



**REVISED
CITY COUNCIL AGENDA**

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Recognition of Police Officers and K9 Partners Accomplishments
7. Citizen Communication (5 minutes or less)

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

8. Consent Agenda
 - A. Purchase of Truck Mounted Crane Unit
 - B. Purchase of a Magnum Vacuum/Slurry Combination Spreader
 - C. 2007 Wastewater Collection System Improvement Project/Phase II
 - D. Project Applications to DRCOG for 2008-2013 Transportation Improvement Program
 - E. Second Reading Councillor's Bill No. 48 re Ganzhorn Property No. 1 Annexation
 - F. Second Reading Councillor's Bill No. 49 re Ganzhorn Property No. 2 Annexation
 - G. Second Reading Councillor's Bill No. 50 re Ganzhorn Property CLUP Amendment
 - H. Second Reading Councillor's Bill No. 51 re Ganzhorn Property Rezoning
 - I. Second Reading Councillor's Bill No. 52 re Liquor License Application Fee Increases

9. Appointments and Resignations
 - A. Resolution No. 29 re Appointments to Boards and Commissions

10. Public Hearings and Other New Business
 - A. Public Meeting on 2008 Adopted City Budget
 - B. Public Hearing re Sixth Amended PDP for Crystal Lake PUD and ODP for Crystal Lake Filing No. 2
 - C. Sixth Amended PDP for Crystal Lake PUD and ODP for Crystal Lake Filing No. 2
 - D. Resolution No. 30 re US 36 Draft Environmental Impact Statement
 - E. Resolution No. 31 re Carry Forward Balance of 2007 Private Activity Bond Allocation
 - F. Resolution No. 32 re Modifying Building Permit Fees for Photo Voltaic Solar Systems
 - G. Colorado Division of Criminal Justice, 2007 JAG Statement of Grant Award
 - H. Councillor's Bill No. 53 re Colorado Division of Criminal Justice 2007 JAG Program

11. Old Business and Passage of Ordinances on Second Reading

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

- A. City Council
- B. Executive Session
 1. Obtain direction from City Council re proposed economic development incentive agreement with new employer at Westmoor pursuant to WMC §1-11-3(c)(4), WMC §1-11-3(c)(7) and CRS §24-6-402(4)(e).
 2. Obtain direction from City Council re proposed economic development incentive agreement with the Bedrin Organization pursuant to WMC §1-11-3(c)(4), WMC §1-11-3(c)(7) and CRS §24-6-402(4)(e).
 3. Consultation with the City Attorney concerning the Jorgensen and Hamon cases pursuant to WMC §1-11-7(C)(3) and (8) and C.R.S. §24-6-402(4)(b) and (e).

13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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



CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Recognition of Police Officers and K9 Partners Accomplishments
7. Citizen Communication (5 minutes or less)

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

8. Consent Agenda
 - A. Purchase of Truck Mounted Crane Unit
 - B. Purchase of a Magnum Vacuum/Slurry Combination Spreader
 - C. 2007 Wastewater Collection System Improvement Project/Phase II
 - D. Project Applications to DRCOG for 2008-2013 Transportation Improvement Program
 - E. Second Reading Councillor's Bill No. 48 re Ganzhorn Property No. 1 Annexation
 - F. Second Reading Councillor's Bill No. 49 re Ganzhorn Property No. 2 Annexation
 - G. Second Reading Councillor's Bill No. 50 re Ganzhorn Property CLUP Amendment
 - H. Second Reading Councillor's Bill No. 51 re Ganzhorn Property Rezoning
 - I. Second Reading Councillor's Bill No. 52 re Liquor License Application Fee Increases
9. Appointments and Resignations
 - A. Resolution No. 29 re Appointments to Boards and Commissions
10. Public Hearings and Other New Business
 - A. Public Meeting on 2008 Adopted City Budget
 - B. Public Hearing re Sixth Amended PDP for Crystal Lake PUD and ODP for Crystal Lake Filing No. 2
 - C. Sixth Amended PDP for Crystal Lake PUD and ODP for Crystal Lake Filing No. 2
 - D. Resolution No. 30 re US 36 Draft Environmental Impact Statement
 - E. Resolution No. 31 re Carry Forward Balance of 2007 Private Activity Bond Allocation
 - F. Resolution No. 32 re Modifying Building Permit Fees for Photo Voltaic Solar Systems
 - G. Colorado Division of Criminal Justice, 2007 JAG Statement of Grant Award
 - H. Councillor's Bill No. 53 re Colorado Division of Criminal Justice 2007 JAG Program
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
 - B. Executive Session – Consultation with the City Attorney Concerning Jorgensen and Hamon Contractors Pursuant to WMC §1-11-7(C)(3) and (8) and C.R.S. §24-6-402(4)(b) and (e)

13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 10, 2007 AT 7:03 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Price, to approve the minutes of the regular meeting of August 27, 2007, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that Employee Appreciation Week had been a great success with over 400 employees enjoying breakfast cooked by Department Heads and a similar number of employees attending the barbecue at Westfield Park the following lunch. Employees truly appreciated the "hand" that City Council had given to each individual, as well as all the activities held to recognize their contributions to the City's success.

Mr. McFall announced that a celebration of improvements at Kensington Park was set for September 15. Improvements included the replacement of three Totem poles that had become part of the surrounding neighborhood's identity.

In conclusion, he reported that following this meeting the Westminster Economic Development Authority would meet. After adjournment of that meeting, City Council would conduct an executive session to discuss two proposed economic development incentive agreements and to consult with the City Attorney about pending litigation.

CITY COUNCIL COMMENTS

Councillor Major reported having participated in an organized open space activity to plant 40 trees west of Wadsworth on Walnut Creek. The group would build a fence at 69th Avenue and Sheridan Boulevard the weekend of September 15. Volunteers to help were always welcome and appreciated.

Councillor Kaiser reported that he and Councillor Price had attended activities in celebration of the Westminster Presbyterian Church's 118th anniversary on September 9.

PRESENTATIONS

Mayor McNally recognized the accomplishments of Senior Police Officer Brandon Barajas and his K9 partner Rex and Officer Damian Perez and his K9 partner Harley for their accomplishments in the 2007 Colorado Police Canine Association trials. The teams had won awards in obedience/agility, patrol/apprehension and Officer Perez and K9 Harley were named the 2nd place Best Handler/Dog Team overall. Both teams were present to accept the Mayor and City Council's acknowledgements.

CITIZEN COMMUNICATION

Claude Chapman, 9481 West 104th Place, reported that foreclosures in his neighborhood had left many homes unoccupied and in disrepair. He asked for the City's assistance in addressing problems and liabilities associated with them. Mr. McFall indicated that he would ask Code Enforcement to contact Mr. Chapman.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: based on the report and recommendation of the City Manager, determine that the public interest would best be served by authorizing the City Manager to execute a \$92,244 contract with OJ Watson Company, Inc., as the sole source for a truck-mounted crane unit; award the bid to Balzer Inc. for the purchase of a magnum vacuum/slurry combination spreader for \$74,685; authorize the City Manager to execute a \$484,353 contract, including a 10% contingency of \$48,435, with Insituform Technologies Inc. for rehabilitation of approximately 20,056 feet of eight- to ten-inch diameter sanitary sewer line using trenchless technology, cured-in-place pipe; authorize the submission of project applications to the Denver Regional Council of Governments (DRCOG) for funding in the 2008-2013 Transportation Improvement Program; final passage of Councillor's Bill No. 48 annexing the Ganzhorn property No. 1; final passage of Councillor's Bill No. 49 annexing the Ganzhorn property No. 2; final passage of Councillor's Bill No. 50 amending the Comprehensive Land Use Plan for the Ganzhorn property by changing the designation from Northeast Comprehensive Development Plan to Retail Commercial; final passage of Councillor's Bill No. 51 rezoning the Ganzhorn property from Jefferson County A-1 to Planned Unit Development; and final passage of Councillor's Bill No. 52 to increase application fees for new liquor licenses, transfers of liquor licenses, renewals of liquor licenses, and special event permits.

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

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

RESOLUTION NO. 29 RE APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved by Councillor Price, seconded by Councillor Kaiser, to adopt Resolution No. 29 making appointments to the Environmental Advisory Board, the Parks, Recreation and Libraries Advisory Board, and the Personnel Board. At roll call, the motion passed unanimously.

PUBLIC MEETING ON 2008 ADOPTED CITY BUDGET

At 7:18 p.m., the Mayor opened a public meeting to receive citizen comments on the 2008 Adopted City Budget. Mr. McFall gave a PowerPoint presentation entitled 2008 Adopted Budget Overview and 2007 Financial Status. The 2007 and 2008 Budgets had been adopted by Council in October 2006. As part of the two-year budget process, a financial update/budget review was conducted in September to review any recommended modifications to the 2008 Adopted Budget, review any new citizen requests, and address any miscellaneous financial issues that staff or Council wished to raise. After Mr. McFall provided an overview of the financial status of the City and the revenues and expenditures proposed in 2008, Mayor McNally invited citizen comment.

Janet Bruchmann, 10083 Lee Street, complimented Code Enforcement Kinza Burney for working within the Countryside neighborhood to make residents aware of their responsibility to maintain their properties. She believed the area of Code Enforcement was understaffed and asked that consideration be given to funding more positions in 2008. Additionally, she asked that medians at entrances to Countryside on 100th and 108th Avenues be cleaned of weeds and trash and irrigated so that plants and trees could grow and dress up entrances to the residential area.

Kaaren Hardy, 5133 West 73rd Avenue, requested that Council set aside funds for the acquisition of structures on the Shoenberg Farm so the historical significance of the farm to Westminster could be preserved.

No others wished to comment. Mayor McNally closed the public meeting at 7:38 p.m. and noted that staff would review the requests made and advance recommendations to Council concerning modifications to the 2008 Adopted City Budget.

PUBLIC HEARING RE 6TH AMENDED PDP CRYSTAL LAKE PUD/ODP CRYSTAL LAKE FILING NO. 2

At 7:38 p.m., the Mayor opened a public hearing to consider the Sixth Amended Preliminary Development Plan (PDO) for Crystal Lake Planned Unit Development (PUD) and Official Development Plan (ODP) for Crystal Lake Filing No. 2. Dave Shinneman, Planning Manager, introduced the public hearing and advised that the proposed PDP/ODP would allow the site to be developed for office use. Professional office uses such as veterinary, medical and businesses offices were proposed. Four buildings with a total of 15,200 square feet of space were proposed on the 1.8-acre site located at the southeast corner of 75th Avenue and Sheridan Boulevard. Mr. Shinneman stated that notice of this public hearing had been published in the *Westminster Window*, the property had been posted and property owners within 300 feet had been personally notified via mail of this hearing. He entered the agenda memo and attachments into the record.

Dr. Andrew Berman, the applicant, testified while referring to a PowerPoint presentation. Existing trees on the site would be preserved and 15 to 20 percent of the square footage of the land would be dedicated to the City after improvements were installed. The building design theme was Colorado settler era and would feature exposed timbers, stone, stucco, wood shingles and earth tones. Dr. Berman's business, Adams County Animal Hospital, would relocate to the parcel from 8020 Sheridan Boulevard. Additional office space being built was not under contract at this time. Dr. Berman answered questions from Council. In conclusion, he thanked Patrick Caldwell, Dave Shinneman, and Aaron Gagne for their guidance and professionalism in leading him through the complex process of development review. The cost of project review had been much greater than he had anticipated and he requested any type of economic development assistance or urban renewal funding for which a project of this type was eligible.

Mr. Shinneman advised that this proposal had been reviewed and considered by the Planning Commission on August 28. The Commission had voted unanimously to recommend approval.

Jane Fancher, 7260 Lamar Court, considered this a prime example of a small business to which the City of Westminster should provide financial incentives.

No others wished to speak, and the Mayor closed the hearing at 7:55 p.m.

APPROVAL OF 6TH AMENDED PDP OF CRYSTAL LAKE PUD/ODP OF CRYSTAL LAKE FILING NO. 2

Upon a motion by Councillor Dittman, seconded by Councillor Major, the Council voted unanimously to approve the Sixth Amended Preliminary Development Plan for Crystal Lake Planned Unit Development and Official Development Plan for Crystal Lake Filing No. 2 based on a finding that the criteria set forth in Section 11-5-14 and Section 11-5-15 of the Westminster Municipal Code had been met.

RESOLUTION NO. 30 RE US 36 DRAFT ENVIRONMENTAL IMPACT STATEMENT

It was moved by Councillor Major and seconded by Councillor Price to adopt Resolution No. 30 regarding the City's position on the Draft Environmental Impact Statement for the US 36 Corridor. At roll call, the motion passed unanimously.

RESOLUTION NO. 31 RE CARRY FORWARD BALANCE OF 2007 PAB ALLOCATION

Mayor Pro Tem Kauffman moved, seconded by Councillor Dittman to adopt Resolution No. 31 approving the carry forward of the City of Westminster's 2007 Private Activity Bond (PAB) allocation in the amount of \$4,502,620 for the qualified purposes set forth in the resolution, and to authorize the Mayor to execute the documents necessary to preserve this allocation. At roll call, the motion passed with all Council members voting yes.

RESOLUTION NO. 32 TO MODIFY BUILDING PERMIT FEES FOR PHOTO VOLTAIC SOLAR SYSTEMS

It was moved by Councillor Major, seconded by Councillor Lindsey, to adopt Resolution No. 32 modifying the existing building permit fee schedule to establish a \$300 building permit fee for the installation of solar energy systems in the City of Westminster. The motion passed with all Council members voting yes at roll call.

APPROVAL OF DIVISION OF CRIMINAL JUSTICE STATEMENT OF GRANT AWARD

It was moved by Councilor Dittman and seconded by Councillor Lindsey to authorize the City Manager to sign the Statement of Grant Award in the amount of \$83,087 and other related documents from the Colorado Division of Criminal Justice, 2007 Justice Assistance Grant (JAG). The motion passed unanimously.

COUNCILLOR'S BILL NO. 53 RE APPROPRIATION OF CRIMINAL JUSTICE JAG

Councillor Dittman moved to pass Councillor's Bill No. 53 on first reading to appropriate \$83,087 from the Colorado Division of Criminal Justice, 2007 Justice Assistance Grant Program to the Police Department's Investigations and Technical Services Division budget. Councillor Lindsey seconded the motion and it passed unanimously at roll call.

ADJOURNMENT

There was no further business to come before the City Council and the meeting was adjourned at 8:02 p.m.

ATTEST:

Mayor

City Clerk



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Recognition of Officer Brandon Barajas and K9 Rex,
Officer Damian Perez and K9 Harley

Prepared By: Kim Barron, Police Commander

Recommended City Council Action

Recognize Senior Police Officer Brandon Barajas and his K9 partner Rex and Officer Damian Perez and his K9 partner Harley for their accomplishments in the 2007 Colorado Police Canine Association trials.

Summary Statement

- Officer Barajas and K9 Rex were awarded 1st place in obedience/agility competition.
- Officer Perez and K9 Harley were awarded 2nd place in obedience/agility.
- Officer Perez and K9 Harley were awarded 3rd place in the patrol/apprehension competition.
- Officer Perez and K9 Harley were named the 2nd place Best Handler/Dog Team overall.
- Mayor McNally will recognize the officers and K9's.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

On August 24-26, 2007, the Colorado Police Canine Association conducted canine trials specifically for police working dogs. The competition took place at the Pepsi Center and involved over 30 highly skilled and trained police K9 teams throughout the area. The skills of each Handler/K9 team were tested in the areas of Obedience and Agility, Building Searches, Areas Searches, Apprehension and Narcotics Detection. The trials involved demonstrating skills through a series of tests designed to mimic patrol duties. As a result of their performance, Officer Barajas and K9 partner Rex received one trophy for their excellent performance: first place in obedience and agility work. Officer Perez and K9 partner Harley received three trophies for their performance: second place in obedience and agility, second place in patrol/apprehension and second place overall handler/dog team.

Officer Barajas and K9 Rex were made a K9 team in February 2005. Officer Barajas and K9 Rex have over 2300 hours of training time logged and have been deployed over 283 times. This is the third time that Officer Barajas and K9 Rex have competed in the Colorado Police Canine Association trials.

Officer Perez and K9 Harley were made a K9 team in February 2004. Officer Perez and K9 Harley have over 1406 hours of training time logged and have been deployed over 540 times. This was the first time Officer Perez and K9 Harley competed in the competition.

Westminster K9 teams attend a 10 week K9 academy before they are placed into service for the City of Westminster. Westminster's K9 teams are trained by our own certified trainer.

K9s Rex and Harley are two of five Malinois dogs that make up the Westminster Police K-9 Unit. The "teams" will be present including Officers Barajas and Perez at the September 10, 2007 City Council meeting to be recognized for their superlative performance.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Purchase of Truck Mounted Crane Unit

Prepared By: Richard A. Clark, Utilities Operations Manager
Judy Workman, Fleet Manager

Recommended City Council Action

Based on the report and recommendation of the City Manager, determine that the public interest will best be served by authorizing the City Manager to execute a contract in the amount of \$92,244 with OJ Watson Company, Inc. as the sole source for a truck mounted crane unit.

Summary Statement

- The City's existing truck mounted crane unit has failed and it is not economically feasible to repair the existing unit.
- OJ Watson has a truck mounted crane unit available for immediate delivery that meets the City's specifications. The crane package is reflected in the 2007 State Bid.
- All vehicles recommended for purchase have been previously approved in the 2007/2008 Budget and sufficient funds are available within the 2007 Budget for the purchase of this unit.

Expenditure Required: \$92,244

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

Policy Issue

Should the City approve a sole source for purchase of the equipment outlined in this agenda memorandum?

Alternatives

- 1) Attempt to repair the current 22 year old crane unit. The current crane's boom has failed completely and would cost \$12,182 to repair, with no guarantee that the unit will pass a safety certification. This option is not recommended.
- 2) Wait for the 2008 CDOT fleet purchase contract to be published. While funds could potentially be saved by waiting for 2008 CDOT fleet bids to be received, the City would have to rent a crane unit or attempt to repair the existing unit in the interim. Neither of these options is recommended.
- 3) Prepare specifications and purchase a truck mounted crane unit through public bids. This is not recommended as the manufacturers are in model year changeover and it is unlikely that the City will receive a bid with a comparable price or delivery schedule.

Background Information

The City's current truck mounted crane is an AutoCrane 6006 mounted on a 1985 International 1900 truck. The unit is used to service water and wastewater pumping equipment at the City's pumping stations and treatment plants. While rental equipment is available, many critical situations require the City to have equipment available immediately. The existing unit was scheduled for replacement in the 2007/2008 budget cycle. Funds were provided in both years, with the crane to be supplied in 2007 and an upgraded truck chassis in 2008. The current proposal would accomplish both those objectives, as well as allow the immediate retirement, with no need for replacement, of unit 9719, which was to be requested for replacement in the 2009 budget. Vehicle 9719 is the current mechanics' service truck, which would be combined with the crane unit 9784 under this scenario. There will be no net increase to the fleet size as a result of this purchase.

The City's Fleet Division has contacted area vendors to obtain quotations on truck mounted crane units available from stock for immediate delivery. Several units from various vendors have been quoted at prices of \$72,000 to \$110,000. The \$72,000 units are two year-old demonstration units; the \$110,000 unit is over-sized for the City's application.

OJ Watson Company has proposed an AutoCrane 6406H unit with a Titan 38 body and 2007 Ford F550 chassis priced at \$92,244. The equipment is comparable to the equipment currently on the CDOT annual bid. As outfitted, using the CDOT annual bid prices, the crane and body equipment alone is valued at about \$41,500. The City recently purchased, using the CDOT annual bid prices, a GMC C5500 chassis, of the same rating as this unit requires, for \$40,700. While OJ Watson's price is higher than the total of the CDOT annual bid amounts (\$82,200), the assembled unit is available now and has several items of equipment not available through the CDOT annual bid that make it a good buy for the City. Purchasing now would avoid the need to make interim repairs to the existing unit.

The Fleet Manager and Utilities Operations Manager have reviewed the available equipment and believe that the proposal by OJ Watson Company represents the best overall value for the City.

SUBJECT:

Purchase of Truck Mounted Crane Unit

Page 3

This purchase helps achieve the City Council's Strategic Plan Goals of "Financially Sustainable City Government, Safe and Secure Community and Vibrant Neighborhoods and Commercial Areas" by meeting the following objectives:

- Well-maintained City infrastructure and facilities
- Citizens are safe anywhere in the City
- Maintain and improve neighborhood infrastructure and housing

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Purchase of a Magnum Vacuum/Slurry Combination Spreader

Prepared By: Carl F. Pickett, Purchasing Officer

Recommended City Council Action

Award the bid for the purchase of a Magnum Vacuum/Slurry Combination Spreader for \$74,685 to Balzer Inc.

Summary Statement

- City Council has approved the purchase of a John Deere 8530 tractor to replace the 1982 Floater biosolids injector machine at the Strasburg farm. The tractor will pull the tanker/injector/spreader being recommended for purchase in this agenda memorandum. The spreader has a greater capacity than the Floater had, and will give the City greater versatility by being able to use the tractor for other uses, such as moving snow on the farm.
- The Floater was a one piece, integrated unit, much like a truck while the tractor and spreader will consist of two units.
- Formal bids were solicited from three vendors who build this type of equipment. The low, responsible bid is being recommended for purchase.
- The spreader being recommended for purchase has been previously approved and is within the amount authorized by City Council in the 2007 Budget.

Expenditure Required: \$74,685

Source of Funds: Utility Fund - Wastewater Plant Operating Budget

Policy Issue

Should the City proceed with the replacement of a Utilities Division biosolids spreader?

Alternative

Since Council has already approved the tractor to go with this piece of equipment, Staff does not see any viable alternatives to this purchase.

Background Information

As part of the 2007 Budget, City Council approved the purchase of the replacement of a piece of equipment manufactured by a company called Floater. The Floater is a specially built piece of agriculture equipment used for very specific purposes. This equipment is utilized on a daily basis to inject biosolids in farm fields at the 3000 acre Strasburg Natural Resource Farm (SNRF). Staff determined that replacement of the Floater was cost prohibitive. Further investigation determined that a John Deere tractor and a tank wagon designed specifically for biosolids application would allow better control of biosolids applications. The proposed equipment is simpler to operate and maintain allowing more versatility in the application of biosolids and farming operations.

The vacuum spreader proposed for purchase has a 5000 gallon capacity that will accommodate a full tanker load from Big Dry Creek processing plant. It will operate with five knife like injectors to insert product into the ground, and will be pulled by the John Deere Tractor already purchased.

The application of biosolids is regulated and approved by the Colorado Department of Public Health & Environment, and allows a beneficial use for the biosolids as a fertilizer and soil conditioner.

The vehicle currently used in this operation, Unit #9292, has reached a point that it is no longer economically reasonable to maintain it in service. Information regarding this vehicle replacement is as follows:

UNIT #	YEAR	MAKE	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)
9292	1982	Floater	\$96,284.95

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

Bids were solicited from three vendors for the spreader to go with the tractor already approved by Council. The companies were Calumet, BetterBuilt, and Balzer. Bids were received from Calumet and Balzer. Balzer was the only firm that met the specifications of the City. The \$74,685 is within the amount previously budgeted for this item.

This project meets Council’s Strategic Plan goals of Financially Sustainable City Government by replacing a vital piece of City equipment with a two piece unit that will provide for greater versatility and usefulness.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: 2007 Wastewater Collection System Improvement Project/Phase II

Prepared By: Richard A. Clark, Utilities Operations Manager
Andy Mead, Utilities Operations Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with Insituform Technologies Inc., in the amount of \$484,353 with a 10% contingency budget of \$48,435 for a total project budget of \$532,788 for the rehabilitation of approximately 20,056 feet of eight to 10 inch diameter sanitary sewer line using trenchless technology, cured-in-place pipe (CIPP).

Summary Statement

- This project consists of the rehabilitation of approximately 20,056 feet of eight to 10 inch diameter sanitary sewer line using trenchless technology, cured-in-place pipe (CIPP).
- Formal bids were issued and a bid opening took place on August 22, 2007. Three contractors bid on this project. The lowest responsible bid was submitted by Insituform Technologies Inc. This contractor was also awarded the Phase I lining contract in March. Insituform has been utilized by the City in the past and has provided a satisfactory work product.
- Adequate funds were budgeted for this expenditure in the 2007 Utility Fund Capital Improvement Projects budget.

Expenditure Required: \$ 532,788

Source of Funds: 2007 Utility Fund Capital Improvement Projects Budget

Policy Issue

Should the City utilize Utility Fund Capital Improvement Project funds to complete Phase II of the needed sewer line rehabilitation project using an outside contractor?

Alternative

Delay this sanitary sewer line rehabilitation project. This alternative is not recommended as the City would assume responsibility for additional sewer line failures and damages that may occur due to line collapse.

Background Information

Annually, the Utility Operations Division budgets funds for the rehabilitation of deteriorated small diameter (15-inches and below) sanitary sewer lines. Sewers are assigned a numerical condition rating during the annual inspection program and the most severely deteriorated lines are selected for rehabilitation first. Typically, hydrogen sulfide gas from the sewage has worn away the concrete mortar in the pipeline and caused joint leaks and crown corrosion along the sewer lines. This can eventually cause the sewer's structural support to fail and can cause a total line collapse. The selected sewer lines related to this project were identified as a priority for rehabilitation due to their advanced deteriorating condition.

In 2007, the sanitary sewer line rehabilitation program funding was expanded to \$2,100,000 and moved from the Utilities Division Operating Budget to the Utility Fund Capital Improvements Program (CIP) portion of the Budget. This expanded funding allows for an accelerated schedule of rehabilitation of the sanitary sewer lines in need of repair throughout the City. The goal is to address all sanitary sewer lines rating poor or failing in the Pipe Assessment and Certification Program (PACP) over the next five years. City Council approved the contract for the Phase I lining project at the March 26, 2007 Council meeting in the amount of \$732,735. City Council approved a contract for the Point Repair project at the August 13 Council meeting in the amount of \$217,910. The remaining funds in the account will now be utilized for the Phase II lining project to be completed by the end of the year.

The project scope of work for the Wastewater Collection System Improvement Project/Phase II consists of repairing 20,056 feet of 8-inch through 10-inch sanitary sewer lines using trenchless technology methods (internal cured-in-place lining of the existing sewer pipe). Trenchless technology has proven very successful and less disruptive for residents and traffic flows. This process of rehabilitating sewer lines has been successfully utilized by the City in past years and has been a reliable method of repair. The work in this second phase of the project will take place generally in the Shaw Heights area and the area immediately north of that, along with some work in the southern portion of the City. Attached is a listing of addresses/locations and a map of the areas to be completed within the scope of this project.

The 2007 Wastewater Collection System Improvement Project/Phase II was advertised for notice and bids were accepted until August 20, 2007. Three contractors submitted bids. The results of the submitted bids are as follows:

Insituform Technologies Inc.	\$ 484,353
Wildcat Civil Services	\$ 527,351
Western Slope Utilities	\$ 637,477

The City utilized the services of Insituform Technologies Inc. to complete Phase I of this sewer lining project and has been satisfied with the quality of their work. Staff anticipates that the contractor, Insituform Technologies Inc., would commence work in late September, and would complete the Phase II sewer lining project by the end of the year.

This project helps achieve the City Council's Strategic Plan Goals of "Financially Sustainable City Government, Safe and Secure Community and Vibrant Neighborhoods and Commercial Areas" by meeting the following objectives:

- Well-maintained City infrastructure and facilities
- Citizens are safe anywhere in the City
- Maintain and improve neighborhood infrastructure and housing

Respectfully submitted,

J. Brent McFall
City Manager

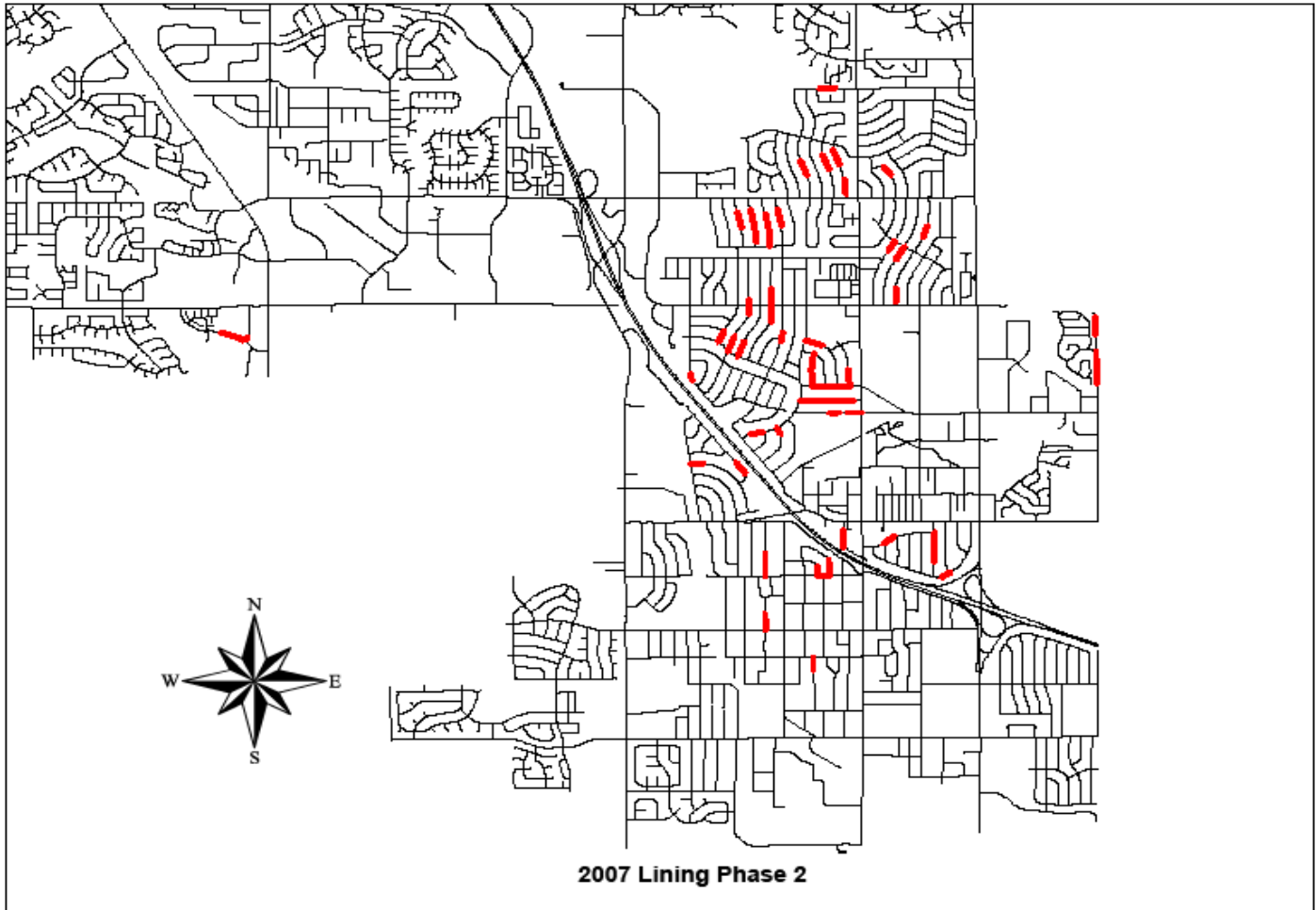
Attachments

2007 Lining Program – Phase II Locations

	MANHOLE FROM	MANHOLE TO	SIZE	LENGTH	STREET
1	F11MH042	F11MH041	8	337.1	3790 NORTH ORCHARD COURT
2	G10MH044	G10MH043	8	400.1	7910 HOOKER STREET
3	G10MH045	G10MH044	8	302.0	7960 HOOKER STREET
4	G10MH050	G10MH049	8	319.0	3521 79TH AVENUE
5	G10MH069	G10MH041	8	219.7	7800 APPLEBLOSSOM LANE
6	G11MH007	G11MH006	8	432.9	7990 NORTH MEADE STREET
7	G11MH019	G11MH020	8	221.7	7830 NORTH McCELLA COURT
8	G11MH020	G11MH016	8	314.6	7800 NORTH McCELLA COURT
9	G11MH021	G11MH020	8	280.6	3725 WEST 78TH AVENUE
10	G11MH022	G11MH021	8	383.8	7850 NORTH MARIA STREET
11	G11MH037	F11MH058	8	410.6	7660 NORTH QUITMAN STREET
12	G11MH046	G11MH045	8	561.2	7880 NORTH QUITMAN STREET
13	H11MH091	H11MH009	10	406.6	8245 NORTH CIRCLE DRIVE
14	H11MH028	H11MH012	8	145.1	4921 WEST 81ST PLACE
15	H11MH081	H12MH031	8	357.6	8108 TURNPIKE DRIVE
16	H12MH041	H12MH042	8	296.6	8178 NORTH RALEIGH STREET
17	I10MH013	I11MH076	8	311.9	3705 WEST 84TH AVENUE
18	I11MH026	I12MH029	8	398.5	8652 NORTH QUIGLEY STREET
19	I11MH034	I11MH033	8	266.6	8696 NORTH OAKWOOD STREET
20	I11MH063	I11MH075	8	211.6	3745 WEST 84TH AVENUE
21	I11MH079	I11MH078	8	397.5	3732 WEST 85TH AVENUE
22	I11MH080	I11MH079	8	400.3	3704 WEST 85TH AVENUE
23	I11MH081	I11MH080	8	403.5	3614 WEST 85TH AVENUE
24	I11MH085	I11MH084	8	400.1	8551 CEDAR LANE
25	I11MH086	I11MH085	8	407.6	8621 CEDAR LANE
26	I11MH088	I11MH084	8	273.5	3858 NORTH SHAW BLVD
27	I11MH092	I11MH088	8	268.7	3782 NORTH SHAW BLVD
28	I11MH096	I11MH048	8	399.6	8670 CONCORD LANE
29	I11MH097	I11MH092	8	275.0	3692 NORTH SHAW BLVD
30	I11MH098	I11MH097	8	405.9	8550 CRESENT DRIVE
31	I12MH032	I12MH031	8	397.8	8660 NORTH RUTGERS STREET
32	I12MH037	I12MH036	8	296.7	8680 NORTH SETON STREET
33	I12MH046	I12MH028	10	164.7	8541 WAGNER DRIVE
34	I16MH009	I16MH010	10	390.8	7879 W 87TH DRIVE
35	I16MH010	I16MH011	10	163.0	7737 W 87TH DRIVE
36	I16MH011	I16MH012	10	146.1	7720 W. 87TH DRIVE

	MANHOLE FROM	MANHOLE TO	SIZE	LENGTH	STREET
37	I9MH003	I9MH002	10	435.1	8700 NORTH ZUNI STREET
38	I9MH005	I9MH004	10	400.1	8600 NORTH ZUNI STREET
39	I9MH006	I9MH005	10	401.7	8500 NORTH ZUNI STREET
40	J10MH015	J10MH014	8	280.8	8994 NORTH LANDER STREET
41	J10MH025	J10MH024	8	367.6	8952 NORTH KENT STREET
42	J10MH033	J10MH032	8	341.6	8800 NORTH JUDSON STREET
43	J10MH079	J10MH078	8	302.7	9090 NORTH JUDSON STREET
44	J11MH001	I11MH030	8	362.7	8810 NORTH RUTGERS STREET
45	J11MH010	J11MH108	8	421.8	8844 NORTH PRINCETON STREET
46	J11MH051	J11MH050	8	399.6	9100 NORTH STUART STREET
47	J11MH056	J11MH055	8	399.5	9051 NORTH TENNYSON STREET
48	J11MH057	J11MH056	8	401.5	4400 WEST 90TH AVENUE
49	J11MH073	J11MH072	8	398.2	9052 NORTH UTICA STREET
50	J11MH074	J11MH073	8	402.8	9002 NORTH UTICA STREET
51	J11MH108	I11MH024	8	400.9	8794 NORTH PRINCETON STREET
52	J12MH008	J12MH007	8	399.7	9054 NORTH UTICA COURT
53	K10MH017	K10MH016	8	249.6	9280 WEST JULIAN WAY
54	K11MH006	K11MH005	8	400.5	9375 NORTH MEADE STREET
55	K11MH008	K11MH007	8	368.5	9200 NORTH MEAD STREET
56	K11MH012	K11MH011	8	399.5	9300 NORTH NEWTON STREET
57	K11MH026	K11MH025	8	399.1	9270 NORTH PERRY STREET
58	L11MH020	L11MH014	8	353.5	3745 WEST 97TH AVENUE
			TOTAL	20055.6	

Phase II Sewer Lining Locations



Phase II Project Bid Tabs

2007 CIPP Lining Phase II							
Bid Item	Quantity	Insituform		Wildcat		WSU	
		Unit Price		Unit Price		Unit Price	
Cleaning & TV	20,078	\$1.25	\$25,097.50	\$2.75	\$55,214.50	\$0.20	\$4,015.60
By-pass	20,078	\$0.05	\$1,003.90	\$0.05	\$1,003.90	\$6.00	\$120,468.00
8-inch CIPP	17,568	\$21.50	\$377,712.00	\$20.05	\$352,238.40	\$21.30	\$374,198.40
10-inch CIPP	2,510	\$22.00	\$55,220.00	\$22.50	\$56,475.00	\$23.50	\$58,985.00
Tap reactivation	439	\$30.00	\$13,170.00	\$65.00	\$28,535.00	\$90.00	\$39,510.00
Mobilization	1	\$1,500.00	\$1,500.00	\$6,900.00	\$6,900.00	\$17,000.00	\$17,000.00
Tap Cutting	61	\$150.00	\$9,150.00	\$260.00	\$15,860.00	\$300.00	\$18,300.00
Deposit Removal	500	\$3.00	\$1,500.00	\$22.25	\$11,125.00	\$10.00	\$5,000.00
	Total		\$484,353.40		\$527,351.80		\$637,477.00



Agenda Item 8 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Authorization to Submit Project Applications to the Denver Regional Council of Government for the 2008-2013 Transportation Improvement Program

Prepared By: Michael Normandin, Transportation Engineer

Recommended City Council Action

Authorize City Staff to submit project applications to the Denver Regional Council of Governments (DRCOG) for funding in the 2008-2013 Transportation Improvement Program (TIP).

Summary Statement

- DRCOG is currently soliciting requests for funding for projects to be included in the 2008-2013 TIP. Project applications are due to DRCOG on Friday, September 21, 2007.
- The projects selected for inclusion in the TIP will be funded in part with federal dollars. The minimum local match for projects has been set at 20% but a higher local match (up to 50%) is usually necessary to seriously compete for funding.
- Staff recommends that project applications be submitted for intersection improvements at 120th Avenue and Lowell Boulevard and a Transit Development Study in South Westminster.
- Funding for selected projects would be staged over the six-year time frame of the 2008-2013 TIP. This would provide adequate time to budget the local match should either of the City's requested projects be selected. The DRCOG Board is scheduled to approve the 2008-2013 TIP in March 2008. A table is included in the Background Information section of this Agenda Memorandum that outlines the proposed funding for the recommended project applications.
- The submission of the 120th Avenue and Lowell Boulevard intersection improvement project will be contingent upon participation by the City and County of Broomfield since a portion of the intersection is located within that jurisdiction. City Staff will also solicit financial participation from the Colorado Department of Transportation (CDOT) for this intersection improvement project since this portion of 120th Avenue is on the state highway system.
- The funding request for a transit area planning study would be used to further define and plan for specific public and private improvements within the immediate proximity of the proposed rail station at 71st Avenue and Irving Street. The Regional Transportation District (RTD) has already committed \$30,000 towards this planning endeavor.

Expenditure Required: \$3,435,000

Source of Funds: General Capital Improvement Fund

Policy Issue

Should the City of Westminster submit applications for intersection improvements and a transit study to DRCOG for 2008-2013 TIP funding?

Alternatives

1. Council could choose not to submit project applications to DRCOG for the 2008-2013 TIP funding. The next opportunity will be in two years when DRCOG develops the 2010-2015 TIP.
2. Council could choose to submit just one of the projects that Staff has recommended. In the unlikely event that both of the City’s project applications qualify for funding under the TIP, the potential cost to the City over the next six years could approach \$3,435,000. However, the City could withdraw from either or both of these projects at a later date if local funding is not available during the years in which the projects are scheduled. The decision to withdraw would need to be made prior to entering into the agreement with CDOT, which occurs prior to the commencement of the project.

Background Information

The Denver Regional Council of Governments is currently soliciting project funding applications for the 2008-2013 TIP. City Staff has prepared a list of recommendations, which are as follows:

- **West 120th Avenue and Lowell Boulevard Intersection Improvements** – Construct double left-turn lanes for three directions, provide accommodations for six through lanes on 120th Avenue, construct a mast-arm type traffic signal, install sidewalks and relocate the overhead power lines to underground locations. The submission of this project is contingent upon financial participation by the City and County of Broomfield as a portion of the intersection is within that jurisdiction. City Staff will approach CDOT staff to determine if they will participate as well.
- **South Westminster Transit Area Development Plan** – Prepare a development and public improvement plan that will detail transit-supporting public improvements (i.e. parking, plazas, pedestrian and bicycle connections, bus and commuter pick-up and drop-off facilities, and aesthetic enhancements) that will be incorporated into RTD’s FasTracks design process, and establish optimal development opportunity around the train station area. The planning endeavor will involve the City, RTD, and affected property owners working collectively. The planning effort will run concurrently with the Environmental Assessment process being conducted by RTD.

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

Project	Total Cost	Local Match	Recommended Funding Scenarios
120th Avenue and Lowell Boulevard. Intersection Improvements	\$ 6,720,000	\$3,360,000*	FY2009 \$194,000 FY2010 \$792,000 FY2011 \$2,374,400
South Westminster Transit Area Development Plan	\$ 150,000	\$ 75,000	FY 2008 \$ 75,000
TOTAL	\$ 6,870,000	\$ 3,435,000	

* The local match for the 120th Avenue and Lowell Boulevard project does not include any participation by the City and County of Broomfield. The City’s share of the local match would be reduced by the amount that Broomfield contributes.

SUBJECT: Applications to DRCOG re 2008-2013 Transportation Improvement Program Page 2

The current DRCOG 2008-2013 TIP preparation schedule is as follows:

- TIP Project Applications due date September 21, 2007
- Project Selection December 2007
- TIP and Conformity Adoption by DRCOG Board March 2008

Staff will apprise City Council of any substantial developments that occur during the development of the DRCOG 2008-2013 TIP.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Second Reading of Councillor’s Bills No. 48, 49, 50, and 51 re the Annexation, Comprehensive Land Use Plan Amendment, and Rezoning of the Ganzhorn Property

Prepared By: David Falconieri, Planner III

Recommended City Council Action

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

Summary Statement

- The Ganzhorn property is located at 10385 Wadsworth Boulevard and consists of approximately 1.1 acres.
- The property is subject to the provisions of the Northeast Comprehensive Development Plan Subarea C and permits general retail office and mixed use development on this property.
- The applicant wishes to annex in order to make the vacant property more attractive to a future purchaser and to make in-City water and sewer rates available.
- Due to contiguity requirements this annexation must be accomplished as two sequential annexations.
- These Councillor’s Bills were approved on first reading by the City Council on August 27, 2007.

Expenditure Required: \$ 0
Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager - Attachment

BY AUTHORITY

ORDINANCE NO. **3376**

COUNCILLOR'S BILL NO. **48**

SERIES OF 2007

INTRODUCED BY COUNCILLORS
Dittman - Kaiser

A BILL

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

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owner of more than 50 percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; and

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

WHEREAS, City Council has heretofore adopted Resolution No. 28, Series of 2007 making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

Ganzhorn Annexation #1

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

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

Consisting of approximately .33 Acres.

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

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

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

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

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

BY AUTHORITY

ORDINANCE NO. **3377**

COUNCILLOR'S BILL NO. **49**

SERIES OF 2007

INTRODUCED BY COUNCILLORS
Dittman - Kaiser

A BILL

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

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owner of 100 percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; and

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

WHEREAS, City Council has heretofore adopted Resolution No. 28, Series of 2007 making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

Ganzhorn Annexation #2

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

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

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

Consisting of approximately .77 Acres.

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

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

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

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

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

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

BY AUTHORITY

ORDINANCE NO. **3378**

COUNCILLOR'S BILL NO. **50**

SERIES OF 2007

INTRODUCED BY COUNCILLORS
Dittman - Kaiser

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

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

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

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

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

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

Parcel 1

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

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

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

Parcel 2

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

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

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

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

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

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

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

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

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

ATTEST:

Mayor

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

BY AUTHORITY

ORDINANCE NO. **3379**

COUNCILLOR'S BILL NO. **51**

SERIES OF 2007

INTRODUCED BY COUNCILLORS
Dittman - Kaiser

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

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

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

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

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

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

Parcel 1

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

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

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

Parcel 2

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

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

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

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

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

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

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

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

Mayor

ATTEST:

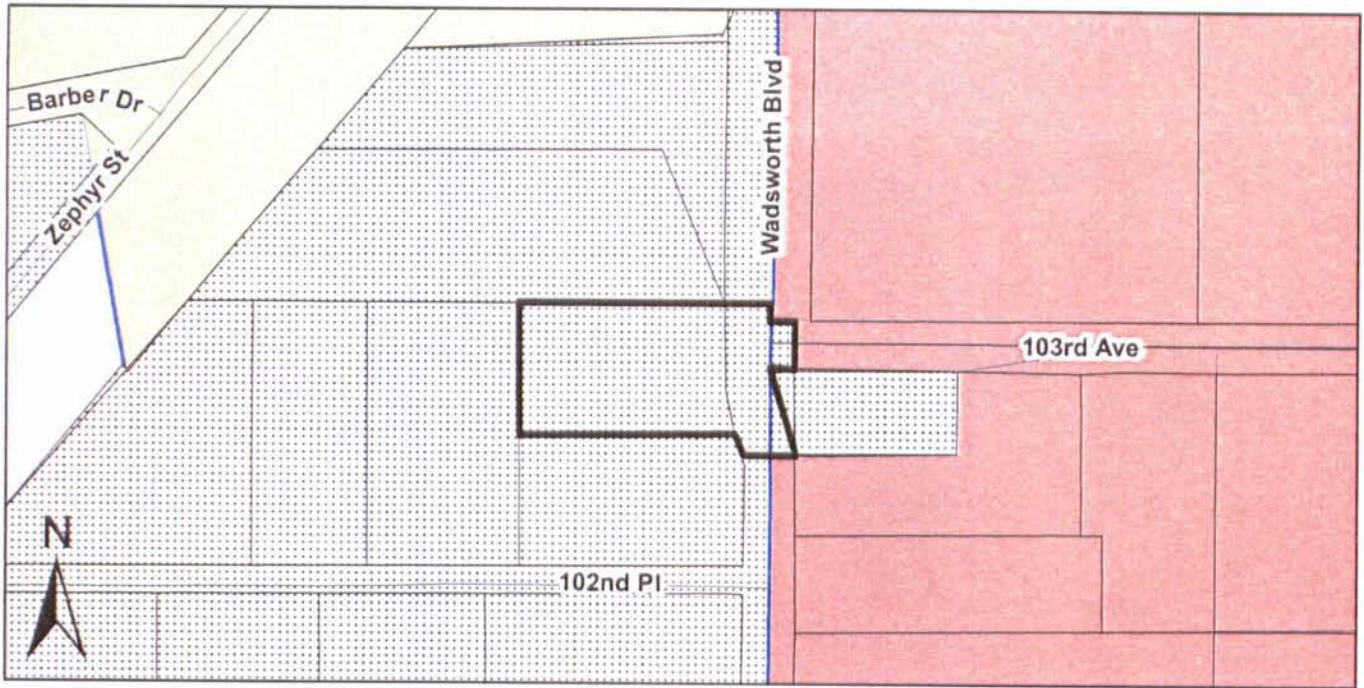
APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

Ganzhorn CLUP Designation

Exhibit A



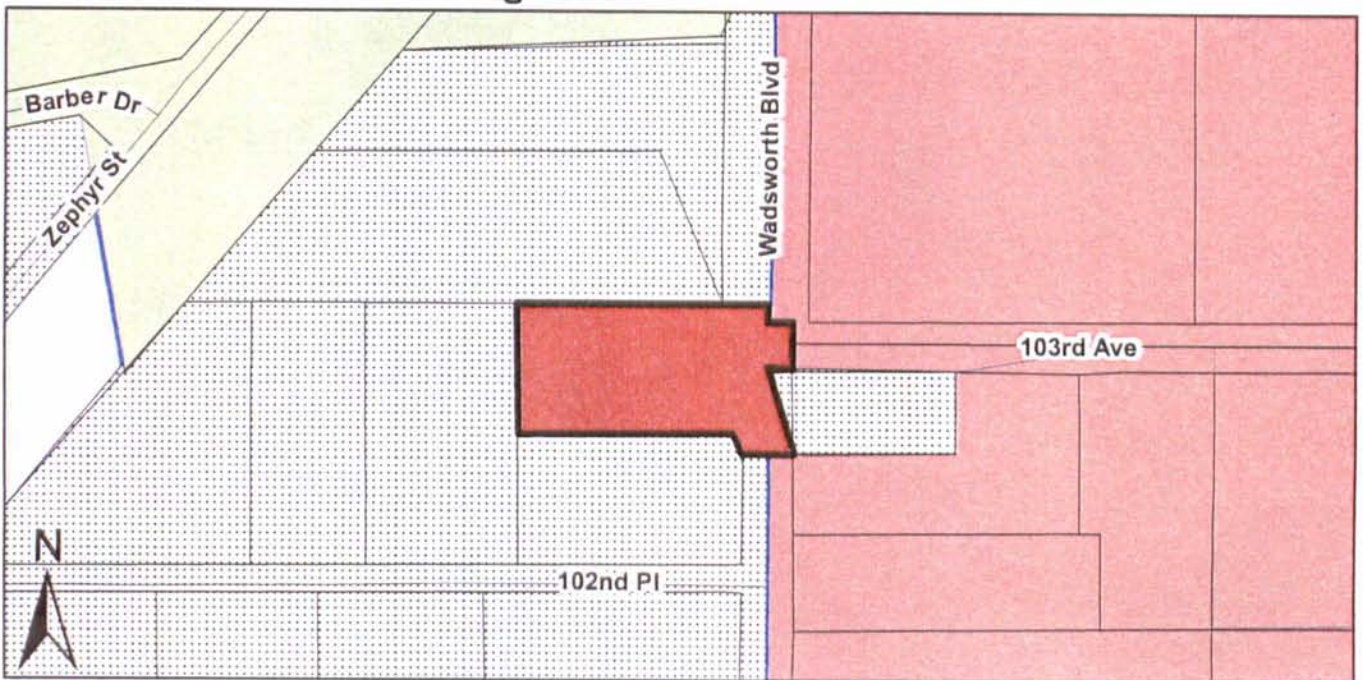
LEGEND

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

Description of Change: North East Comprehensive Plan to Retail/Commercial



Ganzhorn New CLUP Designation





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Second Reading of Councillor's Bill No. 52 Concerning Application Fees for Liquor Licenses

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

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

Summary Statement

- During its 2007 session, the Colorado General Assembly adopted and the Governor signed Senate Bill (SB) 07-149 authorizing incremental increases in specific liquor license application fees that have not been increased for at least ten years.
- SB 07-149 was supported by the Colorado Municipal Clerks Association (CMCA), the Colorado Municipal League (CML), and the Westminster City Council as a fair means of recapturing a percentage of the actual cost associated with processing and considering applications for liquor licenses.
- To minimize the financial impact of recommended increases to applicants and existing licensees, SB 07-149 allows phased-in, graduated fee increases over the four-year period from 2007 to 2010.
- This Councillor's Bill was passed on first reading at the August 27, 2007 Council meeting.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

BY AUTHORITY

ORDINANCE NO. **3380**

COUNCILLOR'S BILL NO. **52**

SERIES OF 2007

INTRODUCED BY COUNCILLORS
Major - Kaiser

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

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

5-14-5: FEES:

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

1. For a new license:

(A) ON OR BEFORE JULY 1, 2008, ~~Five~~ SIX hundred TWENTY-FIVE dollars (\$~~500~~ 625);

(B) AFTER JULY 1, 2008, AND BEFORE JULY 2, 2009, SEVEN HUNDRED FIFTY DOLLARS (\$750);

(C) AFTER JULY 1, 2009, AND BEFORE JULY 2, 2010, EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$875);

(D) AFTER JULY 2, 2010, ONE THOUSAND DOLLARS (\$1,000).

2. For a transfer of location or ownership:

(A) ON OR BEFORE JULY 1, 2008, ~~Five~~ SIX hundred TWENTY-FIVE dollars (\$~~500~~ 625);

(B) AFTER JULY 1, 2008, SEVEN HUNDRED FIFTY DOLLARS (\$750).

3. For renewal of a license:

(A) ON OR BEFORE JULY 1, 2008, ~~fifty~~ SEVENTY-FIVE dollars (\$~~50~~ 75);

(B) AFTER JULY 1, 2008, ONE HUNDRED DOLLARS (\$100).

4. ~~For transfer of ownership, Five hundred dollars (\$500)~~

5. ~~For a manager registration, seventy five dollars (\$75).~~

6. ~~5.~~ For a late renewal application fee, where the license has expired, ~~Five~~ five hundred dollars (\$500).

7. ~~6.~~ For a temporary permit to continue selling pending a transfer of the permanent license, one hundred dollars (\$100).

8. ~~7.~~ Change of corporate structure or transfer of stock, ~~One~~ one hundred dollars (\$100) per person investigated by the City of Westminster.

9. ~~8.~~ Special events permit ~~for liquor, twenty five dollars (\$25); for 3.2% beer, Ten dollars (\$10)~~ ONE HUNDRED DOLLARS (\$100).

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

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

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

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

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



Agenda Item 9 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Resolution No. 29 re Appointments to Boards and Commissions

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Adopt Resolution No. 29 making appointments to the Environmental Advisory Board, the Parks and Recreation Advisory Board and the Personnel Board.

Summary Statement:

- City Council action is requested to appoint the current alternate members on the Environmental Advisory Board, the Parks and Recreation Advisory Board and the Personnel Board to fill the unexpired terms of regular members who resigned recently.
- The vacancies in alternate members on each of the referenced Boards that are created by adoption of the attached Resolution will be filled by Council action at a later date.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Does City Council want to fill vacancies on the Boards and Commissions by appointing alternate members to regular membership?

Alternative

None identified

Background Information

The resignations of Carol DiGiacomo from the Environmental Advisory Board; of Wendi Garland and W. J. Peniston from the Parks, Recreation and Libraries Advisory Board; and of David Jones from the Personnel Board were received recently by the staff liaisons to each Board. All resignations were submitted with regrets and the appreciation of each individual for the opportunity to have served the City.

If the attached resolution is adopted, those individuals currently serving as alternate members on these Boards will be appointed as regular members. Other eligible residents will be appointed to fill remaining vacancies at a later date.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **29**

INTRODUCED BY COUNCILLORS

SERIES OF 2007

CITY OF WESTMINSTER BOARD AND COMMISSION NEW APPOINTMENTS

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

WHEREAS, The City Council has received the resignations of Carol DiGiacomo from the Environmental Advisory Board, of Wendi Garland and W. J. Peniston from the Parks, Recreation, and Libraries Advisory Board, and of David Jones from the Personnel Board and regretfully accepted all resignations; and

WHEREAS, Eligible citizens of Westminster who have been serving as alternates on the referenced Boards have been contacted and have voiced specific interest in being appointed to regular memberships to fill the unexpired terms of the individuals who resigned.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby make the following appointments.

Section 1. The individuals listed below are appointed to regular membership on the specified Board or Commission with terms of office to expire as noted.

BOARD/COMMISSION	NAMES	TERM EXPIRATION
Environmental Advisory Board	Steven E. Marlin	December 31, 2008
Parks & Recreation Advisory Board	Michael Angel	December 31, 2008
John Brann	Personnel Board	December 31, 2007

PASSED AND ADOPTED this 10th day of September, 2007.

Mayor

ATTEST:

City Clerk



Agenda Item 10 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Public Meeting on 2008 Adopted City Budget

Prepared By: Barbara Opie, Budget & Special Projects Manager

Recommended City Council Action

Hold a public meeting on the 2008 Adopted City Budget and receive citizen comments.

Summary Statement

- The 2008 Budget was adopted in October 2006 with the official adoption of the two-year budget by City Council. As part of the two-year budget process, the public is provided an opportunity to receive a financial update and make requests prior to moving into the second year of a two-year adopted budget. At Monday night's meeting, Staff will present a brief update on the City's finances and an overview of the 2008 Adopted Budget to be followed by any citizen comments and/or requests.
- Public meetings regarding the 2007 and 2008 Budget were held on June 12 and July 10, 2006. A public hearing on the 2007 and 2008 Budget was held on September 11, 2006.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Listen to citizen requests, comments and suggestions on the 2008 Adopted Budget. Staff will return with follow up and recommendations on any requests at the City Council Budget Review on September 17.

Alternative

None identified

Background Information

The City Council is required by the City Charter to adopt the annual budget no later than the fourth Monday in October. However, this requirement does not apply for the 2008 Adopted Budget since City Council officially adopted both the 2007 and 2008 Budgets in October 2006. As part of the two-year budget process, a financial update/budget review is to be conducted in September 2007 to review any recommended modifications to the 2008 Adopted Budget, review any new citizen requests, and address any miscellaneous financial issues that Staff or Council wishes to raise.

City Council is scheduled to hold a public meeting to receive input on the 2008 Adopted Budget at the Monday, September 10, City Council meeting. Staff will make a brief presentation at Monday night's City Council meeting on the 2008 Adopted Budget and the City's current financial status. This public meeting is intended to receive citizen requests, comments and suggestions for 2008.

In April 2006, City Council identified the goals for 2007 and 2008; these goals were revisited and re-confirmed by City Council in April 2007. The City Council Goals are listed below:

- Safe and Secure Community
- Financially Sustainable City Government
- Vibrant Neighborhoods and Commercial Areas
- Balanced, Sustainable Local Economy
- Beautiful City

The direction provided by City Council through these goals assisted City Staff when they prepared the 2007 and 2008 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain existing service levels and citizen or neighborhood input.

In November of 2000, Westminster voters approved a City Charter amendment that allows the City Council to adopt a formal two-year budget. Staff prepared a two-year budget for several years prior to this Charter amendment; however, City Council could only officially adopt the first year of the two-year budget. With the adoption of the 2003/2004 Budget, City Council officially adopted the City's first two-year budget. The 2007/2008 Adopted Budget represents the City's third officially adopted two-year budget.

The 2007/2008 Adopted Budget document has been available to the public in the City Clerk's Office since January 1, 2007. Monday's public meeting was advertised in the *Westminster Window*, *Westsider*, *City Edition*, and *Weekly Edition*; on cable Channel 8 and the City's website; and at various public meetings. Public meetings regarding the 2007 and 2008 Budget were held on June 12 and July 10, 2006. A public hearing was held on September 11, 2006.

Any requests submitted at Monday's public meeting on the 2008 Adopted Budget will be reviewed and researched by Staff. Staff will return with follow up and recommendations at the City Council Budget Review on September 17. Any proposed amendments that result from City Council's Budget Review on September 17 will be presented to City Council for final consideration at the October 8 City Council meeting.

SUBJECT: Public Meeting on 2008 Adopted City Budget

Page 3

Staff will make a brief presentation at Monday night's City Council meeting on the 2008 Adopted Budget and provide an update on the City's current financial status.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 10 B&C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Public Hearing and Action on the Sixth Amended Preliminary Development Plan for Crystal Lake Planned Unit Development and Official Development Plan for Crystal Lake Filing No. 2

Prepared By: Patrick Caldwell, Planner II

Recommended City Council Action

1. Hold a public hearing.
2. Approve the Sixth Amended Preliminary Development Plan (PDP) for Crystal Lake Planned Unit Development (PUD) and Official Development Plan (ODP) for Crystal Lake Filing No. 2. This recommendation is based on a finding that the criteria set forth in Section 11-5-14 and Section 11-5-15 of the Westminster Municipal Code have been met.

Summary Statement

- The proposed PDP/ODP amendment will allow the site to be developed for office use. Professional office uses such as veterinary, medical and business offices are proposed.
- Four office buildings are proposed for a total of 15,200 square feet. The average size is approximately 3,800 square feet per building.
- The site has frontage on Sheridan Boulevard at the west and City owned open space to the east.
- Primary access to the site will be from 75th Avenue.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed this proposal on August 28, 2007, and voted unanimously (7-0) to recommend that the City Council approve the Sixth Amended PDP for Crystal Lake PUD and ODP for Crystal Lake Filing No. 2

Policy Issue

Should the City approve the Sixth Amended PDP for Crystal Lake PUD and ODP for Crystal Lake Filing No. 2?

Alternative

Deny the Sixth Amended PDP for Crystal Lake PUD and ODP for Crystal Lake Filing No. 2. This alternative is not recommended by City Staff because the proposed PDP/ODP is in compliance with the provisions of City Code regarding approval of PDP/ODP's.

Background Information

Nature of Request

The applicant, Dr. Andrew Berman, currently owns and operates the Adams County Animal Hospital in Westminster at 8020 Sheridan Boulevard. That site has difficult access, minimal parking and cannot be expanded. Dr. Berman wishes to remain in the vicinity; and to provide his customers with better access and more parking; and he wishes to expand his practice. The Crystal Lakes site will satisfy these needs, but it is a larger parcel than he requires so he is adding three building sites that will be available for other medical office and related professional offices. The site is within the existing PDP for Crystal Lake PUD and ODP for Crystal Lake Filing No. 2. An amendment to the PDP/ODP is required to allow the office use on this parcel.

Location

The site is located at the southeast corner of 75th Avenue at Sheridan Boulevard. (Please see attached vicinity map).

Public Notification

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

- **Published Notice:** Notice of public hearings scheduled before Planning Commission shall be published and posted at least 10 days prior to such hearing and at least four days prior to City Council public hearings. Notice was published in the Westminster Window on August 16, 2007.
- **Property Posting:** Notice of public hearings shall be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. One sign was posted on the property on August 17, 2007.
- **Written Notice:** At least 10 days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowner's associations registered with the City within 300 feet of the subject property. The applicant has provided the Planning Manager with a certification that the required notices were mailed on August 16, 2007.

Applicant/Property Owner

Dr. Andrew Berman
8020 Sheridan Boulevard
Westminster, Colorado 80030

Surrounding Land Use and Comprehensive Land Use Plan Designation

Development Name	Zoning	CLUP Designation	Use
Country Meadows; North	B-1	Retail/Commercial	Retail Use
Wood Creek Subdivision; West Across Sheridan Boulevard	PUD	R-3.5 Residential	Single Family Detached Residential
City Owned Land/Little Dry Creek; East	PUD	City Owned Open Space	Drainageway, Trail and Open Space
City Owned Open Space and 4 th Amended PDP for Crystal Lake PUD and ODP for Crystal Lake Filing 2; South	PUD	City Owned Open Space and Office/Residential	Open Space and Vacant Dwelling

Site Plan Information

The following site plan information provides a few examples of how the proposals comply with the City’s land development regulations and guidelines; and the criteria contained in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code (attached).

Traffic and Transportation

The access location to the site is at the eastern edge of the site on 75th Avenue. This allows safe stacking for vehicles turning from Sheridan Boulevard. The west edge of the site is adjacent to Sheridan Boulevard. A parcel 41 feet by 300 feet will be dedicated by the applicant for future widening of Sheridan Boulevard that may include two additional lanes and one turn lane, plus landscaping. The timeline and funding for future improvements to Sheridan Boulevard have not been determined. Traffic studies have determined that a traffic signal at the 75th Avenue and Sheridan Boulevard intersection is not warranted at this time

Site Design

The site design places the office buildings on the perimeter of the site and the parking field in the middle. The parking is shared by all tenants. The access from 75th Avenue is at the east side of the site and the main drive aisle follows the east edge so that internal circulation is simplified. At the edge of the site the City has allowed some reductions to the minimum setbacks for commercial developments. The setback reductions have been allowed to provide some flexibility in the building design and to provide some relief for the dedication of 40 feet of right-of-way.

Landscape Design

The landscape quantities exceed the minimum requirements of one tree and three shrubs per 550 square feet. The landscape has been designed to transition to the adjacent open space on the east side of the site and plants with low water requirements have been specified for that area. The landscape on the remainder of the site includes a mixture of trees and shrubs that will provide color and texture that varies.

Public Land Dedication/School Land Dedication

Non-residential developments are not required to dedicate land for parks or schools. On the western side of the site approximately 12,300 square feet will be dedicated to the City for right-of-way for additional improvements to Sheridan Boulevard.

Parks/Trails/Open Space

No dedication of park land is required for this non-residential development, but the east edge of the site is adjacent to an existing City owned open space area. The Little Dry Creek trail is an existing concrete trail on the east side of Little Dry Creek. Due to retaining walls and severe grades this site does not have direct access to the trail. An existing retaining wall and existing chain link fence are in place for safety at the northern part of the adjacent open space near 75th Avenue. An open rail fence will be installed on the east edge of this site to maintain visibility into the open space area.

Architecture/Building Materials

The architecture of the buildings is intended to be reminiscent of a Colorado “settler era.” All buildings will have mixed buff/rose sandstone with moss rock base. Upper wall sections will be earth tone tan cementitious stucco and cedar shingles in the gable ends. The roof material will be a corrugated metal with a rusted earth tone red color to simulate an aged building character. Porch roof overhangs will be supported by cedar beams. The buildings will have these finishes on all sides for a 360 degree quality appearance.

Signage

Wall signage is consistent with the City sign code. Due to the size of the site, the dedication of right-of-way, and the constraints to access, the monument signs will be taller and closer to the property line than would typically be allowed for a 1.8 acre site.

Lighting

The building lighting will be similar throughout the site. A wall mounted can fixture with recessed bulbs will be identical on all buildings. Two light poles will be installed in the parking lot. All lights will be shielded and off site glare is minimal.

Service Commitment Category

The Service Commitment is from Category C for non-residential developments.

Referral Agency Responses

A copy of the proposed plans was sent to City of Westminster departments and other agencies. Staff received responses from the

- City Fire Department - concerns regarding fire access lanes, posting signs for “no parking, fire lane,” and fire hydrant location have been addressed on the ODP.
- City Engineering Division - issues for drainage, outlets, curb and gutter locations, looping of water lines, detention pond design, easements through adjacent City owned land and dedication of additional right-of-way for Sheridan Boulevard have been addressed on the ODP.
- City Open Space Division - issues for license agreement for drainage through adjacent City owned land and design of fence adjacent to open space have been addressed and agreed to by the City and the applicant.
- City Landscape Architect - landscape design has been addressed to the City’s satisfaction.
- Colorado Department of Transportation - additional right-of-way for widening Sheridan Boulevard will be dedicated on the final plat; and access to Sheridan Boulevard is not allowed due to speed, deceleration distance and related safety concerns.
- Xcel Energy - easements will be granted for gas and electric lines.

Neighborhood Meeting and Public Comments

A neighborhood meeting was held on May 24, 2007. One person attended and supported all aspects of the proposal.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Vicinity Map
- Criteria and Standards for Land Use Applications
- Preliminary Development Plan for Crystal Lake Planned Unit Development and Official Development Plan for Crystal Lake Filing No. 2

Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

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

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

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

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

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

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

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

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

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

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

City Initiated Rezoning

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

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

Official Development Plan (ODP) Application

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

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

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

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

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

Crystal Lakes Filing 2 - Vicinity Map



75th Pl

Chase St

Benton St

Ames St

74th Ave

Sheridan Blvd

73rd Ave

76th Ave

Zenobia St

Yates St

Xavier St

75th Ave

77th Dr

Xavier Ct

Xavier St

0 100 200 400 600 800 Feet





WESTMINSTER
COLORADO

Agenda Item 10 D

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Resolution No. 30 re US 36 Draft Environmental Impact Statement

Prepared By: Matt Lutkus, Deputy City Manager
Dave Downing, City Engineer

Recommended City Council Action

Pass Resolution No. 30 regarding the City’s position on the Draft Environmental Impact Statement for the US 36 Corridor.

Summary Statement

- The Colorado Department of Transportation (CDOT) released the Draft Environmental Impact Statement (DEIS) for the US 36 Corridor on August 3, 2007. The public comment period during which governmental entities, citizens and others can provide comments on the draft is 45 days. Public input is being solicited through public hearings and written comments accepted through September 17.
- For the past several years, the Mayors & Commissioners’ Coalition (MCC), which represents the cities of Westminster, Louisville, Superior, Boulder, Boulder County, and the City and County of Broomfield has been meeting regularly to address issues related to the reconstruction of US 36. The Coalition’s activities have included monitoring the activities of the Federal and State agencies working on this project, actively advocating both in Washington, D.C. and at the State Capitol for Federal and State funds, and working to address issues of common concern. Mayor McNally has been an active participant in the Coalition throughout her tenure as Mayor.
- Largely as a result of the current Federal Administration’s emphasis on what is referred to as congestion management, the analysis by CDOT and its consultant, URS, has been heavily focused on having a tolling option in the project. This particular tolling option presents concerns for the City in that it calls for a limited access to the High Occupancy Vehicle (HOV) and toll lanes for those who live and work along the corridor. In addition, this alternative would include a “drop ramp” interchange that presents a number of significant problems in the residential area where the City’s Westminster Boulevard bridge over US 36 is located.
- In contrast to the tolling option in the DEIS, the MCC’s Urban Partnership Grant proposal included a “buffered” toll / carpool / Bus Rapid Transit (BRT) lane. Staff believes that this proposal was acceptable because the managed lane was not barrier separated from the two general purpose lanes, thus providing good access to the lane throughout the corridor. Although the MCC’s UPA Grant proposal was not approved for funding, it demonstrated how a hybrid version of the two alternative packages could address the interests of all of the entities involved in this project.
- The attached proposed resolution reflects the direction Council provided to City Staff on the US 36 DEIS at the May 21 and August 27 post City Council meeting briefings.

Expenditure Required: Package 2 - \$2.345 Billion
Package 4 - \$2.046 Billion

Source of Funds: Federal, State and Local funds

Policy Issue

What policy direction does City Council wish to provide on the key elements of the US 36 Draft Environmental Impact Statement (DEIS) as part of the formal public review and comment process currently underway?

Alternatives

Council could decide not to provide policy direction on the DEIS. This alternative is not recommended given the impact that the US 36 project will have on Westminster citizens and businesses located along the corridor.

Background Information

The major steps in the approval process for any major Federally-funded project such as the reconstruction of US 36 consist of a Major Investment Study (MIS), the DEIS, the Final Environmental Impact Statement (FEIS) and the Record of Decision (ROD). The MIS process for US 36 was concluded in June 2001. It was essentially a process led by the Regional Transportation District (RTD) and CDOT with a significant amount of involvement of cities and counties along the corridor. During this process, four multi-model packages were identified. Package 4 that included 15 miles of new bus/HOV lanes in the median of US 36, 6 park-n-rides, carpool access to HOV lanes and frequent bus service was selected as the preferred alternative. The package also included commuter rail, a number of minor roadway improvements and a regional bike trail. Because funding is already available through the FasTracks Program, the regional rail component of the US 36 corridor project has been carved out of the DEIS. This component of the overall transportation network is now in the Environmental Evaluation process, a much less technical and detailed exercise than the EIS.

While the MIS process was essentially the means for State and local agencies to determine the locally preferred alternative, the EIS process is a Federal agency review process that allows a major transportation project to qualify for Federal funding. The EIS is the process used to ensure that a range of alternatives are considered and that environmental impacts are assessed in accordance with the National Environmental Policy Act (NEPA). The EIS process is overseen by an executive committee comprised of representatives from two federal agencies (Federal Highway Administration and Federal Transit Administration), CDOT and RTD. There are several consultants working on this project with URS serving as the lead contractor.

The development of the DEIS has been in progress for approximately three years. Several organizations and committees have been following the development of the DEIS closely. These include the MCC, the Government Coordinating Committee and 36 Commuting Solutions, an organization made up of both public and private organizations located along the corridor (formerly known as the US 36 TMO).

The DEIS includes an assessment of Package 4 which had been recommended in the 2001 MIS, an assessment of Package 2, an option that provides for limited access managed toll lanes along the corridor and an assessment of what would happen if nothing is done that is called the “no-build alternative.” Both of the “build” packages include the following changes to the intersections on the Turnpike in Westminster:

Federal Boulevard Interchange

- No changes to bridge
- Reconfigure loop ramps for better service speed / safety
- Realign both on-ramps for better service speed / safety
- 80th Avenue – add southbound through lane on Federal to westbound on-ramp
- Re-route access from Turnpike Drive to Grove Street and 76th Avenue
- 74th Avenue intersection modifications:
 - Adjust signal phasing
 - Re-stripe eastbound approach to left-turn, left / through, right-turn

Sheridan Boulevard Interchange

- Split diamond between 92nd Avenue and Sheridan
 - To / from westbound US 36 at 92nd Avenue
 - To / from eastbound US 36 at Sheridan Boulevard
- Additional eastbound US 36 on-ramp at 92nd Avenue from frontage road
- Close 88th Place to Sheridan access; redirect access to Yates Street to 92nd Avenue

Church Ranch Boulevard Interchange

- Same diamond interchange configuration at US 36
- Widen to six lanes between US 36 and Westminster Boulevard to allow for free-flow right-turn lanes
- Widen bridge from six lanes to nine lanes to permit longer left-turn lanes to US 36 on-ramps

In addition to the changes that will occur under either package, Package 2 provides for an HOV / toll lane accessible to vehicles entering US 36 in Denver, Boulder and at four locations in between. One of these locations is proposed to be at the Westminster Boulevard overpass where a “drop ramp” would be constructed. The drop ramp would be comprised of entrance and exit ramps that would provide access directly to the managed lanes of the highway. In other words, it would not be possible to drive from the managed lanes to the general purpose lanes (or vice versa) at the drop ramp location.

The DEIS was released on August 3, 2007. The schedule calls for a 45-day period in which the public, including governmental entities, have a chance to review the document and provide comments to CDOT and the consultant. Several City departments have been involved in the review of the DEIS since the documents were delivered to City Hall.

Some time after the conclusion of the review and public input process, the State and Federal agencies will decide on one preferred alternative that they will include in the Final Environmental Impact Statement (FEIS). It is, therefore, vital for all individuals and entities reviewing the Draft EIS to provide arguments for their preferred option.

City Council and Staff identified a number of concerns with some of the recommendations included in the DEIS. Some of the major issues for the City are as follows:

1. The P2 alternative calls for limited access to the HOV and toll lanes via drop ramps at Westminster Boulevard and in Broomfield. The inconvenience of these locations will essentially make the managed high speed lanes unavailable to many Westminster residents and individuals trying to access Westminster businesses.
2. The proposed location of the drop ramps in alternative P2 at Westminster Boulevard is highly objectionable due to the proximity of numerous residential units and impact on the roads that feed the proposed intersection.
3. The more recent design drawings in both the P2 and P4 alternatives for 88th Avenue show 88th Avenue terminating at the Turnpike. Previous drawings show an underpass that would provide for an additional east/west roadway in this area. Staff believes that given the likelihood for redevelopment in Westminster Center and the adjacent transportation oriented development (TOD) near 88th Avenue, it would be very prudent to provide additional access by building an underpass for 88th Avenue at US 36.
4. The preliminary construction drawings for the two build alternatives call for the modifications to certain adjacent streets and bridges that would be constructed at City expense. Given the fact that any improvements are required as a result of the improvements to US 36, City staff believes that this construction should be paid for by the project.

5. Either the P2 or P4 alternatives will require that additional right of way be purchased to allow for the widening of the roadway. Staff understands that this is a necessary part of the project; however, there needs to be ongoing sensitivity to the impacts to the affected properties and ongoing communications with home and business owners in these areas.
6. Throughout the DEIS, the boundaries for the segments identified as “Westminster” and “Adams” are not accurate in that they show the City’s eastern boundary as Sheridan Boulevard versus the correct location of this boundary east of Federal Boulevard. Consequently, the descriptions and analysis of the impact of the proposed US 36 improvements on the City, its citizens and businesses are significantly understated throughout the report.

Funding for improvements to US 36 has thus far been limited to the funds available from FasTracks for the BRT stations and a number of relatively small projects along the corridor. In an effort to establish relationships with those responsible for allocating federal funds in Washington, D.C., the MCC has been making annual trips to Washington, D.C., to meet with elected and appointed officials. The MCC recently submitted a grant application for an Administration program known as the Urban Partnerships Agreement. Although the grant proposal was ultimately turned down, the hybrid project that was developed during the preparation of the grant application has the support of all of the governments along the corridor, CDOT and RTD. The proposed US 36 grant-funded project would have added a toll/HOV lane in each direction that would have been separated from the general purpose lanes by a painted stripe or buffer.

Following the direction provided by Council at the August 27 post Council meeting briefing, Staff prepared a position paper outlining the Council’s concerns and suggestions on the US 36 DEIS. These points were presented by Mayor McNally verbally and in writing at the first DEIS public hearing on August 29. The issues are also identified in the attached resolution that Council is being asked to approve. This document will also be submitted to CDOT and the other agencies noted above as part of the public input process.

Support for the US 36 improvements with the changes proposed in the attached resolution are consistent with City Council’s Strategic Plan goals of a Financial Sustainable City Government, Vibrant Neighborhoods and Commercial Areas and a Balanced Sustainable Local Economy.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **30**

INTRODUCED BY COUNCILLORS

SERIES OF 2007

Major - Price

US 36 DRAFT ENVIRONMENTAL IMPACT STATEMENT POSITION

WHEREAS, the Colorado Department of Transportation (CDOT), the Regional Transportation District (RTD), the Federal Highway Administration, the Federal Transit Administration and their consultants have prepared a Draft Environmental Impact Statement (DEIS) for the US 36 Corridor in accordance with the National Environmental Policy Act of 1969; and

WHEREAS, a 45-day public comment period is currently underway with a deadline of September 17 for receipt of the comments from governmental agencies, citizens and others, and;

WHEREAS, the City of Westminster City Council is strongly supportive of improvements to US 36 to accommodate growth projected over the next several decades; and

WHEREAS, the City has been actively participating in the Mayors' and Commissioners Coalition as well as other organizations that have monitored the development of the DEIS; and

WHEREAS, the City Council has identified several concerns with aspects of the alternatives identified in the DEIS: and

WHEREAS, Mayor Nancy McNally has previously presented these issues on behalf of City Council at the August 29, 2007, public hearing on this project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WESTMINSTER HEREBY ADOPTS THE FOLLOWING AS ITS POSITION STATEMENT ON THE US 36 DEIS:

(1) The Westminster City Council strongly favors a multi-model approach to address the short and long-term projections for traffic congestion along the US 36 corridor. We believe that of the two alternatives analyzed, Package 4 (referred to as "P4") comes closer to addressing the congestion issues through the corridor while providing residents and businesses with greater access to the designated carpool and rapid transit lane. P4 includes a "buffer" separated managed lane that is dedicated to bus rapid transit and high occupancy vehicles. A barrier-separated managed lane through Westminster as presented in Package 2 (referred to as "P2") is not acceptable due to the fact that it does not allow for adequate access for Westminster residents and businesses using this section of US 36.

(2) The City Council vehemently opposes the construction of a "drop ramp" structure on Westminster Boulevard where the bridge over the turnpike is currently located. This structure, being considered as an element of Package 2, would be limited to use by Bus Rapid Transit, High Occupancy Vehicles and toll traffic so that they can enter and exit directly to and from the managed lanes of the turnpike. Council believes that the construction of this interchange in a residential area and the impact that it would have on adjacent roadways make the inclusion of a drop ramp at this location completely unacceptable.

(3) The City Council would like to see further consideration given to the construction of an 88th Avenue underpass of US 36 that would allow continuation of this street where it presently terminates on each side of US 36. Previous design drawings included this underpass; however, the P2 and P4 options as described in the DEIS call for 88th Avenue to terminate at US 36. Given the strong likelihood for redevelopment in the Westminster Center, currently the Westminster Mall, and the possibility of transportation-oriented development (TOD) near 88th Avenue, the additional access on 88th Avenue becomes essential for reducing traffic congestion in this area. On a related item, Council believes that it

is important that as funding for this project becomes available, the monies be equitably distributed in cities and unincorporated areas throughout the corridor.

(4) The City Council believes that the cost for improvements to roadways, intersections and bridges adjacent to US 36 and necessitated by the improvements proposed for the highway should be borne by the US 36 Project versus the City. Examples of expenses that should be assumed by the Project include costs for improvements that require additional capacity to local streets and intersections.

(5) The City Council strongly encourages the project team to maintain ongoing and open communications with residents and businesses whose property will be acquired for right-of-way for the expansion of US 36. Many of these impacted residents and businesses are within the Westminster City limits. The Council requests that expedited purchase of property within the right-of-way be given a high priority when funds become available so as to relieve the financial plight of home and business owners who are impacted by these acquisitions.

(6) The City Council requests that the geographical areas identified as “Westminster” and “Adams” segments in the Draft EIS be changed in the Final EIS to reflect the actual boundaries of Westminster and unincorporated Adams County. Sheridan Boulevard is used as the eastern boundary for the Westminster segment of the project in the DEIS when, in fact, the City boundaries extend east of Federal Boulevard. Consequently, the descriptions of the impact of the US 36 improvements on the City, its residents and businesses are significantly understated throughout the Draft EIS.

(7) The Westminster City Council wishes to go on record through this public comment process that we strongly oppose P2 as presented in the Draft Environmental Impact Statement. However, we remain open to exploring potential hybrid options that may be developed in the future, such as the Urban Partnership Agreement (UPA) we supported with the US 36 Mayors’ and Commissioners Coalition.

PASSED AND ADOPTED this 10th day of September, 2007.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Resolution No. 31 re Carry Forward Balance of 2007 Private Activity Bond Allocation

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Adopt Resolution No. 31 approving the carry forward of the City of Westminster's 2007 Private Activity Bond (PAB) allocation in the amount of \$4,502,620 for the qualified purposes set forth in the resolution, and authorize the Mayor to execute the documents necessary to preserve this allocation.

Summary Statement

- The City's 2007 PAB allocation is \$4,502,620. The allocation is issued by the State of Colorado pursuant to federal legislation, and is required for municipalities wanting to issue bonds for certain "private activities" such as residential mortgage programs, construction of affordable rental housing, and certain industrial projects.
- The City's 2007 PAB allocation has not been assigned to any project, nor has the City received any proposals to utilize the funds to date. If the City's PAB allocation is not carried forward by September 15, 2007, it will revert to the State pool. To maintain flexibility and not lose the allocation, the City may keep the allocation by passing a resolution stating that the allocation will be used for a qualified carry-forward purpose.
- Qualified carry forward purposes include:
 - Qualified single-family mortgage revenue bonds, and mortgage credit certificates;
 - Qualified manufacturing industrial development bonds;
 - Qualified residential rental multifamily housing bonds;
 - Student loans;
 - Certain types of exempt facility bonds; and
 - Qualified redevelopment bonds.
- The attached Resolution has been reviewed and approved by the City Attorney's Office and is ready for City Council's formal action. This Resolution will formally carry forward \$4,502,620 of the City's 2007 PAB allocation. Staff will then proceed to identify specific recommended project(s) for private activity bond financing prior to February 15, 2008, as required by state law. If a specific designation of the use of the City's PAB allocation is not made by February 15, 2008, the City and the State will lose this allocation.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City carry forward the City's 2007 Private Activity Bond allocation or allow the \$4,502,620 allocation to revert back to the State pool?

Alternative

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

Background Information

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

If the PAB allocation is not specifically designated to a specific project by September 15, 2007, federal law allows the allocation to be carried forward and preserved through February 15th of the following year. By February 15, 2008, a specific assignment of the allocation must be made or the City and the State will lose the PAB allocation. To maintain flexibility and to consider competitive projects, it is important that the City act to carry forward this allocation.

In recent years, PAB has been allocated by the City Council for both single-family and multi-family residential purposes. The attached resolution carries forward the allocation so that current residential programs and projects can be studied further. No requests have been received for industrial development bonds or exempt facilities. Qualified redevelopment bonds are rarely used in Colorado because of limitations that make them infeasible as a source of financing except in very large blighted areas. The City will be receiving its 2008 allocation by the end of this year and will have the opportunity to assist any new proposed projects in 2008.

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **31**

INTRODUCED BY COUNCILLORS

SERIES OF 2007

Kauffman - Dittman

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF WESTMINSTER TO ISSUE OR CAUSE BONDS TO BE ISSUED IN AN APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$4,502,620 FOR QUALIFIED MORTGAGE BONDS, ONE OR MORE QUALIFIED RESIDENTIAL RENTAL PROJECTS, OR ONE OR MORE QUALIFIED REDEVELOPMENT PROJECTS; AND AUTHORIZING THE OFFICERS, EMPLOYEES AND AGENTS OF THE CITY TO PROCEED AND CONTINUE WITH STEPS PRELIMINARY TO THE ISSUANCE OF SUCH BONDS.

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

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

WHEREAS, pursuant to the Private Activity Bond Ceiling Allocation Act, Title 24, Article 32, Part 17, of Colorado Revised Statutes (the "Allocation Act"), the City has been allocated private activity bond "volume cap" for 2007, the amount of which is \$4,502,620; and

WHEREAS, the City intends and proposes to authorize, issue, sell and deliver, bonds in an approximate aggregate principal amount of \$4,502,620, in one or more series, for (1) qualified redevelopment purposes as described in Section 144(c) of the Internal Revenue Code of 1986, as amended (the "Code") OR (2) qualified mortgage bonds as described in section 143 of the code, or (3) qualified residential rental projects as described in Section 142(d) of the Code, together with the costs of funding any reserve funds for the bonds (the "Bonds"), the costs of securing the Bonds and costs incidental to the authorization, issuance and sale of the Bonds (collectively, the "Project").

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

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

Section 2. The City intends to issue, or cause to be issued by another qualified issuer, the Bonds in the approximate aggregate principal amount of \$4,502,620 to pay the cost of the Project, upon terms acceptable to the City as set forth in a bond ordinance or resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

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

- (i) Carrying forward the City's unused private activity bond volume cap allocation for 2007 pursuant to Section 146(f) of the Code;
- (ii) Notifying the Colorado Department of Local Affairs prior to September 15, 2007, of the City's desire to treat its initial 2007 allocation of private activity bond volume cap as an allocation to the Project;

- (iii) Obtaining, if necessary, an additional share of the allocation for 2007 allotted to the State of Colorado pursuant to Section 146 of the Internal Revenue Code of 1986, as amended (the "Code");
- (iv) Assigning, if necessary, the City's 2007 allocation of private activity bond volume cap to another qualified issuer.

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

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

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

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

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

PASSED AND ADOPTED this 10th day of September, 2007.

Mayor

(SEAL)

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

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

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

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the City Council (the "Council") of the City at a meeting of the Council held on September 10, 2007.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of September 10, 2007, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye: Dittman, Kaiser, Kauffman, Lindsey, Major, McNally, and Price

Those Voting Nay: None

Those Absent: None

Those Abstaining: None

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

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

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

6. Notice of the meeting of September 10, 2007, in the form attached hereto as Exhibit A was posted at the City Hall, Westminster, Colorado, not less than 24 hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of said City affixed this 11th day of September, 2007.

City Clerk

(SEAL)



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Resolution No. 32 re Modified Building Permit Fees for Photo Voltaic Solar Systems

Prepared By: Dave Horras, Chief Building Official

Recommended City Council Action

Adopt Resolution No. 32 modifying the existing building permit fee schedule to establish a \$300 building permit fee for the installation of solar energy systems in the City of Westminster.

Summary Statement

- Don and Margie McGill approached City Council during City Council meetings in June to request the City of Westminster provide an incentive for photo voltaic (PV) solar systems by reducing the fees charged for the installation of these systems. The McGill's contend the City of Westminster's fees are more expensive than those charged in neighboring jurisdictions and these fees act as a disincentive for Westminster homeowners to install these expensive systems.
- Staff completed a survey of neighboring jurisdictions to determine how the City of Westminster's permit fees and use tax collection compared with other local jurisdiction's fees and presented this information to City Council at the August 20, 2007 Study Session. Based on the information from the survey, Staff recommends the building permit fee schedule be modified to establish a flat fee for PV or thermal solar systems. The recommended flat fee of \$300 will offset the typical direct costs for plan review and inspection services provided by the building division and show support for this type of alternative energy source.
- Staff does not recommend any modification to the collection of use tax on these types of projects.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the fee schedule used to establish building permit fees for solar systems be modified to help make these projects more affordable?

Alternative

1. Don't change the current fee structure
2. Reduce the current cost of the permit by an established percentage
3. Waive the permit fees and/or use tax on a broad range of energy conservation projects
4. Any combination of the above

Background Information

The McGill's are planning to install a PV solar system with a total cost of \$68,000, of which XCEL will rebate back about \$34,800. When their contractor made application for the building permit to install the system, the building permit and use tax was calculated to be a total of \$2,550 based on the \$68,000 valuation. In presentations to City Council, the McGill's contend that the permitting costs in the City of Westminster are a disincentive for residents to install PV solar systems. They have asked City Council to consider a reduction in "usage fees" by 50% to 75% to demonstrate support for alternative sources of energy and provide an incentive for more residents to consider solar power.

To understand how the fees charged for PV solar system permits in the City of Westminster compare with other local jurisdictions a survey was conducted. The survey results revealed that there is little consistency among the jurisdictions surveyed, but the City of Westminster permit fees were higher than the majority because the permit fee is based on the valuation of the system and not a flat fee as many other jurisdiction have established. Staff presented the survey results and a recommendation of changing the current permit fee schedule to establishing a flat fee at the August 20, 2007 Study Session.

City Council was in support of modifying the current fee schedule to establish a flat fee for PV or thermal solar systems. A flat fee of \$300 was recommended to offset the typical direct costs for plan review and inspection services provided by the building division. A \$300 flat fee is also the recommended permit fee as determined by the Sierra Club in a recent study of solar permit fees conducted in California.

Establishing a flat fee will reduce building permit revenue in most cases. Based on the 10 building permits issued for PV solar systems during the first half of 2007 permit fees exceeded \$300 on 8 of 10 permits. If a \$300 flat fee building permit would have been in place, year-to-date revenues would be reduced by \$2,310, or by an average of \$231 per permit.

Staff does not recommend any changes to the collection of use tax on these permits. The survey results showed that the use tax varies based on the tax rate for the jurisdiction but none of the surveyed jurisdictions waived, and only one modified, the collection of use tax on these projects. The only jurisdiction that had any type of documented incentive program was the City of Boulder that offers a 15% rebate of the city collected use tax for PV or thermal solar systems. It is recommended that use tax continue to be due based on the actual materials costs, before any rebates or tax credits.

SUBJECT: Resolution re Modified Building Permit Fees for Photo Voltaic Solar Systems Page 3

If the attached resolution is adopted by City Council, the new \$300 solar permit fee would be put in place immediately. In addition, handout materials will be developed for solar installations detailing the submittal and permitting process, including information on the City's commitment to energy conservation.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **32**

INTRODUCED BY COUNCILLORS

SERIES OF 2007

Major - Lindsey

**AMENDING RESOLUTION NO. 12, SERIES OF 2006,
ESTABLISHING BUILDING PERMIT FEES**

WHEREAS, the City of Westminster has adopted the 2006 editions of the International Codes as the building and fire codes for the City; and

WHEREAS, the 2006 International Codes provide for fees to be paid to the City of Westminster for each building permit issued; and

WHEREAS, the City Council wishes to provide fair and uniform fees for building permits and services; and

WHEREAS, City Council adopted Resolution No. 12, Series of 2006, establishing building permit fees on February 27, 2006; and

WHEREAS, the City wishes to amend that Building Permit Fee Schedule to incorporate a miscellaneous permit for solar systems.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The City Council hereby adopts the schedule of fees associated with the International Building Codes as adopted by the City, as shown below; and
2. The fees shall become effective on September 10, 2007, and shall become due and payable by all persons applying for or holding a Building Permit issued by the City of Westminster.

Fee Schedule. The following table is hereby adopted as the "Building Permit Fee Schedule" for the City of Westminster:

BUILDING PERMIT FEE SCHEDULE

TOTAL VALUATION	FEE
\$1 to \$500	\$19.50
\$501 to \$2,000	\$19.50 for the first \$500 plus \$2.65 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$59.25 for the first \$2,000 plus \$11.90 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$332.95 for the first \$25,000 plus \$8.55 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$546.70 for the first \$50,000 plus \$5.95 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$844.20 for the first \$100,000 plus \$4.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$2,684.20 for the first \$500,000 plus \$3.95 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$4,659.20 for the first \$1,000,000 plus \$2.65 for each additional \$1,000 or fraction thereof

Other Permit Fees

Miscellaneous Permit Fees:

SOLAR SYSTEMS	\$300.00
Mobile Home Set-up w/elec	\$125.00
Construction trailer w/elec	\$125.00
Banners	\$25.00
Bus Bench	\$25.00
Election Sign	\$25.00
Permanent Sign	Per Fee Schedule

Miscellaneous **SFD Residential** Permit Fees:

Detached Storage Shed	\$20.00
Re-Siding	\$20.00
Re-Roofing	\$20.00
Water Heater Replacement	\$20.00
Air Conditioner*	\$20.00
Furnace Replacement*	\$20.00
Evaporative Cooler*	\$20.00
Lawn Irrigation Sprinkler	\$20.00
Aboveground Pool	\$42.50
Spas/Hot Tub*	\$20.00
Gas Log	\$20.00 **
Fence	\$20.00

Fire Department Fees

1. Operational permits, per event 50.00
2. Construction permits Based on valuation and assessed in accordance with the building permit fee schedule.

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge of two hours) \$50.00 per hr.
2. Reinspection fees \$50.00
3. Inspections for which no fee is specifically indicated \$50.00 per hr.
4. Additional plan review required by changes, additions, or other revisions to plans including individual residential lot grading re-reviews or re-inspections \$50.00 per hr.
5. For use of outside consultants for plan review and inspection, or both actual costs***
6. Copies of previously issued Certificate of Occupancy \$5.00 each
7. Letter of code compliance \$25.00
8. Removal of stop work order \$250.00
9. Temporary Certificate of Occupancy 5% of building permit fee but not less than \$100.00
10. Plan Review Fee 65% of building permit fee
11. Estimated Use Tax 3.85% of 50% of total valuation
12. Plan Review and Inspection Fee for Individual Residential Lot Grading \$400 per lot

*May also require an electrical permit fee.

**See Section 11-9-3(E)2 for exceptions.

***Actual costs are those above and beyond the plan review fee as established by Section 11-9-3(E)4.

PASSED AND ADOPTED this 10th day of September, 2007.

ATTEST:

City Clerk

Mayor



WESTMINSTER

COLORADO

Agenda Memorandum

City Council Meeting
September 10, 2007



SUBJECT: Councillor's Bill No. 53 re Colorado Division of Criminal Justice, 2007 Justice Assistance Grant Program

Prepared By: Lee Birk, Chief of Police
Jeri Elliott, Senior Management Analyst

Recommended City Council Action

1. Authorize the City Manager to sign the Statement of Grant Award in the amount of \$83,087 and other related documents from the Colorado Division of Criminal Justice, 2007 Justice Assistance Grant (JAG).
2. Pass Councillor's Bill No. 53 on first reading appropriating \$83,087 from the Colorado Division of Criminal Justice, 2007 Justice Assistance Grant Program to the Police Department's Investigations and Technical Services Division Budget.

Summary Statement

In February 2007, the Police Department applied for the Colorado Division of Criminal Justice, 2007 Justice Assistance Grant Program. The total request is for \$83,087 and no match is required. On August 28, 2007, the police department received notification that the grant application was approved for the total amount requested. The grant funds requested are for specialized computer equipment and software for the Crime Lab and specialized computer equipment and software for the Sex Offender Unit, Liquor Investigations Officer, and Report Specialists. Notification of acceptance of the grant must be received by the Colorado Division of Criminal Justice by September 21, 2007.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City of Westminster accept the Colorado Division of Criminal Justice, 2007 Justice Assistance Grant in the amount of \$83,087?

Alternative

City Council could choose not to pass the proposed Councillor's Bill, which would result in the Police Department not accepting \$83,087 in grant funds. Staff does not recommend this alternative since the Colorado Division of Criminal Justice has agreed to provide the Police Department with Federal assistance for equipment needs with no match required from the City of Westminster, and the equipment to be purchased by the grant funding will better serve the citizens and police personnel in a more efficient, effective and accurate manner.

Background Information

In February, 2007, the Police Department applied for Colorado Division of Criminal Justice, 2007 Justice Assistance Grant for the amount of \$83,087. The grant funds requested are for specialized computer equipment and software for the Crime Lab and specialized computer equipment and software for the Sex Offender Unit, Liquor Investigations Officer, and Report Specialists. The City of Westminster is not required to provide matching funds. On August 28, 2007, the Colorado Department of Public Safety, Division of Criminal Justice, notified the Police Department that the grant application was approved.

The following is a list of the equipment and software that the police department requested through the grant:

AFIX Tracker - \$36,500

- This is specialized computer equipment and software for the Crime Lab. The Crime Lab currently does not have an internal database that can collect, store, and identify latent finger or palm prints. The equipment will:
 - Improve the quality analysis of forensic evidence and increase the efficiency of current methods;
 - Reduce the backlog of cold cases involving unidentified latent finger and palm prints;
 - Interface with local and international AFIX Tracker users;
 - Allow on-site use, which decreases travel time and additional man hours to a location that has AFIS (Automated Fingerprint Identification System) capabilities;
 - Assist in apprehending criminals; and
 - Create a local database with approximately 10,000 already existing fingerprint cards and additional input data from finger and palm prints with the Identix Live Scan (Fingerprint System) (see below – Identix Live Scan).

Identix Live Scan - \$44,751

- The Identix Live Scan (Fingerprint System) is specialized computer equipment and software that will be used by the Sex Offender Unit, Liquor Investigations Officer, and Report Specialists. These units currently do not have access to an Identix Live Scan system to effectively and efficiently submit backgrounds or complete fingerprint cards to the Federal and Colorado Bureau of Investigation. The equipment will:
 - Allow the department to obtain high quality finger and palm prints;
 - Provide an instant connection to Colorado Bureau of Investigation (CBI) and eliminate the need to manually mail the background (fingerprint card) requests directly;
 - Provide a quicker turnaround time for a complete background and eliminate additional follow-up by Police and City Clerk staff; and
 - Allow the Police Department to be in compliance with Federal and State Laws.

- Supplies and Operating Costs - \$1,836

This appropriation will amend General Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
State Grant	1000.40620.0000	\$0	\$83,087	\$83,087
Total Change to Revenues			<u>\$83,087</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Equipment – Technical Services	10020300.76000.0343	\$125,000	\$83,087	\$208,087
Total Change to Expenses			<u>\$83,087</u>	

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **53**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE 2007 BUDGETS OF THE GENERAL FUND AND
AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2007 ESTIMATED
REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2007 appropriation for the General Fund initially appropriated by Ordinance No. 3316 is hereby increased by \$83,087. This appropriation is due to the receipt of Grant Funds.

Section 2. The \$83,087 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 G&H, dated September 10, 2007 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$83,087
Total	<u>\$83,087</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of September, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of September, 2007.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, September 10, 2007. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the August 27, 2007 regular meeting were approved.

The Mayor and City Council recognized recent accomplishments of Senior Police Officer Brandon Barajas and his K9 partner Rex and Officer Damian Perez and his K9 partner Harley who had competed in the 2007 Colorado Police Canine Association trials and had placed in four categories.

Council approved the following: purchase of truck-mounted crane unit; purchase of a magnum vacuum/slurry combination spreader; 2007 Wastewater Collection System Improvement Project/Phase II; project applications to DRCOG for 2008-2013 Transportation Improvement Program; approval of the 6th amended PDP for Crystal Lake PUD and ODP for Crystal Lake Filing No. 2; Colorado Division of Criminal Justice 2007 JAG Statement of Grant Award; final passage of Councillor's Bill No. 48 re Ganzhorn Property No. 1 annexation; final passage of Councillor's Bill No. 49 re Ganzhorn Property No. 2 annexation; final passage of Councillor's Bill No. 50 re Ganzhorn property CLUP amendment; final passage of Councillor's Bill No. 51 re Ganzhorn property rezoning; and final passage of Councillor's Bill No. 52 re liquor license application fee increases.

Council conducted a public meeting to receive citizen comments on the 2008 adopted City budget.

Council conducted a public hearing concerning the 6th amended PDP for Crystal Lake PUD and the ODP for Crystal Lake Filing No. 2.

Council adopted the following Resolutions: Resolution No. 29 re Appointments to Boards and Commissions; Resolution No. 30 re US 36 Draft Environmental Impact Statement; Resolution No. 31 re carry forward balance of 2007 Private Activity Bond allocation; and Resolution No. 32 re modification of building permit fees for photo voltaic solar systems.

Council passed the following Councillor's Bill on first reading:

A BILL FOR AN ORDINANCE AMENDING THE 2007 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2007 ESTIMATED REVENUES IN THE FUNDS. Purpose: appropriation of \$83,087 from the Colorado Division of Criminal Justice 2007 JAG.

The meeting adjourned at 8:02 p.m.

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

Published in the Westminster Window on September 20, 2007

ORDINANCE NO. **3376**
SERIES OF 2007

COUNCILLOR'S BILL NO. **48**
INTRODUCED BY COUNCILLORS
Dittman - Kaiser

A BILL

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

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owner of more than 50 percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; and

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

WHEREAS, City Council has heretofore adopted Resolution No. 28, Series of 2007 making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

Ganzhorn Annexation #1

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

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

Consisting of approximately .33 Acres.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of August, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of September, 2007.

A BILL

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

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owner of 100 percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; and

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

WHEREAS, City Council has heretofore adopted Resolution No. 28, Series of 2007 making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

Ganzhorn Annexation #2

Considering the north line of the Northeast $\frac{1}{4}$ of Section 14, Township 2 South, Range 69 West of the 6th P.M. to bear North $88^{\circ}52'39''$ East, with all bearings herein relative thereto.

Commencing at the northwest corner of the Northeast $\frac{1}{4}$ of said Section 14, thence South $08^{\circ}07'18''$ East, a distance of 660.31 feet to the point of beginning at the intersection of the east right-of-way line of said Old Wadsworth Boulevard and the north right-of-way line of 103rd Avenue, also being the southwest corner of Lot 1, first replat Church Ranch Home Place Filing No. 1, recorded at Reception No. F0321019; thence North $89^{\circ}40'44''$ West, a distance of 90.00 feet to the west right-of-way line of said Old Wadsworth Boulevard and the east boundary of Lot 2, platting exemption agreement Case No. E53-6-85, recorded at Reception No. 85072556 in the official records of said County; thence coincident with the east right-of-way line of said Old Wadsworth and the east line of said Lot 2 South $00^{\circ}19'16''$ West, a distance of 13.43 feet to the southeast corner of said Lot 2; thence coincident with the west right-of-way line of said Old Wadsworth Boulevard and the southwest line of said Lot 2 North $21^{\circ}07'49''$ West, a distance of 29.37 feet to the southeast corner of parcel of land described in Reception No. 194693; thence coincident with the south line of said parcel of land described at Reception No. 194693 South $89^{\circ}35'40''$ West, a distance of 32.08 feet to the northeast corner of Tract B1 and B2, Mandalay Gardens, recorded at Reception No. 194693; thence coincident with the east line of said Tract B1 and B2 and the west right-of-way line of said Wadsworth Boulevard South $21^{\circ}07'49''$ East, a distance of 187.03 feet to the north line of that portion of annexation map recorded at Reception No. F1186035; thence coincident with the north line of said portion of Wadsworth Boulevard North $89^{\circ}48'38''$ East, a distance of 64.24 feet to the east right-of-way line of said Old Wadsworth Boulevard and the west line of Tract 57B, of said Mandalay Gardens; thence coincident with the west line of said Tract 57B North $21^{\circ}07'49''$ West, a distance of 107.07 feet to the northwest corner of said Tract 57B; thence coincident with the north line of said Tract 57B North $89^{\circ}48'38''$ East, a distance of 39.33 feet to the west line of that portion annexed to the City of Westminster by annexation map recorded at Reception No. 88080480; thence coincident with said west line North $00^{\circ}19'16''$ East, a distance of 60.00 feet to the point of beginning.

Consisting of approximately .77 Acres.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of August, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of September, 2007.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

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

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

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

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

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

Parcel 1

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

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

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

Parcel 2

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

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

Commencing at the northwest corner of the Northeast ¼ of said Section 14, thence South 08°07'18" East, a distance of 660.31 feet to the point of beginning at the intersection of the east right-of-way line of said Old Wadsworth Boulevard and the north right-of-way line of 103rd Avenue, also being the southwest corner of Lot 1, first replat Church Ranch Home Place Filing No. 1, recorded at Reception No. F0321019; thence North 89°40'44" West, a distance of 90.00 feet to the west right-of-way line of said Old Wadsworth Boulevard and the east boundary of Lot 2, platting exemption agreement Case No. E53-6-85, recorded at Reception No. 85072556 in the official records of said County; thence coincident with the east right-of-way line of said Old Wadsworth and the east line of said Lot 2 South 00°19'16" West, a distance of 13.43 feet to the southeast corner of said Lot 2; thence coincident with the west right-of-way line of said Old Wadsworth Boulevard and the southwest line of said Lot 2 North 21°07'49" West, a distance of 29.37 feet to the southeast corner of parcel of land described in Reception

No. 194693; thence coincident with the south line of said parcel of land described at Reception No. 194693 South 89°35'40" West, a distance of 32.08 feet to the northeast corner of Tract B1 and B2, Mandalay Gardens, recorded at Reception No. 194693; thence coincident with the east line of said Tract B1 and B2 and the west right-of-way line of said Wadsworth Boulevard South 21°07'49" East, a distance of 187.03 feet to the north line of that portion of annexation map recorded at Reception No. F1186035; thence coincident with the north line of said portion of Wadsworth Boulevard North 89°48'38" East, a distance of 64.24 feet to the east right-of-way line of said Old Wadsworth Boulevard and the west line of Tract 57B, of said Mandalay Gardens; thence coincident with the west line of said Tract 57B North 21°07'49" West, a distance of 107.07 feet to the northwest corner of said Tract 57B; thence coincident with the north line of said Tract 57B North 89°48'38" East, a distance of 39.33 feet to the west line of that portion annexed to the City of Westminster by annexation map recorded at Reception No. 88080480; thence coincident with said west line North 00°19'16" East, a distance of 60.00 feet to the point of beginning. to "Retail Commercial", as depicted on the map attached as Exhibit A.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th of August, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of September, 2007.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the rezoning of the property generally located at 10385 Wadsworth Boulevard, as described below, from the A-1 to PUD zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.
- b. That the notice requirements of W.M.C. §11-5-13 have been met.
- c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on August 14, 2007 and has recommended approval of the requested amendments.
- d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.
- e. That based on the evidence produced at the public hearing, a rezoning to the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

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

Parcel 1

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

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

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

Parcel 2

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

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

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

Wadsworth Boulevard North 89°48'38" East, a distance of 64.24 feet to the east right-of-way line of said Old Wadsworth Boulevard and the west line of Tract 57B, of said Mandalay Gardens; thence coincident with the west line of said Tract 57B North 21°07'49" West, a distance of 107.07 feet to the northwest corner of said Tract 57B; thence coincident with the north line of said Tract 57B North 89°48'38" East, a distance of 39.33 feet to the west line of that portion annexed to the City of Westminster by annexation map recorded at Reception No. 88080480; thence coincident with said west line North 00°19'16" East, a distance of 60.00 feet to the point of beginning. from the A-1 zoning district to the PUD zoning district, as depicted on the map marked Exhibit A, attached hereto.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of August, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of September, 2007.

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

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

5-14-5: FEES:

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

1. For a new license:

(A) ON OR BEFORE JULY 1, 2008, ~~Five~~ SIX hundred TWENTY-FIVE dollars (\$~~500~~ 625);

(B) AFTER JULY 1, 2008, AND BEFORE JULY 2, 2009, SEVEN HUNDRED FIFTY DOLLARS (\$750);

(C) AFTER JULY 1, 2009, AND BEFORE JULY 2, 2010, EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$875);

(D) AFTER JULY 2, 2010, ONE THOUSAND DOLLARS (\$1,000).

2. For a transfer of location or ownership:

(A) ON OR BEFORE JULY 1, 2008, ~~Five~~ SIX hundred TWENTY-FIVE dollars (\$~~500~~ 625);

(B) AFTER JULY 1, 2008, SEVEN HUNDRED FIFTY DOLLARS (\$750).

3. For renewal of a license:

(A) ON OR BEFORE JULY 1, 2008, ~~fifty~~ SEVENTY-FIVE dollars (\$~~50~~ 75);

(B) AFTER JULY 1, 2008, ONE HUNDRED DOLLARS (\$100).

4. ~~For transfer of ownership, Five hundred dollars (\$500)~~

~~5. For a manager registration, seventy five dollars (\$75).~~

~~6~~ 5. For a late renewal application fee, where the license has expired, ~~Five~~ five hundred dollars (\$500).

~~7~~ 6. For a temporary permit to continue selling pending a transfer of the permanent license, one hundred dollars (\$100).

~~8~~ 7. Change of corporate structure or transfer of stock, ~~One~~ one hundred dollars (\$100) per person investigated by the City of Westminster.

~~9~~ 8. Special events permit ~~for liquor, twenty five dollars (\$25); for 3.2% beer, Ten dollars (\$10)~~ ONE HUNDRED DOLLARS (\$100).

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of August, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of September, 2007.