

September 9, 1996  
7:00 PM

**Notice to Readers:** City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. 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. 25 Year Service Award Presentations
5. **Citizen Communication (5 minutes or Less in Length)**
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. CB No. 52 re Annexation Semper School (Merkel-Dixon)
  - B. CB No. 53 re Zoning Semper School (Merkel-Allen)
  - C. CB No. 54 re Annexation Maulis Park (Dixon-Allen)
  - D. CB No. 55 re Zoning Maulis Park (Dixon-Merkel)
  - E. CB No. 56 re Fireworks (Smith-Dixon)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
  - A. TABLED - 92nd Ave Double Left Turn
  - B. Public Hearing re Hyland Office Park ODP
  - C. 4th Amended ODP for Hyland Office Park
  - D. Public Hearing re Proposed 1997 Budget
  - E. Councillor's Bill No. 57 re Sheridan Crossing Assistance
  - F. Acquisition of Adams County Parcel
  - G. Councillor's Bill No. 58 re Ballot Questions
  - H. Councillor's Bill No. 59 re GID 120th Ave Landscaping
  - I. Councillor's Bill No. 60 re Xavier Street Vacation
  - K. Resolution No. 42 Private Activity Bonds Carry Forward
  - L. Big Dry Creek Trail - Phase II Construction
  - M. Resolution No. 43 re JeffCo Open Space Reimbursement
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
  - A. City Council
  - B. Request for Executive Session
13. **Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, SEPTEMBER 9, 1996 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 Allen, Harris, Merkel, Scott 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 Harris and seconded by Scott to accept the minutes of the meeting of August 26, 1996 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil presented \$2,500 checks to Police Lieutenant Bill Mason and Sergeant Mike Collier in recognition of their 25 years of service to the City.

CITIZEN COMMUNICATION:

Donald J. Ryan, 4305 Everest Street, introduced himself to Council and handed out information to Council.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: Councillor's Bill No. 52 re Annexation of Semper School Property; Councillor's Bill No. 53 re Zoning Semper School Property; Councillor's Bill No. 54 re Maulis Park Property Annexation; Councillor's Bill No. 55 re Maulis Park Property Zoning; and Councillor's Bill No. 56 re Fireworks. 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 was no request.

A motion was made by Merkel and seconded by Dixon to adopt the Consent Agenda items as presented with the recommendation stated on the Council agenda memorandums. The motion carried unanimously.

TABLED 92ND AVENUE DOUBLE LEFT-TURN LANE PROJECT:

A motion was made by Allen and seconded by Merkel to remove this item from the Table. The motion carried unanimously.

A motion was made by Allen and seconded by Scott to reject all bids for the 92nd Avenue Double Left-Turn Lane project. The motion carried unanimously.

PUBLIC HEARING RE HYLAND OFFICE PARK AMENDED ODP:

A motion was made by Allen and seconded by Dixon to cancel the public hearing for the Hyland Office Park amended ODP based on the rejection of the bids for the proposed 92nd Avenue Left-Turn lane project. The motion carried unanimously.

FOURTH AMENDED ODP FOR HYLAND OFFICE PARK:

A motion was made by Allen and seconded by Merkel to defeat the proposed Fourth Amendment to the ODP for Hyland Office Park PUD based on the amendment being moot. The motion carried unanimously.

FINAL PUBLIC HEARING ON PROPOSED 1997 CITY BUDGET:

At 7:25 P.M. the meeting was opened to the final public hearing on the Proposed 1997 City Budget. City Manager Bill Christopher gave a brief overview of the proposed budget. The following citizens addressed Council: Don Milligan, 8786 Allison Dr., re water rates for townhomes and condos; Lorraine Siefkin, 6321 W. 95th Ave., and Diana Sandberg, 5908 W. 93rd Pl., President of Franklin Square Home Owners Association, requested the City acquire open space or park property east of Harlan St., also, if Harlan St. is widened and extended to the north, a noise barrier fence and a traffic light at 94th Ave and Harlan St.; Bob Klock, 7765 Newton St., requested Council funding of New Club's funding request for their Drug and Alcohol Rehabilitation Center; Alan Feinstein, 7770 W. 110th Ave., re the Green Knolls Park Master Plan; Linda Cherrington, 9211 Julian Way, Westminster Historical Society President, re lighting for the parking lot at Bowles Museum and storage at Parks Shops building area and establishment of a City Historic Preservation Board; Toby Hood, 9156 Vrain St., re eliminating the volunteer firefighters; Linda Manning, 6820 Xavier Ct., #4 and Jane Stanfield, Director of the Table Mountain Animal Center spoke in support of transferring animals to Table Mountain Animal Center. At 8:22 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 57 - SHERIDAN CROSSING ASSISTANCE PACKAGE:

A motion was made by Allen and seconded by Dixon to pass Councillor's Bill No. 57 on first reading approving the Sheridan Crossing Assistance Agreement. Richard McClintock, representing Westfield Development Company, was present to address Council. Upon roll call vote, the motion carried unanimously.

ACQUISITION OF 4.89 ACRE PARCEL FROM ADAMS COUNTY:

A motion was made by Merkel and seconded by Allen to authorize the purchase of Block 8 of the 3-M tract from Adams County; authorize the City Manager to execute any closing documents for this transaction (including documents to "trade" or convey property along Little Dry Creek to Adams County) anticipating reimbursement of \$85,575 from the County; and authorize the payment of \$85,575 for this acquisition using funds from the Reserve Fund with this fund being repaid from funds received from Ross Investments. The motion carried unanimously.

At 8:25 P.M. the Mayor stated there would be an Executive Session to discuss legal questions prior to Council action on the Ballot Propositions. At 8:55 P.M. Council reconvened.

ORDINANCE NO. 2448 - NOVEMBER 1996 ELECTION BALLOT PROPOSITIONS:

A motion was made by Harris and seconded by Scott to adopt Councillor's Bill No. 58 as an emergency ordinance which sets forth certain ballot issues pursuant to Article X, Section 20, of the Colorado Constitution and certain ballot questions regarding proposed City Charter Amendments.

Randal Whorton, Chair of the Open Space Advisory Board and Dr. Bob Tschudy, Vice Chair of the Open Space Advisory Board requesting Council ask voters to increase the open space tax by an addition 1/4 of 1%. A motion was made by Harris to add an additional question on the November ballot requesting this increase. The motion failed because no one seconded the motion.

The City Manager stated that there were several minor amendments needed to the ordinance as follows: On the first page the fifth WHEREAS paragraph refers to an estimated cost of \$24,000,000. This amount should read \$26,000,000. This change is also required on page 2 in the second WHEREAS paragraph. "Urban Renewal Project" should be deleted from Section 1 on page two; and Issue "D" should be changed to "B" and Issue "E" should be changed to "C". The changes were made part of the motion and agreed to by the makers of the motion. Upon roll call vote the motion carried with a dissenting vote from Dixon.

ORDINANCE NO. 2449 - FORMATION OF PROPOSED SHERIDAN CROSSING GID:

A motion was made by Harris and seconded by Scott to adopt Councillor's Bill No. 59 as an emergency ordinance accepting a petition for the organization of a general improvement district in the City of Westminster and making certain findings and determinations and creating the City of Westminster Sheridan Crossing General Improvement District. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 60 - XAVIER STREET VACATION:

A motion was made by Allen and seconded by Scott to pass Councillor's Bill No. 60 on first reading vacating the southerly nine feet of Xavier Street between 75th Avenue and Wolff Street within the Crystal Lake Subdivision, Filing No. 2 Planned Unit Development. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 42 - PRIVATE ACTIVITY BONDS CARRY FORWARD:

A motion was made by Scott and seconded by Dixon to adopt Resolution No. 42 authorizing to carry forward the authority to issue the local allocation of Private Activity Bonds for either the Westminster Plaza redevelopment or construction of the Panorama Pointe senior housing. Upon roll call vote, the motion carried unanimously.

BIG DRY CREEK TRAIL PHASE II CONSTRUCTION:

A motion was made by Harris and seconded by Merkel to authorize the City Manager to sign a contract with the low bidder, Stackholm Development and Construction Company, Inc. in the amount of \$163,192.15 for 3/4 mile trail development along the Big Dry Creek Trail Phase II project between Church Ranch Boulevard and Old Wadsworth Boulevard; authorize \$179,500 for the total project budget including project contingency and testing expenses; and charge this expense to the appropriate project account in the 1996 General Capital Improvement Fund. The motion carried unanimously.

RESOLUTION NO. 43 - JEFFERSON COUNTY OPEN SPACE REIMBURSEMENT:

A motion was made by Harris and seconded by Allen to adopt Resolution No. 43 authorizing the City Manager to request a reimbursement from Jefferson County Open Space (of approximately \$240,000) for actual expenses for the design and construction of the Big Dry Creek Trail Phase II project. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session regarding a School District #50 matter.

ADJOURNMENT:

The meeting was adjourned at 10:15 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** September 9, 1996

**Subject:** Presentation of 25 Years of Service Award

**Prepared by:** Lee Birk, Patrol Services Captain

### **Introduction**

City Council action is requested to present a \$2,500 check to both Bill Mason, Police Lieutenant, and Mike Collier, Police Sergeant, in recognition of their 25 years of service to the City of Westminster. Funds have been specifically allocated in the 1996 General Fund Budget for this expense.

### **Summary**

Bill Mason and Sgt. Collier both began a long and distinguished career with the City of Westminster and the Police Department on August 3, 1971, as patrolmen. The purpose of this agenda memorandum is to recognize their 25 years of outstanding service to the City of Westminster.

### **Staff Recommendation**

Present a \$2,500 check to both Police Lieutenant Bill Mason and Police Sergeant Mike Collier for their 25 years of service to the City of Westminster.

### **Background Information**

Bill Mason was promoted to Sergeant on July 1, 1976, and to Lieutenant on January 1, 1979. During his career he has served as a DARE Officer, Traffic Officer and has served as a Supervisor and Manager in the Investigations, Administrative and Community Services Divisions of the Police Department. He has received numerous commendations for his service to citizens and for his role in numerous criminal cases. He currently is assigned as the Lieutenant to the Patrol swing shift and he oversees the Department's Bicycle Patrol Unit. While employed with the City, Bill attended and graduated from the prestigious FBI National Academy.

Mike Collier was promoted to Sergeant on September 10, 1984. During his career he has served as a Detective, Field Training Instructor Sergeant, Hostage Negotiator for the Tactical Team, and as a Patrol Criminalist. He has received numerous commendations for his service to citizens and for his role in numerous criminal cases. He currently is assigned as a Sergeant to the Patrol day shift where he is serving as the Acting Lieutenant, due to the extended absence of the Lieutenant.

In 1986, City Council passed a Resolution to award individuals who have given 25 years of service to the City with a \$2,500 check. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment.

As stated in the Resolution, the program recognizes the dedicated service of those individuals who have spent most, if not all, of their career with the City.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** September 9, 1996

**Subject:** TABLED 92nd Avenue Double Left-Turn Lane Project

**Prepared by:** David W. Loseman, Senior Projects Engineer

### **Introduction**

City Council action is requested to remove this item from the table, reject all bids for the 92nd Avenue Double Left-Turn Lane project and not award this construction contract. Also, the companion public hearing and Fourth Amendment on the Hyland Office Park ODP are recommended to not be acted upon.

### **Summary**

- > At the August 12 Council meeting, Council tabled this item due to concerns expressed by the tenants of the office building located at the southwest corner of 92nd Avenue and Sheridan Boulevard (9191 Sheridan Boulevard). The concerns were due to the proposed loss of left-in and left-out movements from the north access to this site.
- > To address the tenants' concerns, a compromise solution of the addition of a northbound left-turn movement into the site from Sheridan Boulevard was identified and was to be pursued to gain further information. However, Staff is not prepared at this time to recommend the Sheridan Boulevard left-turn lane since the impacts to Sheridan Boulevard and 92nd Avenue traffic due to the future development of the remainder of the site are not known at this time.
- > Staff has reservations about the Sheridan Boulevard left-turn lane compromise even under existing conditions. Current peak hour traffic volumes on southbound Sheridan Boulevard prevent a substantial break in traffic from occurring which would allow this left-turn movement. A traffic signal at this left turn location would not work since it would cause traffic to back-up through the 92nd Avenue and Sheridan Boulevard intersection and in addition it is too close to the existing signal at the Sheridan Boulevard/U.S. 36 ramp. The only other solution would be to stop eastbound 92nd Avenue to southbound Sheridan Boulevard traffic when east-west traffic on 92nd Avenue has a green light. This option is also not desirable since this would cause right-turning traffic to back-up into the 92nd Avenue through lanes.
- > At this time, it seems most prudent not to proceed with the construction, but evaluate the impact of possible future development on this parcel and how access would be achieved without substantially congesting traffic movement in the immediate area.
- > Rejection of the construction bids; cancelling the public hearing and defeating the proposed Official Development Plan Amendment are recommended.



### **Staff Recommendation**

1. Remove this item from the table.
2. Reject all bids for the 92nd Avenue Double Left-Turn Lane project.
3. Cancel the public hearing based on the rejection of the bids for the proposed 92nd Avenue double left turn project.
4. Defeat the proposed Fourth Amendment to the Official Development Plan for Hyland Office Park PUD based on the amendment being moot.

### **Background Information**

In January, 1995, Staff hired the transportation engineering firm of Felsburg, Holt & Ullevig (FHU) to study the area bounded by Harlan Street, Sheridan Boulevard, 92nd Avenue and 88th Avenue, as well as the interchange from Sheridan Boulevard and 92nd Avenue to U.S. 36 and the Harlan Street extension from 94th Avenue to 112th Avenue. The purpose of this study was to determine a prioritization of projects within the study area that will improve traffic flow adjacent to the Westminster Mall and environs.

The results of this study were presented to Council at the August 16, 1995, Study Session. This report identified the widening of 88th Avenue, 92nd Avenue, Sheridan Boulevard and improvements to the 88th Avenue and Sheridan Boulevard intersection as some of the most effective solutions of the alternatives studied.

In the future, Staff recommends that 92nd Avenue be widened from four lanes to six lanes starting west of the intersection with Harlan Street and extending to Yates Street, including the bridge over U.S. 36. The objective of the 92nd Avenue project is to provide increased roadway capacity (from the current, non-holiday season volume of 36,000 vehicles per day to an anticipated future volume of 49,000 vehicles per day) and to improve the turning capacity at the Westminster Mall entrance, Harlan Street and Sheridan Boulevard intersections. This project would also be designed to accommodate future 92nd Avenue/Sheridan Boulevard/U.S. 36 interchange improvements.

The subject of this Agenda Memorandum is the improvements to the eastbound 92nd Avenue to northbound Sheridan Boulevard double-left-turn lane. At the August 12 City Council meeting, Council tabled this item due to concerns expressed by the tenants at 9191 Sheridan Boulevard. Since that time, Staff considered alternatives to address the tenants' concern of losing the left-in, left-out movements from their north access. One alternative considered was the installation of a left-turn-lane into the site from northbound Sheridan Boulevard. Staff is reluctant to recommend this alternative at this point since the future impacts to Sheridan Boulevard traffic due to this left turn lane are not known at this time.

The City has been approached about a rezoning of the remaining undeveloped portion of the subject property behind the bank building to allow restaurants. Under the existing zoning, 90,000 square feet of additional office buildings could be built and increase traffic in the area. If the potential rezoning for restaurants is granted, additional traffic would be generated as well.

&Additional traffic generated by either of these uses could make the proposed Sheridan Boulevard left-turn lane an even more serious problem for traffic progression on Sheridan Boulevard. Until this left-turn alternative can be studied further, Staff would recommend not constructing the 92nd Avenue Double Left-Turn Lane project in 1996. At this point, Staff does not believe there is enough time to adequately study the Sheridan Boulevard left-turn option, reach a meaningful conclusion and still complete construction on the project prior to the holiday shopping season. Therefore, Staff is recommending that Council reject all bids on this project and direct Staff to further study the land use of the parcel and the impacts of a left-turn lane on Sheridan Boulevard into this property at the southwest corner of 92nd Avenue and Sheridan Boulevard.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Maps

**Date:** September 9, 1996  
**Subject:** Final Public Hearing on Proposed 1997 City Budget  
**Prepared By:** Mike Simmons, Management Assistant

**Introduction**

City Council is scheduled to hold the final public hearing on the Proposed 1997 City Budget at Monday night's City Council meeting. Adoption of the budget is planned for, and must be accomplished by, either the October 14 or October 28 City Council meeting in accordance with the City Charter.

**Staff Recommendation**

Hold the final public hearing on the Proposed 1997 City Budget and receive citizen comments.

**Background Information**

As part of each budget process, City Council holds a public meeting and two formal public hearings to gather citizen input and ideas on the budget. Before adopting the 1997 Budget, City Council held a public meeting on June 10 and a public hearing on July 22. Monday night's public hearing marks the final opportunity for citizens to comment on any programs, services or projects for inclusion in the 1997 Proposed Budget.

City Council will meet to make final decisions on the 1997 Proposed Budget during the Budget Retreat scheduled for September 27-28. During this time, City Council will review, in detail, projected revenue and expenditures for operating funds, the utility fund, enterprise funds, and the capital improvement fund. New programs, service enhancements, staffing and pay projections will also be analyzed. In addition, City Council will review all citizen requests and determine the feasibility of incorporating these items into the 1997 City Budget. Final budget adoption will take place on either October 14 or October 28 in accordance with City Charter requirements.

Please see the attached Budget Message for more detailed information regarding the 1997/1998 Proposed Budget.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Budget Message

**Date:** September 9, 1996  
**Subject:** Councillor's Bill No. re Sheridan Crossing Assistance Package  
**Prepared by:** Susan Grafton, Economic Development Manager

### **Introduction**

Council action is requested to pass the attached Councillor's Bill on first reading approving the Sheridan Crossing Assistance Agreement.

### **Summary**

Westfield Development Company has designed a plan for the phased development of Sheridan Crossing, located at the southeast corner of 120th Avenue and Sheridan Boulevard. The total project will provide over 277,000 sf of new retail space at full buildout. The first phase of this project includes a 51,000 sf Albertson's grocery store, 14,000 sf Walgreens, and 40,000 sf of other uses including a bank, coffee shop, and restaurants.

The Assistance Agreement has been negotiated with Westfield Development to help defray the cost of public improvements which have more of a regional impact. This is not an incentive package, as Westfield is paying its proportionate share of the public improvement costs.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading approving the Sheridan Crossing Assistance Agreement.

### **Background Information**

Westfield Development Company, Inc. (Westfield) is purchasing the property at the southeast corner of 120th Avenue and Sheridan Boulevard for the development of a 277,000 sf shopping center. The project will be known as Sheridan Crossing. This key location offers prime retail sites.

Development of the project will be in two phases. The first phase will include the Albertson's grocery store and Walgreens with the remainder for restaurants, banks, and other smaller uses. Phase two will include over 172,000 sf of additional shops, restaurants and other similar uses. At final buildout, it is anticipated that the center will generate approximately \$50 million in annual sales which translates into approximately \$1.6 million in annual City sales tax revenue.

Westfield is not requesting funds to entice any of the retailers to the project, nor are they requesting funds to directly assist with the development of the center. The assistance being provided, in the form of a sales tax rebate, concerns a regional drainage problem which must be addressed; extension of off-site utilities into this currently undeveloped area; and construction of a new public road. Also, as part of the package, Westfield is purchasing land on the City's behalf for open space and storm drainage management.

**Regional Storm Drainage Problem:** The storm drainage issue which needs to be addressed concerns the 100-year flood plain, which in the 100-year flooding event results in storm water flowing over Sheridan Boulevard at 120th Avenue and pooling onto the land southeast of the intersection. The ideal remedy to the problem would be construction of upstream detention ponds on property west of Sheridan Boulevard in the City of Broomfield. Two alternatives for the upstream detention ponds were proposed by Westfield to the City of Broomfield. Both alternatives were turned down by Broomfield Staff.

The storm drainage project is considered to be regional in nature because it will alleviate flooding for property east of Sheridan Crossing on the south side of 120th Avenue, as well as on property north of 120th Avenue near Lowell Boulevard. It also will handle drainage outfall from property west and north of the 120th Avenue/Sheridan Boulevard intersection.

As a result of the City of Broomfield's failure to cooperate on the solution of this regional drainage problem, Westfield came up with a solution to the drainage issue which needs no cooperation from Broomfield. However, the plan is considerably more costly and estimated to cost over \$1.2 million. Because of the drainage project's regional impact, Westfield has asked the City of Westminster to participate in covering the cost of building the drainage project using a sales tax rebate. It is proposed that Westfield absorb 25% (approximately \$373,000) of the drainage improvement cost with the City of Westminster paying the remaining 75% of the cost (approximately \$827,000)

**Construction of a New Road:** A new street (118th Avenue) is to be built east of Sheridan Boulevard on the south side of the Sheridan Crossing Shopping Center. This street will service the new development to occur some time in the future, south of 118th Avenue. Westfield plans to absorb 50% of the street construction cost (approximately \$57,000) and the City will rebate to Westfield the other 50%. It is expected that the City will establish recoveries against adjoining properties to recoup 50% of the construction cost (approximately \$57,000).

Traffic signals are also required at the 118th Avenue/Sheridan Boulevard intersection. Three other property owners will benefit from the installation of these traffic lights (at the other 3 quadrants of the intersection). Westfield will absorb its proportional share of the cost (25% - approximately \$42,000) with the remaining to be rebated by the City (75% - approximately \$127,000). Recoveries will be established by the City against the other three affected properties.

**Off-site Public Utilities:** Water and sewer improvements need to be installed to service Sheridan Crossings. Because the project is first, in this otherwise undeveloped area, the water and sewer improvements required are sized for future expected development over an area encompassing 145 acres. Sheridan Crossing is only about 30 acres (or 21% of the whole area). The City is asked to rebate 79% (approximately \$388,000) of the water and sewer improvement cost with Westfield absorbing 21% (approximately \$103,000). Recoveries will then be established against those properties benefiting from the sewer improvements.

Storm Water Detention Site Acquisition: Land is being purchased as part of this agreement by Westfield on the City's behalf for open space and to assist with the regional water detention pond. The 15 acres are estimated to cost approximately \$287,000. The City will rebate 100% of this cost. This purchase allows the City to obtain additional open space without tapping the City Open Space funds.

The Assistance Package - a summary of the total Assistance Package follows:

<b>Sheridan Crossings Assistance Package</b>			
<u>Item</u>	<u>Estimated Cost to City</u>	<u>Estimated Rebate to Westfield</u>	<u>Estimated Recovery</u>
Land Purchase: Westfield is reimbursing the City for purchasing 15 acres for Open Space & Drainage	287,500	287,500	0
Traffic Signals: Westfield will pay 25% or \$42,187 of the cost with the remaining recoverable from 3 adjoining property owners	168,750	126,563	126,563
118th Avenue Improvements: Westfield will pay 50% or \$57,032 of this cost with the remaining being recoverable from the adjoining landowner	114,063	57,032	57,032
Off-Site Public Utilities: Westfield will pay 21% of the costs, or \$103,247, which are associated directly to the Sheridan Crossing Project	491,650	388,403	388,403
Drainage Improvements: Westfield will pay 25% of the cost, or \$372,813. A portion of the Costs may be recoverable but it is unclear at this time how much is recoverable	1,572,813	1,200,000	N/A
<b>TOTALS</b>	<b>\$2,634,276</b>	<b>\$2,059,498</b>	<b>\$571,998</b>

A total of approximately \$2,060,000 is to be rebated to Westfield Development Company, Inc. from future sales tax generated by the Sheridan Crossing development. Westfield will pay all of the costs upfront and will be reimbursed by the City using sales tax generated by the retailers in Sheridan Crossing. During the first 12 months Sheridan Crossing is in operation, 75% of the sales tax generated will be rebated. After the first year, the rebate will be reduced to 50% of the sales tax generated to be rebated for approximately 3 1/2 years or until the balance of \$2,060,000 is paid.

To offset the expense the City is absorbing for part of the street, drainage, and utility improvements, the City will establish recoveries against those properties benefiting from the improvements. As noted in the Assistance Package summary shown earlier, at least \$572,000 of the project costs are eligible for recovery. The City will establish these recoveries according to normal City policy.

Conclusion:

The new Sheridan Crossing project is expected to be open by summer, 1997. It will generate over \$1.6 million annually in new sales tax at full buildout.

The assistance being provided totals just under \$2,060,000. That amount is expected to be paid within 3 1/2 to 4 years. All of the assistance provided is to help defray the development cost not directly attributed to Sheridan Crossing but being borne upfront by the developer to expedite the project.

Also, it should be noted that as part of the negotiations, Westfield has agreed to the following:

- > To provide high-quality architecture and landscaping over both phases of the project.
- > To install two decorative bridges for access off 120th Avenue into the center.
- > To build a soft trail south from the shopping center to Big Dry Creek.
- > To set aside land at the corner of Sheridan Boulevard and 120th Avenue for a City entry sign.

This project will provide the City with a high image at a key entryway. The developers are willing to upfront costs which are not attributable to Sheridan Crossing. The assistance package helps defray these costs while expediting the project and achieving several City goals - trails, open space, infrastructure improvement, and high-quality development.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments:

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 1996

COUNCILLOR'S BILL NO. \_\_\_\_\_  
INTRODUCED BY COUNCILLOR'S  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH  
WESTFIELD DEVELOPMENT COMPANY, INC.

THE CITY OF WESTMINSTER ORDAINS:

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

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating incentives for high quality development to locate in the City; and

WHEREAS, Westfield Development Company, Inc. is developing the Sheridan Crossing PUD as a retail center which is to be located at the southeast corner of Sheridan Boulevard and 120th Avenue; and

WHEREAS, Sheridan Crossing will generate approximately \$50 million in retail sales annually; and

WHEREAS, a proposed Assistance Agreement between the City and Westfield Development Company, Inc. is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by City Staff:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Westfield Development Company, Inc. in substantially the same form as the one attached as Exhibit "A," and upon execution of the Agreement to implement said Agreement.

Section 2. 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 9th day of September, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this rd day of September, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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



ASSISTANCE AGREEMENT  
IN CONNECTION WITH THE DEVELOPMENT OF  
SHERIDAN CROSSING PLANNED UNIT DEVELOPMENT

This Assistance Agreement ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1996 by and among the City of Westminster, a Colorado home-rule municipality ("City"), and Westfield Development Company, Inc., a Colorado corporation ("Westfield").

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

WHEREAS, it is important for the City to remain competitive with other local governments in assisting retail development to locate in the City; and

WHEREAS, Westfield is the owner of two (2) parcels of real property located within the City known more particularly as Sheridan Crossing Phase I and Phase II (see Exhibit A) (collectively referred to as the "Property"); and

WHEREAS, in connection with the development of the Property, Westfield intends to construct approximately 277,000 of new retail space in Sheridan Crossing; and

WHEREAS, Westfield is providing off-site improvements which have regional impacts; and

WHEREAS, Westfield's decision to construct Sheridan Crossing is contingent upon receiving adequate consideration from the City to offset a portion of the costs related to the construction of the off-site improvements;

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

1. Construction of Sheridan Crossing. Westfield shall cause the construction of approximately 277,000 square feet of new retail space to include an Albertson's grocery store, Walgreens, and other retailers which will be located at the southeast corner of 120th Avenue and Sheridan Boulevard.

2. Construction of Off-site Improvements. Within thirty (30) days of the date of this Agreement, Westfield shall commence construction of the off-site improvements. Applications for any necessary City approvals relative to construction of the site improvements, shall be processed as expeditiously as possible, contingent upon Westfield's complete submittal of required data, documents and any applicable fees.

3. Land Acquisitions. Included within the off-site improvements shown on Exhibit B are the construction of a regional drainage way improvements (the "Drainage Way Improvements"). In order to accommodate the construction of the Drainage Way Improvements, the City shall acquire (i) that certain parcel of real property ("Adams County Parcel") described on Exhibit C1 owned by Adams County, Colorado and (ii) that certain parcel of real property owned by the 116th Partnership ("116th Parcel") described on Exhibit C2. The City shall expedite the acquisition of this property.

Westfield shall pay to the City a sum equal to the actual aggregate cost to the City to acquire the Adams County Parcel and 116th Parcel. The City shall permit Westfield to enter upon the Adams County Parcel and the 116th Parcel for purposes of constructing the off-site improvements at such times and in such manner as is reasonably required by Westfield to perform its obligations to construct the off-site improvements.

4. Sales Tax Rebate.

a. The City shall rebate to Westfield a dollar amount (estimated to be \$2,060,000) to be determined according to the following:

Traffic Signals: an amount equal to 75% (estimated to be \$126,563) of the actual cost (estimated to be \$168,750) not to exceed 110% of the estimate.

118th Avenue Improvements: an amount equal to 50% (estimated to be \$57,032) of the actual cost (estimated to be \$114,063) not to exceed 110% of the estimate.

Off-site Public Utilities: an amount equal to 79% (estimated to be \$388,403) of the actual cost (estimated to be \$491,650) not to exceed 110% of the estimate.

Drainage Improvements: an amount equal to 75% (estimated to be \$1,200,000) of the actual cost (estimated to be \$1,572,813) not to exceed 110% of the estimate.

Land Purchase: an amount equal to 100% of the actual cost (estimated to be \$287,500).

b. The actual amount of the sales tax rebate pursuant to this paragraph shall be determined prior to the issuance of the Certificate of Occupancy for any of the occupants of Sheridan Crossing.

c. Each contract related to the Off-site Improvements listed in Exhibit B is subject to the approval of the City Engineer. Failure to do so will cause the contract to be deleted from the rebate amount.

d. The sales tax rebate shall be payable exclusively from revenue collected by the City within the Sheridan Crossing PUD Phase I and II, attributable to the imposition of the City's 3.0% sales tax, but exclusive of the City's 0.25% open space tax.

e. The rebate shall be paid by the City in quarterly installments from sales tax revenue actually collected and received by the City from the retailers within the project, in installment amounts equal to 1) 75% of the total revenue for the first 12 months of operation; 2) 50% of the total revenue generated until such time as the maximum amount established in paragraph 4d (estimated to be \$2,060,000) has been paid. The final installment will be adjusted as may be necessary to limit the total rebate to the maximum established in paragraph 4b (estimated to be \$2,060,000).

f. The payment of each quarterly installment shall be made within 30 days following the close of each quarter.

5. Termination of the City's Obligations:

a. The obligations of the City pursuant to this Agreement shall terminate if for any reason Phase I of the Sheridan Crossing PUD Development is not completed by January 1, 1998, exclusive of any retail "pads," as set forth in the Official Development Plan for the Project. The term "completion" means obtaining all necessary Certificates of Occupancy within Phase I.

b. The obligations of the City pursuant to this Agreement shall terminate if for any reason Westfield becomes insolvent or applies for bankruptcy protection under the federal bankruptcy laws.

c. In the event of termination pursuant to this paragraph, the City shall be excused from any further performance obligations under this Agreement.

6. Assignment. This Agreement shall not be assigned without the prior written consent of the City. This Agreement shall be binding upon the heirs, executors, successors and assigns of Westfield.

7. Modification. No modification may be made to this Agreement without the prior written approval of the City and Westfield. Nothing in this Agreement shall be deemed to modify or supersede any other agreements between the City and Westfield.

8. Nature of City's Obligations. Nothing in this Agreement shall be construed or deemed as creating a multiple-year fiscal obligation of the City. All obligations of the City pursuant to this Agreement are subject to prior annual appropriation by the City Council. The City agrees to exercise utmost good faith and use its best efforts in making any appropriations required by the City to meet its obligations under this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

CITY OF WESTMINSTER

WESTFIELD DEVELOPMENT CORPORATION, INC.

BY

By  
Title

ATTEST:

ATTEST:

City Clerk

Title

EXHIBIT B  
Off-Site Improvements  
City of Westminster/Westfield Development Corporation, Inc.  
Cost Sharing

<u>Item</u>	Estimated Cost to Westfield	Estimated Rebate
Land Purchase: The City is purchasing 15 acres for Open Space & Drainage and Westfield will reimburse the City within 30 days. The City will then rebate to Westfield 100% of the cost	287,500	287,500
Traffic Signals: Westfield will bear 25% of the cost the City will rebate 75% of the cost	168,750	126,563
118th Avenue Improvements: Westfield will bear 50% or \$57,032 of this cost - the City will rebate the remaining 50%	114,063	57,032
Off-Site Public Utilities: Westfield will pay 21% of the cost of the off-site water & sewer improvement. The City will rebate the remaining 79%	491,650	388,403
Drainage Improvements: Westfield will bear 25% of the cost, the City will rebate 75% of the cost	1,572,813	1,200,000
TOTALS	\$2,634,276	\$2,059,498

**Date:** September 9, 1996

**Subject:** Acquisition of 4.89 Acre Parcel from Adams County

**Prepared by:** John Carpenter, Director of Community Development

### **Introduction**

City Council is requested to authorize the acquisition of a 4.89 acre parcel of land located within the 3-M Preliminary Development Plan area near the southeast corner of 120th Avenue and Sheridan Boulevard (see attached map). The property will be used to accommodate a regional detention pond serving the entire 3-M property, and will also preserve/create natural open space values currently existing in the area.

### **Summary**

Ross Investments is developing the Sheridan Crossing shopping center on the 3-M property at the southeast corner of 120th Avenue and Sheridan Boulevard. Ross has designed a regional detention facility to accept storm water from the entire 150 acre 3-M site, including the shopping center project. The parcel owned by Adams County is needed to build the detention pond.

Adams County Staff has proposed that the parcel be sold for the amount of \$85,575 (the average of the Adams County assessor's high and low value estimates for the property). This equates to \$17,500 per acre, which City Staff believes is a fair price for this property. Ross Investments has agreed to reimburse the City for the total cost of this acquisition.

The City is also negotiating to acquire right-of-way for the proposed Little Dry Creek trail within unincorporated Adams County west of Federal Boulevard. One of the affected property owners would like to sell his entire 5.2 acre parcel to the City which is financing the trail right-of-way acquisition (see attached map). The County Staff is supportive of providing the \$85,575 to the City to help pay for this acquisition. In effect, the County would be "trading" its 3-M parcel for a similar sized property within unincorporated Adams County. This would result in a more appropriate situation where public land within Westminster is owned and maintained by the City, and land outside the City is owned and managed by Adams County.

### **Staff Recommendation**

Authorize the purchase of Block 8 of the 3-M tract from Adams County; authorize the City Manager to execute any closing documents for this transaction (including documents to "trade" or convey property along Little Dry Creek to Adams County) anticipating reimbursement of \$85,575 from the County; and authorize the payment of \$85,575 for this acquisition using funds from the Reserve Fund with this fund being repaid from funds received from Ross Investments.

## **Background Information**

Adams County owns a 4.89 acre parcel of land which is a part of the 3-M property generally located southeast of Sheridan Boulevard and 120th Avenue. This parcel is currently unimproved and is at the low spot in the 3-M development, making it ideally situated for a regional detention facility to serve the 3-M property and the larger drainage basin.

Ross Investments, developers of the Sheridan Crossing Shopping Center (Albertsons) on the 3-M site, has proposed that the Adams County property be acquired by the City to enable Ross to use a portion of the County property for the construction of a regional detention pond.

Ross has proposed to reimburse the City for the City's costs to acquire the County land. The land would remain under City ownership, but Ross would pay to build and maintain the regional detention pond. This 4.89 parcel would be incorporated into the City's open space and drainage system.

As the 3-M property develops, any future residential developers of the property will need to dedicate additional land to the City. Staff envisions that this dedication of land would help to create a larger open space area by adding to the County owned land. The County property will help to facilitate the construction of "feeder/pedestrian/bike trails" from the Sheridan Green/Arrowhead/Torrey Peaks neighborhoods to the Big Dry Creek trail, utilizing the 116th Avenue alignment.

Ross Investments is also constructing a storm water drainage channel extending from 120th Avenue south to the proposed detention pond. A gravel maintenance road and trail will be built by Ross Investments next to the drainage channel providing a route from the Big Dry Creek trail to 120th Avenue and the proposed shopping center. The trail will also connect to the existing abandoned frontage road on the south side of 120th Avenue, which can be used as an informal trail between Sheridan Boulevard and Lowell Boulevard.

As previously mentioned, Westminster Staff is negotiating the acquisition of right-of-way on which to construct the Little Dry Creek trail from 72nd Avenue/Raleigh Street to 64th Avenue/Pecos Street and the Clear Creek trail system. This project is being funded with Federal Intermodal Surface Transportation Efficiency Act (ISTEA) funds and the City of Westminster Open Space funds. Adams County and the Urban Drainage and Flood Control District are also contributing over \$1 million to construct two drainage improvements with trail underpasses at the Burlington Northern Railroad.

As the trail is proposed west of Federal Boulevard, it will bisect a 5.3 acre property. The creek flows across the property. The land is attractive with several large trees. This site abuts land already owned by Adams County to the west. Because the trail bisects the property, the owners have requested that the City acquire the entire 5 acres, rather than just a trail corridor.

Because of the scenic qualities of the site and the fact it abuts County owned land, City Staff is supportive of the acquisition, assuming the County would provide the proceeds of the 3-M sale to the City to buy the land. The City would pay the difference, if any, between the cost of the 3-M property and the 5.2 property. Staff believes the property values are similar.

The practical effect of these transactions would be trading the land owned by Adams County in the City of Westminster for City owned property in unincorporated Adams County. Staff believes that this proposal provides great benefits to the citizens of Westminster and Adams County.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments: Maps

**Date:** September 9, 1996

**Subject:** Councillor's Bill No. re November 1996 Ballot Propositions

**Prepared by:** Bill Christopher, City Manager

### **Introduction**

City Council is requested to act on an emergency ordinance to establish ballot language for the City's November 1996 ballot propositions. These include the \$15.0 million Sales and Use Tax Bond issue for street improvements, and the extension and authorization of debt pertaining to the 1/4 of 1% City Sales and Use Tax earmarked for park enhancements, Open Space acquisitions, recreation facilities, and trail development. Also, two City Charter Amendments are proposed to be on the ballot, which include a "campaign reform" measure pertaining to conflicts based on prior pecuniary benefits, and an amendment which would require City Council candidates and Board and Commission applicants to disclose any prior felony convictions.

### **Summary**

City Council has reviewed and discussed potential items that could be placed on the November 5 Presidential Election ballot. After completing these discussions, Council has requested ballot language for formal action pertaining to the following propositions:

1. \$15.0 million Sales and Use Tax Revenue Bond issue for street improvements in the Westminster City Center area as well as the extension of Pierce Street.
2. Authorization to extend the existing 1/4 of 1% City Sales and Use Tax earmarked for park enhancements, Open Space acquisitions, recreation facilities, and trail development for a 20-year period as well as authorizing the issuance of debt to assist in accelerating these various desired programs.
3. City Charter Amendment involving "campaign reform" which addresses conflicts based on prior pecuniary benefits.
4. City Charter Amendment which requires disclosure of felony convictions for City Council candidates and all Board and Commission applicants.

Discussion has previously been held on an additional ballot proposition that would seek authorization of additional bonding capacity for the Westminster Economic Development Authority (WEDA). This tax increment bond financing pertains to the Westminster Plaza Redevelopment Project. Based on a lack of having a definitive proposal and a confirmed anchor tenant at this time as well as survey results which indicate the difficulty of passing this measure and possible negative impact on the other two fiscal propositions, it is recommended that the WEDA bond proposition be carried over to the November 1997 election.



The Sales and Use Tax Revenue Bond issue and the extension of the existing 1/4 of 1% City Sales and Use Tax do not require or involve a tax increase or any new taxes to be imposed.

### **Staff Recommendation**

Adopt Councillor's Bill No. \_\_\_\_\_ as an emergency ordinance which sets forth certain ballot issues pursuant to Article X, Section 20, of the Colorado Constitution and certain ballot questions regarding proposed City Charter Amendments.

### **Background Information**

The November 5 Presidential Election provides an opportunity for City Council to place ballot issues before the Westminster electorate. This election date is the only opportunity under the TABOR Amendment in which City Council may seek voter approval on bond issues and fiscal matters until November, 1997. Accordingly, Council has been reviewing potential ballot issues and has instructed Staff to prepare ballot language on two specific fiscally related ballot propositions.

First, City Council has previously heard presentations by Staff and consultants on a "symphony of strategies" involving the Westminster City Center which would help assure the continued vitality of this retail complex and, in turn, the significant role it plays in Westminster's economic success. A key component of these strategies is the widening of specific streets adjacent to the Westminster Mall and in the Westminster City Center area. The first phase of street improvements to enhance traffic movement, increase accessibility, and improve traffic safety in the subject area would consist of widening 88th Avenue on the north side from Sheridan Boulevard to west of Harlan Street; widening 92nd Avenue from Yates Street to approximately the entrance into Price Club from four to six lanes; including double left-turn lanes at the Mervyn's entrance and at Harlan Street; and widening Sheridan Boulevard from the south side of U.S. 36 to the 91st Avenue alignment from four to six lanes, including double left-turns onto U.S. 36; and add a southbound double right-turn lane onto 88th Avenue. The remaining portion of Sheridan Boulevard to be widened (south of U.S. 36 to Turnpike Drive) would be a part of Phase II improvements along with the proposed 92nd Avenue/U.S. 36 interchange.

Also included in the recommended Sales and Use Tax Revenue Bond issue would be funding for the extension of Pierce Street to 112th Avenue. The present funding and scope of work calls for the construction of Pierce Street from 104th Avenue to 108th Avenue. The balance of the Pierce Street extension from 108th Avenue to 112th Avenue would be included in this bond funding package. This street extension is needed in conjunction with Northpoint (Promenade) development activities. Also, it is proposed that funding for preliminary design and a feasibility study be included pertaining to the proposed 92nd Avenue/U.S. 36 interchange as well as preliminary design on the Harlan Street flyover which would connect to 104th Avenue. A recap of the cost components of the bond issue include the following:

<u>Description</u>	<u>Cost Estimate</u>
88th Avenue Construction	\$ 550,000
92nd Avenue Construction	\$4,100,000
Sheridan Boulevard Construction	\$3,200,000
Right-of-Way Acquisition	\$2,500,000
92nd Avenue/U.S. 36 Interchange Preliminary Design/Feasibility Study	\$ 600,000
Harlan Street Flyover Preliminary Design	\$ 400,000
Pierce Street Extension	\$3,300,000
Bond Issue Costs	<u>\$ 350,000</u>
 <b>TOTAL</b>	 <b>\$15,000,000</b>

Projected Sales and Use Tax revenues will accommodate the annual debt service on this bond issue, which is projected to be approximately \$1.2 million per year. The City is fortunate that no increase in taxes is required to fund this proposed bond issue.

Alternatives to placing the bond issue on the ballot this November would be to (1) reduce the size of the bond issue, doing a lesser scope of improvements; or (2) delay moving ahead on all of the identified street projects. Staff strongly believes that it is essential to strategically move ahead in a timely fashion to gain voter approval, and then design and construct the needed set of improvements. Traffic enhancements are needed as soon as possible. The schedule for these improvements calls for one project per year in order to keep traffic moving smoothly in the Westminster City Center area during construction, starting in 1997 and completing in 1999.

The second fiscally related ballot issue which City Council has instructed Staff to prepare would authorize the extension of the existing 1/4 of 1% City Sales and Use Tax earmarked for park enhancement, Open Space acquisitions, recreation facilities, and trail development for a 20-year period as well as authorize debt to be incurred to assist in accelerating these various desired programs. This proposal is based on feedback which the City received in neighborhood meetings involving the City's new Comprehensive Land Use Plan as well as citizen survey results pertaining to Open Space and park development.

The current program does not allow the City to purchase land in larger blocks if payment would extend or cost more than could be achieved in the authorized five (5) year period. This is a limiting factor in accelerating land acquisitions to preserve Open Space from future development pressures. Part of the Citizen Survey asked citizens questions regarding the priority of preserving undeveloped land for parks and open space to test whether in a random sample survey the priorities were the same as those expressed by citizens attending the Comprehensive Land Use Plan neighborhood meetings.

The results from the survey are quite clear that there is significant support for open space and parks, particularly to assure that a portion of the remaining undeveloped land in the City is preserved for these purposes. For instance, in a question asking residents regarding their priorities for developing the remaining land in Westminster, that was sorted by school district, parks and open space was the highest priority for 80.8% in School District 12, 81.6% in Jefferson County School district area and by 66% in the Adams County School District 50 area.

The next highest priority for the undeveloped remaining land was for residential type development that ranged from a high of 17.7% in the Adams County School District 12 area to a low of 10.7% in the Jefferson County school district area. This means that preserving parks and open space for the remaining undeveloped land in the City was from six to seven times more important to residents than for other types of land uses. In a question regarding priorities for maintaining or improving the City image, 65.1% of the respondents indicated as either the first or second priority to preserve open space and scenic views with the next highest priority for maintaining or improving the community image being the upgrading of deteriorated housing in commercial areas as indicated by 59.1% of the respondents as a first or second priority.

In an overall question regarding the priorities for developing the remaining land in Westminster taken as a whole, 76.1% of the respondents indicated that parks and open space was their number one priority which was almost twice as important as the next closest other priority.

Staff believes that these results indicate substantial citizen interest in parks, open space and trails. It is recommended that the City should accelerate the parks, open space and trails program in order to help meet citizen expectations to achieve a greater amount of parks and open space within the City to protect some of the remaining land from development pressures. The primary way to accomplish this goal within the existing tax rate is to simply ask the voters to extend the 1/4 of 1% Parks, Open Space and Trails Sales Tax for a period of 20 years. At the same time, authorization should be sought to issue bonds or to allow multi-year debt to purchase open space now with payments extended over some or all of the 20-year period. In order to comply with TABOR ballot language requirements, the amount of \$26.0 million has been used for a maximum debt for the 20-year period. This would include all Open Space and parkland acquisitions and recreation facility debt financing.

It appears from the survey results that this approach would be well received in the community as a response to the input received regarding the Land Use Comprehensive Plan and reflective of the priorities that exist within the community regarding the preservation of open space or park areas on a portion of the remaining undeveloped land in the City. It is important to note that the City of Broomfield obtained voter approval on the issuance of bonds for open space acquisitions, and the City of Thornton has included this provision for a ballot proposition this November.

The third potential fiscally related ballot issue that has previously been discussed with City Council pertains to the Westminster Economic Development Authority (WEDA) seeking an increased bonding capacity using Tax Increment Financing (TIF) Bonds. Such financing would be critical in the Westminster Plaza Redevelopment endeavor. Unfortunately, at this time, WEDA does not have a definitive proposal with an anchor tenant that would be located in the Westminster Plaza Shopping Center. It was hoped that by now, a definitive business plan would have been confirmed and ready to move forward contingent upon the tax increment bonding approval. In light of the fact that negotiations are ongoing and it is unknown if and when a definitive proposal with a specific anchor will be confirmed, it is recommended that this ballot issue be deferred to next year's City Election in November, 1997.

Furthermore, based on the findings of a recent survey conducted by the National Research Center, the likelihood of passing such a proposal would be questionable. Much public education is needed.

The survey results also indicated that the addition of a WEDA bond question could serve to endanger passage of the Street Improvement Bond issue and the Parks, Open Space tax extension package.

An alternative on the WEDA ballot issue is to place it on the November 5 ballot. However, without a definitive plan and confirmed anchor store, it would seem more difficult to achieve passage of additional tax increment bonds.

In addition to the fiscally related proposals, City Council has discussed possible City Charter Amendments to be placed on the ballot. Council directed Staff to prepare ballot language on two Charter Amendment proposals. The first proposed Charter Amendment pertains to "campaign reform" and, more specifically, involves conflicts based on prior pecuniary benefits. This proposal sets forth requirements that any City Councillor or member of a Councillor's immediate family, or an organization formed to support the candidacy of that Councillor, accepting anything of value in excess of \$100 shall create a conflict of interest with regard to the subject Councillor's vote on any issue or matter coming before City Council involving a benefit to the contributing party unless such interests are merely incidental to an issue or question involving the common public good. When such a conflict of interest exists, the City Councillor would be required to withdraw from debate on the issue and abstain from voting on the specific subject matter.

The second proposed City Charter Amendment pertains to a requirement whereby all City Council candidates and all City Board/Commission applicants must submit an affidavit indicating whether he or she has been convicted of a felony. Report of the felony shall include the type of offense, date of the offense, and may include circumstances and any evidence of rehabilitation.

Each candidate or applicant shall also give written permission for a criminal background investigation to be done by the Westminster Police Department.

The attached Councillor's Bill sets forth the specific ballot language for each of the four propositions outlined above. It is necessary for City Council to adopt this Councillor's Bill as an emergency ordinance in order to meet the deadline for the City Clerk to certify ballot language to the Adams and Jefferson County Clerks by September 11. This time line has previously been discussed with City Council, which expressed concurrence with the emergency ordinance approach. The ballot language has been prepared by the City Attorney's Office with assistance from outside bond counsel Dee Wisor (on the two fiscal proposals), and City Staff.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**BY AUTHORITY**

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1996

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

**A BILL**

FOR AN EMERGENCY ORDINANCE SUBMITTING TO THE ELIGIBLE ELECTORS OF THE CITY CERTAIN ISSUES PURSUANT TO ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION AND CERTAIN BALLOT QUESTIONS REGARDING PROPOSED AMENDMENTS TO THE CITY CHARTER

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

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

WHEREAS, the interest of the City and the public interest and necessity demand and require the improvement and construction of streets within the City, all at an estimated cost of \$15,000,000 (the "Street Project"); and

WHEREAS, the eligible electors of the City have previously approved the imposition of a 1/4 of 1 percent sales and use tax for the acquisition and development of parks, open space and trails by the City (the "P.O.S.T. Tax") and have approved the continuation of the current P.O.S.T. Tax provided for in W.M.C. section 4-2-3 until December 31, 2000; and

WHEREAS, the interest of the City and the public interest and necessity demand and require the extension of the P.O.S.T. Tax to December 31, 2016, and the acquisition and development of parks, open space and trails by the City, all at an estimated cost of \$26,000,000 (the "P.O.S.T." Project"); and

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

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

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 special City election to be held on November 5, 1996 (the "Charter amendments"); and

WHEREAS, Adams County and Jefferson County (the "Counties") are conducting a coordinated election pursuant to Section 1-7-116, C.R.S. on November 5, 1996; and

WHEREAS, pursuant to Section 3.1 of the City Charter, Section 1-1-102 and 31-10-102.7, C.R.S. and this ordinance, the Council has elected to utilize the provisions of the Uniform Election Code of 1992 in order to participate in the coordinated election on November 5, 1996; and

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

WHEREAS, the Council hereby determines that it is necessary to submit to the electors of the City, at the coordinated election to be held on November 5, 1996, the questions of: creating an indebtedness in an aggregate principal amount of not to exceed \$15,000,000 to finance a portion of the Street Project; creating an indebtedness in an aggregate principal amount of not to exceed \$26,000,000 to finance a portion of the P.O.S.T. Project; extending the expiration of the P.O.S.T. Tax until December 31, 2016; spending P.O.S.T. tax revenues above the limits established by Amendment 1; and the Charter amendments.

**THE CITY OF WESTMINSTER ORDAINS:**

Section 1. All action heretofore taken (not inconsistent with the provisions of this ordinance) by the City and officers thereof, directed towards the election, the Street Project, the P.O.S.T. Project, the P.O.S.T. tax extension, previous voter approvals pursuant to Amendment 1, the Charter amendments, 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 the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S., as amended.

Section 3. Pursuant to Section 3.1 of the City Charter and Section 31-10-102.7, C.R.S., the Council hereby determines to call an election to be conducted pursuant to the Uniform Election Code of 1992 as part of the coordinated election (the "election") being conducted by the Counties on November 5, 1996. The Council hereby determines that at a special municipal election to be held on November 5, 1996, there shall be submitted to the eligible electors of the City the questions set forth in Section 4 hereof. Because the election will be a coordinated election, the Council hereby determines to contract with the County Clerk and Recorder of each of the Counties (collectively, the "County Clerk") to conduct the election on behalf of the City. The officers of the City 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 10, 1996, the questions in substantially the forms hereinafter set forth. Such questions shall be submitted to the eligible electors of the City at election in substantially the following forms:

ISSUE "B": PARKS, OPEN SPACE, AND TRAILS QUESTION.

SHALL THE CITY OF WESTMINSTER DEBT BE INCREASED \$26,000,000 WITH A REPAYMENT COST OF \$48,000,000 (MAXIMUM PRINCIPAL AND INTEREST OVER AN ESTIMATED TWENTY YEAR PAYMENT PERIOD) WITHOUT ANY NEW TAXES OR TAX RATE INCREASES FOR THE PURPOSE OF:

- \* ACQUIRING MORE OPEN SPACE AND PARKLAND THROUGHOUT THE CITY,
- \* DEVELOPING AND ENHANCING NEIGHBORHOOD PARKS AND OTHER PARKS IN THE CITY,
- \* DEVELOPING AND EXTENDING TRAILS THROUGHOUT THE CITY,
- \* DEVELOPING AND ENHANCING RECREATIONAL FACILITIES IN THE CITY

TO BE REPAID FROM THE CURRENT 1/4 OF 1 PERCENT SALES AND USE TAX INCLUDING THE EXTENSION TO DECEMBER 31, 2016, AND ANY OTHER AVAILABLE REVENUES; AND SHALL THE CITY CONTINUE TO LEVY UNTIL DECEMBER 31, 2016, THE 1/4 OF 1 PERCENT SALES AND USE TAX CURRENTLY PROVIDED FOR BY CITY CODE SECTION 4-2-3 AND USE SUCH REVENUES FOR THE ACQUISITION OF OPEN SPACE AND PARKLAND AND FOR THE DEVELOPMENT AND ENHANCEMENT OF PARKS, RECREATIONAL FACILITIES AND TRAILS; AND SHALL THE PROCEEDS OF SUCH DEBT, SUCH TAXES, ANY GRANTS RECEIVED BY THE CITY FOR OPEN SPACE AND TRAILS, AND ANY INVESTMENT INCOME THEREFROM BE EXCLUDED FROM THE SPENDING AND REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

\_\_\_\_\_ FOR \_\_\_\_\_ AGAINST

ISSUE "C": STREET PROJECT QUESTION.

SHALL THE CITY OF WESTMINSTER DEBT BE INCREASED \$15,000,000 WITH A REPAYMENT COST OF \$32,700,000 (MAXIMUM PRINCIPAL AND INTEREST OVER AN ESTIMATED 20 YEAR REPAYMENT PERIOD) WITHOUT ANY NEW TAXES OR TAX RATE INCREASES FOR THE PURPOSE OF RELIEVING EXISTING TRAFFIC CONGESTION THROUGH STREET IMPROVEMENTS SUCH AS:

- \* WIDENING 88TH AVENUE, 92ND AVENUE, AND SHERIDAN BOULEVARD IN HIGHLY CONGESTED AREAS,
- \* DESIGNING STREET EXTENSIONS TO RELIEVE TRAFFIC CONGESTION SUCH AS EXTENDING HARLAN STREET NORTH TO CONNECT WITH PIERCE STREET AT 104TH AVENUE,
- \* EXTENDING ARTERIAL STREETS TO RELIEVE TRAFFIC CONGESTION, SUCH AS EXTENDING PIERCE STREET NORTH TO 112TH AVENUE,

SUCH DEBT TO BE REPAID FROM SALES AND USE TAX REVENUES; AND SHALL ALL SUCH BOND PROCEEDS, REVENUES AND ANY INVESTMENT INCOME THEREFROM BE EXCLUDED FROM THE SPENDING AND REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

\_\_\_\_\_ FOR \_\_\_\_\_ AGAINST

Section 5. At the special election to be held on November 5, 1996, there shall be submitted to the registered electors of the City the following questions:

QUESTION 1 - Shall the City Charter be amended to add a new Section 5.12.1 to make it a conflict of interest for a City Councillor to vote on a matter that will financially benefit a former campaign contributor, or anyone else who has provided anything of value in excess of one-hundred dollars (\$100) to that Councillor or the Councillor's immediate family, together with procedures for its administration and enforcement?

\_\_\_\_\_ FOR \_\_\_\_\_ AGAINST

ACTUAL LANGUAGE FOR PROPOSED AMENDMENT:

Section 5.12.1 Conflicts Based on Prior Pecuniary Benefits.

(a) The acceptance or receipt by any Councillor or member of that Councillor's immediate family, or an organization formed to support the candidacy of that Councillor, of any thing of value in excess of one-hundred dollars (\$100) from any person, organization, or agent of such person or organization, shall create a conflict of interest with regard to that Councillor's vote on any issue or matter coming before the Council involving a benefit to the contributing person, organization, or agent, unless such interests are merely incidental to an issue or question involving the common public good.

(i) Should a conflict of interest arise for any Councillor under this subsection (a), the Councillor shall state the grounds for the conflict of interest on the record immediately prior to Council's vote, withdraw from debate on the issue, and abstain from voting on the matter, notwithstanding any duty to vote provided for elsewhere in this Charter.

(ii) In the event a quorum cannot be obtained because of any issue or matter to be acted on by Council because of abstentions pursuant to subsection (i) above, any abstaining Councillor or Councillors may vote as long as the abstaining Councillor or Councillors has disclosed the nature of the conflicting interest, including the amount of financial interest, the purpose and duration of any employment provided or services rendered and compensation therefore, and such other information as may be necessary to describe the interest.

(iii) Any Councillor may challenge the existence of a conflict of interest pursuant to this subsection (a) prior to Council's vote, but not thereafter. In the event such challenge is raised, the challenge shall be decided by a majority vote of the remaining members of Council with no alleged conflict, and such determination shall be deemed to be final and conclusive.

(b) For purposes of this Section, the following terms shall be defined as:

(i) "Thing of value" means money, employment, goods, services, or objects with any intrinsic value, including but not limited to, campaign contributions, loans, offsets to expenditures, contributions in kind, and independent expenditures by any person or organization on behalf of the candidacy of a Councillor, provided that such thing of value was received during the Councillor's current term of office or anytime within six (6) months prior to the commencement of the Councillor's current term of office.

(ii) "Immediate family" means the spouse, children, and the spouse of any child of any Councillor or candidate for Councillor.

(iii) "Councillor" includes the Mayor.

(c) A knowing violation of this Section shall be deemed to be misconduct in office.

QUESTION 2 - Shall Section 5.1 of the City Charter be amended to require a candidate for Mayor or Councillor, or an applicant for a City board or commission, to disclose any prior felony convictions and submit to a criminal background check by the City police department?

\_\_\_\_\_ FOR

\_\_\_\_\_ AGAINST

ACTUAL LANGUAGE FOR PROPOSED AMENDMENT:

Section 5.1. Eligibility for Office and Employment in City.

(a) No person shall hold any elective office of the City unless he OR SHE has been a resident of the City for at least one (1) year immediately prior to the last day for filing original petitions for such office or prior to the time of ~~his~~ appointment to fill a vacancy. No person shall hold any elective office unless he OR SHE is a qualified and registered elector of the city on such last day for filing or at such time of appointment and throughout ~~his~~ tenure of office.



(b) No person shall be eligible for any elective or appointive City office who is in default to the City or to any other governmental unit of the State. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.

(c) Each candidate for elective office shall file with his OR HER petition his OR HER affidavit that ~~he~~ THE CANDIDATE possesses the qualifications for such office provided in this section. Failure to file such affidavit shall invalidate ~~his~~ THE petition.

(d) AT THE TIME A CANDIDATE SUBMITS A PETITION FOR ELECTED OFFICE, OR AN APPLICANT SUBMITS AN APPLICATION FOR APPOINTMENT TO A BOARD OR COMMISSION, SUCH PERSON SHALL ALSO SUBMIT AN AFFIDAVIT INDICATING WHETHER HE OR SHE HAS BEEN CONVICTED OF A FELONY UNDER THE LAWS OF THE STATE OF COLORADO OR IN ANOTHER JURISDICTION. THE REPORT OF THE FELONY SHALL INCLUDE THE TYPE OF OFFENSE, THE DATE OF THE OFFENSE, AND MAY INCLUDE THE CIRCUMSTANCES AND ANY EVIDENCE OF REHABILITATION. EACH CANDIDATE OR APPLICANT SHALL ALSO GIVE WRITTEN PERMISSION FOR A CRIMINAL BACKGROUND INVESTIGATION BY THE WESTMINSTER POLICE DEPARTMENT. THE POLICE DEPARTMENT SHALL REPORT TO THE CITY CLERK ANY FELONY CONVICTIONS OF A CANDIDATE OR APPLICANT FOUND IN ITS INVESTIGATION. THE CITY CLERK SHALL MAINTAIN THE REPORT IN A FILE AVAILABLE TO THE PUBLIC.

(e) Each member of a City board or commission created by, or pursuant to, this Charter shall have been a resident of the City for at least one (1) year immediately prior to the day of ~~his~~ appointment and shall be a qualified and registered elector of the City on such day and throughout ~~his~~ tenure of office.

(f) All officers of the City shall be United States citizens.

(g) No elective officer, under this Charter, may be appointed to any City office or be employed by the City during the term of office for which he OR SHE was elected or for two (2) years thereafter, provided that after the expiration of ~~his~~ THE term of office ~~he~~ THE PERSON may be appointed as a member of an independent board or commission or fill a vacancy in the position of Councilman.

(h) The Council may by ordinance require residence in the City of Westminster as a condition of employment of full-time appointive officers.

Section 6. Ms. Michele Kelley is hereby appointed as the designated election official of the City for purposes of performing acts required or permitted by law in connection with the election.

Section 7. Pursuant to Section 1-5-205, C.R.S., not less than ten days prior to the election, the designated election official of the City is hereby instructed to give notice of the election, by causing a printed notice of the election to be published at least one time in The Westminster Window, a legal newspaper of general circulation in the City. Such notice shall also be posted at least ten days prior to the election and until two days after the election in a conspicuous place in the office of the designated election official.

Section 8. The designated election official shall cause the notice required by Section 20(3)(b) of Article X of the Colorado Constitution to be prepared and transmitted to the County Clerk at least 25 days prior to the election (no later than October 11, 1996) as required by Section 1-7-904, C.R.S.

Section 9. 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 10. If any section, paragraph, clause or provision of this ordinance or the question shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance or the question.

Section 11. All acts, orders and ordinances, 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 ordinance, or part thereof, heretofore repealed.

Section 12. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 9th day of September, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** September 9, 1996

**Subject:** Councillor's Bill No. re Formation of Proposed Sheridan Crossing General Improvement District

**Prepared by:** John Carpenter, Director of Community Development

### **Introduction**

Ross Investments is petitioning the City to create the Sheridan Crossing General Improvement District (GID) to fund maintenance of the 120th Avenue right-of-way landscaping proposed for the Sheridan Crossing Shopping Center.

### **Summary**

Ross Investments is developing the proposed Sheridan Crossing Shopping Center at the southeast corner of 120th Avenue and Sheridan Boulevard. As a part of this development, Ross needs to make significant modifications to the existing drainage area on the south side of 120th Avenue within the public right-of-way. This area will be completely reconstructed with a low flow stream channel and then landscaped with automatically irrigated sod. Ross Investments is petitioning the City to form a general improvement district to provide long term maintenance for this area. An ad valorem property tax would be established to finance the maintenance expense.

The Emergency Ordinance is needed to meet the State deadline for conducting an election on November 5th for the proposed mill levy (see companion item).

### **Staff Recommendation**

Adopt Councillor's Bill No. as an emergency ordinance accepting a petition for the organization of a general improvement district in the City of Westminster and making certain findings and determinations and creating the City of Westminster Sheridan Crossing General Improvement District.

### **Background Information**

Ross Investments will construct a shopping center in two phases at the southeast corner of 120th Avenue and Sheridan Boulevard. To enable this project to be built, the existing drainage channel within the 120th Avenue right-of-way abutting this property will need to be reconstructed to accept a greater volume of storm water. Once this reconstruction is completed, the channel will be landscaped with irrigated sod. (Trees and shrubs are not allowed within 100-year flood drainage channels since they impede the flow of storm water.)

The drainage channel is approximately 90 feet in width, which is a much greater width than the 25-35 feet normally required abutting arterial streets. Because of the increased width of landscaping, the maintenance costs for water, mowing, fertilizing, irrigation maintenance, etc. are also higher than "normal."

Shopping center developers would typically assess the tenants or pad owners in a shopping center for their proportionate share of these "common area" maintenance expenses. However, given the higher than normal maintenance costs, Ross has had resistance to passing on these costs to prospective tenants. However, these same tenants are not adverse to a property tax increase to pay for these same expenses.

Therefore, Ross Investments is proposing that a general improvement district be formed for the sole purpose of maintaining the right-of-way landscaping and drainage channel within the 120th Avenue right-of-way abutting the shopping center. A property tax mill levy would be established in an amount necessary to raise the funds to maintain the right-of-way area. Ross, and not the proposed district, would pay for the initial costs to construct the drainage channel and landscaping improvements.

The City has previously formed the Amherst General Improvement District to finance the maintenance of the right-of-way landscaping along Zuni Street and 136th Avenue. The City contracts out the maintenance work to a private firm and annually established a mill levy to pay for this expense.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** September 9, 1996  
**Subject:** Councillor's Bill No. re: Xavier Street Vacation  
**Prepared by:** Richard Borchardt, Civil Engineer

### **Introduction**

City Council action is requested on the attached Councillor's Bill to vacate a portion of Xavier Street between 75th Avenue and Wolff Street located within the Crystal Lake Planned Unit Development (PUD).

### **Summary**

- > An Amended Preliminary Development Plan/Official Development Plan (PDP/ODP) was approved for Filing No. 2 of the Crystal Lake PUD on June 5, 1995. The PDP/ODP which were recorded showed the anticipated construction of Xavier Street from 75th Avenue to a point approximately 300-feet south of 75th Avenue.
- > The applicant/owner, Dave Watts, has recently submitted a revised PDP/ODP which alters the site plan of the buildings and proposes that Xavier Street be shortened from an approximate 300-foot length to a 291-foot length. As proposed, Xavier Street would dead end at a cul-de-sac and would provide access to the parking lot for the new assisted care facility, a six-unit senior apartment building, and four duplexes.
- > As proposed, the primary access to the San Marino complex of buildings will be via 75th Avenue and the Xavier Street cul-de-sac. A secondary access will be provided from Wolff Street.

City Staff is in agreement with the owner's request that the subject portion of Xavier Street be vacated. This vacation will be conditional upon dedication of right-of-way for the remaining portion of the Xavier Street cul-de-sac. The City Charter mandates that City Council must approve vacations via ordinance, and the attached ordinance includes language to make subject vacation contingent upon the receipt of the remaining right-of-way for the Xavier Street cul-de-sac.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading vacating the southerly nine feet of Xavier Street between 75th Avenue and Wolff Street within the Crystal Lake Subdivision, Filing No. 2 Planned Unit Development.

### **Background Information**

Dave Watts, the developer/owner of the existing San Marino assisted living facility within the Crystal Lake PUD, dedicated the right-of-way for Xavier Street during the platting process for the development of this building.

Upon vacation of the southerly nine feet (9') of the right-of-way, the property will revert back to the original owner. No other properties will be affected by the vacation of this portion of the road.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1996

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY WITHIN THE CRYSTAL LAKES PLANNED UNIT DEVELOPMENT

WHEREAS, a certain 450 square feet of right-of-way was dedicated for road purposes by the plat of Crystal Lake Filing 2; and

WHEREAS, this 450 square feet of right-of-way is no longer necessary in the 6th Amended Crystal Lake Official Development n; and

WHEREAS, vacation is necessary to develop the property as approved in the 6th Amended Crystal Lake Official Development n.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation described in Section 2 of this Ordinance.

Section 2.

That part of Xavier Street as shown on the Subdivision Plat of Crystal Lake Subdivision Filing No. 2 (File 16, Map 664, Adams County Records), City of Westminster, County of Adams, State of Colorado being more particularly described as follows:

Beginning at the southeast corner of said Crystal Lake Subdivision, Filing No. 2; Thence S89°50'04"W along the south line of said Crystal Lake Subdivision 200.16 feet to a point on the westerly line of the vacated portion of Xavier Street (Book 434, Page 791, Adams County Records), said point being a point on a curve to the right, the radius of said curve is 175.00, the central angle of said curve is 59°29", whose long chord bears N29°40'02"W 172.33 feet; Thence along said westerly line and along the arc of said curve a distance of 180.18 feet to the end of said curve; Thence N00°10'17"W along said westerly line a distance of 165.18 feet to the True Point of Beginning; Thence continuing N00°10'17"W departing from said westerly line and along the westerly right-of-way line of Xavier Street a distance of 9.00 feet to a point on a non-tangent curve to the left, the radius of said curve is 45.00 feet, the central angle of said curve is 22°46", the long chord bears N48°01'06"E, 67.08 feet; Thence along the arc of said curve a distance of 75.70 feet to a point on the westerly right-of-way line of Xavier Street; Thence S00°10'17"E along said easterly right-of-way line a distance of 900 feet to a point on a non-tangent curve to the right, the radius of said curve is 45.00 feet, the central angle of said curve is 96°22'46", the long chord bears N38°01'06"W, 67.08 feet; Thence along the northerly line of the vacated portion of Xavier Street (Book 4342, Page 791, Adams County Records), and along the arc of said curve a distance of 75.70 feet to the True Point of Beginning. Contains 450 Square feet, more or less.

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

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading and upon the vacation of the remaining right-of-way for the Xavier Street Cul-de-sac. 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 9th day of September, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this        day of September, 1996.

TEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
y Clerk



**Date:** September 9, 1996

**Subject:** Resolution No. re Private Activity Bonds Carry Forward

**Prepared by:** Ed Powers, Community Development Programs Manager

### **Introduction**

City Council action is requested to adopt the attached resolution authorizing the City to carry forward into next year the allocation of Private Activity Bond authority to issue bonds to finance either the acquisition of real property under eminent domain, clearance and land preparation for redevelopment of the Westminster Plaza, or the construction of senior housing at the Panorama Pointe project site located at 84th Avenue and Zuni Street.

### **Summary**

The carry forward of Private Activity Bond (PAB) issuance authority into next year would preserve the opportunity to finance either the redevelopment of the Westminster Plaza Shopping Center or the construction of senior housing at Panorama Pointe. The authority to use the PAB to issue bonds will expire September 15 and be lost to the State for some other use unless the proposed resolution is adopted.

The Westminster Plaza Shopping Center, located at the southwest corner of West 74th Avenue and Federal Boulevard, is proposed to be redeveloped by the Westminster Economic Development Authority. Tax-exempt financing in the form of Private Activity Bonds is proposed as the means to finance the acquisition of real property under eminent domain, clearance and land preparation for redevelopment of the Westminster Plaza. As a preliminary step towards the possible issuance of Private Activity Bonds (PAB) for redevelopment of the Westminster Plaza, the City must carry forward the PAB authority through the adoption of a resolution. The PAB authority will expire September 15 if no action is taken to carry forward this authority. The adoption of the attached resolution will then allow the City to apply for additional authority from the statewide balance. By passing this resolution, neither the City nor the Economic Development Authority assumes a duty to issue or repay the bonds. That will be the obligation of the Westminster Economic Development Authority.

Panorama Pointe, located south of 84th Avenue and west of Zuni Street, was acquired by the Westminster Housing Authority for the development of affordable senior housing. Tax-exempt financing in the form of Private Activity Bonds is proposed as the means to finance the construction of 124 units of the senior housing planned for the Panorama Pointe project. As a preliminary step towards the possible issuance by the Colorado Housing and Finance Authority (CHFA) of Private Activity Bonds (PAB) for the construction of senior housing. The City would later assign the local allocation of Private Activity Bond authority to CHFA for the project through the adoption of a resolution. The PAB authority will expire September 15 if no action is taken to carry forward this authority.

The adoption of the attached resolution will then allow the City to apply the local allocation to the larger CHAFA PAB pool in order for the City to increase its own \$2,122,175 PAB allocation to the total \$9,341,000 needed for this project. By passing this resolution, neither the City nor the Housing Authority assumes a duty to issue or repay the bonds that will be the obligation of TRIAD Management.

### **Staff Recommendation**

Adopt Resolution No. \_\_\_\_\_ authorizing to carry forward the authority to issue the local allocation of Private Activity Bonds for either the Westminster Plaza redevelopment or construction of the Panorama Pointe senior housing.

### **Background Information**

The Westminster Economic Development Authority (Authority) was organized by City Council on September 14, 1987. The principal purpose of the Authority is to rehabilitate the City's older commercial areas in the vicinity of 72nd Avenue and Federal Boulevard. Pursuant to the creation ordinance, the Westminster City Council is the ex-officio Board of Directors of the Authority. The Private Activity Bond approach would be one more alternative for financing the Plaza redevelopment as the opportunity may present itself.

The Westminster Housing Authority, The Wheaton Franciscan Sisters, and Triad Management, also known as Panorama Pointe Developers, intend to use the Private Activity Bond allocation for construction of affordable senior housing on the 17.5 acre Panorama Pointe site located at 84th Avenue and Zuni Street.

The Developers are requesting the Colorado Housing and Finance Authority (CHAFA) to issue up to \$9,341,000 in Private Activity Bonds (PAB) for senior housing development at Panorama Pointe.

The Colorado Revised Statutes authorize municipalities and CHAFA to issue Private Activity Bonds on behalf of applicants to promote affordable multi-family housing. The bond allocation will partially come from the City's 1996 Private Activity Bond allocation of \$2,122,175, with the remaining approximately \$7,300,000 amount coming from the statewide bond allocation. The carry forward resolution is a prerequisite for the City formally authorizing delegation of its PAB allocation to CHAFA for use of additional PAB allocation from the State.

The amount of improvements as currently anticipated by the Developers include \$400,000 in infrastructure expenditures and \$8,941,000 for buildings and to further enhance the property. The CHAFA financing would construct the first phase of the 60 unit assisted care senior housing and the 64 unit congregate care senior housing. This financing will also be used for infrastructure to support the senior housing development. Later, financing will be sought for the remaining 30 unit assisted care and the 30 unit congregate care to be added later. The Developers are working to facilitate the development of this prominent property in the southern portion of the City.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION NO. \_\_\_\_\_

INTRODUCED BY COUNCILLORS

SERIES OF 1996

\_\_\_\_\_

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF WESTMINSTER TO ISSUE BONDS IN AN APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$2,122,175 TO FINANCE A QUALIFIED RESIDENTIAL RENTAL PROJECT OR A QUALIFIED REDEVELOPMENT PROJECT; AND AUTHORIZING THE OFFICERS, EMPLOYEES AND AGENTS OF THE CITY TO PROCEED AND CONTINUE WITH STEPS PRELIMINARY TO THE ISSUANCE OF SUCH BONDS.

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

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

WHEREAS, pursuant to the Private Activity Bond Ceiling Allocation Act, Title 24, Article 32, Part 17, of Colorado Revised Statutes (the "Allocation Act"), the City has been allocated private activity bond "volume cap" for 1996 in the amount of \$2,122,175; and

WHEREAS, the City intends and proposes to issue or to cause the Westminster Economic Development Authority ("WEDA") to take the necessary steps to authorize, issue, sell and deliver, bonds in an approximate aggregate principal amount of \$2,122,175, in one or more series, to finance qualified redevelopment purposes as described in Section 144(c) of the Internal Revenue Code of 1986, as amended (the "Code") or intends and proposes to issue or to cause the Colorado Housing and Finance Authority ("CHAFA") to take the necessary steps to authorize, issue, sell and deliver, bonds in an approximate aggregate principal amount of \$2,122,175, in one or more series a qualified residential rental project as described in Section 142(d) of the Code, together with the costs of funding any reserve funds for the bond (the "Bonds"), the costs of securing the Bonds and costs incidental to the authorization, issuance and sale of the Bonds (collectively, the "Project").

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

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

Section 2. The City intends to issue or to cause WEDA or CHAFA, as the case may be, to issue the Bonds in the approximate aggregate principal amount of \$2,122,175 to pay the cost of the Project, upon terms acceptable to the City or WEDA or CHAFA, as the case may be, as set forth in a bond ordinance or resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

The City or WEDA will issue the Bonds if the Bonds are issued to finance qualified redevelopment purposes as described in Section 144(c) of the Code. The City or CHAFA will issue the Bonds if the Bonds are issued to finance a qualified residential rental project as described in Section 142(d) of the Code. The qualified residential rental project is intended to be used for the Panorama Pointe Project, a senior multifamily rental project to be located at 84th Avenue and Zuni.

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

- (i) notifying the Colorado Department of Local Affairs prior to September 15, 1996 of the City's desire to treat its initial 1996 allocation of private activity bond volume cap as an allocation to the Project;
- (ii) obtaining (to the extent necessary) an additional share of the allocation for 1996 allotted to the State of Colorado pursuant to Section 146 of the Internal Revenue Code of 1986, as amended (the "Code");
- (iii) assigning to WEDA or to CHAFA, as the case may be (to the extent necessary) the City's 1996 allocation of private activity bond volume cap; and
- (iv) electing to carry forward any unused private activity bond volume cap allocation for 1996 pursuant to Section 146(f) of the Code.

Section 4. The cost of financing the Project will be paid out of the proceeds of the Bonds or other available moneys of the City or WEDA or CHAFA, as the case may be.

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

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

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

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

PASSED AND ADOPTED this 9th day of September, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** September 9, 1996  
**Subject:** Resolution No. re Big Dry Creek Trail Phase II Construction  
**Prepared by:** Shinei Tsukamoto, Landscape Architect

**Introduction**

City Council action is requested to authorize the City Manager to approve a contract with Stackholm Development & Construction Company, Inc. in the amount of \$163,192.15, add \$16,307.85 as construction contingency, and authorize funds of \$179,500 for the proposed project budget for construction of 3/4 mile of the Big Dry Creek Trail between Church Ranch Boulevard and Old Wadsworth Boulevard (see attached map). City Council is also requested to adopt the attached Resolution requesting reimbursement of approximately \$240,000 from Jefferson County Open Space (JCOS) as part of the Trails 2000 program. Funds for this expense are available in the Big Dry Creek Trail Account in the 1996 General Capital Improvement Fund.

**Summary**

This project was advertised in three publications and bid according to the City purchasing ordinances and procedures. Fifteen contractors attended the mandatory pre-bid conference on August 8, and 20 copies of the bid documents were distributed to various contractors and suppliers. Seven bids were submitted. The following is a tabulation from the August 22 bid opening:

- > Stackholm Construction \$163,192.15
- > Concrete Express \$178,855.45
- > New Design Construction \$189,367.50
- > Paramount Construction \$196,677.00
- > Randall & Brake \$228,896.10
- > Park Construction \$314,366.10
- > Delaino Construction \$327,348.30

The low bid of \$163,192.15 by Stackholm Construction is considered a good bid as compared to the architect's cost estimate of \$225,000 for the project. As Stackholm Construction has never had a contract with the City, Staff checked references at the Cities of Aurora, Boulder, Denver, Lakewood, and Thornton. All responses were positive. Therefore, Staff has determined that Stackholm Development and Construction, Inc. is a qualified contractor for this project.

A total amount of \$179,500 including the testing expenses and contingency is requested for this project, with the proposed budget breakdown as follows:

Construction (Low Bid)	\$163,192.15
Testing (Approximately 2%)	\$3,250.00
Contingency (8%)	\$13,057.85
TOTAL	\$179,500.00

Council is also requested to adopt the attached Resolution which requests a reimbursement of \$240,000 from JCOS for current design expenses and pending construction costs of the Big Dry Creek Trail Phase II project. Current expenses include consulting costs to Wenk Associates for the design and preparation of construction and bid documents.

Staff will request a reimbursement of only the actual expenses for the design and construction of the project once Phase II construction has been completed.

### **Staff Recommendation**

1. Authorize the City Manager to sign a contract with the low bidder, Stackholm Development and Construction Company, Inc. in the amount of \$163,192.15 for 3/4 mile trail development along the Big Dry Creek Trail Phase II project between Church Ranch Boulevard and Old Wadsworth Boulevard; authorize \$179,500 for the total project budget including project contingency and testing expenses; and charge this expense to the appropriate project account in the 1996 General Capital Improvement Fund.

2. Adopt Resolution No. \_\_\_\_\_ authorizing the City Manager to request a reimbursement from Jefferson County Open Space (of approximately \$240,000) for actual expenses for the design and construction of the Big Dry Creek Trail Phase II project.

### **Background Information**

JCOS established the Trails 2000 program to provide funding for trail development throughout Jefferson County. In 1993, the Jefferson County Commissioners and JCOS Advisory Committee agreed to place the Big Dry Creek Trail system on their list of priority projects in the Trails 2000 Plan. By doing so, it allowed for land acquisition, trail design, and trail construction along Big Dry Creek in Westminster to be completed by the year 2000. A \$2.0 million estimate for this project was prepared by Westminster and Jefferson County Staff identifying \$1.3 million for design and construction of the trail and \$700,000 for land acquisitions and trail easements.

In April 1994, Wenk Associates was hired through a competitive process, as the Landscape Architectural firm to develop the Big Dry Creek Trail master plan. Staff directed Wenk Associates to develop construction and bid documents for Phase I (one mile trail construction between Sheridan Boulevard and 104th Avenues) while finalizing the master plan. The master plan was adopted in August 1995, and the Phase I construction was completed in November 1995.

In June 1995, Staff advertised Big Dry Creek Trail Phase II project for design and engineering services. Nine consultants submitted proposal. City Councillor Gary Smith was actively involved with the selection process, and Wenk Associates was selected as the most qualified consultant. Wenk Associates has worked very closely with Federal Emergency Management Agency (FEMA), US Army Corps of Engineers, and other agencies to fulfill all the requirements; and completed the construction and bid document in July 1996 as scheduled.

To date, the City has expended approximately \$550,000 of the \$1.3 million design and construction budget for the Big Dry Creek Trail system in Jefferson County. As soon as the Phase II construction is completed, over half of the JCOS Trails 2000 project will be accomplished, providing more than 2.5 miles of continuous trail in Jefferson County, and a projected 5.5 miles of continuous trail in Westminster extending into Adams County.

Respectfully submitted,

William M. Christopher, City Manager  
Attachment: Resolution, Map

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

\_\_\_\_\_

REIMBURSEMENT OF EXPENSES FROM JEFFERSON COUNTY OPEN SPACE FOR THE BIG DRY CREEK TRAIL PROJECT ACCORDING TO THE TRAILS 2000 PROGRAM

WHEREAS, in 1993, Jefferson County Open Space placed the Big Dry Creek Trail system on their list of priority projects in the Trails 2000 program; and

WHEREAS, Jefferson County Open Space resolved the City of Westminster to plan, design, and construct the Big Dry Creek Trail in compliance with the Trail 2000 standards; and

WHEREAS, the City of Westminster has worked directly with Jefferson County Open Space Staff to ensure compliance of the Trails 2000 standards; and

WHEREAS, the City of Westminster has incurred expenditures of approximately \$240,000 for design and construction of the second phase of the Big Dry Creek Trail system;

NOW, THEREFORE, the Westminster City Council hereby resolves that the City of Westminster Staff submit a reimbursement of actual expenditures not to exceed \$240,000 from Jefferson County Open Space for the design, development and construction of the Big Dry Creek Trail system in Jefferson County in compliance with the Trail 2000 standards.

Passed and adopted this 9th day of September, 1996

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** September 9, 1996  
**Subject:** Purchase of Open Space  
**Prepared by:** Bob Lienemann

### **Introduction**

City Council action is requested to authorize the City Manager to execute closing documents to purchase approximately 18 acres of land from Rose Creek Properties, and to purchase an option/first right of refusal (FROR) on approximately nine acres of adjacent land owned by Axtell & Associates. The purchase property is located west of Sheridan Boulevard along the north side of 98th Avenue, just west of the existing church and day care center (see attached map), and is proposed for addition to the City of Westminster Open Space Program. The option/FROR property is immediately west of the purchase property, and abuts US 36. Council action is also requested to adopt the attached Resolution requesting that Jefferson County Open Space (JCOS) consider reimbursement of part of the cost of this acquisition.

### **Summary**

This property is highly visible from both Sheridan Boulevard and from U.S. 36, is adjacent to the existing Hyland Ponds Open Space, and includes the remaining portion of one of these ponds. The land has been a high priority for preservation since the first Open Space Advisory Board was formed in 1989.

The eastern 18 acres (the purchase property) was sold to Rose Creek Properties in 1994, where the developer intended to construct a residential development. However, the developer recently approached Staff to propose a sale of this land to the City for open space. The negotiated price for the approximate 18 acres (\$672,675) is the same price that the developer paid for the property in 1994. Both the developer and previous landowner are willing to write off lost interest and planning costs, in order to see this land remain as natural open space.

The western nine acres (the option/FROR property) abuts US 36, and may coincide with a proposed future Harlan Street flyover at US 36. Whether the flyover is constructed on a portion of this property or not, this land is a priority for Open Space as it extends the views and open feeling from US 36 to Sheridan Boulevard. For these reasons, a five-year option and first right of refusal to acquire this property was negotiated, at a cost of \$20,000. This should allow the City time to finalize traffic plans and accumulate additional Open Space funds.

Jefferson County Open Space is aware that the City proposes to move forward with this acquisition, and JCOS Staff has suggested that the City request reimbursement of a portion (up to 50%) of the cost of the 18 acre purchase from JCOS. The attached Resolution is required to begin this process. While there is no "guarantee" that JCOS's Advisory Committee and the Board of County Commissioners will approve reimbursement (the City is receiving very significant funding from JCOS for City Park Phase 3, the new Countrydale golf course, Standley Lake Regional Park, Big Dry Creek as part of their Trails 2000, Walnut Creek Open Space and other projects already), "it doesn't hurt to ask". At the minimum, JCOS



will see that the City is moving ahead to preserve Open Space with City funds, and may look favorably on this or other future funding requests.

The Open Space Advisory Board members are very supportive of this acquisition for open space, as they and previous Board members have been for many years. OSAB members expressed a desire to acquire property that would allow for additional trails connections in the future, which this property does allow. OSAB also expressed their desire that this property remain Open Space, and that it not be developed as a golf course, restricting public access.

Funds are available for this purchase in the Open Space Land Acquisition account.

### **Staff Recommendation**

Authorize the City Manager to execute the necessary documents to purchase for the Open Space Program approximately 18 acres of land at a cost of \$672,675 from Rose Creek Properties, to purchase an option/first right of refusal for approximately nine acres from Axtell and Associates for five years at a cost of \$20,000, charge the expense to the Open Space Fund, and adopt Resolution No. \_\_\_ authorizing Staff to seek reimbursement from Jefferson County Open Space.

### **Alternatives to the Proposed Action**

An alternative to the Staff Recommendation would be to not approve the purchase of this property now. No Official Development Plan is being processed right now for immediate development of the property - though the developer wishes to either sell or move forward with development as soon as new ODP's are again accepted by the City.

With development of this property, it is likely that the remainder of the pond could be preserved. However, the panoramic, open views from Sheridan Boulevard and from US 36 would be lost with such development, along with natural and wildlife values and trails connections. Such development would be very visible and intrude into the existing open space area.

### **Background Information**

This property is unique in that it is very visible from, and would complete a continuous open space and view corridor between Sheridan Boulevard and U.S. 36, and add value to the existing Hyland Ponds Open Space. The open feeling would extend farther east across the Hyland Hills Golf Course, in approximately the geographic center of the City. This larger open space assemblage would also contrast strongly with the considerable commercial development along Sheridan Boulevard from 86th to 96th Avenues.

This proposed open space has been a high priority for preservation since the first Open Space Advisory Board was formed in 1989. A previous joint effort with Jefferson County Open Space to acquire this and several adjacent properties was attempted in 1991. Approximately 50 acres were intended for a combination of Open Space and a proposed expansion of Hyland Hills Golf Course. Because of rapid increases in property value and changing expectations of the landowner during the course of negotiations, and due to the several failed Hyland Hills bond issues and an unwillingness by Jefferson County to endorse the joint venture with Hyland Hills Metro P&R District, this property and the adjacent properties were not acquired.

Contacts have continued from time to time, as this has remained a priority site for preservation. The property was sold to a developer several years ago, who intended to build a residential development at this location. Recently this developer approached the City, and expressed a desire to sell the property to the City for Open Space. The proposed purchase is the result of patience and on-going contacts over a number of years.

In addition to requesting partial reimbursement from Jefferson County Open Space, Staff will also review this acquisition with Great Outdoors Colorado grant programs and any other available grants, and will pursue any promising leads.

The proposed purchase would allow the City to acquire this key open space and view corridor between Sheridan Boulevard and US 36, protect the excellent wildlife, fishing and open space values of the remainder of the pond, and allow for additional trail access to this property. This 18 acre addition to the "Hyland Ponds Open Space" would increase the size of this open space to over 55 acres, adding significantly to the diversity of wildlife and the number of citizens who can enjoy this open space.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

\_\_\_\_\_

WHEREAS, the City of Westminster is pursuing the acquisition of approximately 18 acres of land, located along 98th Avenue west of Sheridan Boulevard, in Jefferson County, for open space and trail purposes, and hopes to complete said acquisition in the near future using Westminster Open Space funds; and

WHEREAS, Jefferson County Open Space has established a process for joint acquisition with Cities, including reimbursement of key land purchases for open space and trails; and

WHEREAS, the acquisition of open space and trail corridor land will result in significant benefits to citizens of both Jefferson County and the City of Westminster,

NOW, THEREFORE, the Westminster City Council hereby resolves that the City Staff shall submit a proposal to Jefferson County Open Space requesting reimbursement which would result in a joint acquisition matching up to 50% Jefferson County Open Space shares with Westminster's Open Space Program funds for the purchase of this land.

Passed and adopted this     day of     , 1996.

ATTEST:

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Mayor

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City Clerk