminster citizens; and

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

WHEREAS, on September 6, 2000 the City Manager, Assistant City Manager, City Attorney, and all City Department Heads will be preparing an Employee Appreciation Breakfast in recognition of all City employees at City Park Recreation Center,

WHEREAS, the week of September 5, 2000, will include several activities designed to express appreciation to City Employees.

NOW THEREFORE, I, Nancy Heil, Mayor of the City of Westminster, on behalf of the entire City Council, do hereby proclaim September 5-8, 2000 as City of Westminster Employee Appreciation Week.

Signed this 28th day of August, 2000.

Nancy M. Heil, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Lease Financing for Computer Hardware for Financial Management System

Prepared By: Bob Eichem, Treasury Manager

Introduction

City Council action is requested to authorize the City Manager to sign a lease/purchase agreement for \$210,000 with an appropriate financial institution to fund the purchase of the computer equipment and hardware needed for the new Financial Management System (FMS). No funds need to be budgeted for a payment in the year 2000; if approved, funds will be budgeted for 2001-2003 in the appropriate account.

Summary

On February 28, 2000, City Council authorized the purchase, installation, and implementation of a new integrated Financial Management and Human Resources system. The vendor is JD Edwards. Most of the funding for the total project is coming from funds budgeted in 1999, 2000 and 2001. Of the total cost of \$2,590,000, it was projected that \$210,000 would be funded by lease purchase of the hardware.

Policy Issue

The policy issue before City Council is to approve the lease purchase arrangement, to be completed by Staff, through a bid process that is most beneficial to the City.

Staff Recommendation

Authorize the City Manager to execute a lease/purchase agreement for hardware to supplement the Financial Management System for an amount not to exceed \$210,000. The financial institution would be secured through a bid process. The institution selected will be the firm determined to be the least cost (lowest interest rate) by the Finance Department.

Background Information

On February 28, 2000, City Council approved the selection of JD Edwards One World and AMX Consultants for software, along with all necessary hardware, training, and implementation. This system will replace the existing Financial/Accounting system and the current Human Resources/Payroll system. Previous actions by Council included approval of funds for licensing, training, and implementation. Completing the components listed in the original budget for the system is the purchase of the hardware that will be used. It is recommended that the \$210,000 be funded by a lease/purchase agreement using the system hardware and associated physical assets as collateral. To this end, \$78,000 will be requested for lease payments in each of the next three years (2001, 2002, and 2003).

A lease purchase is proposed to avoid the need to draw down General Fund reserves by \$210,000. The amount to be financed is driven by what is termed "acceptable collateral" by financial institutions (property that can be physically repossessed if payment is not made).

The City Charter requires a waiting period of thirty days once Council passes the lease purchase transaction. Since financial institutions would need to keep their bids open for at least thirty days, they will build a risk premium into the interest rates charged because rates may rise from the time they bid until the thirty days pass. By authorizing the City Manager to conclude the lease purchase once the thirty days have passed, the financial institutions will bid the going market rate with no additional risk premium. In addition, Staff can request the timing of the bids when the markets are most favorable for the City. This method is most cost effective for the City. Staff has used this process on the last two lease purchases and it has proved to be effective and efficient.

Alternatives:

1. Take no action, and direct Staff to tailor the system to fit within the constraints of a budget of \$2,380,000. This is not recommended. The original budget of \$2,590,000 was designed to use a lease purchase option to fund part of the project. As we are in the middle of the implementation of this system, scaling down the system would be difficult at this time.
2. Direct Staff to find the additional funding within the current budget or use reserve funds to cover the \$210,000. This is not recommended. Given the need for conservative budgeting for 2001, Staff considers it financially prudent to use a lease purchase.
3. Use a private placement using other City assets as collateral (such as parkland). This is not recommended. The cost of issuance for a private placement versus a straight lease purchase is greater (estimate of \$23,000) and would not be cost effective or financially prudent for this type or size of purchase.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Continued Huntington Trails Annexation, Comprehensive Land Use Plan Amendment and Zoning

Prepared by: Patrick Caldwell, Planner II

Introduction

City Council action is requested regarding the application by Gary Fonay and Rhonda Swain for approval of an Annexation Agreement, Annexation, Designation to Single Family Detached-Low Density in the City's Comprehensive Land Use Plan (CLUP) and Zoning to Planned Unit Development (PUD) of the Huntington Trails property located at the southwest corner of 144th Avenue and Huron Street. (See attached location map)

Summary

Applicant/Property Owner

Rhonda Swain, 143 South Great Bridge Road, Lincoln, Massachusetts 01773 and Gary Fonay, 306 Jemez, Hobbs, New Mexico 88240.

Size of Site

The entire area of the proposed annexation is 140 acres. The applicant has requested 138 acres to be annexed. The south half of the right-of-way of 144th Avenue is also included within the annexation. This area is approximately two acres and has been previously dedicated to Adams County and is used as right-of-way for the existing 144th Avenue.

Description of Proposed Use

The proposed uses are single-family detached residential, public park, private parks, private trails, a private recreation facility and private open space.

Major Issues

The applicants have proposed the following:

1. Annexation of approximately 138 acres of land, described as Huntington Trails, located at the southwest corner of 144th Avenue and Huron Street in Adams County, Colorado. The annexation is subject to the terms of the Annexation Agreement to be signed by the City and the owners.
2. An amendment to the City's Comprehensive Land Use Plan (CLUP) is needed. The amendment will designate the property as "Single-Family Detached - Low Density" in the CLUP.
3. The property to be annexed shall be zoned to Planned Unit Development (PUD). A Preliminary Development Plan (PDP) shall be prepared and reviewed at a later date.

The annexation request is conditional upon an approved Annexation Agreement. The agreement reserves a maximum of 210 water and sewer tap commitments to serve the site. These Service Commitments will be available on a phased basis through 2007. The agreement calls for the City to designate the property as "Single-Family Detached - Low Density" in the CLUP and to zone the property as Planned Unit Development (PUD).

Policy Issues

Whether or not to annex according to the terms of the Annexation Agreement, amend the Comprehensive Land Use Plan based on low density residential use and zone to PUD. The Annexation Agreement is being negotiated by the property owners and City Staff.

Planning Commission Recommendation

The Planning Commission reviewed the proposed actions on August 8, 2000, and by a vote of 5-1 recommended approval to the City Council of the items listed below. (Commissioner Smithwick voted against the proposal stating that a 45-ft. setback on a 20,000 square foot lot, even in this price range, could be accommodated and still have a nice home and have a nice buffer.)

- That the Huntington Trails property be annexed into the City and zoned Planned Unit Development (PUD) and that there will be no additional costs to the Lexington homeowners for costs associated with the Huntington Trails development or the annexation agreement, this would not include the monies coming out of the General Improvement Fund or from the City's general tax base. (The intent is to make certain that the Lexington homeowners are not included in the Metro District.)
- That the Comprehensive Land Use Plan be amended to add the Huntington Trails property as "Single-Family Detached - Low Density".
- That City Council award 230 Service Commitments to the Huntington Trails development, according to Section 11-3-5 of the City Code. (The current request is for 210 Service Commitments and this is reflected in the Staff Recommendation to City Council and in the attached resolution to award Service Commitments to the Huntington Trails proposal.)

Staff Recommendation

1. Reopen the public hearing on the proposed annexation of the Huntington Trails property that was continued from the July 24, 2000 City Council hearing.
2. Authorize the City Manager to sign and execute the Annexation Agreement between Gary W. Fonay and Rhonda Swain, and the City of Westminster.
3. Adopt Resolution No. 62 setting forth the findings of fact and conclusion of City Council with regard to the proposed annexation.
4. Pass Councillor's Bill No. 61 annexing the approximately 140 acre Huntington Trails site to the City of Westminster.
5. Pass Councillor's Bill No. 63 amending the City of Westminster Comprehensive Land Use Plan to add the Huntington Trails property as "Single-Family Detached – Low Density".
6. Pass Councillor's Bill No. 62 on first reading zoning the Huntington Trails property to Planned Unit Development (PUD).
7. Approve Resolution No. 63 to award 210 Service Commitments to the Huntington Trails development, according to Section 11-3-5 of the City Code.

These actions are based upon Section 11-5-1 of the City Code regarding standards for annexations.

Alternatives

Deny the request for annexation, amendment to the CLUP and zoning to PUD.

Background

Location/Surrounding Land Uses/Comprehensive Land Use Plan Designations

The land is located west of Huron Street and south of 144th Avenue in unincorporated Adams County. To the south is the Lexington Trails single-family residential development. This is shown as “Single-Family Detached – Very Low Density” on the CLUP. To the west is the Lexington Shores single-family residential development shown as “Single-Family Detached – Very Low Density” on the CLUP.

City-owned land at the base of McKay Lake is also to the west and is shown as Public Open Space on the CLUP. To the north of 144th Avenue is the Cheyenne Ridge single-family residential development shown as Single-Family Detached – Low Density on the CLUP. To the north is a ranchette style of residential development that is within unincorporated Adams County. To the east of Huron Street is vacant land. The north part of the land east of Huron Street is designated for Business Park uses by the CLUP. The south half of the frontage is agricultural use in unincorporated Adams County.

Annexation Agreement

The following is a summary of the key components of the proposed annexation agreement:

1) Water Taps for Existing Homes

The City agrees to provide a water tap at no charge to each of two residences owned by the Fonay family along Huron Street. The cost to extend the service line to the homes will be at the expense of the property owners. The taps shall be relinquished back to the City when the homes are demolished (when the subject property is developed).

2) Water and Sewer Taps

The City shall reserve 210 water and sewer taps (Service Commitments) for the following years as follows:

2001	30
2002	50
2003	50
2004	50
2005	30

Taps not purchased in one year can be purchased in the following two (2) years.

3) Zoning

The ODP for the property shall include the following:

- Design features necessary to meet the City’s Growth Management Program Single-Family Detached Design Guideline requirements to produce a total of 3,410 points including a private park and swimming pool.
- Lots abutting Lexington Estates and Lexington Shores shall be a minimum of 20,000 square feet in size.

- Lots north of the 20,000 square foot lots and south of the proposed McKay Lake drainage channel shall be a minimum of 17,000 square feet in size.
- Lots north of the McKay Lake Drainage Channel shall be a minimum of 10,000 square feet in size.
- A public trail shall be built along the McKay Lake drainage channel between McKay Lake and Huron Street.
- A street connection between Huntington Trails and Lexington shall be made if requested by the City. However, no such connection shall be made while homes are under construction in the area immediately north of the Lexington development.

4) **Vesting Rights**

The land uses shall be vested for a period of 5 years after City approval.

5) **Special Districts**

The City shall support the formation of a special district by the property owner to finance the construction and maintenance of various public improvements for the subdivision.

6) **Resolution of Area Storm Water Problems**

Currently, much of the Huntington Trails property, as well as parcels east of Huron Street, south of 144th Avenue are within the 100-year flood plain. Some of this flooding is in the form of “sheet flow” or shallow flooding over a broad area coming from upstream of McKay Lake. There is no drainage channel, stream or any other obvious physical indication that this area is within the flood plain.

Two projects are planned to modify the flood plain area down stream of McKay Lake. The City has developed plans to purchase McKay Lake from the current owner, Farmers Reservoir and Irrigation Company (FRICO) under the City’s open space program and modify the dam and spillway area to detain the 100-year flood. This will greatly reduce the flood flows downstream of the lake. Key elements of the dam design are currently under negotiation with FRICO. The cost of the modifications range from \$1.6 million to \$2.2 million, dependent on the amount of water stored in the lake by FRICO.

The City storage of storm water at McKay Lake reduces down stream flooding and therefore benefits downstream property owners. As a result, Staff is proposing that the benefiting property owners pay an equitable share of the costs to modify McKay Lake to serve as a 100-year detention facility as well as the costs to channelize the downstream 100-year flow between McKay Lake and I-25, the Westminster eastern City boundary.

The modification of McKay Lake for storm water detention is a part of the City’s proposal to acquire McKay Lake for City open space. City Staff has been negotiating to purchase the lake from the Farmers Reservoir and Irrigation Company (FRICO) for over a year. While the negotiations continue, Staff believes the acquisition will include the following terms:

- The City would pay approximately \$750,000 for the 100-acre parcel, which includes the 90-acre lake.
- FRICO would have the right to continue to store some irrigation water in the lake.

- FRICO and the City would share equally in the cost to make necessary repairs to the dam spillway to a “Class I” dam standard. A Class I dam is appropriate where there is no nearby downstream development. These costs are estimated to be about \$600,000. The City would budget its \$300,000 out of its Open Space Fund. (Such expenditures on other dams have been authorized by Council in conjunction with open space acquisitions.)

Under the agreement, the downstream benefiting property owners will pay to the City the incremental cost to convert McKay Lake to a stormwater detention facility and make the necessary improvements mandated for a Class III dam. A Class III classification will result from development occurring immediately downstream on the Fonay property.

Ed Sutton has agreed to provide \$939,000 to the City to help pay for the McKay Lake project. The Huntington Trails development is responsible for 32 percent of the developer costs for the McKay Lake project, which will likely be in the range of \$300,000. The City agrees to set up recoveries against other benefiting downstream property owners who will repay Mr. Sutton who is in effect “upfronting” most if not all of their share for the drainage project.

The City also agrees to support the formation of a “Regional Drainage District” to help pay for additional needed drainage improvements in the area. This may include a new culvert under I-25 at approximately 140th Avenue to convey stormwater east to Big Dry Creek.

- 7) **Utilities** – The City agrees to pay for any costs in excess of \$75.00 per linear foot for the burial of overhead power lines along 144th Avenue adjoining the property.
- 8) **Moratorium** – The City agrees to exempt the property from any building moratorium that the City might seek to impose in the future.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of ____, 2000, by and between Gary W. Fonay and Rhonda F. Swain, whose addresses are Gary W. Fonay, 306 Jemez, Hobbs, NM 88240 and Rhonda Swain, 143 South Great Road, Lincoln, MA 01773 (“the Owner”) and THE CITY OF WESTMINSTER, a Colorado municipal corporation, the address of which is 4800 West 92nd Avenue, Westminster, CO 80031 (“the City”).

WITNESSETH:

WHEREAS, the Owner is the owner of the real property legally described as follows (“the Property”) and represents that there are no other owners of said property:

140+/- acres lying at the southwest corner of 144 Avenue and Huron Street, Adams County, Colorado as further set forth in Exhibit “A” attached hereto and made a part hereof.

WHEREAS, the Owner is willing to annex the Property to the City on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained and other good and valuable consideration, the receipt and adequacy of which are hereby confessed and acknowledged, the parties hereto agree as follows:

1. Annexation and Zoning. The Owner has submitted a petition to annex the Property to the City and an application for the zoning contemplated by paragraph 7. Zoning below. The City shall review and consider the petition for annexation in accordance with applicable Colorado law and City ordinances. If for any reason the zoning approved by the City is not in accordance with paragraphs 6 and 7 of this Agreement, the Owner shall have the absolute right to withdraw Owner’s petition for annexation and terminate the annexation process. So long as the City is proceeding with due diligence on acting on Owner’s petition for annexation and application for zoning, Owner agrees not to petition for annexation or execute any agreement to annex the property to any other municipality. The City shall allow the Owner to process annexation and zoning simultaneously. Further, the City shall allow the Preliminary and Official Development Plan to be processed simultaneously.

2. Water Rights. Subject to paragraph 2.1 below, the City shall waive any requirement that the Owner dedicate or transfer water or water rights to the City or pay to the City any fee in lieu of dedication of water or water rights as a condition of annexation, zoning, planning, platting, or development of the Property. The Owner shall have no obligation whatsoever to dedicate, transfer, convey, assign, sell, lease, reserve, set aside, or otherwise restrict any water or water rights, wells or well rights, ditches or ditch rights, reservoirs and reservoir rights, or stock in any mutual ditch or reservoir company as a condition of or in connection with the annexation, zoning, planning platting, subdivision, or development of the Property. The Owner shall have no obligation whatsoever to pay any fee in lieu of the dedication or transfer of water or water rights to the City as a result of the annexation, zoning, planning, platting, subdivision, or development of the Property. The Owner shall, however, be responsible for normal City water and sewer tap fees and charges in connection with the development of the property.

2.1) Non-tributary ground water. Notwithstanding anything in the foregoing to the contrary, the Owner shall convey to the City the non-tributary ground water underlying the Property in accordance with the provisions of section 11-6-8 (c) of the City Code. However, prior to said conveyance, the City shall provide, install and pay for one single family water tap each to serve both the single residence on the Property and the Milton and Virginia Fonay 14190 Huron Street residence which are currently served by the non-tributary well on the Property. The cost of extending the service line from the tap to either dwelling shall be the expense of the property served. Upon demolition of the single residence on the Property and the 14190 Huron Street residence, the water tap shall be relinquished to the City.

3. Use. Notwithstanding the annexation, zoning, planning, platting, or subdivision of the Property, the Owner shall have the right to continue to use the Property for farming, ranching, and other agricultural purposes, including, by example and not limitation, the raising of crops and grazing of cattle on the Property. Notwithstanding the zoning of the Property, use of the Property for agricultural purposes shall be a use by right, except that at such time as an Official Development Plan (ODP) is approved for the development of the Property, the permitted uses for that portion of the Property covered by said ODP shall be as set forth in the ODP.

4. Property Taxes. Until such time as the Property is developed, the City shall not take any action limited specifically to the Property that may increase the valuation of the Property except for the development approvals of Annexation, Zoning, Official Development Plan, Platting and Special District formation.

5. Water and Sewer Taps. Upon approval of the ODP, the City shall reserve a maximum of 210 water and sewer tap commitments to serve the Property at the rate of 30 commitments for the year 2001 and 50 commitments per year for the years 2002, 2003, 2004 and 30 commitments for the year 2005. Taps not purchased by the Owner in the year committed by the City shall accrue and may be purchased only in the following two (2) years for service commitments. The water and sewer taps reserved for the Property shall be available for purchase by the Owner under the prevailing rates at the time of purchase. The City shall enact no new moratorium that would prevent the Owner from purchasing and/or utilizing the reserved tap commitments.

6. Comprehensive Land Use Plan. Upon annexation of the Property, the City shall amend its Comprehensive Land Use Plan and designate the Property as Single Family Detached - Low Density development.

7. Zoning. The City shall zone the Property PUD [Planned Unit Development] consistent with the Comprehensive Land Use Plan [CLUP] designation to be shown on the property as defined in Paragraph 6. above. The PUD Zoning of the Property shall require the Official Development Plan for the Property to contain design features necessary to meet the City's Single Family Detached Design Guideline requirements for a total of 3,410 points including a private park and swimming pool (minimum 20-ft. x 40-ft.), a buffer strip along the Huron and 144th Avenue, and a minimum 35-ft. building setback adjacent to the south and west sides of the property adjacent to the Lexington and Lexington Shores subdivisions. The Preliminary Development Plan (PDP) and Official Development Plan (ODP) shall stipulate that the lots abutting Lexington Estates or Lexington Shores shall be a minimum of 20,000 square feet, lots south of the McKay Lake Drainage (running east/west through the Property) and north of the aforementioned minimum 20,000 square foot lots, shall be a minimum of 17,000 square feet, lots north of the McKay Lake Drainage shall be a minimum of 10,000 square feet and, the general layout of the lots and streets shall be in accordance with the DTJ 2-8-00 Concept Plan attached hereto and made a part hereof as Exhibit "B" except where changes are necessary to conform with the requirements of this paragraph. If required by the City, the developer shall include an interconnecting local street between the property to the south and west of the Property and the Property. No construction traffic shall use the interconnecting local street during construction of Huntington Trails. The Property development plan shall include public trails from Huron Street through the McKay Lake drainage channel on the Property to the City's McKay Lake property and from Lexington Estates to the public trail running between Huron Street and McKay Lake.

8. Vesting. The Zoning and permitted land uses for the Property which are approved by the City as contemplated by Paragraph 7. above shall be vested for a period of seven (7) years after approval. No zoning change will be enacted which would materially and adversely affect any bonds previously issued by any improvement district within the Property.

9. Special Districts.

9.1 Subject to compliance with applicable Colorado law and a favorable recommendation as to financial feasibility by the city's financial advisor, the City shall approve any petition and service plan submitted by the Owner for the formation of a Title 32 metropolitan district or improvement district formed for the purpose of constructing, installing, maintaining, financing, improving, or operating any public improvements, services, of facilities necessary for the development of the property, including, by example and not by limitation, construction of maintenance of streets, curbs, gutters, and sidewalks; water lines (not water treatment facilities), sewer, gas, telephone, television and other utility services; storm drainage and detention systems and facilities, and parks, recreation facilities, open spaces, and landscaped areas. Said City approval shall not be unreasonably withheld.

9.2 The city shall not approve the formation of any special improvement or assessment district, metropolitan district, or other special district that would include the Property unless the Owner consents to the inclusion of the Property in such district.

9.3 Such Special District shall not include the Lexington or Lexington Shores homeowners.

10. Resolution of Area Storm Drainage Problems. The City and the Owner agree to pursue the resolution of area drainage problems and develop a method to design, construct, finance and equitably allocate the cost of drainage improvements among the City, the Property, and surrounding properties benefiting from said drainage improvements. Any resolution of these drainage concerns shall include the following conditions or requirements of the Owner and the City:

10.1 The City agrees to cooperate with the Owner in processing a FEMA (Federal Emergency Management Agency) Map Change application for the Property. Said FEMA Map Change shall include storm detention in McKay Lake, shall show channelization of 100 year storm flows through the Property in accordance with the Property Concept Development Plan and further channelization across the south edge of the Alberta property, otherwise described as the +-70 acres south of 144th Avenue between Huron Street and Interstate 25 and lying directly east of the Property, in a constructed channel which discharges prior to reaching the Bull Canal.

10.2 In consideration for the Owner relocating the McKay Lake drainage channel on Owner's Property, the City shall convey to the Owner that portion of the City property between Pecos Street and Huron Street on the south side of 144th Avenue, purchased by the City for the purpose of channelizing the 100-year flood plain less the required right-of-way for 144th Avenue.

10.3 If the City acquires McKay Lake, the City agrees to include detention of the Property 100 year storm flows in McKay Lake and waive any requirement of the Property to include on site detention of developed storm flows; however, the City will require water quality concerns be addressed as part of the Property's storm drainage requirements.

10.4 The City shall be responsible for the design, agency approval and construction of McKay Lake improvements necessary to provide for a Class III dam, assuming that the City acquires ownership of McKay Lake.

10.5 The City shall initially pay for all McKay Lake dam improvements, including geotechnical studies, engineering, agency approvals and construction, necessary to bring the McKay Lake dam up to a Class I dam standards as promulgated by the State of Colorado Engineers Office and to provide regional storm detention.

The property owners downstream of the dam benefiting from detaining 100 year storm flows in McKay Lake and from the reclassification of the dam from a Class III to a Class I dam shall reimburse the City for all of the costs associated with the design and construction for retaining storm flows in McKay Lake and the cost to bring the dam from a Class III dam to a Class I dam; however, in the event the benefiting downstream property owners, other than the Owner, are not prepared to pay for the costs of bringing the McKay Lake dam from a Class III to a Class I dam and for the detention of storm flows in McKay Lake at the time payment of these costs is required, these costs shall be paid for and recovered by the Owner and the City under the provisions of this Agreement as follows: The Owner shall pay up to \$939,000 and shall recover the difference between the Owner 32% share of the cost of the difference between a Class I and Class III dam and \$939,000. The City shall pay the costs in excess of \$939,000 for the difference between a Class I and a Class III dam and shall recover those costs from properties other than the Property. The allocation of these costs among property owners benefiting from McKay Lake drainage improvements shall be based on the methodology used in the City's December 30, 1999 McKay Lake Drainage Way Recovery Scenario estimated cost tables and accompanying flood plain maps attached hereto and made a part hereof as Exhibit C. The engineering estimate of drainage improvement costs for the aforementioned drainage improvements shall be completed by the City and shall be provided to the Owner prior to the Annexation of the Property to the City. The Owner shall pay the Owner required McKay Lake improvement funds to the City the latter of within 30 days of approval of City, State and Federal approvals necessary for the development of the Property or upon commencement of the development of the Property (i.e. commencement of overlot grading).

10.6 The Owner shall be responsible for the design and construction of the 100-year storm channel across the Owners Property and from Huron Street to the channel discharge point that is just west of the Bull Canal. If the owner of the Alberta property is not willing to dedicate the necessary property for the channelization of the 100-year storm flows through the Alberta property, the City shall use its condemnation powers to obtain the necessary right-of-way for said channel. Costs of obtaining the channel right-of-way shall be paid by the Owner and recovered by the Owner as provided in paragraph 10.7.1 of this Agreement. Anything to the contrary herein notwithstanding, Owner's design and construction of the foregoing 100-year storm channel shall take place concurrently with Owner's development of the Property, and Owner shall have no obligation to design and construct the aforementioned 100-year storm channel across the Property prior to the Owner's commencing of development of the Property.

10.7 The City and the Owner acknowledge that the costs properties downstream of McKay Lake will be burdened with for dam construction and channelization of the 100-year flood plain are unusual and extraordinary and, with out the aforementioned improvements to McKay Lake and the channelization of the 100-year flood plain, development of properties downstream of McKay Lake would be impractical. The City and the Owner further acknowledge that with out the cooperation of the City and the Owner in developing a plan for funding certain area drainage improvements it would not be possible to complete the aforementioned improvements at this time. Therefore, the City and the Owner agree as follows:

The City may form a Regional Drainage District to study, design, construct, finance and maintain regional drainage facilities necessary to alleviate flooding problems in the area of the Property and surrounding properties, construct regional detention facilities and construct storm sewer to reduce the width of the 100 year flood plain on the Property and other properties in the area. The Regional Drainage District, if formed, shall allocate costs among the properties in accordance with paragraph 10.5 of this Agreement. Said Regional Drainage District formation, if formed, shall begin upon full execution of this Annexation Agreement and shall be complete on November 7,2000. The Owner agrees to cooperate with the City, and adjoining property owners to be included in said Regional Drainage District, to accomplish the formation of said Regional Drainage District for the financing and construction of drainage facilities.

The Owner shall include the Property in said Regional Drainage District providing Owner receives the same benefits from inclusion of the Property in the Regional Drainage District as Owner would receive under paragraph 10 and other provisions of this Agreement.

10.7.1 For amounts expended by the Owner for construction of a storm channel from Huron Street east, the City agrees to provide a credit to the Owner against those fees except for water and sewer tap fees, charged against the Property by the City. Owner expended costs qualifying for said credit shall include right-of-way, legal, planning, engineering, and construction including grading, survey, erosion control, landscape, drop structures, utility relocation, culverts and any other costs necessary for the construction of the drainage channel. The City shall recover the amount of the credit to the Owner through charging the properties, other than the Owner Property, benefiting from the aforementioned drainage improvements.

10.7.2 For amounts paid the City by one of the Owners of a benefiting property, other than the Owner Property, for any benefiting property share of the McKay Lake storm detention improvements and the incremental additional costs to improve the dam from the Class III to Class I category, the City shall provide the Owner a credit against those fees, except water and sewer tap fees, charged against the Property by the City. The City shall recover the amount of credit to the Owner through charging the properties, other than the Owner Property, benefiting from the aforementioned McKay Lake improvements.

10.7.3 For purposes of this agreement, fees charged against the Property by the City and eligible for credit to the Owner under this agreement shall include but not be limited to any cost recovery charges against the Property for water, sewer, drainage or streets, Park Fees, but not the fees charged against the Property for the Property share of the McKay Lake detention and Class I dam improvements.

10.7.4 The City agrees to apply for and pursue matching funding for the McKay Lake drainage improvements from Urban Drainage and Flood Control; however, the City may have drainage projects that are a higher priority than the McKay Lake drainage improvements and which may prevent matching funding for the McKay Lake drainage improvements.

11. Utilities. The owner shall not be obligated to pay the previously allocated cost of the existing water lines serving this property. The City shall pay for costs in excess of \$75.00 per lineal foot for the burial of the 144th Avenue electric power lines adjoining the Property.

12. Park Land Dedication and Park and Open Space. The City desires a parcel at the northwest corner of the Property for a Public Park and will accept this parcel as partial credit towards the Property's public land dedication requirements. In consideration of the Property developing private recreation facilities and the development of private open space with public trails through that private open space, the City agrees to provide the Property the maximum benefit under of the provisions of the City's policy for credit under Section 13-4-3 of the Westminster City Code.

13. Telecommunications. Any telecommunications system contemplated by the Owner shall be subject to approval under the City's zoning regulations and design guidelines for such facilities.

14. Moratorium. In order to preserve the Owner's timetable for the development of the subject property, the City shall not create any new moratorium, applicable to the Property which would limit, restrict, or delay the application for or approval of any rezoning, subdivision plat; P.U.D. plan; building permit; or certificate of occupancy or special district formation.

15. Utility Fees and Rates. Water, sewer, and other tap fees and user rates shall be equal to or less than the rates being paid by comparable users within the City.

16. Street Improvements. Internal street improvement sections and locations for those sections shall be determined as part of the ODP process.

17. Remedies. In the event of default in the performance of any of the terms or provisions of this Agreement, the nondefaulting party shall have the right to an action for specific performance or damages, or both, provided, however, Owner's sole remedy for any failure by the City to amend the Comprehensive Land Use Plan or approve the zoning prior to annexation as contemplated under paragraph 8 or 9 of this Agreement shall be as set forth in paragraph 1 hereof. The court shall award to the prevailing party all costs and reasonable attorney's fees incurred in any litigation arising out of this Agreement.

18. Colorado Law. This Agreement and the rights and obligations of the parties hereunder shall be governed by the laws of the State of Colorado.

19. Recording. This Agreement may be recorded in the office of the Clerk and Recorder of Adams County, Colorado.

20. Entire Agreement. This Agreement embodies the complete agreement between the parties, and there are no oral or collateral agreements or understandings.

21. Amendment. Only an instrument in writing signed by both parties may amend this Agreement.

22. Severability. If any 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 remain in full force and effect.

23. Construction. Whenever used herein, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

24. Paragraph Headings. The heading of paragraphs are for convenience only and are not intended to define, limit, or prescribe the scope or intent of any provision of this Agreement.

25. Execution in Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which shall constitute one agreement.

26. No Third-Party Beneficiaries. This Agreement is not intended, and shall not be deemed, to confer any rights on any person or entity that is not a party to this Agreement.

27. No Presumption. The Parties to this Agreement and their respective attorneys have had a full opportunity to review and participate in the drafting of the Agreement. Accordingly, this Agreement shall be construed as if prepared by both parties and without regard to any presumption or other rule of construction against the party causing the Agreement to be drafted.

28. Financial and Other Obligations of the City. All financial obligations of the City under this Agreement is subject to appropriation, budgeting, and availability of funds to discharge such obligations. Nothing in this Agreement shall be deemed to pledge the City's credit or faith, directly or indirectly, to the Owner, or to constitute a multiple year fiscal obligation within the meaning of Colorado Constitution, Article X, Sec. 20. Prior to completion of Annexation of the Property, the City shall provide a satisfactory legal opinion confirming that the Agreement was duly authorized and is a legal and binding obligation of the City according to its terms.

29. Inclusion in Northern Colorado Water Conservancy District. As a condition of annexation, the Owner consents to the inclusion of the Property in the municipal subdistrict of the Northern Colorado Water Conservancy District. The Owner acknowledges that upon inclusion in the subdistrict, the Property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated properties within the subdistrict. The Owner agrees to waive any right to an election that may exist to require an election before the Property may be included in the subdistrict.

30. Binding Effect. The benefits and burdens of this Agreement shall run with the Property and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, personal representative, successors, and assigns; however, the Owner shall be obligated to perform Owner requirements of this Agreement only if all City and other governing agency approvals necessary for the development of the Property are granted in accordance with the terms of this Agreement.

313. Great Divide Development, LLC has contracted with the Owners to acquire the Property and has been authorized by the Owners to negotiate terms of an Annexation Agreement with the City; however, Great Divide Development, LLC is not the agent of the Owners and cannot bind the Owners. Final approval of this Annexation Agreement shall be by the Owners. If a new owner takes title to the Property, the new owner shall be bound by the terms and conditions of this Annexation Agreement and the Owner shall be released from any liabilities arising after the date of the transfer.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Owners:

The City of Westminster, a
Colorado Municipal Corporation

By Gary W. Fonay

By: _____
Mayor

By Rhonda F. Swain

ATTEST: (seal)

By: _____
City Clerk

Great Divide Development, LLC
A Colorado Limited Liability Company

Great Divide Development, LLC
A Colorado Limited Liability Company

By: _____

By: _____

STATE OF NEW MEXICO
COUNTY OF _____

The foregoing instrument was subscribed, sworn to, and acknowledged before me this _____ day of, 2000 by Gary W. Fonay.

Witness my hand and official seal.

My commission expires: _____

Notary Public

STATE OF MASSACHUSETTS

COUNTY OF _____

The foregoing instrument was subscribed, sworn to, and acknowledged before me this _____ day of, 2000 by Rhonda F. Swain.

Witness my hand and official seal.

My commission expires: _____

Notary Public

STATE OF COLORADO

COUNTY OF _____

The foregoing instrument was subscribed, sworn to, and acknowledged before me this _____ Day of _____, 2000 by Fred Cooke.

Witness my hand and official seal.

My commission expires: _____

Notary Public

STATE OF COLORADO

COUNTY OF _____

The foregoing instrument was subscribed, sworn to, and acknowledged before me this _____ Day of _____, 2000 by Mark Norris

Witness my hand and official seal.

My commission expires _____

Notary Public

RESOLUTION

RESOLUTION NO. **62**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

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 INCORPORATED TERRITORY IN SECTION 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 10 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

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

2. The City Council further finds:

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

3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 28th day of August, 2000.

ATTEST:

Mayor

City Clerk

Huntington Trails Annexation

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2000

COUNCILLOR'S BILL NO. **61**
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

Section 1. A parcel of land located in the northeast one-quarter and the northwest one-quarter of Section 21, Township 1 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the northeast corner of said Section 21, said point also being the true point of beginning; thence south and along the east line of the north one-half of the northeast one-quarter of said Section 21 and along the westerly line of an annexation as recorded in File 16 at Map 382, a distance of 1322.51 feet; thence continuing along said annexation and along the east line of the south one-half of the northeast one-quarter of said Section 21, a distance of 991.83 feet to a point on the northerly line of an annexation as recorded in File 17 at Map 65; thence along the northerly and easterly lines of said annexation the following three (3) courses:

1. N 89(25'25" W, a distance of 2615.83 feet;
2. N 00(1'33" W, a distance of 990.97 feet;
3. N 89(59'39" W, a distance of 40.95 feet to a point on an annexation as recorded in File 17 at Map 784;

Thence along the easterly southerly and northerly lines of said annexation the following eight (8) courses:

1. N 29(06'21" W, a distance of 590.12 feet to a point on a non-tangent curve to the left;
2. Thence along said curve whose radius is 139.50', delta is 33(51'18" and whose chord bears N 16(22'05" E-81.23', an arc distance of 82.43 feet;
3. Thence N 00(10'50" W, a distance of 524.64 feet to a point of curvature;
4. Thence along a curve to the right, whose radius is 60.50', delta is 90(30'45", an arc distance of 95.57 feet;
5. Thence S 89(40'05" E, a distance of 244.64 feet;
6. Thence S 89(27'56" E, a distance of 2574.36 feet;
7. Thence N 00(20'19" W, a distance of 114.01 feet;
8. Thence N 89(27'56" W, a distance of 2573.48 feet;

Thence continuing along the northerly line of said annexation and along the northerly line of an annexation as recorded in File 17 at Map 798, N 89(40'05"W, a distance of 817.31 feet; thence N 00(01'33" W, a distance of 30.00 feet to a point on the north line of the northwest one-quarter of said Section 21; thence along said north line, S 89(40'05" E, a distance of 817.31 feet; thence along the north line of the northeast one-quarter of said Section 21 and along the southerly line of an annexation as recorded in File 16 at Map 382, a distance of 2603.32 feet to the point of beginning.

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 28th day of August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of September, 2000.

ATTEST:

Mayor

City Clerk

Huntington Trails Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **63**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City has annexed new properties to the City specifically described as:

A parcel of land located in the northeast one-quarter and the northwest one-quarter of Section 21, Township 1 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the northeast corner of said Section 21, said point also being the true point of beginning; thence south and along the east line of the north one-half of the northeast one-quarter of said Section 21 and along the westerly line of an annexation as recorded in File 16 at Map 382, a distance of 1322.51 feet; thence continuing along said annexation and along the east line of the south one-half of the northeast one-quarter of said Section 21, a distance of 991.83 feet to a point on the northerly line of an annexation as recorded in File 17 at Map 65; thence along the northerly and easterly lines of said annexation the following three (3) courses:

4. N 89(25'25" W, a distance of 2615.83 feet;
5. N 00(1'33" W, a distance of 990.97 feet;
6. N 89(59'39" W, a distance of 40.95 feet to a point on an annexation as recorded in File 17 at Map 784;

Thence along the easterly southerly and northerly lines of said annexation the following eight (8) courses:

9. N 29(06'21" W, a distance of 590.12 feet to a point on a non-tangent curve to the left;
10. Thence along said curve whose radius is 139.50', delta is 33(51'18" and whose chord bears N 16(22'05" E-81.23', an arc distance of 82.43 feet;
11. Thence N 00(10'50" W, a distance of 524.64 feet to a point of curvature;
12. Thence along a curve to the right, whose radius is 60.50', delta is 90(30'45", an arc distance of 95.57 feet;
13. Thence S 89(40'05" E, a distance of 244.64 feet;
14. Thence S 89(27'56" E, a distance of 2574.36 feet;
15. Thence N 00(20'19" W, a distance of 114.01 feet;
16. Thence N 89(27'56" W, a distance of 2573.48 feet;

Thence continuing along the northerly line of said annexation and along the northerly line of an annexation as recorded in File 17 at Map 798, N 89(40'05"W, a distance of 817.31 feet; thence N 00(01'33" W, a distance of 30.00 feet to a point on the north line of the northwest one-quarter of said Section 21; thence along said north line, S 89(40'05" E, a distance of 817.31 feet; thence along the north line of the northeast one-quarter of said Section 21 and along the southerly line of an annexation as recorded in File 16 at Map 382, a distance of 2603.32 feet to the point of beginning.

WHEREAS, an amendment to the Plan is necessary to add the annexed land to the Comprehensive Land Use Plan to keep it up to date; and

WHEREAS, the desired land use designation is “Single-Family Detached – Low Density”; and

WHEREAS, City Council finds that the requested amendment will be in the public good and in compliance with the overall purpose and intent of the Westminster Comprehensive Land Use Plan and not merely to afford the applicant a more profitable use of its property.

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to add the annexed area and to designate the land use as “Single-Family Detached - Low Density, shown in “Exhibit A” attached hereto.

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of September, 2000.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **62**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Adams County A-3 to City of Westminster Planned Unit Development (PUD) zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

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

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County A-3 to City of Westminster Planned Unit Development (PUD). A parcel of land located in Section 21, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Commencing at the northeast corner of said Section 21, said point also being the true point of beginning; thence south and along the east line of the north one-half of the northeast one-quarter of said Section 21 and along the westerly line of an annexation as recorded in File 16 at Map 382, a distance of 1322.51 feet; thence continuing along said annexation and along the east line of the south one-half of the northeast one-quarter of said Section 21, a distance of 991.83 feet to a point on the northerly line of an annexation as recorded in File 17 at Map 65; thence along the northerly and easterly lines of said annexation the following three (3) courses:

1. N 89(25'25" W, a distance of 2615.83 feet;
2. N 00(1'33" W, a distance of 990.97 feet;
3. N 89(59'39" W, a distance of 40.95 feet to a point on an annexation as recorded in File 17 at Map 784;

Thence along the easterly southerly and northerly lines of said annexation the following eight (8) courses:

1. N 29(06'21" W, a distance of 590.12 feet to a point on a non-tangent curve to the left;

2. Thence along said curve whose radius is 139.50', delta is 33(51'18" and whose chord bears N 16(22'05" E-81.23', an arc distance of 82.43 feet;
3. Thence N 00(10'50" W, a distance of 524.64 feet to a point of curvature;
4. Thence along a curve to the right, whose radius is 60.50', delta is 90(30'45", an arc distance of 95.57 feet;
5. Thence S 89(40'05" E, a distance of 244.64 feet;
6. Thence S 89(27'56" E, a distance of 2574.36 feet;
7. Thence N 00(20'19" W, a distance of 114.01 feet;
8. Thence N 89(27'56" W, a distance of 2573.48 feet;

Thence continuing along the northerly line of said annexation and along the northerly line of an annexation as recorded in File 17 at Map 798, N 89(40'05"W, a distance of 817.31 feet; thence N 00(01'33" W, a distance of 30.00 feet to a point on the north line of the northwest one-quarter of said Section 21; thence along said north line, S 89(40'05" E, a distance of 817.31 feet; thence along the north line of the northeast one-quarter of said Section 21 and along the southerly line of an annexation as recorded in File 16 at Map 382, a distance of 2603.32 feet to the point of beginning.

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 28th day of August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of September, 2000.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. **63**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

CATEGORY A SERVICE COMMITMENT AWARD FOR THE HUNTINGTON TRAILS
PLANNED UNIT DEVELOPMENT

WHEREAS, the City of Westminster has adopted by ordinance a Growth Management Program for the period July 1, 1990, through December 31, 2000; and

WHEREAS, within that ordinance there is a provision for an award of Service Commitments to Category A, Active Residential Developments; and

WHEREAS, Category A is the category which is appropriate for the Huntington Trails Planned Unit Development; and

WHEREAS, there are 1,018.4 Service Commitments available for award in Category A; and

WHEREAS, the Planning Commission recommended approval to the Westminster City Council of the Annexation Agreement, Annexation, Zoning, and Comprehensive Land Use Plan Amendment, for the Huntington Trails Planned Unit Development; and

WHEREAS, the City of Westminster City Council approved the Huntington Trails Annexation Agreement, Annexation, Zoning, and Comprehensive Land Use Plan Amendment.

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

1. A maximum award of 210 Service Commitments is hereby reserved for use by the Huntington Trails Planned Unit Development at the rate of 30 Service Commitments in 2001, 50 Service Commitments in 2002, 2003, 2004, and 30 Service Commitments in 2005.
2. Taps not purchased by the owner in one year may be purchased in the following two (2) years.
3. This award shall be valid for a period ending December 31, 2007.
4. This shall constitute the resolution required under Section 11-3-5 of the Westminster Municipal Code.

Passed and adopted this 28th day of August, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Councillor's Bill No. 82 re Proposed City Ballot Propositions

Prepared by: Bill Christopher, City Manager

Introduction

City Council action is requested on the proposed ballot language for the various propositions which have been reviewed and approved by City Council for the November 7 general election.

Summary

The group of ballot issues consists of TABOR related financial proposals and City Charter amendments, which are to be presented to Westminster voters at the general election. In addition, there are two general improvement districts that will be presented to only the affected property owners within the GID geographical boundaries. These include a companion piece to the 136th Avenue/I-25 Interchange financing and the Promenade parking structure. The two GID related ballot items are addressed in a separate agenda memorandum.

City Council is being asked to approve the specific language regarding each ballot issue which is to be placed on the November 7 ballot. The various issues were presented in concept form to City Council at the July 17 Study Session. The deadline to certify ballot language to the respective county clerk's offices is September 13.

Policy Issue(s)

- Does City Council wish to propose a sales tax revenue bond issue to the electorate to finance the 136th Avenue/I-25 Interchange improvements (west side) which would be borne by the City of Westminster with the City of Thornton using certificates of participation (COPs) for their financing mechanism (east side)?
- Does City Council wish to propose the sales tax revenue bond issue based on the present sales tax rate which in turn would require allocating debt service payments from the existing sales and use tax revenue stream versus increasing the City sales and use tax rate specifically to fund the \$14.14 million cost of Westminster's share of the interchange improvements?
- Does City Council wish to propose accelerating the street widening improvements on 112th Avenue from Sheridan Boulevard to Stuart Street using sales tax revenue bonds in the amount of \$4,485,000 with revenue from the current 3.0% City Sales and Use Tax to be utilized to pay annual debt service?
- Does City Council wish to "deBruce" (transfer payments from the Utility Fund to the General Fund)?
- Does City Council wish to propose City Charter amendments to the electorate to further update the 1958 citizen adopted City Charter as follows:

- Provide language to authorize the option of implementing a formal two-year budget adoption process.
- Provide language to have Advisory Board and Commission Members serve at the will of City Council.

Staff Recommendation

Pass Councillor's Bill No. 82 on first reading to approve the ballot language for the described propositions to be placed on the November 7 election ballot.

Alternatives

1. City Council could decide to not go forward with the various TABOR related fiscal ballot propositions for the upcoming General Election. This action would be a critical problem in being able to go forward on the 136th/I-25 Interchange financing given the need for \$14.14 million in "up front" capital financing for Westminster's side of the interchange improvements. Also, it would negate what is viewed to be a prime opportunity to present the accelerated park development concept to the voters and it would eliminate the further de-Brucing of City funds that in time could otherwise be problematic to the City. [In reference to the proposed Charter amendments, by deleting these selected amendments for voter consideration, the City would not have the opportunity to further update, clarify and change those sections of the City Charter that Council has deemed to be priority.
2. City Council certainly has the latitude to be selective among the outlined ballot issues and could select any combination of TABOR related fiscal issues and Charter amendments, as well as the possibility of substituting either or both of the Charter amendments with other changes that City Council believes to be of a higher priority.

Background Information

City Council reviewed a package of potential ballot items for the November, 2000 General Election at the July 17 Study Session. Final ballot language has been prepared by the City Attorney's Office (and Dee Wisor on bond issue items) for City Council's consideration and action. The ballot language must be submitted by the City Clerk to the respective County Clerks by September 13.

The first TABOR related proposed ballot issue is the City Sales Tax Revenue Bond Issue in the amount of \$14.14 million for Westminster's portion of the 136th Avenue/I-25 Interchange project. This key project which will help mitigate traffic congestion at the 120th Avenue and I-25 Interchange is proposed to be coupled with the \$4,485,000 street widening project involving 112th Avenue between Sheridan Boulevard and Stuart Street. This set of transportation improvements would total \$18,625,000 in Sales and Use Tax Revenue Bonds utilizing the existing revenue stream and therefore would not be predicated on a sales tax rate increase. The City of Thornton intends to provide their \$16.0 million in capital funding for their half of the subject interchange by issuing Certificates of Participation. The two respective City Councils have previously committed via an updated Intergovernmental Agreement to go forward with the financing of this strategic interchange. It is noted that if Westminster voters do not support the Sales Tax Revenue Bond Issue, the interchange project would not be able to go forward and the 112th Avenue Improvements would be delayed until such time as they could be funded on a "pay as you go" basis, which currently is targeted for 2004-2005. 112th Avenue was selected given the traffic count (16,000 trips per day) that is experienced on this key arterial link between Sheridan and Federal Boulevards, which are major north/south arterial streets through Westminster. Certainly Front Range Community College students play a significant roll in the traffic volume generated on this street.

As the City has grown with the strong pace of residential development, (City population has grown by approximately 24,000 (approximately 33%) from 1990 through 1999), neighborhood and community size park development have fallen behind due to the insufficient "pay-as-you-go" funding to keep pace. On the average over the past 10 years, the City has been able to fund development or redevelopment of approximately one to two neighborhood parks per year (8-15 acres), which represents an expenditure of approximately \$800,000 to \$1.5 million annually.

City Council regularly receives requests, especially during public hearings on the proposed City Budget and at Homeowner's Association meetings, to fund different neighborhoods' undeveloped park sites. During the Budget Retreat in September 1999, there was a brief discussion about the idea of developing a concept that would address the acceleration of building neighborhood and community size parks that either have not received any initial development or only partial development. Staff researched various ways that funds could be raised to accomplish the desired objective, but concluded that there was only one possible program that would begin to generate the level of funding that is needed to meaningfully tackle the situation at hand. This option is tied to obtaining voter approval on a mill levy authorization for a period of 20 years, which in turn would produce an annual revenue stream for debt service payments on the bond issue. The bond proceeds would be realized "up front" and allow numerous park sites to be developed concurrently thus realizing the accelerated park development objective, as well as saving money in the long run as construction costs continue to rise more rapidly than interest rates.

The City's current mill levy is 3.65 mills and produces \$2,350,000 annually. It is one of the lowest mill levies among Front Range Cities.

The City's current assessed valuation of \$779,004,690 million produces \$777,005 annually for each one mill levied. This amount will continue to increase over time with the continued new development occurring in Westminster. The last two years alone are indicative of this assumption with approximately \$200 million in new construction being realized each year. This construction figure reflects actual cost and would have to be adjusted by the Gallagher Amendment formulas whereby residential property is assessed at slightly under 10% of market value and non-residential property is assessed at 29% of market value. Using the base figure of \$893,556 per year generated by 1.15 mills, a \$9.0 million General Obligation Bond Issue could be realized.

The attached listing of neighborhood and community parks to be built is estimated to cost \$18.225 million. Nine million dollars in funding would provide an initial "jump start" on developing the desired park sites. The parks could be built over a 2-3 year period compared to 9-10 years depending on the annual "pay as you go" funding and construction inflation.

Council discussed the accelerated park development concept at the July 17 Study Session and concurred to place the proposal on the November 7 election ballot. A 1.15 mill levy for 20 years to pay the debt service on a \$9.0 million bond issue and a .4 mill for operations and maintenance of the parks to be developed have been supported by City Council. This combined 1.55 mill increase would equate to approximately \$30 per year on a \$200,000 market value house.

The \$9.0 million bond issue will fund development of 13 new parks and enhance 4 existing parks. Attached is the listing of parks that would be involved in the accelerated park development plan if voters approve the mill levy and bond issuance authorization.

Also, a ballot item has been prepared that would allow the City to transfer money between funds without those monies being considered as "revenue" to the receiving fund. Currently under TABOR, any revenue transferred between funds is considered as added revenue to the receiving fund. This creates complex accounting problems and does not really reflect new revenue to the City that TABOR was generally trying to regulate. This issue primarily comes into play between the Utility Fund and the General Fund.

There are many expenses budgeted in the General Fund that are of benefit of and exclusively for the Utility Fund such as part of City Council's time, part of the Engineering Division time, part of Human Resources time, etc. The City has a formula that was recently updated through the Cost Allocation Study, based on various criteria to determine the appropriate allocation of costs between these two funds. Under normal circumstances, these expenses would simply be paid by the Utility Fund with a single transfer payment to the General Fund. This, however, under TABOR, creates more revenue to the General Fund, which in turn could cause the General Fund to exceed its TABOR revenue limitation.

The potential then exists that this money could be subject to refund even though it is simply the Utility Fund paying for expenses it incurs as an enterprise. In order to avoid this situation currently, the City simply budgets and expends General Fund cost of services to the Utility Fund directly out of the Utility Fund. This causes numerous divisions to have split budgets and creates complex, time consuming accounting, difficult budget tracking and expenditure monitoring. This ballot issue is viewed as a housekeeping type measure that simply makes the City's budget and accounting simpler for the average person to understand, simplifies accounting and budgeting and improves the ability to manage the expenditures of the divisions affected by this issue.

Traditionally, City Council has taken Charter Amendment proposals to Westminster voters on a regular basis to keep the 1958 City Charter updated and clarified to reflect changing practices, court decisions etc. At the April 1st Goal Setting Retreat, City Council included a session on possible Charter Amendments. At the July 17 Study Session, a majority of City Council selected two Charter amendments to be presented to the voters. They are as follows:

5.3 Vacancies in Boards and Commissions and 5.4 Removals from Office – These amendments would change having Board and Commission Members being removed from office on a “for cause only” criteria to “serving at will.”

9.5.1 Budget Adoption – This change would allow for the formal adoption of a two-year budget. Currently, the City Charter allows City Council to only adopt a one-year budget and the second year budget is strictly advisory and preliminary. To gain the full effect and advantage of two-year budget, formal adoption of the budget is needed. Obviously, the updating of the second year budget when it becomes the “first year budget” would be a key procedural step that would be taken. The wording would allow the option of the two-year approach by City Council adoption by ordinance.

The attached Councillor's Bill is likely to not be the final version. However, Staff thought it would be helpful to provide this “work in progress” version to City Council in the meantime. Staff has a conference call on Monday with special legal and bond counsel Dee Wisor, the City Attorney, Finance Director and City Manager which will likely generate one or more modifications on the TABOR related ballot issues. . Second reading of this Councillor's Bill will be scheduled for the September 11 Council meeting.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **2819**

COUNCILLOR'S BILL NO. **82**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

Moss - Atchison

A BILL FOR AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF WESTMINSTER AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2000, CERTAIN ISSUES PURSUANT TO ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION AND CERTAIN BALLOT QUESTIONS REGARDING PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF WESTMINSTER.

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, it is necessary and appropriate that the City Council review the City's Home Rule Charter from time to time to assure that its provisions are consistent with the contemporary needs of the City and current legal requirements;

WHEREAS, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City, and Part 2 of Article 2 of Title 31 of the Colorado Revised Statutes, the City Council has identified and determined that the proposed amendments to the home-rule Charter of the City of Westminster as set forth hereinbelow shall be submitted to a vote of the City's registered electors at the general election to be held on November 7, 2000; and

WHEREAS, Article X, Section 20, of the Colorado Constitution requires voter approval prior to any new tax, new debt, or tax policy change; and

WHEREAS, a general election will be held on November 7, 2000.

Section 1. At the general election to be held on November 7, 2000, there shall be submitted to the registered electors of the City the following issues pursuant to Article X, Section 20 of the Colorado Constitution:

ISSUE A: QUALITY OF LIFE "A" – ACCELERATED PARK MAINTENANCE

SHALL CITY OF WESTMINSTER TAXES BE INCREASED \$320,000 ANNUALLY IN THE FIRST FULL FISCAL YEAR AND BY WHATEVER AMOUNT THAT IS RAISED ANNUALLY THEREAFTER FOR THE ENHANCEMENT OF THE QUALITY OF LIFE OF WESTMINSTER RESIDENTS BY THE IMPOSITION OF A PROPERTY TAX EQUAL TO FOUR TENTHS OF ONE MILL (0.4 MILL) FOR THE SOLE PURPOSE OF OPERATING AND MAINTAINING THE CITY PARKS LISTED IN ISSUE B BELOW, AND SHALL THIS TAX AND THE EARNINGS THEREFROM BE COLLECTED, KEPT, AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW, AND MAY THIS MILL LEVY BE INCREASED TO THE EXTENT NECESSARY TO OFFSET ANY REDUCTIONS MANDATED BY THE "TAX CUT 2000" INITIATIVE?

_____ FOR

_____ AGAINST

ISSUE B: QUALITY OF LIFE "B" – ACCELERATED PARK DEVELOPMENT AND IMPROVEMENTS

SHALL CITY OF WESTMINSTER DEBT BE INCREASED \$9,280,000 WITH A REPAYMENT COST OF \$17,270,000 (OVER AN ESTIMATED 20-YEAR REPAYMENT PERIOD) AND SHALL CITY TAXES BE INCREASED \$885,000 ANNUALLY (CURRENTLY ESTIMATED TO BE 1.15 MILLS) FOR THE ENHANCEMENT OF THE QUALITY OF LIFE OF WESTMINSTER RESIDENTS BY ACCELERATING THE DEVELOPMENT AND IMPROVEMENT OF THE FOLLOWING CITY PARK PROJECTS:

NEW PARKS:

CITY CENTER PARK, 92ND AND YATES
CARROLL BUTTS PARK, 95TH AND RALEIGH
STRATFORD LAKES, 114TH AND FEDERAL
MEADOWLARK PARK, 105TH AND BRYANT
BIG DRY CREEK, 128TH AND BIG DRY CREEK
WESTCLIFF PARK, 96TH AND WESTCLIFF PARKWAY
FIREMAN'S PARK, 7290 BRADBURN
WILLOWBROOK PARK, 12300 BANNOCK
ARROWHEAD/RYAN, 115TH AND EATON
74TH AND IRVING PARK
MAULIS PARK, 92ND AND BURLINGTON NORTHERN
RAILROAD
WALNUT GROVE, 106TH AND GARRISON STREET
CHEYENNE RIDGE, CHEYENNE RIDGE SUBDIVISION

IMPROVED PARKS:

FAVERSHAM PARK, 6109 W. 73RD AVENUE
KINGS MILL PARK, 9018 FIELD STREET
OAKHURST PARK, 9311 LARK BUNTING DRIVE
STRATFORD PARK, 10951 HARLAN STREET,

THE SPECIFIC TERMS OF SUCH DEBT TO BE DETERMINED BY THE CITY COUNCIL AS NECESSARY AND PRUDENT WHICH MAY INCLUDE A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM; AND SHALL THE MILL LEVY BE INCREASED IF NECESSARY IN ANY YEAR WITHOUT LIMITATION AS TO RATE TO PAY THE PRINCIPAL OF ANY PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY REFUNDING DEBT WHEN DUE; AND SHALL THE PROCEEDS FROM SUCH DEBT AND ANY INVESTMENT INCOME BE COLLECTED , KEPT, AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW, AND NET OF ANY TAX CUTS THAT MAY BE MANDATED BY THE "TAX CUT 2000" INITIATIVE?

_____ FOR

_____ AGAINST

ISSUE C: QUALITY OF LIFE "C" – NO TAX INCREASE STREET IMPROVEMENTS AND INTERCHANGE

SHALL CITY OF WESTMINSTER DEBT BE INCREASED \$19,270,000 WITH A REPAYMENT COST OF \$38,825,625 (OVER AN ESTIMATED 20-YEAR REPAYMENT PERIOD) WITHOUT ANY NEW TAXES OR TAX RATE INCREASES, BY THE ISSUANCE OF SALES AND USE TAX REVENUE BONDS FOR THE DESIGN AND CONSTRUCTION OF AN INTERCHANGE AT INTERSTATE 25 AND 136TH AVENUE, THE WIDENING AND IMPROVEMENT OF 112TH AVENUE FROM SHERIDAN AVENUE TO STUART STREET, AND ALL NECESSARY, INCIDENTAL, AND APPURTENANT FACILITIES, EQUIPMENT, LAND, PROPERTY RIGHTS AND COSTS; THE SPECIFIC TERMS OF SUCH DEBT TO BE DETERMINED BY

THE CITY COUNCIL AS NECESSARY AND PRUDENT WHICH MAY INCLUDE A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM; AND MAY THE PROCEEDS FROM SUCH DEBT AND ANY INVESTMENT INCOME BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER APPROVED REVENUE CHANGE UNDER SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

_____ FOR

_____ AGAINST

ISSUE D: QUALITY OF LIFE “D” – INTERFUND TRANSFERS AND RESERVE INCREASES

SHALL RESERVE INCREASES OF THE CITY AND TRANSFERS OF MONEY FROM ONE FUND ESTABLISHED BY THE CITY TO ANOTHER FUND ESTABLISHED BY THE CITY BE EXEMPT FROM THE SPENDING AND REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

_____ FOR

_____ AGAINST

Section 2. At the general election to be held on November 7, 2000, there shall be submitted to the registered electors of the City the following questions:

QUESTION 1

Shall Section 9.5 of the Westminster City Charter be amended to allow the City Council to adopt by ordinance procedures for adopting a budget for two (2) fiscal years, rather than for one (1) fiscal year?

_____ FOR

_____ AGAINST

ACTUAL WORDING OF THE PROPOSED AMENDMENT:

Section 9.5. Adoption of Budget.

(a) Not later than the second Monday of October in each year, the Council shall meet to consider the adoption of a budget for the next fiscal year. Council may by resolution adopt the budget on this date, or may continue the matter to a date no later than the fourth Monday in October. In any event, Council shall by resolution adopt the budget no later than the fourth Monday in October. When Council adopts the budget, Council shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes. .

(b) The Council shall thereupon cause the total levy to be certified to the County Assessor, who shall extend the same upon the tax list of the current year in a separate column entitled “City of Westminster Taxes” and shall include said City taxes in the Assessor’s general warrant to the County Treasurer for collection. On or before the last day of the current fiscal year the Council shall appropriate, by ordinance, the money need for municipal purposes during the next fiscal year of the City. The annual appropriation ordinance shall be based upon the budget as adopted

(c) NOTHING IN THIS SECTION 9.5 SHALL BE CONSTRUED TO PRECLUDE THE COUNCIL FROM ADOPTING A BUDGET FOR TWO (2) FISCAL YEARS INSTEAD OF ONE (1) FISCAL YEAR, ACCORDING TO SUCH PROCEDURES AS COUNCIL SHALL PRESCRIBE BY ORDINANCE.

QUESTION 2

Shall Section 5.3 and Section 5.4 of the Westminster City Charter be amended so that Board and Commission members shall serve at the will of City Council by allowing the City Council to declare a vacancy in a Board or Commission?

_____ FOR

_____ AGAINST

ACTUAL WORDING OF THE PROPOSED AMENDMENT:

Section 5.3 Vacancies in Boards and Commissions.

The office of any member of any board or commission created by, or pursuant to, this Charter shall be declared vacant by the Council AT THE WILL OF CITY COUNCIL, WITH AN AFFIRMATIVE VOTE OF AT LEAST FOUR (4) MEMBERS OF THE CITY COUNCIL.

- (a) ~~For any reason specified by statute or by this Charter as creating a vacancy in office;~~
- (b) ~~If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this Charter;~~
- (c) ~~If such officer shall miss four (4) consecutive regular meeting of such board or commission, or twenty five (25) percent of such meetings in any fiscal year of the City, unless such absences shall be excused by such board or commission at the time of such absence;~~
- (d) ~~If the officer is removed from office by the Council in accordance with the provisions of Section 5.4~~

Section 5.4 Removals From Office.

Removals by the Council of elective officers ~~or of members of boards or commissions~~ shall be made for either of the following reasons: (a) for any reason specified by statute for removal of city officers, (b) for any act declared by this Charter to constitute misconduct in office. Such removals by the Council shall be made only after hearing, of which such officer has been given notice in writing by the Clerk at least ten (10) days in advance, either personally or by delivering the same at ~~his~~ THE OFFICER'S last-known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in ~~his~~ THE OFFICER'S defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, ~~his~~ THE failure to do so may be deemed cause for ~~his~~ removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal.

Section 3. The City Clerk is hereby directed to take such actions as may be required or permitted by law in connection with the election.

Section 4. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 5. If any section, paragraph, clause or provision of this ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 6. All acts, orders and resolutions, and parts thereof, inconsistent with this ordinance be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

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

Section 8. 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 28th day of August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of September, 2000.

ATTEST:

Mayor

City Clerk

Neighborhood and Community Revised Park Priorities

Priority	Recommended Contribution	Previous Recommendation	Priority Name	Size	Classification
1 (Adams) Park	\$800,000	\$650,000	City Center Park Phase I	10 acres	Community
			<ul style="list-style-type: none"> • Develop as a passive urban park • Hardscape • Gardens • Trail around park • Benches/shade structures 		
			Total estimated cost: \$1.3 million		
2 (Adams) Park*	\$500,000	\$675,000	Carroll Butts Park	35 acres	Community
			<ul style="list-style-type: none"> • Little League Ballfields renovation • Soccer field • Playlot • Retention pond cleanup • Picnic shelters • Tennis court renovation • Paved parking • Trails • Landscaping • Renovate irrigation system 		
			Total estimated cost Phase I: \$1,350,000		
3 (Adams) Park*	-0-	\$500,000	LIFE Fellowship – Phase I	20 acres	Community
			<ul style="list-style-type: none"> • Two soccer fields • One Little League Field • Picnic shelter • Playlot • Trail • Parking • Landscaping 		
			Total estimated cost Phase I: \$1.1 million		
			*Adco Grant: \$100,000		
4 (Adams) Park*	\$100,000	\$250,000	Stratford Lakes	4.5 acres	Neighborhood
	\$400,000 pay as UGO		<ul style="list-style-type: none"> • Playlot • Picnic shelter • Trail • Sled hill 		
			Total estimated cost: \$500,000		

Priority	Recommended Contribution	Previous Recommendation	Priority Name	Size	Classification
5 (Adams) Park	\$100,000	\$62,500	Meadowlark	1 acre	Neighborhood
			<ul style="list-style-type: none"> • Playlot • Shade shelter 		
			<u>Total estimated cost:\$125,000</u>		
6 (Adams) Park*	\$650,000	\$650,000	Big Dry Creek Phase I	20 acres	Community
			128th Avenue		
			<ul style="list-style-type: none"> • Soccer fields • Playlot • Picnic shelter • Trail • Parking • Basketball 		
			<u>Total estimated cost Phase I: \$1,300,000</u>		
7 (Jeffco) Park	\$1.3 million	\$1.0 million	Westcliff Park	16 acres	Community
	\$500,000 pay as UGO		<ul style="list-style-type: none"> • Ballfield • Playlot • Picnic shelter • Trail • Parking 		
			Total estimated cost Phase I: \$1.8 million		
8 (Adams) Park	\$125,000	\$75,000	Fireman's Park	.5 acres	Neighborhood
			<ul style="list-style-type: none"> • Fireman's memorial (paid by other sources) • Volleyball • Playlot 		
			Total estimated cost: \$150,000		
9 (Adams) Park	\$700,000	\$500,000	Willowbrook Park Phase I	12 acres	Neighborhood
	\$700,000 pay as UGO		<ul style="list-style-type: none"> • Playlot • Basketball • Trail • Picnic shelter • Soccer field 		
			Total estimated cost: \$1.4 million		
10 (Jeffco) Park	\$450,000	\$500,000	Arrowhead/Ryan	10 acres	Neighborhood
	\$750,000 pay as UGO		<ul style="list-style-type: none"> • Playground • Shelter • Trail • Soccer field 		
			Total estimated cost Phase I: \$1.2 million		

Priority	Recommended Contribution	Previous Recommendation	Priority Name	Size	Classification
11 (Adams) Park	\$850,000	\$500,000	74th and Irving	5.5 acres	Neighborhood
			<ul style="list-style-type: none"> • Passive urban park • Fountain • Sculpture • Flower gardens • Benches • Shade structure • Trail/walkways 		
			Total estimated cost Phase I: \$1,000,000		
12 (Jeffco) Park	\$500,000	\$400,000	Maulis Park	3.5 acres	Neighborhood
	\$140,000 pay as UGO		<ul style="list-style-type: none"> • Playlot • Shelter • Trail • Parking lot • In-line skating 		
			Total estimated cost: \$640,000		
13 (Jeffco) Park	\$700,000	\$500,000	Walnut Grove	6 acres	Neighborhood
			<ul style="list-style-type: none"> • Playlot • Picnic shelter • Basketball • Trail 		
			Total estimated cost: \$700,000		
14 (Adams) Park	\$451,000	\$350,000	Cheyenne Ridge	5.0 acres	Neighborhood
	\$24,000 pay as UGO		<ul style="list-style-type: none"> • Playlot • Shade structure • Trail • Practice soccer field 		
			Total estimated cost: \$475,000		
			Grand Total New Development Funding: \$7,226,000		
			(New development includes pay as you go) - \$9,740,000		
			Total Estimated Cost: \$13,190,000		

Key

Recommended Contribution – Recommended City Contribution

Pay as UGO – Pay as you go in 5 year CIP

***Denotes joint park projects with Hyland Hills Park and Recreation District**

**Existing Neighborhood and Community Parks
Revised Re-development Priorities**

Priority	Recommended Contribution	Previous Recommended	Name	Size
<u>Classification</u>				
1 (Jeffco) Neighborhood Park	\$750,000	\$600,000	Faversham	18 acres
			<ul style="list-style-type: none"> • New playlot • Add picnic shelter • Re-pave parking lot • Add in-line skate rink • Trail • Add fishing dock • Add tennis courts • Redo irrigation 	
			Total estimated cost: \$1,500,000	
2 (Jeffco) Neighborhood Park	\$249,000	-0-	Kings Mill Park	4.0 acres
			<ul style="list-style-type: none"> • Add playground • Redo tennis courts • Add picnic shelter • Add in-line skate rink • Redo irrigation 	
			Total estimated cost: \$450,000	
3 (Jeffco) Park	\$337,500	-0-	Oakhurst Park	24 acres Community
	\$300,000 pay as UGO		<ul style="list-style-type: none"> • Redo soccer fields • Renovate picnic shelter • Trail • Add in-line skate rink • Redo irrigation <ul style="list-style-type: none"> • Add second picnic shelter 	
			Total estimated cost: \$1,800,000	
4 (Jeffco) Park			Countryside Rec Center Park	12 acres Neighborhood
			<ul style="list-style-type: none"> • Renovate outdoor pool • Add trail • Add in-line skate rink • Redo irrigation • Add basketball courts • Redo tennis courts 	
			Total estimated cost: \$1,000,000	

<u>Priority</u>	<u>Recommended Contribution</u>	<u>Previous Recommended</u>	<u>Name</u>	<u>Size</u>	<u>Classification</u>
5 (Jeffco) Park			Nottingham Park	14 acres	Neighborhood
			<ul style="list-style-type: none"> • Add new trail, concrete • Add in-line skate rink • Renovate playground • Renovate irrigation 		
			<u>Total estimated cost: \$600,000</u>		
6 (Adams) Park			Squires Park	10.3 acres	Community
			<ul style="list-style-type: none"> • Renovate restroom • Renovate irrigation • Renovate shelter • Add new concrete trail • Add in-line skate rink • Renovate basketball courts • Repave parking lot 		
			<u>Total estimated cost: \$1,000,000</u>		
7 (Jeffco) Park			Betty Adams School	4.7 acres	Neighborhood
			<ul style="list-style-type: none"> • Add picnic shelter • Renovate Little League field • Redo irrigation • Add trail 		
			Total estimated cost: \$450,000		
8 (Adams) Neighborhood Park			Hampshire Park	4.7 acres	
			<ul style="list-style-type: none"> • Renovate basketball courts • Renovate irrigation system • Add new trail • Add in-line skate rink 		
			Total estimated cost: \$400,000		
9 (Jeffco) Park	\$287,500	-0-	Stratford Park	6.4 acres	Neighborhood
	\$250,000 pay as UGO		<ul style="list-style-type: none"> • Add possible picnic shelter • Renovate soccer field • Renovate Little League baseball field • Renovate irrigation system and turf • Add trail • Add in-line skate rink 		
			Total estimated cost: \$650,000		
			Grand Total Rehabilitation Funding	\$1,624,000	
			Grand Total All Bond Funds for Project	\$8,850,000	
			Bond Issuance Cost	<u>\$ 150,000</u>	
			TOTAL	\$9,000,000	

Key

Recommended Contribution – Recommended City Contribution
Pay as UGO – Pay as you go in 5 Year CIP



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Express Lane Concept for Tenant Finish Projects and Midyear Staffing Change and authorizing Double Plan Review Fees

Prepared by: Bill Christopher, City Manager

Introduction

City Council action is requested on the attached Resolution authorizing 1.0 FTE Building Plans Analyst new regular position, furniture and office equipment purchases and funds for Fire Department personnel overtime to implement an express lane concept for tenant finish projects. Also the implementation of the plan review surcharge fee and the transfer of \$24,500 into the appropriate 2000 Community Development Department and Fire Department budget accounts is requested. The surcharge fee will be paid by those contractors and developers who desire a faster review time on their tenant finish plans.

Also, the attached Councillor's Bill requires action to implement the doubling of the Plan Review fees for tenant finish permit only.

Summary

Staff is requesting that City Council authorize a new position in the 2000 Budget and Staffing Plan. Staff is recommending that a 1.0 new full-time equivalent (FTE) position be added to the authorized positions for the City organization. Additionally, Staff is requesting authorization to purchase necessary equipment to implement an express lane tenant finish project.

The recommended additional position is a 1.0 FTE Building Plans Analyst who will be assigned to the Building Division. Furniture and office equipment is also being requested. A transfer from the General Fund Contingency will fund this position, the equipment purchases and overtime in 2000. The salary estimate is based on the new positions being filled in October, 2000. The total estimated cost for 2000 to fund this new position, furniture and office equipment and overtime for existing Fire Department personnel to perform Uniform Fire Code and fire alarm system reviews is \$24,500.

A transfer from the General Fund contingency is necessary to fund this expense. The current balance of the Contingency account is \$1,080,081.

Policy Issues

- Whether to provide this customer service enhancement to the development community and contractors through the express lane tenant finish concept based on the addition of 1.0 FTE and other related costs.
- Whether to charge plan review fees at twice the standard rate to offset most if not all of the new costs to implement the express lane.

Staff Recommendation

1. Adopt Resolution No. 64 which authorizes a 1.0 FTE new position in the City Pay and Staffing Plan and authorizes a General Fund Contingency account transfer of \$24,500 to the appropriate Community Development Building Division and Fire Department budget accounts.
2. Pass Councillor's Bill No. 83 which authorizes doubling the Plan Review fees when applicants voluntarily use the walk through process to save time.

Alternatives:

Maintain existing Staffing levels and not proceed with an Express Lane concept for tenant finish projects at this time.

Background

At the Developer's Forum held in November of last year, which was facilitated by the MetroNorth Chamber of Commerce, one of the issues that was expressed pertained to the plan review time on new construction projects before a building permit could be obtained. One aspect of the plan review turnaround time had to do with tenant finish type submittals. Currently, all plans of all types and magnitude are received in the same "waiting line." The City Manager offered the idea of borrowing "a chapter" from supermarkets with their express lane whereby tenant finish projects could go through this separate plan review process for an additional charge. Another corollary would be paying a toll fee on E-470 to achieve a quicker trip to your destination. The idea was that the surcharge would fund a major portion if not all of the cost of offering the Express Lane concept that in turn reflects a "time is money" philosophy. The developers' interest at the Forum was quite supportive of the concept and encouraged the City to pursue it. Staff has analyzed and done fiscal projections on whether one or two FTEs are needed to accomplish the concept. The City Administration has been hesitant to recommend two FTEs from the start of this concept and is recommending a "first step" approach of one FTE that would add an additional Building Plans Analyst in the Building Division with additional overtime funds recommended for the Fire Department. This approach and staffing level may or may not ultimately prove to be adequate.

The concept of offering a separate opportunity for the plan review of tenant finishes only is focused on providing enhanced customer service for this particular component of new development or redevelopment. Generally speaking, tenant finishes are much less involved in the plan review to document compliance with the Uniform Building Code (UBC). The Fire Code (UFC) provisions involving fire alarm systems are more complicated and tend to be more "customized." It has been the City's practice to have all types of plans submitted through the same "line" or "queue" regardless of the size or magnitude of the plan submittal. By separating the tenant finishes into a separate "express lane", this would provide enhanced customer service on a voluntary basis for those who wish to pay a surcharge to obtain a faster turn around review and approval. The concept, as far as work volume, projected revenue and cost of implementation have been predicated on the following basic components:

- The Building Division has assumed that one-half of the tenant finish activity volume would opt for the express lane. Based on 1999 activity, 185 projects would be eligible for the proposed approach.
- The surcharge fee has been predicated on slightly more than doubling the regular plan review fee. Based on the above volume level assumption, \$40,000 is projected in new revenue. Other fees/taxes on such tenant finish work would continue to not be earmarked for the "express lane" program.
- The Fire Department has projected revenue in the amount of \$38,000, which includes fire alarm system reviews.

- Of the 600 plan reviews conducted by the Fire Department in 1999, an analysis shows that well over 300 of these were part of the fire protection permitting process and are potential candidates for the express lane review process.
- The estimated first 12 month cost of one FTE Building Plans Analyst is estimated to be \$46,000 in salary, \$7,820 in fringe benefit costs, and \$3,900 for furniture and office equipment for a total cost of \$57,720.
- An additional annual sum of \$25,000 for overtime payments to existing Fire Department personnel has been included for the UFC and fire alarm system reviews.
- The cost for October through December, 200 is \$24,500.

City Staff is not aware of any other City in the State of Colorado that has implemented this concept. It is reflective of positive feedback received from the development community, not only at the initial Developer's Forum, but also in subsequent conversations with a variety of contractors and developers. Such individuals have expressed a willingness to pay a doubling of the respective plan review fees in order to get their tenant finishes processed quicker. Other related taxes and fees would remain the same, such as Building Use Tax and building permit fees, which are separate from plan review fees.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION FOR A GENERAL FUND CONTINGENCY TRANSFER TO FUND A 1.0 FULL TIME EQUIVALENT POSITION, FURNITURE AND OFFICE EQUIPMENT PURCHASES AND OVERTIME FUNDS TO IMPLEMENT AN EXPRESS LANE CONCEPT FOR TENANT FINISH PROJECTS

WHEREAS, developers have expressed increasing concerns regarding plan review time on new construction projects and in particular tenant finish type submittals; and

WHEREAS, Staff believes that a very fast turn around of plan review related to tenant finish can be achieved through an express lane concept; and,

WHEREAS, Staff proposes hiring one (1.0) FTE Building Plans Analyst to implement this program and overtime funds for Fire Department personnel to exclusively carry out UFC and fire alarm system reviews; and

WHEREAS, City Staff estimates the cost of additional staffing and equipment to implement an express lane review program in 2000 to be \$24,500; and,

WHEREAS, no budget has previously been provided for in 2000 to cover the cost of an express lane for tenant finish; and,

WHEREAS, funds will be earmarked in 2001 for this program using Building Division plan check revenue and Fire Department plan check revenue; and

WHEREAS, the General Fund Contingency account for the 2000 budget year currently stands at \$1,080,081.

NOW THEREFORE, BE IT RESOLVED that the Westminster City Council hereby authorizes a 1.0 new full-time benefited position and a General Fund Contingency Account transfer of \$24,500 to the following departments, providing for the additional expense to be incurred with the implementation of an express lane concept for tenant finish.

<u>Community Development</u>		
10-30-37-100-000	Salaries	\$11,645
10-30-37-406-000	Equipment	\$ 3,900
<u>Central Charges</u>		
10-10-90-123-594	Benefits	\$ 1,955
<u>Fire Department</u>		
10-25-26-103-000	Overtime	\$ 7,000

Passed and adopted this 28th day of August, 2000.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ESTABLISHING A WALK THROUGH PLAN REVIEW PROCESS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-9-3 (E) 4 of the Westminster Municipal Code is amended as follows:

4. **Plan Review Fees.** When plans or other data are required to be submitted by the Building Codes, a plan review fee shall be paid at the time the plans and specifications are submitted for review. Said plan review fee shall be 65 percent of the building permit fee as shown in Subsection (E)8 of this section. **WHEN AN APPLICANT ELECTS TO SUBMIT A COMMERCIAL PROJECT UTILIZING THE WALK THROUGH PLAN REVIEW PROCESS, THE PLAN REVIEW FEE SHALL BE DOUBLE THE FEE PRESCRIBED IN THIS SUBSECTION** The plan review fees specified in this subsection are separate fees from the permit fees and are in addition thereto. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Subsection (E)8 of this section.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of September, 2000.

Mayor

ATTEST:

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Resolution No. 65 re 108th Avenue and Federal Boulevard Traffic Signal

Prepared by: Greg Olson, Transportation Systems Coordinator

Introduction

City Council action is requested to adopt the attached Resolution, regarding the funding for a traffic signal at the intersection of 108th Avenue and Federal Boulevard, authorize the City Manager to execute an Agreement with the Colorado Department of Transportation (CDOT) addressing the Department's financial obligation for this signal; authorize a change order for construction of the traffic signal at 108th Avenue and Federal Boulevard with Colorado Sign Company, and authorize related traffic signal equipment purchases.

Summary

At the July 10th City Council meeting, the construction of the 2000 Traffic Signal Projects was awarded to Colorado Signal Company excluding the construction of the proposed traffic signal at 108th Avenue and Federal Boulevard. Council was advised that CDOT had requested that the proposed traffic signal not be awarded until their financial participation had been fully determined. An agreement with CDOT has been drafted which states that CDOT will reimburse the City of Westminster for the cost of installing a traffic signal at the intersection of 108th Avenue and Federal Boulevard. The total cost to purchase and install the signal is \$97,000. City Council action is requested to adopt the attached Resolution; authorize a change order to the construction contract for the 2000 Traffic Signal Projects and to authorize the necessary equipment purchases.

Policy Issues

Does City Council wish to not enter into agreement with CDOT for the construction of the new traffic signal at 108th Avenue and Federal Boulevard or request that CDOT proceed with the traffic signal installation at a later date? That signal location meets warrants for installation of a traffic signal and has the support of many residents in the surrounding neighborhoods.

Staff Recommendation

Adopt Resolution No. 65 authorizing the City Manager to execute the 108th Avenue and Federal Boulevard (U.S. 287) traffic signal agreement with the Colorado Department of Transportation; authorize a change order to the construction contract with Colorado Signal Company for the 2000 Traffic Signal Projects in the amount of \$57,803; authorize the expenditure of \$25,104 to Valmont Industries for the traffic signal poles and mast arms; authorize the expenditure of \$2,145 to 3M, Inc. for emergency vehicle pre-emption equipment; authorize a total additional project cost for the 2000 Traffic Signal Projects in the amount of \$97,000 that includes \$11,948 for a 20% construction contingency; and charge these expenses to the appropriate project account in the General Capital Improvement Fund.

Alternatives

Do not install a new traffic signal at 108th Avenue and Federal Boulevard as part of the City's 2000 Traffic Signal contract.

- 2 Turn down CDOT's offer to reimburse the City for the cost of the traffic signal and request that CDOT install the traffic signal at a later date.

The 108th Avenue and Federal Boulevard traffic signal installation is the second highest priority ranked location in the 2000 traffic signal priority listing. Several residents are aware of this and would be concerned if the City defers this traffic signal installation. In addition, the cost for the traffic signal will more than likely increase if the decision is made to defer the installation.

Background

As part of the 2000 budget preparation process, City Staff evaluated 20 intersections in the City to determine the need for signalization and establish priorities for such installations. At the July 10th Council meeting, the City Council authorized the installation of signals at the following locations:

1. Church Ranch Boulevard and 103rd Avenue
2. 104th Avenue and Bryant Street
3. 112th Avenue and Marshall Street
4. 104th Avenue and Legacy Ridge Parkway

Council was also advised that CDOT had requested that a proposed traffic signal at 108th Avenue and Federal Boulevard not be awarded until their financial participation had been fully determined. An agreement with CDOT has been drafted which states that CDOT will reimburse the City of Westminster up to \$100,000 for the cost of the installation of a traffic signal at the intersection of 108th Avenue and Federal Boulevard. The City's construction contractor, Colorado Signal Company, submitted bid costs as part of the original bid package for construction of the proposed signal at 108th Avenue and Federal Boulevard. The specific construction change order cost and equipment purchases to complete the installation are outlined below:

<u>Item</u>	<u>Company</u>	<u>Cost</u>
Construction	Colorado Signal company	\$57,803
Signal Poles and Mast Arms	Valmont Industries, Inc.	25,104
Emergency Preemption Equip.	3M, Inc.	2,148
20% Construction Contingency		<u>11,948</u>
	Project Total	\$97,000

The following represents Staff's anticipated schedule for completing the 108th Avenue and Federal Boulevard traffic signal project, assuming City Council authorizes the change order to the construction contract and authorizes the purchase of the necessary traffic signal equipment.

- August 28th City Council authorizes the construction change order and purchase of the traffic signal equipment.
- August 29th Issue change order and proceed with traffic signal equipment purchases.
- March 15th Completion of the traffic signal at 108th Avenue and Federal Boulevard project.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **65**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A resolution of the City Council of the City of Westminster defining responsibility in the State contract for the installation of a traffic signal at 108th Avenue and Federal Boulevard (U.S. 287)

WHEREAS, the City of Westminster and the Colorado Department of Transportation are vitally interested in improving traffic operation at the intersection of 108th Avenue and Federal Boulevard (U.S. 287); and

WHEREAS, the City has budgeted funds in the amount of \$97,000 for the installation of a traffic signal at 108th Avenue and Federal Boulevard (U.S. 287); and

WHEREAS, the Colorado Department of Transportation has \$100,000 available for the installation of a traffic signal at the intersection of 108th Avenue and Federal Boulevard (U.S. 287):

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

1. The City of Westminster shall enter into an agreement with the Colorado Department of Transportation (CDOT), which states that CDOT will reimburse the City of Westminster for the cost of installing a traffic signal at the intersection of 108th avenue and Federal Boulevard (U.S. 287).
2. The City of Westminster shall be responsible for project administration in accordance with all State and other applicable requirements for the installation of a traffic signal at 108th Avenue and Federal Boulevard (U.S. 287).

Passed and adopted this 28th day of August, 2000

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Joint Participation Agreement for 112th Avenue Improvements

Prepared by: Alan Miller, Special Projects Director
Dan Blankenship, Sr. Project Coordinator

Introduction

City Council action is requested to authorize the City Manager to sign an agreement with the Bruchez Group LLP in substantially the same form as the attached agreement relating to the improvement of 112th Avenue and Federal Boulevard, adjacent to the Bruchez property. The cost associated with this agreement is \$629,000 and funds for this expense are available in the appropriate project accounts in the Utility and General Capital Improvement Funds.

Summary

The City is responsible to share in the improvement of 112th Avenue at the time of development under the City's normal arterial street development policies and according to the City's joint development agreement with the Bruchezs. This proposed agreement implements these policies since development of the Bruchez parcels adjacent to 112th Avenue is now commencing. The overall cost to improve 112th Avenue is estimated at \$893,000 with the City's share proposed to be \$629,000. Related to this agreement will also be the purchase of approximately six shares of Farmers' Highline Canal and Reservoir Company from the Bruchez family. These water shares amount to approximately 100-acre feet of additional raw water to the City.

The timing of the agreement is related to the fact that the majority of the remaining Bruchez land along 112th Avenue is being developed. This agreement allows for the contractor, working with the private developer, to construct all of the improvements required on 112th Avenue from the east side of the Cotton Creek Townhomes to Federal Boulevard and along Federal Boulevard south to the existing Legacy Ridge homes.

Alternatives

Do not authorize the City Manager to sign the agreement leaving 112th Avenue without further improvements and foregoing the purchase of these scarce water rights.

Policy Issues

Whether to continue with City Policy on participating in the improvement of arterial streets or to establish a new policy. Whether to improve 112th Avenue adjacent to the Bruchez property at this time or to delay to some other date, or to not further improve it at all.

Staff Recommendation

Authorize the City Manager to sign a joint development agreement for 112th Avenue with the Bruchez Group LLP in substantially the same form as the attached agreement, and to make the payments as authorized by the agreement.

Background Information

The City has been working with the Bruchez Family since 1992 on the development of the Legacy Ridge Golf Course and master planned residential community. The quality of the residential development has exceeded expectations and much of the credit belongs to the Bruchez family for upholding high quality design and development on each parcel, primarily using the design firm of Downing Thorpe James from Boulder.

As part of the original joint development agreement, the City and the Bruchez family agreed to work together on the improvements needed to 112th Avenue at such time as the land developed, essentially within the context of the City's normal arterial street improvement policies. The remaining parcels adjacent to 112th Avenue are now developing and it is an effective approach to have one private contractor construct the improvements rather than have them completed piece meal. This agreement allows for a single contractor to complete the work under contract to a private developer rather than having this be a City construction project. The cost of the entire project is estimated at \$893,000 and the City's share is \$629,000. This agreement also is timed to coincide with the purchase of Farmers' Highline water shares from the Bruchez family.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

**JOINT PARTICIPATION AGREEMENT FOR
112TH AVENUE AND FEDERAL BOULEVARD
STREET IMPROVEMENTS**

This Agreement is made this ____ day of _____, 2000, by and between **BRUCHEZ GROUP, LLP**, (“Bruchez”) and the **CITY OF WESTMINSTER**, a Colorado home-rule municipality (“City”).

WHEREAS, Bruchez is the owner of certain property located in the City of Westminster depicted on Exhibit “A” attached hereto and incorporated herein by this reference (the “Bruchez Property”);

WHEREAS, Bruchez and the City are parties to a certain agreement dated November 2, 1992, entitled “Golf Course Community Development Agreement” concerning the cooperative development of the Legacy Ridge Golf Course and Community located at approximately 112th Avenue and Federal Boulevard in the City of Westminster (the “Golf Course Agreement”);

WHEREAS, paragraph 9.1. of the Golf Course Agreement provides that in consideration of the conveyance by Bruchez of the right-of-way needed for 112th Avenue, the City would undertake the obligation to construct 112th Avenue at its own expense;

WHEREAS, the parties now wish to novate this particular provision of the Golf Course Agreement and to substitute the provisions of this Agreement relative to the respective obligations of the City and Bruchez regarding the construction of certain proposed improvements to 112th Avenue and to Federal Boulevard adjacent to the Bruchez Property; and

WHEREAS, the parties also wish to set forth certain other agreements between themselves in regard to the 112th and Federal Boulevard improvements, as well as certain City requirements concerning the undergrounding of utilities for the development of the Bruchez Property.

NOW THEREFORE, in consideration of the above premises, the mutual covenants and promises set forth below, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereby agree as follows:

1. Construction of Street Improvements by Bruchez. Bruchez agrees to construct, at its own expense, those street improvements to 112th and Federal Boulevard adjacent to the Bruchez Property in accordance with the provisions of the Public Improvements Agreement dated _____, 2000 between the City and Bruchez. Said improvements shall be designed and constructed in accordance with the terms, conditions, and provisions of said Public Improvements Agreement and at no cost to the City. Should the total costs for the 112th and Federal street improvements exceed \$629,000, the Federal street improvements will be deferred until development occurs on the Commercial Parcel. If the Federal street improvements are deferred, upon development of the commercial parcel, the full costs of the Federal street improvements shall be the responsibility of the Commercial Parcel developer.

2. Payment by the City. In consideration of Bruchez’s widening of 112th Avenue and Federal Boulevard, and the resulting recognition of the City’s prior obligation to construct said improvements pursuant to the Golf Course Agreement, the City agrees to pay Bruchez Six Hundred Twenty-Nine Thousand Dollars (\$629,000) in three installments as follows:

a. A First Installment in the amount of Two Hundred Nine Thousand Six Hundred and Sixty-Six Dollars and Sixty-Six Cents (\$209,666) will be paid to Bruchez within thirty (30) days of the City’s issuance of the necessary permits for the commencement of the construction of the 112th Avenue and Federal Boulevard Street Improvements;

b. A Second Installment in the amount of Two Hundred Nine Thousand Six Hundred and Sixty-Six Dollars (\$209,666) will be paid upon thirty-three percent (33%) completion of the 112th Avenue and Federal Boulevard Street Improvements; and

c. A Third Installment in the amount of Two Hundred Nine Thousand Six Hundred and Sixty-Eight Dollars (\$209,668) will be made to Bruchez by the City upon sixty-six percent (66%) completion of the 112th Avenue and Federal Boulevard Street Improvements.

3. Undergrounding of Utilities. The City also agrees that Bruchez shall be exempt from any financial responsibility for the undergrounding of utilities along 112th Avenue for the “Farmhouse Parcel” and the eight- (8) acre “Commercial Parcel,” which are depicted on Exhibit “A” attached to this Agreement.

3.1 The City shall pay for the cost of the undergrounding of the utilities associated with the development of the Farmhouse Parcel and the Commercial Parcel using the City’s share of the revenues to be derived from the City’s share of the one percent (1%) undergrounding of utility fee charged by United Power and distributed to local municipalities. In lieu of undergrounding, if so determined by United Power that the overhead electric lines and supporting poles can be removed, the City will pay the cost for such removal adjacent to the Commercial Parcel and Farmhouse Parcel along 112th Avenue.

3.2 If sufficient funds are remaining after completion of the 112th and Federal street improvements, Bruchez agrees to pay off the current outstanding cost recovery due for the previous undergrounding of utilities along Federal Boulevard in the principal amount of Forty Five Thousand Seven Hundred - Fifty dollars (\$45,750) plus interest. Interest, at the rate established annually by Westminster City Council for public recoveries, for this cost recovery began accruing on October 20, 1999. Bruchez may, but shall not be required to, pay this cost recovery out of proceeds of the City’s contribution to the 112th Avenue and Federal Boulevard street improvements pursuant to paragraph 2 above. If the recovery is not paid upon completion of the street improvements, said recovery shall be paid by the Commercial Parcel developer upon approval of an ODP for the Commercial Parcel.

3.3 The undergrounding or removal of the utilities for the Farmhouse Parcel and the Commercial Parcel shall be performed concurrently with the undergrounding or removal of utilities to be performed as part of the development of Legacy Ridge Filings 12 and 13, and Bruchez shall take appropriate measures to assure that all such undergrounding or removal is properly coordinated and scheduled to the satisfaction of the City.

4. Governing Laws. This Agreement shall be construed under and governed by the laws of the State of Colorado.

5. Due Authorization. The City and Bruchez each represent and warrant that the execution of this Agreement has been duly authorized by all necessary action and is enforceable against the City and Bruchez, respectively, in accordance with its terms.

6. Binding Agreement. This Agreement is binding upon the City and Bruchez, and their respective heirs, successors, and assigns, and shall be deemed a covenant running with the Bruchez Property. However, the City agrees to execute a commercially reasonable form of termination of this Agreement upon the completion of all obligations due under this Agreement. This Agreement may not be assigned by either party without the prior written consent of the other. Subject to the provisions of paragraph 1 of this agreement, Bruchez may assign their obligation to complete the Federal Boulevard street improvements to a developer who undertakes the development of the Commercial Parcel.

7. Recording. This Agreement may be recorded by either party in the real estate records of Adams County, Colorado.

8. Default Remedies. In the event of a material breach or default under this Agreement by either party, the parties shall have the right to pursue all remedies and defenses at law or in equity, including, without limitation, the right of specific performance of the Agreement. In the event it becomes necessary for either party to bring an action to enforce this Agreement, the prevailing party in such action shall be entitled to a recovery of its reasonable attorney fees and costs associated with such litigation. However, prior to bringing any such litigation, the parties agree to enter into good faith mediation to

resolve the dispute for a period of not less than sixty (60) days, except to the extent the meaningful continuation of such mediation is rendered impossible due to an approaching expiration of an applicable statute of limitations.

9. Golf Course Agreement. Except as otherwise specifically modified by this Agreement, the rights, duties, and obligations of the parties under the Golf Course Agreement shall remain unchanged and the terms and conditions thereof shall be deemed as continuing in full force and effect.

CITY OF WESTMINSTER

BRUCHEZ GROUP, LLP

By _____
William Christopher
City Manager

By _____

Attest:

Attest:

Michelle Kelley, City Clerk

Approved as to form:

Approved as to form:



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Resolution No. 66 re GOCO Local Government Parks and Outdoor Recreation Grant Application for City Park Ballfield Complex

Prepared by: Becky Eades, Landscape Architect II

Introduction

City Council action is requested to adopt the attached resolution to authorize the submittal of a Great Outdoors Colorado (GOCO) Local Government Parks and Outdoor Recreation grant application for continued development of the City Park Ballfield Complex.

Summary

The Local Government Parks and Outdoor Recreation grant program is a grant program designed to assist local governments in acquiring, enhancing, improving, and expanding parks, outdoor recreation and environmental education facilities. Per Administrative Memorandum 99-7, City Council approval is required prior to the submission of a grant application exceeding \$25,000. Staff is requesting that City Council adopt the attached Resolution authorizing the Local Government Parks and Outdoor Recreation grant application for \$100,000. The grant application request is specifically for funding to be used toward ballfield lighting and shade structures at the ballfield complex. The City's matching funds for this project are recommended in the 2001 Capital Improvement Program budget.

Policy Issue

Should the City pursue grant funding to provide enhancements at City Park Ballfield Complex?

Staff Recommendation

Adopt Resolution No. 66 authorizing the submittal of a Local Government Parks and Outdoor Recreation Grant application to Great Outdoors Colorado (GOCO) for the City Park Ballfield Project.

Background Information

Currently, the total budget available for construction of Phase B of the ball field complex is \$4,950,000. Ballfield lighting and shade structures are adding alternates to the base bid, and the cost of these items is \$360,000 and \$152,000 respectively. Currently, it is anticipated that the add alternates to the base bid could be awarded upon approval of the 2001 CIP budget, with the construction to be completed in 2001 and the fields playable by spring of 2002. However, if this grant is approved, it would free up some money from the add alternate budget and allow for additional enhancements to the project.

Westminster has received over \$3 million from GOCO in the past eleven years to purchase land and develop parks and trails. Within the past five years \$500,000 in grants has been received for projects including Countryside Youth Little League Ball Fields; Skyline Vista Park; Standley Lake; Children's Hospital Playground; Big Dry Creek Trail from Sheridan to 128th Avenue, from 128th Avenue to Huron Street, and from Walnut Creek to 104th Avenue; and Little Dry Creek Trail from Zuni Street to 64th Avenue.

Alternative

City Council could decline to authorize the submission of this grant application. However, the addition of lighting and shade structures to the ball field complex will greatly enhance the usability of the ball field complex.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Resolution, Map

RESOLUTION

RESOLUTION NO. 66

INTRODUCED BY COUNCILLORS

SERIES OF 2000

GREAT OUTDOORS COLORADO LOCAL GOVERNMENT PARK AND
RECREATION PROJECT GRANT REQUEST

WHEREAS, Great Outdoors Colorado has established a Local Government Park and Recreation Project grant application process to assist with expanding, enhancing, and improving regional parks; and

WHEREAS, the City of Westminster is desirous of expanding and improving Westminster City Park; and

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit a Local Government Park and Recreation Project grant application to Great Outdoors Colorado, requesting a grant in the amount of \$100,000 toward the cost of enhancements to the City Park Ballfield Complex.

Passed and adopted this 28th day of August 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Ball Corporation Fee Proposal

Prepared by: Bill Walenczak, Director of Parks, Recreation and Libraries

Introduction

City Council action is requested to authorize the City Manager to sign an agreement with Ball Corporation that allows the City to receive a guaranteed revenue from Ball Corporation of \$17,000 for a one year trial period in exchange for allowing all Ball Corporation employees to purchase annual recreation center passes at resident rates.

Summary

At the post Council meeting of August 14, City Council reviewed a letter from Mr. David Westerlund, Senior Vice President for Administration at Ball Corporation. Mr. Westerlund outlined a proposal that would allow all Ball Corporation employees (both inside and outside of the City) to purchase annual recreation center passes at resident rates. City Council concurred with Mr. Westerlund's proposal and instructed Staff to implement the plan for a one year trial.

Policy Issue(s)

- Does City Council wish to establish a discount annual recreation facilities pass program for Ball Corporation employees?
- Would the City accept similar arrangements with other Westminster businesses?

Staff Recommendation

Authorize the City Manager to sign an agreement with Ball Corporation for a one year trial period, as drafted by the City Attorney's office, that guarantees the City minimum revenue of \$17,000 in exchange for allowing all Ball Corporation employees to purchase annual recreation center passes at resident rates.

Background Information

The main Ball Corporation campus is located in Westminster, north of 108th Avenue and west of Wadsworth Parkway. Ball Corporation employs approximately 1,000 employees, with approximately 670 of these working at the Westminster campus. Ball Corporation has other offices located at Jefferson County Airport and in Boulder. Many of the Ball employees work and live in the City of Westminster. In order to offer the same benefits to all Ball Corporation employees, Mr. Westerlund is proposing to guarantee the City of Westminster a minimum revenue commitment of \$17,000 for one year, in exchange for allowing all Ball Corporation employees and their families to purchase annual recreation center passes at resident rates.

To place this more into perspective, the average annual resident single adult pass for West View Recreation Center is \$195. By guaranteeing a minimum of \$17,000 for annual pass purchases, the City will secure a sale of approximately 85 annual recreation center passes. It should be noted that not all purchases will be at West View or for a single adult. All City recreation centers have sufficient available capacity to absorb these additional annual passes from Ball Corporation employees. It is anticipated that the majority of these passes will be purchased for West View Recreation Center.

City Staff has for some time been trying to develop a better marketing plan for attracting businesses in the City to make group purchases of annual passes for their employees. Many health clubs offer group discounts in order to enhance their revenue pro formas. Staff believes that this would be a good to test for one year to see if both parties feel comfortable making the program permanent.

Alternative

Direct City Staff to not pursue this pilot program for recreation center discounts.

Sincerely,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Resolution No. 1 re 136th Avenue GID Approval of Ballot Language for I-25 Interchange at 136th Avenue

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council, acting as the Board of Directors of the 136th Avenue General Improvement District, is requested to adopt the attached Resolution approving the ballot language for the November 2000 Special Election regarding the financing of the Interchange at I-25 and 136th Avenue. This is the second of three steps to enable the City to build the interchange at no additional cost to the City:

The three steps are:

- Approval of the formation of the General Improvement District (GID) – August 14, 2000
- Approval of the ballot language for the November election – August 28, 2000
- Issuance of the bonds and construction of the interchange – projected for 2002-2004.

Summary

The voters in this special district are the owners of the property in the GID established on August 14: three landowners whose property will be developed as a result of the interchange construction.

The ballot language to be approved is largely legal in nature, and two questions are necessary. By approving the attached resolution, the following questions will be approved:

- **Debt Question:** this allows the GID to levy property taxes against the property owners, sufficient to pay the portion of the debt for which the district will be responsible, that portion as a part of the total bonds which will be issued by the City to construct the interchange. This portion is \$11 million or the equivalent of 15 mills until the year 2021, whichever occurs later. This will be approximately half of the debt service. (The remaining debt service will be provided by sales taxes resulting from the development of the area, which will be pledged by the City for repayment of the bonds. The City Sales Tax Bond Question is covered under a separate action due to the legal separation of the GID and the City.)
- **DeBrucing Question:** this exempts the property tax revenues and expenditures for the interchange from the TABOR calculations required by cities each year, as a part of the 1992 constitutional amendment requirements. This is routine language for all ballot questions and simplifies the district's administrative burdens, which will be performed by Staff on behalf of the district.

Policy Issue(s)

Does City Council wish to proceed with the Interchange initiative? City Council has been in favor of this project since its inception and approved the formation of the GID on August 14, 2000.

Staff Recommendation

Acting as the Board of Directors of the 136th Avenue General Improvement District, adopt Resolution No. 1 approving the ballot language for the special election in November 2000.

Background Information

Earlier this year, City Council directed Staff to proceed with the planning and financing for the Interchange, in partnership with the City of Thornton. This project is a key project for the two cities and was further ratified by the recent signing of the revised Intergovernmental Agreement between the City of Westminster and the City of Thornton.

The use of special district financing and taxation for this project is appropriate, as it allows the City to accomplish a project which will enhance the development of the northeast portion of the City. In addition, the property taxes will be paid by owners of property to be developed along this important segment of I-25, the same property owners who will benefit from the construction of this interchange.

Alternative(s)

Do not approve the ballot language. This is not recommended, as this will prevent the question from appearing on the Year 2000 ballot. It is critical to this project to have the cooperation and financial participation of the property owners in this district, as the interchange cannot be built unless they share in the costs of construction.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Resolution

**136th AVENUE GENERAL IMPROVEMENT DISTRICT
BOARD OF DIRECTORS**

RESOLUTION NO. 1

A RESOLUTION CALLING A SPECIAL ELECTION IN THE CITY OF WESTMINSTER 136th AVENUE GENERAL IMPROVEMENT DISTRICT; AND PROVIDING OTHER DETAILS RELATING THERETO.

WHEREAS, the City of Westminster 136th Avenue General Improvement District (the "District"), located in the City of Westminster, Adams County, Colorado, is a quasi-municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the members of the City Council of the City of Westminster (the "Council") have been duly elected and qualified and serve ex officio as the Board of Directors of the District (the "Board"); and

WHEREAS, Article X, Section 20 of the Constitution ("Amendment 1") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by Amendment 1; and

WHEREAS, the interest of the District and the public interest and necessity demand and require financing a portion of the costs of a new interchange at 136th Avenue and Interstate 25, and other necessary and related appurtenant facilities; and

WHEREAS, Amendment 1 requires the District to submit ballot issues (as defined in Amendment 1) and spending questions to the District's electors on limited election days before action can be taken on such ballot issues and spending questions; and

WHEREAS, November 7, 2000, is one of the election dates at which ballot issues and spending questions may be submitted to the District's eligible electors pursuant to Amendment 1; and

WHEREAS, it is necessary to submit to the electors of the District, at the election to be held on November 7, 2000, the question of authorizing the Board to incur debt, increase taxes and spend the revenues thereof and the question of authorizing the Board to collect, keep and spend all revenues it receives as a voter approved revenue change under Article X, Section 20 of the Colorado Constitution; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election; and

WHEREAS, the Board elects to utilize the provisions of the Uniform Election Code of 1992 in order to conduct a mail ballot election on November 7, 2000.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO, AS THE EX OFFICIO BOARD OF DIRECTORS OF THE CITY OF WESTMINSTER 136th AVENUE GENERAL IMPROVEMENT DISTRICT:

Section 1. All action heretofore taken (consistent with the provisions of this resolution) by the District and the officers thereof, directed toward the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in Section 1-1-104 C.R.S., and Amendment 1.

Section 3 Pursuant to Amendment 1, Title 31, Article 25, Part 6, C.R.S., and the Uniform Election Code of 1992, the Board hereby determines to call a special election to be conducted on November 7, 2000, as a mail ballot election (the "election"). The Board hereby determines that at the election to be held on November 7, 2000, there shall be submitted to the eligible electors of the District the questions set forth in Section 4 hereof. Because the election will be a mail ballot election, the Board hereby authorizes the Secretary to file a mail ballot election plan with the Secretary of State. The officers of the District are authorized to enter into an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 4. The Council hereby authorizes and directs the designated election official to certify to the County Clerk, on or before September 13, 2000, the questions in substantially the form hereinafter set forth. Such questions shall be submitted to the eligible electors of the District at election in the substantially the following forms:

QUESTION No. 1

"SHALL CITY OF WESTMINSTER 136TH AVENUE GENERAL IMPROVEMENT DISTRICT DEBT BE INCREASED \$11,000,000 WITH A REPAYMENT COST OF \$30,643,472 AND SHALL DISTRICT TAXES BE INCREASED \$1,583,472 ANNUALLY SUBJECT TO THE FOLLOWING:

(1) THE PROCEEDS OF SUCH DEBT AND TAXES SHALL BE USED FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF AN INTERCHANGE ON I-25 AT 136TH AVENUE AND ALL OTHER NECESSARY, INCIDENTAL, APPURTENANT, AND CONVENIENT FACILITIES, EQUIPMENT, LAND AND PROPERTY RIGHTS OR REFUNDING DEBT ISSUED FOR SUCH PURPOSES AND PAYING THE DISTRICT=S ANNUAL OPERATIONAL COSTS;

(2) SUCH TAX INCREASE SHALL BE GENERATED BY A PROPERTY TAX MILL LEVY OF NOT TO EXCEED THE SUM OF (i) 15 MILLS PLUS (ii) SUCH MILL LEVY, NOT TO EXCEED 1 MILL AS IS NECESSARY TO GENERATE UP TO \$10,000 ANNUALLY, PROVIDED THAT:

(A) SUCH TAX SHALL END WITH COLLECTIONS IN THE YEAR 2021 OR WHEN THE AGGREGATE AMOUNT COLLECTED EQUALS \$11,000,000 WHICHEVER OCCURS LATER;

(B) THE MILL LEVY LIMIT MAY BE INCREASED TO OFFSET ANY PROPERTY TAX CUT WHICH IS MANDATED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, AS IT CURRENTLY EXISTS OR IS HEREAFTER AMENDED, AND THE \$1,583,472 ANNUAL TAX INCREASE SHALL BE NET OF ANY SUCH TAX CUT;

(3) THE PROCEEDS OF SUCH TAX SHALL BE USED TO PAY THE PRINCIPAL OF AND PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY REFUNDING DEBT WHEN DUE;

(4) SUCH DEBT MAY BE EVIDENCED BY BONDS, NOTES, CONTRACTS, LOAN AGREEMENTS OR OTHER FORMS OF INDEBTEDNESS BEARING INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 12.5%;

(5) SUCH DEBT MAY BE SOLD IN ONE SERIES OR MORE, ON TERMS AND CONDITIONS AS THE BOARD OF DIRECTORS OF THE DISTRICT MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OR PREPAYMENT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM;

AND SHALL THE EARNINGS FROM THE INVESTMENT OF THE PROCEEDS OF SUCH DEBT AND TAX REVENUES BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION, AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?"

QUESTION No. 2

SHALL CITY OF WESTMINSTER 136TH AVENUE GENERAL IMPROVEMENT DISTRICT BE AUTHORIZED TO COLLECT, KEEP AND SPEND ALL REVENUES IT RECEIVES AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Section 5. The City Clerk is hereby appointed as the designated election official of the District for purposes of performing acts required or permitted by law in connection with the election.

Section 6. Any authority to contract general obligation indebtedness or to levy ad valorem property taxes to pay such indebtedness, if conferred by the results of the election, shall be deemed and considered a continuing authority to contract the general obligation indebtedness and levy the ad valorem taxes so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 7. Pursuant to Section 1-1-111(2) C.R.S., all powers and authority granted to the Board may be exercised by the designated election official, including but not limited to the power to appoint election judges.

Section 8. The officers of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 9. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 10. All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

ADOPTED AND APPROVED this 28th day of August, 2000.

(SEAL)
ATTESTED:

Mayor ex officio President of the District

City Clerk ex officio Secretary of the District

STATE OF COLORADO)
)
 COUNTY OF ADAMS)
) SS.
 CITY OF WESTMINSTER 136th)
 AVENUE GENERAL)
 IMPROVEMENT DISTRICT)

I, Michele Kelley, City Clerk of the City of Westminster, Colorado, and ex officio as Secretary of the City of Westminster 136th Avenue General Improvement District (the "District") do hereby certify that:

1. The foregoing is a true and correct copy of a resolution (the "Resolution") passed and adopted at the regular meeting of the City Council serving ex officio as the Board of Directors of the District (the "Board") on August 28, 2000. A quorum of the Board was in attendance at the meeting.

2. The members of the Board voted on passage and adoption of the Resolution on August 28, 2000, as follows:

Those Voting Aye:	Councillor Herb Atchison Mayor Pro Tem Samantha Dixon Mayor Nancy Heil Councillor Butch Hicks Councillor Ann Merkel Councillor Ed Moss Councillor Suzanne Smith
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Those Voting Nay:	None
Those Absent:	None
Those Abstaining:	None

3. The Resolution was approved and authenticated by the signature of the Mayor, ex officio President of the Board, sealed with the City seal, attested by the City Clerk, ex officio Secretary of the Board, and recorded in the minutes of the Board.

4. Attached hereto as Exhibit A is a copy of the notice of the meeting of August 28, 2000, which was posted at Westminster City Hall not less than 24 hours in advance of the meeting.

IN WITNESS WHEREOF, I have hereto set my hand and the seal of the City this 19th day of September, 2000.

City Clerk ex officio
 Secretary of the District

(SEAL)

EXHIBIT A

(Attach Notice of Meeting on August 28, 2000)



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Resolution No. 1 re: Promenade Parking GID Approval of Ballot Language for Parking Garage

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council, acting as a Board of Directors of the Promenade Parking General Improvement District, is requested to adopt the attached Resolution approving the ballot language for the November 2000 Special Election regarding the Promenade Parking Garage bond issue. This is the second of three steps to enable the City to build and operate a two-story Parking Garage at the Promenade, at no additional cost to the City:

The three steps are:

- Approval of the formation of the General Improvement District (GID) – August 14, 2000
- Approval of the ballot language for the November election – August 28, 2000
- Issuance of the bonds and construction of the garage – projected in Year 2001.

Summary

The voters in this special district are the owners of the property designated as the future office buildings - between the Westin Hotel and the Sun Microsystems Ice Centre.

The ballot language to be approved by City Council is largely legal in nature, and four questions are necessary. By approving the attached resolution, the following four questions will be approved:

- Question 1B (Tax Increase Question): this allows the increase of property taxes in the district (the property owner is Inland Pacific Corp., LLC), to pay for annual operating costs of the parking garage.
- Question 2B (Debt Questions): this allows the GID to issue bonds to pay for the construction of the garage and to levy property taxes sufficient to pay for the debt service on the bonds.
- Question 3B (Refunding Question): this question allows for future refunding of the bonds, if needed, at a higher interest rate. This is not envisioned, but if it is needed, the voters of the district will have given their approval to this, and will not have to wait until the next general election.
- Question 4B (DeBrucing Question): this exempts the property tax revenues and expenditures for the garage, both construction and operational in nature, from the TABOR calculations required by cities each year, as a part of the 1992 constitutional amendment requirements. This is routine language for all ballot questions and simplifies the district's administrative burdens, which will be performed by Staff on behalf of the district.

Policy Issue(s)

Does City Council wish to proceed with the Parking Garage initiative? City Council approved the concept in a Study Session earlier this year, and approved the formation of the GID on August 14, 2000.

Staff Recommendation

Acting as a Board of Directors of the Promenade Parking General Improvement District, adopt Resolution No. 1 of the Promenade Parking General Improvement District, approving the ballot language for the special election in November 2000.

Background Information

Earlier this year, City Council directed Staff to proceed with the planning and financing for the Parking Garage at Promenade, a two-story facility of 600 spaces, to be located at Promenade East, between the Westin Hotel and the Ice Centre, on the north side of the future office buildings. City Council recognized the success of the Promenade project and agreed with Staff recommendations that the demand for the parking justified the construction of the garage. City Council also recognized that this project would have no impact on the City's finances, as the construction and operation of the garage would be paid for by property taxes levied on the properties in the special taxing district to be set up through the Promenade land owners.

The use of special district financing and taxation for this project is appropriate, as it allows the City to accomplish a project which will enhance the long-term success of the Promenade. In addition, the property taxes will be paid by owners of Inland Pacific, LLC, the individuals who will benefit from this construction and operation of this facility.

Alternative(s)

Do not approve the ballot language. This is not recommended, as construction of the office buildings and garage is envisioned and planned for Year 2001. The garage will be needed concurrent with the construction of the office buildings to provide parking for the office tenants and other visitors to the Promenade, who now are finding it difficult to park close by to the attractions they wish to visit.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Resolution

PROMENADE PARKING GENERAL IMPROVEMENT DISTRICT

RESOLUTION NO. 1

A RESOLUTION CALLING A SPECIAL ELECTION IN THE CITY OF WESTMINSTER PROMENADE PARKING GENERAL IMPROVEMENT DISTRICT; AND PROVIDING OTHER DETAILS RELATING THERETO.

WHEREAS, the City of Westminster Promenade Parking General Improvement District (the "District"), located in the City of Westminster, Jefferson County, Colorado, is a quasi-municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the members of the City Council of the City of Westminster (the "Council") have been duly elected and qualified and serve ex officio as the Board of Directors of the District (the "Board"); and

WHEREAS, Article X, Section 20 of the Constitution ("Amendment 1") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by Amendment 1; and

WHEREAS, the interest of the District and the public interest and necessity demand and require financing a two-story parking facility for 600 parking spaces, and other necessary and appurtenant facilities; and

WHEREAS, Amendment 1 requires the District to submit ballot issues (as defined in Amendment 1) and spending questions to the District's electors on limited election days before action can be taken on such ballot issues and spending questions; and

WHEREAS, November 7, 2000, is one of the election dates at which ballot issues and spending questions may be submitted to the District's eligible electors pursuant to Amendment 1; and

WHEREAS, it is necessary to submit to the electors of the District, at the election to be held on November 7, 2000, the questions of authorizing the Board to incur debt, refund debt at a higher rate, increase taxes and spend the revenues thereof, and the question of authorizing the Board to collect, keep and spend all revenues it receives as a voter approved revenue change under Article X, Section 20 of the Colorado Constitution; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election; and

WHEREAS, the Board elects to utilize the provisions of the Uniform Election Code of 1992 in order to conduct a mail ballot election on November 7, 2000.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO, AS THE EX OFFICIO BOARD OF DIRECTORS OF THE CITY OF WESTMINSTER PROMENADE PARKING GENERAL IMPROVEMENT DISTRICT:

Section 1. All action heretofore taken (consistent with the provisions of this resolution) by the District and the officers thereof, directed toward the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in Section 1-1-104 C.R.S., and Amendment 1.

Section 3. Pursuant to Amendment 1, Title 31, Article 25, Part 6, C.R.S., and the Uniform Election Code of 1992, the Board hereby determines to call a special election to be conducted on November 7, 2000, as a mail ballot election (the "election"). The Board hereby determines that at the election to be held on November 7, 2000, there shall be submitted to the eligible electors of the District the questions set forth in Section 4 hereof. Because the election will be a mail ballot election, the Board hereby authorizes the Secretary to file a mail ballot election plan with the Secretary of State. The officers of the District are authorized to enter into an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 4. The Council hereby authorizes and directs the designated election official to certify to the County Clerk, on or before September 13, 2000, the questions in substantially the form hereinafter set forth. Such questions shall be submitted to the eligible electors of the District at election in the substantially the following forms:

QUESTION No. 1 B (TAX INCREASE QUESTION)

SHALL CITY OF WESTMINSTER PROMENADE PARKING GENERAL IMPROVEMENT DISTRICT TAXES BE INCREASED \$100,000 ANNUALLY IN THE FIRST YEAR OF COLLECTION OR BY SUCH OTHER AMOUNT AS IS PROVIDED BY A MILL LEVY OF NOT TO EXCEED 5.5 MILLS TO PAY THE ANNUAL EXPENSES OF THE DISTRICT; AND SHALL THE REVENUES FROM SUCH TAXES AND ANY EARNINGS FROM THE INVESTMENT OF SUCH REVENUES BE COLLECTED AND SPENT AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND NOTWITHSTANDING THE 5.5% REVENUE LIMIT OF SECTION 29-1-301, C.R.S. OR THE LIMITS OF ANY OTHER LAW?

QUESTION No. 2 B (DEBT QUESTION)

SHALL CITY OF WESTMINSTER PROMENADE PARKING GENERAL IMPROVEMENT DISTRICT DEBT BE INCREASED \$9,885,000 WITH A REPAYMENT COST OF \$27,791,802 AND SHALL DISTRICT TAXES BE INCREASED \$1,406,000 ANNUALLY SUBJECT TO THE FOLLOWING:

(1) THE PROCEEDS OF SUCH DEBT AND TAXES SHALL BE USED FOR THE PURPOSE OF FINANCING THE COSTS A PARKING FACILITY, RELATED LANDSCAPING, AND ALL OTHER NECESSARY, INCIDENTAL, APPURTENANT, AND CONVENIENT FACILITIES, EQUIPMENT, LAND AND PROPERTY RIGHTS OR REFUNDING DEBT ISSUED FOR SUCH PURPOSES;

(2) SUCH TAX INCREASE SHALL BE GENERATED BY A PROPERTY TAX MILL LEVY WHICH IS UNLIMITED AS TO RATE AND IN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF AND PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY REFUNDING DEBT WHEN DUE;

(3) THE \$1,406,000 ANNUAL TAX INCREASE SHALL BE NET OF ANY PROPERTY TAX CUT WHICH IS MANDATED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, AS IT CURRENTLY EXISTS OR IS HEREAFTER AMENDED ;

(4) SUCH DEBT MAY BE EVIDENCED BY BONDS, NOTES, CONTRACTS, LOAN AGREEMENTS OR OTHER FORMS OF INDEBTEDNESS BEARING INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 12.5%;

(5) SUCH DEBT MAY BE SOLD IN ONE SERIES OR MORE, ON TERMS AND CONDITIONS AS THE BOARD OF DIRECTORS OF THE DISTRICT MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OR PREPAYMENT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM; AND SHALL THE EARNINGS FROM THE INVESTMENT OF THE PROCEEDS OF SUCH DEBT AND TAX REVENUES BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION, AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?"

QUESTION No. 3 B (REFUNDING AT A HIGHER RATE)

SHALL CITY OF WESTMINSTER PROMENADE PARKING GENERAL IMPROVEMENT DISTRICT DEBT BE INCREASED \$10,500,000 WITH A REPAYMENT COST OF \$18,500,000 AND SHALL DISTRICT TAXES BE INCREASED \$1,500,000 ANNUALLY FOR THE PURPOSE OF REFUNDING, PAYING, OR DEFEASING, IN WHOLE OR IN PART, BONDS, NOTES, CONTRACTS OR OTHER FINANCIAL OBLIGATIONS OF THE DISTRICT; AND SHALL THE MILL LEVY BE INCREASED IN ANY YEAR WITHOUT LIMITATION AS TO RATE BUT ONLY IN AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF AND PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY REFUNDING DEBT WHEN DUE; SUCH DEBT TO BE EVIDENCED BY GENERAL OBLIGATION BONDS, NOTES, CONTRACTS, LOAN AGREEMENTS OR OTHER FORMS OF INDEBTEDNESS BEARING INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 12.5%; SUCH DEBT TO BE SOLD IN ONE SERIES OR MORE, ON TERMS AND CONDITIONS AS THE BOARD OF DIRECTORS OF THE DISTRICT MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OR PREPAYMENT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM; AND SHALL THE EARNINGS FROM THE INVESTMENT OF THE PROCEEDS OF SUCH DEBT AND TAX REVENUES BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION, AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

QUESTION No. 4 B (DEBRUCING QUESTION)

SHALL CITY OF WESTMINSTER PROMENADE PARKING GENERAL IMPROVEMENT DISTRICT BE AUTHORIZED TO COLLECT, KEEP AND SPEND ALL REVENUES IT RECEIVES AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Section 5. The City Clerk is hereby appointed as the designated election official of the District for purposes of performing acts required or permitted by law in connection with the election.

Section 6. Any authority to contract general obligation indebtedness or to levy ad valorem property taxes to pay such indebtedness, if conferred by the results of the election, shall be deemed and considered a continuing authority to contract the general obligation indebtedness and levy the ad valorem taxes so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 7. Pursuant to Section 1-1-111(2) C.R.S., all powers and authority granted to the Board may be exercised by the designated election official, including but not limited to the power to appoint election judges.

Section 8. The officers of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 9. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 10. All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

ADOPTED AND APPROVED this 28th day of August, 2000.

Mayor ex officio
President of the District

(SEAL)

ATTESTED:

City Clerk ex officio
Secretary of the District

STATE OF COLORADO)
)
COUNTY OF JEFFERSON)
) SS.
CITY OF WESTMINSTER)
PROMENADE PARKING GENERAL)
IMPROVEMENT DISTRICT)

I, Michele Kelley, City Clerk of the City of Westminster, Colorado, and ex officio as Secretary of the City of Westminister Promenade Parking General Improvement District (the "District") do hereby certify that:

1. The foregoing is a true and correct copy of a resolution (the "Resolution") passed and adopted at the regular meeting of the City Council serving ex officio as the Board of Directors of the District (the "Board") on August 28, 2000. A quorum of the Board was in attendance at the meeting.

2. The members of the Board voted on passage and adoption of the Resolution on August 28, 2000, as follows:

Those Voting Aye:	Councillor Herb Atchison Mayor Pro Tem Samantha Dixon Mayor Nancy Heil Councillor Butch Hicks Councillor Ann Merkel Councillor Ed Moss Councillor Suzanne Smith
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Those Voting Nay:	None
Those Absent:	None
Those Abstaining:	None

3. The Resolution was approved and authenticated by the signature of the Mayor, ex officio President of the Board, sealed with the City seal, attested by the City Clerk, ex officio Secretary of the Board, and recorded in the minutes of the Board.

4. Attached hereto as Exhibit A is a copy of the notice of the meeting of August 28, 2000, which was posted at Westminister City Hall not less than 24 hours in advance of the meeting.

IN WITNESS WHEREOF, I have hereto set my hand and the seal of the City this 19th day of September, 2000.

City Clerk ex officio
Secretary of the District

(SEAL)

EXHIBIT A

(Attach Notice of Meeting on August 28, 2000)



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 28, 2000

Subject: Councillor's Bill No. 84 re Review of Board and Commission Members in Executive Session

Prepared by: Bill Christopher, City Manager

Introduction

The majority of City Council has directed Staff to prepare a Councillor's Bill to amend the section of the City Code that sets forth criteria for Executive Session items. The item to be included is discussion of Board and Commission Members in Executive Session.

Summary

At the April 1st Goal Setting Retreat, City Council discussed potential City Charter amendments. A topic that came up had to do with formally authorizing the City Council practice of discussing Board and Commission Member appointments and their performance in Executive Session. Subsequently, the City Attorney advised City Council that this could be done by ordinance rather than requiring a Charter amendment.

The necessary Councillor's Bill has been prepared that would accomplish the amendment desired by members of City Council.

Policy Issue

Whether to formalize the standing practice of City Council discussing Board and Commission Member appointments and the performance of Board and Commission Members in Executive Session.

Staff Recommendation

Pass Councillor's Bill No. 84 on first reading, which would add discussions pertaining to Board and Commission Members in the Executive Session portion of the City Code.

Background Information

At the April 1st Goal Setting Retreat, Council Members identified as a possible Charter amendment formally authorizing Executive Session discussions pertaining to Board and Commission Member performance as well as appointment of new board and Commission Members. Subsequently, the City Attorney advised the Council that this change could be accomplished by ordinance by amending the City Code section pertaining to Executive Session criteria. Recently, this has become an issue among City Council Members. The majority of City Council has directed the preparation of the necessary ordinance to accomplish the City Code amendment. Accordingly, the necessary ordinance has been prepared for formal action.

Respectfully submitted,

William M. Christopher, City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2000

COUNCILLOR'S BILL NO.
INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE AMENDING EXECUTIVE SESSIONS TO INCLUDE
BOARD AND COMMISSION MEMBER DISCUSSIONS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 1, Chapter 11, Section 3 of the Westminster Municipal Code is hereby amended as follows:

(C) The City Council may hold a closed executive session in conjunction with a regular or special meeting or a study session for the purpose of:

(1) Discussing personnel matters, except where the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.

(2) Discussing strategy and progress on the sale, acquisition, trade or exchange of property or property rights;

(3) Consulting with an attorney representing the City Council on pending or ongoing litigation;

(4) Discussing strategy and progress on economic development matters in which the disclosure of information such as financial data or proposed incentives would, if made public, seriously jeopardize the City's ability to secure the development;

(5) Discussing matters required by law, signed agreement or court order to be kept confidential such as personnel files, medical and psychological data on individual persons, confidential commercial and financial information, privileged information and the terms and amounts of settlement agreements;

(6) Discussing matters which may, by law, be kept confidential on the grounds that disclosure would be contrary to the public interest, such as information which would compromise measures necessary to prevent violation of a law;

(7) Discussing the City's position on issues subject to formal negotiation or arbitration, and the progress and status of such negotiation or arbitration; and

(8) Discussing communications made to the City Attorney by the City Council and the advice given thereon by the City Attorney in the course of his professional employment.

(9) DISCUSSING THE APPOINTMENT, RENEWAL OR DISMISSAL OF BOARD AND COMMISSION MEMBERS.

Section 2 - Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED
this 28th day of August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ___th
day of September, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 28,2000

Subject: Financial Report for July 2000

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 2000 transactions through July 2000.

Policy Issues

According to City Charter, Sections 4.8(i) and 9.6, City Manager is required to submit financial statements quarterly, or more often, as the Council directs. The monthly financial report is prepared by the Finance Department and presented by the City Manager to City Council for review and approval.

Summary

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs. Appropriations
3. Sales Tax Detail

General Fund revenues represent 63% of the total budget estimate while General Fund expenditures and encumbrances represent 54% of the 2000 appropriation.

Utility Fund revenues represent 44% of the total budget estimate due to appropriation of borrowed monies for the new water treatment plant. Utility fund expenditures and encumbrances represent 48% of the 2000 appropriation.

The Sales and Use Tax Fund revenues represent 63% of the total budget estimate, while expenditures and encumbrances in that fund represent 58% of the 2000 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 6% from the same period last year and increased 9% year-to-date. Audit and enforcement revenue is greater than anticipated because of a use tax audit on a large construction project within the City.

The Open Space Fund revenues represent 69% of the total budget estimate while expenditures and encumbrances in that fund represent 92% of the 2000 appropriation. Further adjustments to the budgeted revenues and appropriated expenditures will be made in August to accommodate the purchase of the Hahn property for \$2.674 million.

The Legacy Ridge Golf Course Fund operating revenues represent 58% of the total budget estimate while operating expenditures and encumbrances represent 49% of the 2000 appropriation. The Heritage at Westmoor Golf Course opened for business in September 1999. Operating revenues for Heritage represent 45% of the total budget estimate while operating expenditures and encumbrances represent 51% of the 2000 appropriation. The 1999 Golf Course operating revenues reflect a grant from Jefferson County. This financial activity is consistent with the seasonal nature of golf.

Theoretically, 58% of revenues and expenditures should be realized after seven months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background

Sections 4.8(i) and 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Summary of Proceedings

PLEDGE OF ALLEGIANCE

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

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, August 28, 2000

ROLL CALL

Present at roll call were Mayor Heil, Mayor Pro Tem Sam Dixon and Councillors Atchison, Hicks, Merkel, Moss and Smith. Absent none.

CONSIDERATION OF MINUTES

A motion was made by Merkel & seconded by Hicks to accept the minutes of the August 14, 2000 Council meeting with no additions or corrections.

PROCLAMATIONS:

The Mayor presented Meritorious Service Awards to Lieutenant Mike Cressman, Sergeant Mike Kampf and Senior Police Officer Dave Tallman; Excellence in Design and Development and Excellence in Landscaping Design Award Presentations to developers and architects of winning projects for 1999; and presented a proclamation Steve Smithers employee Appreciation Week September 5-8, 2000

CITIZEN COMMUNICATIONS

Carl Walzac of 3725 W 78th Ave thanked Council for recognizing Dev South Westminster awards. Lowell from RR tracks to 68th is rough road. Senior Center Advisory Board suggests making fines for Graffiti more severe.

REPORT OF CITY OFFICIALS

Bill Christopher Study Session Butch Hicks report of the 40 Seniors made a garden at Standley Lake

CONSENT AGENDA

A motion was made by Merkel and seconded by Dixon for Council to approve the following: Lease Financing for Computer Hardware for Financial Management System for \$210,000
Councillor's Bill No. 73 on second reading re Annexation of Covenant at 112th & Sheridan Development;
Councillor's Bill No. 75 on second reading re Zoning Covenant at 112th & Sheridan Development;
Councillor's Bill No. 77 on second reading re Comprehensive Land Use Plan Amendment for Bruchez Homestead Property at Legacy Ridge;
Councillor's Bill No. 78 on second reading re Farmers Highline Canal Trail project appropriation of \$98,000;
Councillor's Bill No. 79 on second reading re Changes to the Environmental Advisory Board duties;
Councillor's Bill No. 80 on second reading re Off-Leash Dog Site Amendment to Animal Control and Park Ordinances;
Councillor's Bill No. 81 on second reading re Community Service for Sale of Alcohol to Underage Persons.

TABLED RESOLUTION NO 33

A motion was made by Atchison and seconded by Hicks to pass Resolution No 33. Mayor Heil and Councillor Merkel voted against.

THE FOLLOWING RESOLUTIONS WERE ADOPTED BY COUNCIL

A motion was made by Atchison and seconded by Merkel to accept the Resolution No 62. Upon roll call vote, the motion carried unanimously. RE Annexation of SWC of 144th Avenue and Huron Street

Resolution No. 63 re 210 Service Commitments for Huntington Trails Development
Resolution No. 64 re Express Lane Tenant Finish Contingency Transfer

The following public hearing was held: At 7:55 P.M. Continued Annexation/Zoning and Comprehensive Land PDP for Huntington Trails to be located at the southwest corner of 144th Avenue and Huron Street.

A motion was made by Atchison and seconded by Merkel. Upon roll call vote, the motion carried unanimously. Council approved the annexation agreement for Huntington Trails Development; Joint Participation Agreement for 112th Avenue and Federal Boulevard Street improvements with Bruchez Group LLP; and Ball Corporation fee proposal for a one year trial period.

The following Councillor's Bill were passed on first reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO. Purpose: Annexation of Huntington Trails Development

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: Comprehensive Land Use Plan Amendment for Huntington Trails Development

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO. Purpose: Zoning for Huntington Trails Development

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: Comprehensive Land Use Plan Amendment for NWC of 104th Ave & Grove to Office

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: Comprehensive Land Use Plan Amendment for Bruchez Homestead Property at Legacy Ridge to single family attached residential.

A BILL FOR AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF WESTMINSTER AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2000, CERTAIN ISSUES PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND CERTAIN BALLOT QUESTIONS REGARDING PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF WESTMINSTER. Purpose: Establishing ballot language for November 7th Election.

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose:

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

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND.

A BILL FOR AN ORDINANCE AMENDING TITLE II CHAPTER THIRTEEN OF THE WESTMINSTER MUNICIPAL CODE RELATING TO THE ENVIRONMENTAL ADVISORY BOARD.

A BILL FOR AN ORDINANCE ESTABLISHING AN OFF-LEASH DOG SITE.

A BILL FOR AN ORDINANCE ESTABLISHING A PENALTY FOR SERVING ALCOHOL TO MINORS IN A LIQUOR-LICENSED ESTABLISHMENT.

At 10:40 P.M. the meeting was adjourned.
By order of the Westminster City Council
Michele Kelley, CMC, City Clerk

Published in the Westminster Window on September 7, 2000

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, August 28, 2000

Present at roll call were Mayor Heil, Mayor Pro Tem Sam Dixon and Councillors Atchison, Hicks, Merkel, Moss and Smith. Absent none.

The minutes of the August 14, 2000 Council meeting were approved with no additions or corrections.

The Mayor present Meritorious Service Awards to Lieutenant Mike Cressman, Sergeant Mike Kampf and Senior Police Officer Dave Tallman; Excellence in Design and Development and Excellence in Landscaping Design Award Presentations to developers and architects of winning projects for 1999; and presented a proclamation re Employee Appreciation Week September 5-8, 2000

Council approved the following: Lease Financing for Computer Hardware for Financial Management System for \$210,000; Councillor's Bill No. 73 on second reading re Annexation of Covenant at 112th & Sheridan Development ; Councillor's Bill No. 75 on second reading re Zoning Covenant at 112th & Sheridan Development; Councillor's Bill No. 77 on second reading re Comprehensive Land Use Plan Amendment for Bruchez Homestead Property at Legacy Ridge; Councillor's Bill No. 78 on second reading re Farmers Highline Canal Trail project appropriation of \$98,000; Councillor's Bill No. 79 on second reading re Changes to the Environmental Advisory Board duties; Councillor's Bill No. 80 on second reading re Off-Leash Dog Site Amendment to Animal Control and Park Ordinances; Councillor's Bill No. 81 on second reading re Community Service for Sale of Alcohol to Underage Persons.

The following Resolutions were adopted by City Council:

Resolution No. 62 Findings re Annexation of SWC of 144th Avenue and Huron Street

Resolution No. 63 re 210 Service Commitments for Huntington Trails Development

Resolution No. 64 re Express Lane Tenant Finish Contingency Transfer

The following public hearing was held: At 7:55 P.M. Continued Annexation/Zoning and Comprehensive Land PDP for Huntington Trails to be located at the southwest corner of 144th Avenue and Huron Street.

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