



WESTMINSTER
COLORADO

SEPTEMBER 11, 2000
7:00 P.M.

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Employee Service Awards to Employees Celebrating 10, 15, 20 and 25 years of Service
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
 - A. Legal Services for Acquisition of ROW for Westminster Boulevard Extension with Holme Roberts & Owen for up to \$50,000
 - B. Councillor's Bill No. 61 Annexing 140 acres of Huntington Trails
 - C. Councillor's Bill No. 62 Zoning 138 acres of Huntington Trails PUD
 - D. Councillor's Bill No. 63 Amending Comprehensive Land Use Plan to include Huntington Trails
 - E. Councillor's Bill No. 83 re Express Lane Tenant Finish Plan Review Fees

9. Appointments and Resignations
 - A. Resignation of Suzanne Smith from City Council and deadline for applications to be filed to fill vacancy

10. Public Hearings and Other New Business
 - A. Public Hearing re 2001 City Budget
 - B. Resolution No. 67 re Annexation Compliance for Asbury III Proposed Annexation
 - C. Councillor's Bill No. 85 re Restorative Justice Grant Appropriation of \$29,015
 - D. Resolution No. 68 re Carry forward Balance of Year 2000 Private Activity Bond Allocation
 - E. Public Hearing re Bradburn Village Metropolitan District
 - F. Resolution No. 69 re Bradburn Village Metropolitan District
 - G. Standley Lake Fee Increases for 2001
 - H. Resolution No. 70 re Standley Lake Fees
 - I. Resolution No. 71 Opposing "Taxcut 2000" (Amendment 21)
 - J. Resolution No. 72 re Formal Position on The "Responsible Growth Initiative (Initiative 256)
 - K. Rocky Mountain Butterfly Consortium Agreement re Outstanding Use Tax Payment
 - L. Rock Mountain Butterfly Consortium Agreement re New Butterfly Facility

11. Old Business and Passage of Ordinances on Second Reading
 - A. Councillor's Bill No. 82 on second reading re Ballot Issues for November, 2000 Election (Moss-Atchison)
 - B. Councillor's Bill No. 84 on second reading re Council Meeting Executive Sessions to include Board and Commission Members (Atchison-Dixion)

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

- A. Citizen Communication – Leland Leatherbury
- B. City Council
- C. Request for Executive Session

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 11, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon, and Councillors Hicks, Merkel, and Moss. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Councillor Atchison was absent.

CONSIDERATION OF MINUTES:

A motion was made by Hicks and seconded by Merkel to accept the minutes of the meeting of August 28, 2000 with a correction to the vote on Councillor's Bill No. 84 as 6 aye votes and a dissenting vote by Smith. The motion carried unanimously.

PRESENTATION OF EMPLOYEE SERVICE AWARDS:

Mayor Heil and Councillors recognized the following employees with service pins and certificates of appreciation: 10 years – John Carpenter, Dale Cavender, Kim Funari, Mary Harlow, Mike Henrichs, Ron Kollross, Vickie McDonough, Christopher Romero and Douglas Tiller; 15 years – Sharon Day, Judith O'Brien, Donna Powell, Matt Rippy, Eric Sisler and Tim Tripp; 20 years: Lisa Chrisman, Marcia Clark, Kelly DiNatale, Rich Infranca, Jinny Jasper, Norm Kellett, Bob Moran, Dave Noell and Neil Rosenberger. The following employees received a \$2500 check along with their certificate and service pin: 25 years: Rich Dahl, Mike Lynch and Ken Watson.

CITY COUNCIL COMMENTS:

Councillor Hicks reminded everyone of the Yellow Ribbon Suicide Prevention Program to be held on Sunday at Cheeseman Park, and Mayor Pro Tem Dixon commented on the Mary Ciancio Awards presented last Friday.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Legal Services for Westminster Boulevard ROW Extension – Authorize City Manager to execute a contract with the law firm of Holme, Roberts & Owen LLP up to a limit of \$50,000 to provide the City with legal services for eminent domain proceedings attendant to the Westminster Boulevard Extension project; Councillor's Bill No. 61 – Huntington Trails Annexation; Councillor's Bill No. 62 – Zoning of Huntington Trails PUD; Councillor's Bill No. 63 – Comprehensive Land Use Plan Amendment to include Huntington Trails property; and Councillor's Bill No. 83 – Express Lane Tenant Finish Plan Review Fees.

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

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

RESIGNATION OF CITY COUNCILLOR/CITY COUNCIL VACANCY:

A motion was made by Merkel and seconded by Dixon to accepted the resignation of Suzanne Smith from City Council, and established a deadline for applications to be submitted as Friday, September 22, with interviews to be scheduled for September 26 and September 27. The motion carried unanimously.

SECOND PUBLIC HEARING ON 2001 CITY BUDGET:

At 7:20 P.M. the final public hearing was held on the proposed 2001 City Budget. City Manager Bill Christopher gave a brief overview of the proposed 2001 City Budget. The following people addressed Council: Leonard Holzclaw, 10115 Sheridan Boulevard regarding the Farmers Highline Canal; Patrick Payne, Westminster Spotlight Theatre Company requesting \$4,650; Peter Leibig, Executive Director of Campesina Clinica, requesting \$7,000; Debra Nanney, 7240 Utica Street, requested the widening of the sidewalks on 72nd Avenue between Meade Street and Sheridan Boulevard and submitted a petition with 391 signatures in favor of the request; Jeff Karpovitch, 6711 West 98th Place, representing the Westcliff Homeowners Association, requesting monies to assist the HOA. The public hearing was closed at 8:05 P.M.

RESOLUTION NO. 67 - ANNEXATION PETITION FOR PROPOSED ASBURY III PROPERTY:

A motion was made by Merkel and seconded by Hicks to adopt Resolution No. 67 accepting the annexation petition submitted by Asbury Homes and make the findings required by State Statutes on the sufficiency of the petition and set the date of October 23, 2000 for the annexation hearing. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 85 – RESTORATIVE JUSTICE GRANT APPROPRIATION:

A motion was made by Moss and seconded by Merkel to pass Councillor's Bill No. 85 on first reading appropriating \$29,015 to the Police Department's Community Services 2000 Division Budget. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 68 – CARRY FORWARD BALANCE OF YEAR 2000 PAB ALLOCATION:

A motion was made by Dixon and seconded by Hicks to adopt the revised Resolution No. 68 approving the carryforward of \$1,432,675 for a qualified purpose of the City of Westminster's Private Activity Bond allocation for the year 2000 and authorize the Mayor and City Clerk to execute the necessary documents. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ON CREATION OF BRADBURN METROPOLITAN DISTRICTS 1, 2 AND 3:

At 8:07 P.M. the meeting was opened to a public hearing on the proposed Bradburn Metropolitan District Service Plan. Community Development Director John Carpenter, Mark Falcone, Managing Partner of Continuum Developers, Will Fleissig, Jeff Bedard, and Jerry White of White and Associates, Counsel for the District, were present to address Council. At 9:05 P.M. the public hearing was closed.

RESOLUTION NO. 69 – BRADBURN METROPOLITAN DISTRICT SERVICE PLAN:

A motion was made by Dixon and seconded by Hicks to adopt Resolution No. 69, as amended in Section 3 B to include the additional wording "Section V and Exhibit G are amended to the City staff's satisfaction, including, but not limited to, the RESIDENTIAL AND Commercial Districts' Mill Levy Caps, the "Peel Off" provision, timing of the project completion, amortization schedules, and total project budgets for the Districts", granting conditional approval to the Service Plan for the Bradburn Metropolitan Districts No. 1, 2, and 3, and making certain findings and determinations in regard to the Bradburn Metropolitan Districts and stressing the word "conditional". Upon roll call vote, the motion carried with a dissenting vote by Moss.

STANDLEY LAKE FEE INCREASE FOR 2001:

A motion was made by Hicks and seconded by Dixon to approve the proposed 2001 fee schedule for the various Standley Lake Regional Park categories. The motion carried unanimously.

RESOLUTION NO. 70 – STANDLEY LAKE REGIONAL PARK FEES:

A motion was made by Hicks and seconded by Dixon to adopt Resolution No. 70 authorizing the City Manager to increase fees up to 10% annually on an as needed basis for permits and day use activities at the park after advanced notification to City Council. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 71 – OPPOSING “TAXCUT 2000” (AMENDMENT 21):

A motion was made by Moss and seconded by Merkel to adopt Resolution No. 71 opposing Amendment 21, also known as Taxcut 2000 and direct Staff to distribute copies. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 72 – FORMAL POSITION ON THE ‘RESPONSIBLE GROWTH INITIATIVE’:

A motion was made by Merkel and seconded by Hicks to adopt Resolution No. 72 formally opposing Initiative 256, “The Responsible Growth Initiative” and direct Staff to distribute copies of the Resolution where appropriate. Upon roll call vote, the motion carried unanimously.

ROCKY MOUNTAIN BUTTERFLY CONSORTIUM AGREEMENT RE USE TAX PAYMENT:

A motion was made by Moss and seconded by Hicks to approve the agreement between the City of Westminster and the Rocky Mountain Butterfly Consortium pertaining to the resolution of the payment of outstanding Use Tax to the City pertaining to the use of butterflies at the Butterfly Pavilion and authorize the City Manager to sign the agreement on behalf of the City and to deliver it upon the expiration of the 30 day review period under the relocation agreement. The motion carried unanimously.

ROCKY MOUNTAIN BUTTERFLY CONSORTIUM AGREEMENT RE NEW BUTTERFLY FACILITY:

A motion was made by Moss and seconded by Hicks to approve the agreement between the City of Westminster and the Rocky Mountain Butterfly Consortium pertaining to the new Butterfly Pavilion facility being located at City Park on land to be leased from the City of Westminster in conjunction with the proposed cultural/entertainment complex and authorize the City Manager to execute the agreement on behalf of the City, provided however, the final lease shall include a provision for termination in the event the construction and operation of the pavilion is unreasonably delayed. The motion carried unanimously.

ORDINANCE NO. 2819 – BALLOT ISSUES FOR NOVEMBER 2000 ELECTION:

A motion was made by Moss and seconded by Dixon to pass Councillor’s Bill No. 82 on second reading to adopt the ballot language for Issue A, Accelerated Park Maintenance, Issue B, Accelerated Park and Development Improvements; Issue C, No Tax Street Improvements and Interchange at 136th and 112th, Issue D, Interfund Transfer and Reserve Transfers and Question 1, allowing City Council to adopt by Ordinance procedures for a 2 year budget. Upon roll call vote, the motion carried unanimously.

At 9:32 P.M. the Mayor called for a recess. At 9:40 P.M. Council reconvened.

A motion was made by Councillor Moss and seconded by Dixon Councillor’s Bill No. 82 include Charter Amendment Question 2 dealing with whether Board and Commission members shall serve at the will of City Council by allowing City Council to declare a vacancy on a Board or Commission. Councillor Hicks requested the maker and second to withdraw their motion and postpone this issue indefinitely. Councillor Moss and Mayor Pro Tem Dixon withdrew their motion.

A motion was made by Councillor Hicks and seconded by Dixon to postpone ballot question 2 indefinitely. The motion carried unanimously.

ORDINANCE NO. 2820 - COUNCIL MEETING EXECUTIVE SESSIONS:

A motion was made by Dixon to Table Councillor's Bill No. 84 until the September 25, 2000 Council meeting. The motion failed for lack of a second.

A motion was made by Moss and seconded by Dixon to adopt Councillor's Bill No. 84 on second reading which would add discussions pertaining to Board and Commission Members in the Executive Session portion of the City Code. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

The Mayor stated there would be an executive session to discuss a Business Assistance Agreement and the annual evaluation of Judge Stipech.

ADJOURNMENT:

The meeting was adjourned at 9:55 P.M.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: September 11, 2000
Subject: Presentation of Employee Service Awards
Prepared by: Michele Kelley, City Clerk

Introduction

The Mayor is requested to present service pins and certificates of appreciation to those employees who are celebrating their 10th, 15th, 20th, and 25th anniversary of employment with the City.

Summary

In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting. . In addition, the one employee celebrating 25 years of service will be presented with a check for \$2500.

Staff Recommendation

Mayor present service pins and certificates of appreciation to employees celebrating 10, 15, 20 years of service with the City, and providing special recognition to our 25 year employees with the presentation of a \$2,500 check.

Background Information

The following employees will receive a ten year service pin and certificate:

John Carpenter	Community Development	Community Development Director
Dale Cavender	Police Department	Senior Police Officer
Kim Funari	Parks, Recreation & Libraries	Library Clerk II
Mary Harlow	Public Works & Utilities	Rocky Flats Coordinator
Mike Henrichs	Parks, Recreation & Libraries	Recreation Technician
Ron Kollross	Community Development	Electrical Inspector
Vickie McDonough	Community Development	Secretary
Christopher Romero	Parks, Recreation & Libraries	Crewleader/Parks
Douglas Tiller	Police Department	Senior Police Officer

The following employees will receive a fifteen year service pin and certificate:

Sharon Day	Police Department	Records Specialist II
Judith O'Brien	Police Department	Property Evidence Specialist
Donna Powell	Police Department	Secretary/Community Service
Matt Rippey	Police Department	Senior Police Officer
Eric Sisler	Parks, Recreation & Libraries	Library Technician
Tim Tripp	Police Department	Lieutenant

The following 20 year employees will be presented with a certificate and service pin:

Lisa Chrisman	General Services	Senior Human Resource Analyst
Marcia Clark	Public Works and Utilities	Plant Operator IV
Kelly DiNatale	Public Works & Utilities	Water Resources Manager
Rich Infranca	Police Department	Senior Police Officer/Patrol
Jinny Jasper	Parks, Recreation & Libraries	Guest Relations Clerk II
Norm Kellett	Fire Department	Fire Engineer
Bob Moran	Public Works & Utilities	Equipment Operator II
Dave Noell	Community Development	Engineering Construction Inspector
Neil Rosenberger	Fire Department	Fire Lieutenant

In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 check to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their career with the City.

The following 25 year employees will be presented with a certificate, service pin and check:

Rich Dahl has been a valuable asset to the City of Westminster over the 25 years that he has worked here. Starting a division that had a few small parks, Rich is now in charge of over 50 developed parks, 2,000 acres of open space, 50 miles of trails, several miles of right-of-way medians, Standley Lake Regional Park of over 2,200 acres, all municipal grounds, and if that is not enough, the Disney-like maintenance expectations of the Westminster Promenade. Rich is a true team player, never complaining and always willing to pitch in and lend a hand. Rich has assembled a top notch staff of supervisors that have helped develop Westminster's Gold Medal award-winning parks system. In his spare time, Rich likes to ride his motorcycle around the country. He also enjoys fixing and tuning up bicycles, and has tuned up a few mountain bikes for the Police Department. Rich is a fine example of Westminster's best.

Mike Lynch was hired as a Police Cadet in May 1975 at the age of 19. Mike was assigned to the Patrol Division and worked in Animal Control. On July 29, 1976, his 21st birthday, Mike was hired as a Westminster Police Officer. In July 1979, he was appointed to the position of Senior Police Officer and was assigned as a Training Officer for the Patrol Division. In July 1980, Mike was transferred to the Investigations Division as a Detective and has worked numerous types of crimes during his tenure as a Detective. His current job assignment is the investigations of Homicide, Unattended Deaths, Domestic Violence, Assaults, and Menacing. Detective Lynch played a key role in forming the Westminster Police Department's Fast Track Domestic Violence Policy, which has proven to be a model for other fast track programs in the metro area. Mike uses his experience and knowledge to teach classes on domestic violence and the investigation of these offenses. Detective Lynch is a member of both the Adams and Jefferson County Law Enforcement Critical Incident Teams. These teams investigate use of force issues involving police officers. Detective Lynch has been awarded "Officer of the Year" by both the Adams and Jefferson County District Attorneys Office and has also been recognized by the Victims Rights Association and the Westminster Elks.

Ken Watson was hired as Recreation Specialist in May 1975 as part of the management team of the new Swim and Fitness Center. Ken has the distinction of teaching the first recreation class in Westminster – Youth Tennis at Municipal Park tennis courts. Ken was promoted to Recreation Superintendent in 1976, and he was in charge of all recreation programming and facilities. In 1985, Ken created the Guest/Host training for all recreation employees, emphasizing exceptional customer service and professionalism. This training program was in place immediately before the opening of the City Park Recreation Center, the first large-scale leisure pool, recreation facility in the United States.

The Guest/Host Training has been so successful, it is still being used today. Hundreds of recreation employees have benefited from this insightful and inclusive training program. Ken's title changed in 1989 to Recreation Facilities Manager. He switched jobs with Rich Dahl for a year, so he was the Park Services Manager during that time. In 2000, Ken became the Manager of Recreation and Golf Facilities. Ken and his wife Cynthia moved to Colorado from Nebraska in 1975. Cynthia has been a school administrator in Adams County School District 50 for 25 years. Ken's dedication to quality customer service has helped his division rank #1 in the last three citizen attitude surveys. Ken is a key player in the department and a significant reason why we are a two-time Gold Medal winner.

On September 13th, the City Manager will be hosting an employee awards luncheon at which time 8 City employees will receive their five year service pins, while recognition will also be given to those who are celebrating their 10th, 15th, 20th and 25th anniversary. This will be the third of four luncheons for 2000 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 455 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 11, 2000

Subject: Legal Services re: Acquisition of Right-of-Way for the Westminster Boulevard Extension

Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to authorize a contract with Holme, Roberts & Owen LLP, to provide legal services for eminent domain proceedings in the Westminster Boulevard Extension project. Funds are available and have been authorized in the appropriate General Capital Improvement project account for this expense.

Summary

In August of 1999, City Council authorized the acquisition of right-of-way from seven ownerships affected by the Westminster Boulevard Extension. The City has secured legal possession of all of the necessary right-of-way and has started construction, but agreement on the purchase price has been reached with only one of the owners. Negotiations continue with representatives of the other owners, but it is clear that the Hutton acquisition will require condemnation and a valuation hearing, with a high likelihood that other acquisitions will also require litigation.

The City Attorney's Office is currently handling an extensive case load of litigation, and is recommending that the law firm of Holme, Roberts and Owen LLP be allowed to provide legal services for the Hutton case and others if negotiations impasses are reached. The firm is very experienced in eminent domain cases and has provided similar services to the City in the past with good results. Funds for the contract, which has a limitation of \$50,000 in fees, have been authorized in the project account in the General Capital Improvement Fund.

Policy Issues

Retaining outside legal counsel for eminent domain proceedings is an option when the City Attorney's Office workload is high and/or the complexity and effort involved in the case is expected to be great. The first condition exists at this time and is not expected to abate in the near future. Given the number of parcels being acquired and the likelihood that several will require condemnation, considerable effort is also expected to be necessary.

Staff Recommendation

Authorize the City Manager to execute a contract with the law firm of Holme, Roberts & Owen LLP up to a limit of \$50,000 to provide the City with legal services for eminent domain proceedings attendant to the Westminster Boulevard Extension project.

Alternatives:

- Alternatives include hiring a legal firm other than Holme, Roberts & Owen LLP to handle the litigation. There are other firms that have the necessary qualifications and experience, but City Staff's experience with Holme, Roberts and Owen has been very positive and their fees are representative of those typically charged by firms experienced in eminent domain law.
- Council could also request that the City Attorney's Office re-arrange their priorities and take on representation of the City in the Hutton case and/or those that will likely follow it as negotiations for the Westminster Boulevard right-of-way continue. Doing so would likely delay progress on other important litigation, at a minimum.

Neither of these alternatives is recommended in this case.

Background

The Westminster Boulevard Extension project crosses seven ownerships as it extends from the intersection of 95th Avenue and Harlan Street to 104th Avenue. After securing legal possession of the necessary right-of-way, construction began in August of this year. Negotiations with the other owners are on-going, and agreement on the purchase price for one parcel has been reached. The negotiations for right-of-way from James Hutton, who owned the greenhouse site on the west side of US-36, have stalled and it is clear that a condemnation action and valuation hearing will be necessary. The parties have already made motions to appoint commissioners to hear the case. Odds are that one or more of the other acquisitions will also require filing or continuing a condemnation action.

Retaining outside legal counsel for eminent domain proceedings is an option available to the City when the City Attorney's Office is too busy or the complexity and effort involved in preparing the case is expected to be high. The former is true at this time, since the City Attorney's Office is very involved in the Semper Clearwell litigation and several other condemnation cases. While not terribly complex, condemnation of right of way is involved and requires consistent attention by experienced practitioners. Even with outside counsel, the City Attorney must also keep up with and guide the case, which requires some staff time.

Staff is recommending that the firm of Holme, Roberts & Owen be retained to provide legal services for the condemnation action that will be necessary for the Jim Hutton purchase, and for others in the project should they be needed. The proposed contract is attached and has a fee limitation of \$50,000, based on the assumption that at least two of the acquisitions will necessitate such services. Funds for right-of-way acquisition, including a provision for the cost of legal services attendant to condemnation, were approved for the Westminster Boulevard Extension project by City Council in November of 1999.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 11, 2000
Subject: City Council Vacancy
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to formally accept the resignation of Suzanne Smith from City Council, and to set a deadline for applications to be submitted for this vacancy.

Summary

Pursuant to the City Charter, City Council needs to action to formally accept Ms. Smith's resignation, announce the vacancy on City Council and set a deadline for accepting applications. After the deadline for applications, Council will need to schedule interviews with all applicants. By October 11, a new Councillor will need to have been appointed by Council.

City Council discussed the timeframe for filling this vacancy at Wednesday evening's Study Session. Since several members of Council will be out of town the beginning of October, it was determined that interviews would be conducted during the last week of September.

It is anticipated that City Council will consider this appointment at the regular City Council meeting on October 9th.

Staff Recommendation

Accept the resignation of Suzanne Smith from City Council, and establish a deadline for applications to be submitted as Friday, September 22nd, with interviews to be scheduled for September 26th and September 27th.

Background

Suzanne Smith was elected to City Council on November 4, 1997 to a four year term of office. Recently, Suzanne submitted her resignation from City Council due to a recent increase in her job responsibilities (see letter attached).

Attached is a copy of the application form to be used for this vacancy along with additional information which will be distributed to all individuals who might be interested in filing an application for this vacancy.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



**WESTMINSTER
COLORADO**

APPLICATION FOR APPOINTMENT TO CITY COUNCIL

NOTE: It is important to complete this application answering all questions to the fullest extent and amplify on those responses requesting a narrative answer. This form plus any letter and/or resume you submit, and your personal interview will be the sole means of material which Council will utilize to screen applicants for appointments. Please submit your application to Michele Kelley, City Clerk, before 5:00 P.M. on September 22, 2000. Each applicant must be a resident of the City for at least one year prior to applying for this vacancy, a registered voter and a resident of the City during the term of office.

NAME _____

ADDRESS _____

EMPLOYER _____

OCCUPATION _____

EDUCATION _____

DATE OF MOVING TO WESTMINSTER _____ WORK PHONE _____ HOME PHONE _____

REASON FOR YOUR INTEREST IN SERVING IN THIS VACANCY? _____

WHAT CONTRIBUTIONS DO YOU FEEL YOU CAN MAKE TO THIS COUNCIL? (Be as specific as possible) _____

WHAT PREVIOUS WORK EXPERIENCE, CIVIC ACTIVITY OR OTHER VOLUNTEER SERVICE WOULD YOU BRING TO THE POSITION? _____

WHAT IS YOUR PERSPECTIVE ON THE CITY'S POLICIES AND PHILOSOPHIES AS CURRENTLY ADMINISTERED? (Please expound) _____

HOW WOULD YOU APPROACH A DECISION ON A COUNCIL MATTER WHICH INVOLVES STRONG FEELINGS BY CITIZENS IN OPPOSITION TO AN APPLICATION OR APPEAL BEFORE THE COUNCIL? HOW WOULD YOU SEE YOURSELF INTERACTING WITH MEMBERS AND THE CITIZENS WHO WERE OBJECTING? _____

WOULD YOU BE ABLE TO DEVOTE THE TIME NECESSARY TO FULFILL YOUR OBLIGATIONS AS A COUNCIL MEMBER? _____

SIGNATURE _____ DATE _____

ACCEPTANCE OF NOMINATION

I, _____ hereby accept the nomination for **Councillor at large** for the City of Westminster and agree to serve if appointed. I certify that I am not a candidate, directly or indirectly, of any political party, any firm or corporation, any fraternal organization, any church or other religious organization, any labor organization, or any other organization whatsoever.

ADDRESS: _____ PHONE: _____

DATE OF BIRTH: _____ SSN: _____

Drivers License Number _____ State of D/L Issue _____

Place of Birth _____

Westminster City Charter requires each applicant for appointment to submit an affidavit indicating whether he or she has been convicted of a felony under the laws of the State of Colorado or in another jurisdiction. The report of a felony shall include the type of offense, the date of the offense and may include the circumstances and any evidence of rehabilitation. Each applicant shall also give written permission for a criminal background investigation by the Westminster Police Department, who shall report to the City Clerk any felony convictions of an applicant found in their investigation. The City Clerk shall maintain the report in a file available to the public.

I, _____ hereby certify that I have not been convicted of a felony under the laws of the State of Colorado or in another jurisdiction and the facts contained within this petition are true and correct. I further authorize the Westminster Police Department to conduct a criminal background investigation, with the understanding that any felony convictions found will become a matter of public record.

(Signature)

STATE OF COLORADO
COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 2000.

(SEAL)

Notary Public

Qualifications for Councillor: Every registered elector 18 years of age or older on the last day for filing a petition may be a candidate and hold office. (31-10-301).

No person shall hold any elective office of the City unless he or she has been a resident of the City for at least one (1) year immediately prior to the last day for filing original petitions for such office or prior to the time of appointment to fill a vacancy. No person shall hold any elective office unless he or she is a qualified and registered elector of the city on such last day for filing and throughout tenure of office. (City Charter 5.1 (a) Amended 11-05-96).

No person shall be eligible for any elective office who is in default to the City or to any other governmental unit of the State. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default. (City Charter 5.1 (b))

Each candidate for elective office shall file an affidavit that the candidate possesses the qualifications for such office provided in this section. (City Charter 5.1 (c) Amended 11-05-96)

At the time a candidate submits a petition for elected office, such person shall also submit an affidavit indicating whether he or she has been convicted of a felony under the laws of the State of Colorado or in another jurisdiction. The report of the felony shall include the type of offense, the date of the offense, and may include the circumstances and any evidence of rehabilitation. Each candidate or applicant shall also give written permission for a criminal background investigation by the Westminster Police Department. The Police Department shall report to the City Clerk any felony convictions of a candidate or applicant found in its investigation. The City Clerk shall maintain the report in a file available to the public. (City Charter 5.1 (d) Added 11-05-96)

No elective officer, under this Charter, may be appointed to any City office or be employed by the City during the term of office for which he or she was elected or for two (2) years thereafter, provided that after the expiration of the term of office the person may be appointed as a member of an independent board or commission or fill a vacancy in the position of Councilman. (City Charter 5.1 (g) Amended 11-05-96)

Section 5.5. Resignations. Resignations of elective officers and members of boards and commissions shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately

Section 5.7. Filling Vacancies in Elective Offices (a) Any vacancy which occurs in the Council more than ninety (90) days before the next regular City election shall be filled within thirty (30) days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following such election, at which election such vacancy shall be filled as provided in Section 3.2. for any balance of the unexpired original term. Any vacancy which occurs in the Council ninety (90) days or less before the next regular City election may not be filled. (b) If any vacancy in the office of Councilman which the Council is authorized to fill is not so filled within thirty (30) days after such vacancy occurs, or if three (3) or more vacancies exist simultaneously in the office of Councilman, such vacancies shall be filled for the respective unexpired terms at a special election.

Compensation: Councillors receive \$800 per month

**COLORADO
MUNICIPAL
LEAGUE
INFORMATION**

**BECOMING A
MUNICIPAL
ELECTION
OFFICIAL**

(This Information has been prepared by the Colorado Municipal League as a guide for prospective candidates who are seeking useful information on municipal government. The guide includes tips on how to be an effective municipal official, as well as an overview of how municipal government works.)

BECOMING A MUNICIPAL ELECTION OFFICIAL

(The Municipal Candidates Guide has been prepared by the Colorado Municipal League as a guide for prospective candidates who are seeking useful information on municipal government. The guide includes tips on how to be an effective municipal official, as well as an overview of how municipal government works.)

Serving as an effective municipal elected official requires dedication, knowledge, and a substantial commitment in time. There are countless reasons why people choose to run for public office, and those reasons are as diverse as the people who are elected to govern and lead. No matter what your motivation or background, as a member of the municipal governing body, you have the opportunity to make important contributions toward shaping the future of your community. For this reason, becoming a municipal elected official can be one of the most rewarding experiences of your life.

Whether you're still undecided about your candidacy or you've already made the decision to run for a municipal elected office, the information in this brochure can help guide you. What follows is general information on what it takes to be an effective member of a governing body, a synopsis of municipal government in Colorado, and information about the Colorado Municipal League. Material contained in this brochure should not be viewed as a substitute for legal advice or specific information applicable to your community. If you are serious about your candidacy, you should consider other, more detailed information sources available to you, including:

Attend Westminster City Council meetings held on the second and fourth Monday of each month at 7:00 P.M.

- Attend Westminster City Council Study Session meetings held on the first and third Monday of each month at 7:00 P.M.
- Review municipal ordinances available at City libraries
- Examine the home rule charter for the City of Westminster

City Council agenda information, Westminster ordinances and home rule charter are all listed on the City's web page at www.ci.westminster.co.us

Qualifications for Municipal Office: Do you have the necessary qualifications to be an effective community leader? At a minimum, successful elected officials must devote a significant amount of time and energy to fulfill a position that answers directly to citizens. Some desirable leadership attributes include:

- A general understanding of municipal government
- Willingness to learn about a wide range of topics
- Integrity
- Consistency
- Dedication to the interests of citizens and the community as a whole
- Strong communication and team-building skills, including being a good listener
- Openness to the thoughts and ideas of others
- Being approachable and accessible

Mayor and Councillors: The Mayor and City Council collectively serve as the governing body for a municipality and possess all legislative powers granted by state law. The position of councillor has been compared to that of the members of the state legislature and the US Congress. All of these positions require elected officials to represent their constituents, to make policy decisions, to budget for the execution of the

policies, and to see that their policies are carried out. Unlike their counterparts in state and federal offices, however, municipal officials are in direct contact with the citizens they serve on an ongoing basis.

An Elected Official Wears Many Hats: In order to meet the responsibilities of being a municipal elected official, candidates should consider the number of disciplines involved in becoming an effective elected official. Municipal elected officials share the following job titles as part of their responsibility:

- Legislator
- Decision Maker
- Financier
- Employer of municipal staff
- Constructive critic
- Intergovernmental participant
- Public relations representative
- Facilitator

A quick look at Municipal Government: Municipal elected officials should have a basic understanding of municipal government and the duties, authority, and limitations of an elected body. What follows is a brief introduction to a few basic governance issues.

Of course, there is no better way to understand what elected officials do than to attend Council meetings. In addition, Westminster has advisory boards that are formed to make or recommend policy or quasi-judicial decisions, such as Planning Commission and Special Permit and License Board. Serving on these boards is another excellent way to become informed. Reviewing the Westminster City Charter will help you have a better understanding of Westminster's government and your role as an elected official.

What is a Home Rule Municipality? Westminster is one of 76 home rule municipalities within Colorado. Citizens voted to adopt a home rule charter based on the principle that local citizens should have the right to decide how their local government should be organized and local problems resolved. Westminster's charter, written in 1957, established the City's form of government to be a seven member Council, with all members being elected at large. A charter allows protection from state interference in the affairs of the City (except where the courts determine that a matter is of statewide concern; then state law prevails over home rule authority).

Council-Manager structure of Government: The Mayor is the ceremonial head of government and presides over Council meetings; the Council sets policy and hires and fires the City Manager, City Attorney and Municipal Court Judge and the City Manager carries out the policies of the City Council and has administrative authority over all personnel.

Basic Municipal Services: Services provided by municipalities vary from community to community. In Westminster services include:

- **Community Development** including planning, zoning, engineering, building permitting and inspections and economic development
- **Public Works and Utilities** including street, utility, water resources and physical infrastructure that is the foundation of our street and utility systems.
- **Parks, Recreation and Libraries** including Park Services, Library Services, Standley Lake, Design Development, Recreation Facilities and Recreation programs.
- **Information Technology**
- **General Services** including Human Resources, City Clerk's Office, Organization Support Services, Municipal Court and Building Operations and Maintenance
- **Finance** including Accounting, Sales Tax, and Treasury and Utility Billing
- **Police** including Community Services, Investigation Services and Patrol Services
- **Fire** including training and ambulance services
- **City Attorney's Office and City Manager's Office**

Municipal Finance: In budgeting, the governing body makes important decisions about the operation and priorities of the City. Is a swimming pool more important than storm sewers? Does the City need a new library more than it needs extra police personnel? Should the potholes be filled or the street completely rebuilt? Budgeting is a process by which the governing body determines the community's standard of living – what the community needs and wants, what it is willing and able to pay, and what services it can expect to receive for the tax dollars.

Municipalities levy specific taxes to finance municipal services. The following are the taxes levied within Westminster:

- **Sales Tax** – (3.25%) levied on retail sales of tangible personal property and some services
- **Use Tax** – (3.25%) levied on the retail purchase price of tangible personal property and some services purchased outside the City, but stored, used or consumed with the City.
- **Property Tax** – (3.65 mills) levied on the valuation of taxable property located within the City

In addition, many municipal services are financed in whole or in part by user fees and charges that normally constitute a substantial portion of a municipal budget. Finally, municipalities receive revenues from various federal and state grant and allocation programs.

Term Limits: In 1994, the Colorado Constitution was amended to place term limits on local elected officials, including all mayors and councillors from both statutory and home rule municipalities. Beginning January 1, 1995, all municipal elected officials (except judges) are limited to serving two consecutive terms in office, except if the term of office is two years or shorter, in which case officials are limited to serving three consecutive terms in office. Terms are considered consecutive unless they are four years apart. Municipal voters may modify or eliminate term limits through a local option election. (Westminster has not modified or eliminated term limits)

Ethics and Conflict of Interest: A municipal elected official must adhere to an ethical level of conduct while in office. Elected officials are vested with the public trust and must carry out their responsibilities in an ethical manner. Ethics and conflict of interest requirements for local government officers are addressed in the state statutes and in the Westminster City Charter. In general, these requirements are aimed at preventing those in a position of public trust from using that position for personal financial gain. For example, state law provides that, among other things, elected officials may not:

- Use confidential information for personal benefit
- Accept gifts or economic benefits as rewards or inducements for official action
- Engage in substantial business with those one supervises or inspects
- Vote on matters involving a “personal or private interest”

Open Meetings: Before assuming public office, you should become familiar with Colorado’s Open Meetings Law, which covers local public bodies such as a municipal governing council or board. You will need a basic understanding of what constitutes a public meeting, the minimum requirements for a quorum, when “full and timely notice” prior to a meeting is required, and the basic requirements concerning “executive sessions” (that is, meetings that are not open to the public).

The open meetings law reflects the policy that public bodies are engaged in the public’s business. Consequently, their meetings should be open to the public and held only after “full and timely” public notice. Therefore, the open meetings law permits executive sessions only on specific topics. The law also requires that these sessions be for deliberations only; decisions must be reached in an open meeting. In Westminster, we are subject to varying requirements under the City ordinances.



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 11, 2000
Subject: Second Public Hearing on 2001 City Budget
Prepared by: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council is scheduled to hold a public hearing to receive public input on the 2001 City Budget at the Monday, September 11, City Council meeting.

Summary

Development and review of the 2001 City Budget has been completed by the City Manager's Office and the 2001 Proposed Budget was delivered to City Council on September 1st. A public meeting regarding the 2001 Budget was held on June 12th and a public hearing on July 10th. September 11th is the final public hearing prior to the City Council Budget Retreat, affording citizens one more opportunity to comment and provide feedback on the 2001 City Budget. In accordance with the City Charter, City Council must adopt the budget no later than the October 23rd City Council meeting.

Staff Recommendation

Hold the final public hearing on the 2001 City Budget and receive citizen comments.

Background Information

In April, City Council agreed to keep the focus in 2001 the same as those pursued in 2000. The following is the list identified by the City Council:

- Improve transportation systems in the northwest quadrant of the Denver Metro Area;
- Continue to develop Westminster as the "City of Choice" in the Metro Area;
- Maintain high quality services;
- Broaden citizen communication and involvement;
- Enhance the City's economic/fiscal viability; and
- Strengthen regional cooperation on priority projects.

The direction provided by City Council has assisted City Staff in preparing and reviewing the 2001 Proposed City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain existing service levels and citizen/neighborhood input.

A Proposed Budget, per City Charter requirements, was submitted by the City Manager to City Council on September 1st for their review. After reviewing the Proposed Budget for several weeks, City Council will hold their annual Budget Retreat on Thursday, September 28, to more thoroughly review staffing levels, programs, services, and capital projects. A copy of the Budget Message and Budget Summary by Fund 2001 is attached. Copies of the 2001 Proposed City Budget are available to the public in the City Clerk's Office and at both College Hill and 76th Avenue Libraries.

Respectfully submitted,

William M. Christopher, City Manager
Attachments



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 11, 2000

Subject: Annexation Compliance Hearing for the Proposed Asbury III Property

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the attached resolution concerning a finding of compliance with statutory requirements for the petition requesting annexation of the property located at the southwest corner of 94th Avenue and Teller Street, and establishing a hearing date. The proposed annexation consists of approximately 4.9 acres. (See attached vicinity map)

Summary

The applicant, Asbury Homes, represented by Jeff Collins, is requesting approval of the third phase of the Asbury Developments located north of the Farmers' High Line Canal on both sides of Teller Street (see attached vicinity map). The third filing is proposed for 8 single-family detached custom homes on lots of no less than 12,500 square feet. This meets the requirements of the Northeast Comprehensive Development Plan that governs the area. There is an existing house on the property, which the applicant proposes to keep.

The proposed development meets the requirements of Section 11-3-5(B) pertaining to service commitments. That section permits new infill developments to be awarded service commitments out of Category A and not have to compete for service commitments. Infill developments are defined as a project that is exclusively custom homes in an area where less than 10 percent of the residential land is vacant.

Staff Recommendation

Adopt Resolution No. 67 accepting the annexation petition submitted by Asbury Homes and make the findings required by State Statutes on the sufficiency of the petition; and setting the date of October 23, 2000, for the annexation hearing.

Background

Upon receiving a petition for annexation, the City Council is required by State Statutes to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) C.R.S. In order for the petition to be found in compliance, City Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the City Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50 percent of the landowners of the land to be annexed. (In this case, Shirley Lombardi, signer of the petition, owns 100 percent of the property.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time the City Council will review the merits of the proposed annexation.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **67**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein-described to the City;

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all State statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes October 23, 2000, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 11th day of September, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 11, 2000

Subject: Councillor's Bill No. 85 re Restorative Justice Grant Appropriation

Prepared by: Dan Montgomery, Chief of Police
Charlie Johnson, Captain

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating \$29,015 from the Department of Justice Restorative Justice in Schools Grant to the Police Department Community Services Division Budget.

Summary

In early 2000, the Police Department applied for a third Grant for funding of a Restorative Justice Program at Mandalay and Moore Middle Schools. The Department of Justice approved the grant for a total of \$58,029 and will provide funding of \$29,015 for the 2000 school year and \$29,014 for the 2001 school year.

The Restorative Justice Program is an intensive intervention program that involves the at-risk student, teachers, counselors, administrators, and other staff members, as well as the School Resource Officers (SRO). The focus is on teaching and encouraging responsible behavior rather than controlling irresponsible behavior. The Department of Justice grant will fund the program coordinator's salary and other miscellaneous expenses involved with running the program. The Restorative Justice Program will focus on the highest risk students in the school, and another approximate 15% will be allocated to programs for victims.

The community, parents, police and schools are always looking for ways to break the cycle of suspension and expulsion and help students bond to their school and care about their education. Alternative measures need to be evaluated to help students learn from their mistakes and reconcile and resolve problems with others. Staff's opinion, this program has proven to be a very worthwhile endeavor.

Policy Issue

Whether to accept Federal funds for this at-risk student intensive intervention program for 2000 and 2001.

Staff Recommendation

Pass Councillors Bill No. 85 on first reading appropriating \$29,015 to the Police Department's Community Services 2000 Division Budget.

Background Information

Last year, the Police Department applied for a second Restorative Justice in Schools Grant to include both Moore and Mandalay Middle Schools. The grant was approved on June 10, 1999 and covers the period of July 1, 1999 to June 30, 2000. In early 2000, the Police Department and Mandalay Middle School applied for a third Department of Justice Grant for funding of a Restorative Justice Program at Mandalay and Moore Middle Schools.

Funding pays for personnel, training, supervision, and evaluation, substitute teachers, mileage, and copying and postage expenses. The Police Department's match is the SRO's salary plus the department's facility rental for training. The schools' match is in the form of staff salaries.

Both Moore and Mandalay Middle Schools have full time Westminster Police Department SRO's who work closely with the school administration on discipline issues. The SROs have developed a good working relationship with the school staff, students, and have worked closely with the school's comprehensive discipline plan.

Frequently, students who are suspended continue to display anti-social behavior after returning to school and are often suspended again within the school year. One of the prime objectives of the program is to assist students in the development of behavior that is socially acceptable, respectful, and mindful of the dignity of others. The program has a number of interventions that include teachers, counselors, administrators, and other staff members, as well as the SRO's, who focus on teaching and encouraging responsible behavior rather than controlling irresponsible behavior. The State has mandated expulsion for individuals who are "habitually disruptive." Though this action was taken by the state to make schools safer for most children, there is concern that the students who get caught in the cycle of suspension and finally expulsion, become less committed and bonded to their school thus making them even more at risk for criminal behaviors.

The restorative justice program consists of: facilitator training on the restorative justice model of family group conferencing; training for the school staff; presentations to members of community organizations who provide services to youth, families and schools; monthly supervision meetings of trained facilitators; and evaluation of the program and planning sessions with the school and facilitators for the next school year.

It is Staff's observation that law enforcement and the community at large wish to see students learn from their mistakes, gain more self-control, and re-enter the school setting with a responsible attitude and a feeling that they are part of their school and not feeling alienated and rebellious. This Restorative Justice program is intended to help accomplish this goal.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO **85**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Fund, initially appropriated by Ordinance No. 2728 in the amount of \$61,747,852 is hereby increased by \$29,015 which, when added to the fund balance as of the City Council action on September 25, 2000 will equal \$66,292,650. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a U.S. Department of Justice grant to fund the Restorative Justice in Schools Program.

Section 2. The \$29,015 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Federal Intergovernmental Restorative Justice 10-0426-096	\$37,768	\$29,015	\$66,783
<u>EXPENSES</u>			
Contractual Services Restorative Justice Grant 10-20-27-299-096	\$37,768	\$29,015	\$66,783

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 11th day of September 2000.

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

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 11, 2000

Subject: Resolution No. 68 re: Carry Forward Balance of Year 2000 Private Activity Bond Allocation

Prepared by: Bob Eichen, Treasury Manager

Introduction

City Council action is requested to adopt the attached Resolution approving notification to the State of Colorado of the City's desire to carry forward the remaining \$1,432,675 of unused Private Activity Bond Allocation (PAB). If the State is not notified by September 15, 2000, the unassigned balance will revert to the State pool and will not be under the control of the City. To preserve flexibility it is proposed that the remaining allocation be carried forward. This action allows the City to delay the specific assignment of the carryforward until February 15, 2001. This action is also consistent with City Council actions in past years, and is also considered routine by the State of Colorado, the administrative agent for this program.

Summary

The City of Westminster's PAB allocation for year 2000 was \$2,432,675. This allocation, which is set forth under Federal Legislation, allows municipalities to issue bonds for private purposes, i.e., single-family mortgage programs, and redevelopment financing such as the Westminster Plaza Shopping Center. The Metro Mayors' Caucus previously issued a request from interested Denver area municipalities regarding participation in the Year 2000 single-family mortgage bond issue. This program allows individuals and families to take advantage of lower mortgage rate funds to purchase single-family homes, where otherwise they would likely not be able to qualify for the mortgage. On March 27, 2000, City Council assigned \$1.0 million of the City's Year 2000 PAB allocation for this purpose.

The remaining balance of \$1,432,675 has not been assigned. If the amount is not assigned by September 15, 2000, the balance will revert to the State pool and it is not required that the allocation be used in the City of Westminster. There are potential projects that have been considered but at the present time there is not a clearly defined project that Staff can recommend to Council. To maintain flexibility and not lose the allocation, the City may keep the balance of the allocation by passing a resolution stating that the balance will be used for a qualified carryforward purpose. A qualified carryforward purpose is defined in Colorado State law. The proposed resolution states that the remaining allocation will be used for a qualified carryforward purpose. The two purposes specified in the resolution are:

- For issuing qualified mortgage bonds or mortgage credit certificates, or
- For the purpose of issuing 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 carryforward \$1,432,675 of the City of Westminster's 2000 PAB allocation. Staff will return with a specific project to use the carryforward prior to February 15, 2001, as required by State law. If the specific assignment is not made by February 15 the City and the State will lose the remaining allocation.

Policy Issue

The policy issue before City Council is to whether to carry forward the remaining balance of the City of Westminster's PAB allocation for the year 2000 or allow the \$1,432,675 allocation to revert to the State pool.

Staff Recommendation

Adopt Resolution No. 68 approving the carryforward of \$1,432,675 for a qualified purpose of the City of Westminster's Private Activity Bond allocation for the year 2000 and authorize the Mayor and City Clerk to execute the necessary documents.

Background

When cities wish to finance private activity (such as redevelopment of the Westminster Plaza), they can do so only to the extent they have received an allocation from the Federal Government, administered by the State of Colorado. This is called Private Activity Bond (PAB) allocation. Each year, the City of Westminster receives its allocation of approximately \$2.4 million, to use in financing private business ventures. This allows the City to issue tax-exempt bonds to finance private ventures. This alternate financing approach can save developers the higher costs of private "corporate" debt, which savings oftentimes are significant, and can cost-justify projects. When this happens, this allows cities to sponsor community development activities that they deem prudent for their citizens. A recent example of this initiative was the sponsorship by City Council of the redevelopment of the Westminster Plaza. Without the ability to issue tax exempt bonds to build this project, the revitalization of South Westminster would not be taking place.

There is a carryforward provision in the federal law that allows the City's allocation to continue to be available through February 15 of the following year. By February 15, a specific assignment of the allocation must be made or the City and the State will lose the allocation. To maintain flexibility and to consider competitive projects, it is proposed that the City uses the carryforward provision. The qualified purposes for carryforward are defined in state law. The two proposed qualified purposes that the balance of the 2000 allocation can be used are:

- Qualified mortgage bonds, which includes mortgage credit certificates,
- Qualified redevelopment bonds.

These two categories cover any project that has been considered up to this date.

The City Attorney's Office has reviewed and approved the documents, which are now ready for City Council's formal action.

Alternatives:

1. Take no action, and direct Staff to allow the allocation to lapse and revert to the State pool. This option is not recommended. This option would limit the options that Council would have for PAB development in Westminster. In addition, this action is routinely used by other cities and is acceptable to the State of Colorado, acting as the administrative agent for the Federal Government.

2. Pick a project and assign the remaining balance now. While this would meet the requirements of the State law it is not recommended. Projects being considered have not reached the feasibility stage at this time. The carryforward provision will gain time to determine the feasibility of each project and for Staff to make specific recommendations to Council.

On Thursday afternoon Staff held a follow-up phone call with Dee Wisor of Sherman and Howard regarding the proposed resolution for the carryforward. It was determined that the resolution could be more generic in nature to expand the flexibility under current law. The changes have been made in bold in the resolution. The changes allow for redevelopment through any qualified assignee and broaden the qualified mortgage program to include multi-family or single family through any qualified assignee.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

SERIES OF 2000

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF WESTMINSTER TO ISSUE BONDS IN AN APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$1,432,675 TO FINANCE A QUALIFIED RESIDENTIAL RENTAL PROJECT OR A QUALIFIED REDEVELOPMENT PROJECT; AND AUTHORIZING THE OFFICERS, EMPLOYEES AND AGENTS OF THE CITY TO PROCEED AND CONTINUE WITH STEPS PRELIMINARY TO THE ISSUANCE OF SUCH BONDS.

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

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

WHEREAS, pursuant to the Private Activity Bond Ceiling Allocation Act, Title 24, Article 32, Part 17, of Colorado Revised Statutes (the "Allocation Act"), the City has been allocated private activity bond "volume cap" for 2000 the remaining amount of which is \$1,432,675; and

WHEREAS, the City intends and proposes to issue or to **ASSIGN TO AND** cause **ANOTHER ISSUER (THE "ASSIGNEE)** ~~the Westminster Economic Development Authority ("WEDA") to take the necessary steps~~ to authorize, issue, sell and deliver, bonds in an approximate aggregate principal amount of \$1,432,675, in one or more series, to finance qualified redevelopment purposes as described in Section 144(c) of the Internal Revenue Code of 1986, as amended (the "Code") **A QUALIFIED MORTGAGE BOND AS DESCRIBED IN SECTION 143 OF THE CODE** ~~or intends and proposes to issue or to cause another Colorado issuer (the "Housing Issuer") to take the necessary steps to authorize, issue, sell and deliver, bonds in an approximate aggregate principal amount of \$1,432,675, in one or more series~~ a qualified residential rental project as described in Section 142(d) of the Code, together with the costs of funding any reserve funds for the 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 therefor, is hereby ratified, approved and confirmed.

Section 2. The City intends to issue or to cause ~~WEDA or the Housing Issuer,~~ **THE ASSIGNEE**, as the case may be, to issue the Bonds in the approximate aggregate principal amount of \$1,432,675 to pay the cost of the Project, upon terms acceptable to the City or WEDA or the Housing Issuer, as the case may be, as set forth in a bond ordinance or resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith. The City or WEDA will issue the Bonds if the Bonds are issued to finance qualified redevelopment purposes as described in Section 144(c) of the Code. The City or the Housing Issuer will issue the Bonds if the Bonds are issued to finance a qualified residential rental project as described in Section 142(d) of the Code.

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

(i) notifying the Colorado Department of Local Affairs prior to September 15, 2000 of the City's desire to treat its initial 2000 allocation of private activity bond volume cap as an allocation to the Project;

(ii) obtaining (to the extent necessary) an additional share of the allocation for 2000 allotted to the State of Colorado pursuant to Section 146 of the Internal Revenue Code of 1986, as amended (the "Code");

(iii) assigning to ~~WEDA or to the Housing Issuer~~, **ASSIGNEE, IF NECESSARY AND APPROPRIATE**, ~~as the case may be (to the extent necessary)~~ the City's 2000 allocation of private activity bond volume cap; and

(iv) electing to carry forward any unused private activity bond volume cap allocation for 2000 pursuant to Section 146(f) of the Code.

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

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

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

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

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

PASSED AND ADOPTED this September 11, 2000.

Mayor

(SEAL)
Attest:

City Clerk

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

I, Michele Kelley, 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 11, 2000.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of September 11, 2000, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye:	_____

Those Voting Nay:	_____
Those Absent:	_____
Those Abstaining:	_____

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

4. The Resolution was approved and authenticated by the signature of the Mayor, 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 11, 2000 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 of _____, 2000.

 City Clerk

(SEAL)

EXHIBIT A

(Attach Form of Notice of Meeting)



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 11, 2000

Subject: Bradburn Metropolitan District Service Plan

Prepared by: Mary Ann Parrot, Finance Director
John Carpenter, Community Development Director

Introduction

City Council action is requested to conduct a public hearing and adopt the attached Resolution conditionally approving the Service Plan for the Bradburn Metropolitan Districts Nos. 1, 2 and 3. The main purpose of the Districts is to finance public improvements on a 130-acre parcel of land to be developed by Continuum Partners south of 120th Avenue between Sheridan and Lowell Boulevards.

Summary

The proposed development would be identified as “new urbanism” wherein the retail, commercial, office and housing areas are integrated in a “village” concept, and services are available to residents within walking distance. An integral part of the design of this development is the close proximity of neighbors to each other and their shopping needs. Homes are more densely clustered, with garages at the rear on alleys, built to provide a “small town” look to the homes and yards.

The cost of infrastructure is higher in a development of this type, for two primary reasons:

- Both streets and alleys would be built. In the residential area, particularly, the cost of alley construction must also be factored into the analysis.
- These developments include greater amounts and numbers of private recreation facilities.

In order to achieve a quality product without raising office rents and the prices of the homes beyond market acceptance, the developers have asked for the City’s support in forming a Metropolitan Special District. This would enable the developers to provide the infrastructure by issuing bonds, which would be repaid by the collection of property taxes in both the commercial and residential areas.

The development would be comprised of three special districts:

- District 1 would be the “coordinating” or Operating District, responsible for the managing, financing, construction, operation and maintenance of the facilities and improvements.
- District 2 would be the Commercial District, comprised of a total of 265,598 square feet, and summarized below. This district would assess a 45-mill levy of property (capped at 50 mills) to pay for bonds issued to finance the infrastructure improvements: streets, water and sewer lines, drainage improvements, landscaping, curbs and sidewalks, lighting, etc. (Financing would be structured in the same manner as the Catellus financing structure for the Circle Point Business Park approved by City Council in March 2000.) The current plans include the following features, subject to review or revision by the City in its development process:
 - Total commercial and retail space of 265,598 square feet comprised of:
 - Office space of 104,054 square feet
 - Retail/Grocery space of 53,544 square feet
 - Restaurant space of 8,000 square feet
 - Hotel space of 100,000 square feet
 - 318 apartment units

- District 3 would be the Residential District, summarized below. This district would assess up to a 35-mill levy to pay for bonds issued to finance and maintain the residential infrastructure improvements: streets and alleys, landscaping, water and sewer lines, drainage improvements, curbs and sidewalks, lighting, etc. (Financing would be fixed-rate, 30-year bonds, as with most other districts in the City of Westminster.) The following densities are proposed, subject to review and revision by the City in its development process:
 - 253 Single Family Homes of three designs
 - 114 Townhomes of four configurations
- The total number of residential units proposed in both districts is 685 units comprised of 318 apartments (District 2) and 367 single family and townhome units (District 3).
- Agreements between the City and the District(s) and inter-district agreements are also subject to the City's review and approval.

The key issues discussed with the Continuum representatives included:

- Governance
- Real Estate Absorption and Build-Out Projections
- Preliminary Plans and Densities
- Financing Plans for Commercial and Residential Districts

Much of the substance of these issues has been resolved to conform to the policy perspective discussed with City Council members during the Study Session on August 28. However, because two key issues remain outstanding (densities and financing of the commercial district), the Continuum and Staff are desirous of requesting a "conditional" approval of the Service Plan for the three districts. This conditional approval has been reviewed by the City Attorney, who concurs that this is within the confines of the state law. The "conditional approval" would be subject to resolution of the outstanding issues to the City's satisfaction. Staff is recommending this as an appropriate solution in this case.

Title 32 mandates that the City do one of the following:

1. To approve the service plan without condition or modification;
2. To disapprove the service plan submitted; or
3. To conditionally approve the service plan subject to the submission of additional information relating to, or the modification of, the proposed service plan or by agreement with the proponent of the proposed service plan

A conditional approval is requested due to the timing of the TABOR election this November. TABOR elections can only be held in November of any year and May of even numbered years. If an election cannot be held this November, the project would be delayed until after the next TABOR election in November 2001.

A conditional approval fully protects the City and allows the developer to continue discussions with the City regarding the planning and financing of the project, but still hold an election this year. The City Council may place any condition on its approval. As it reads now, the proposed resolution of conditional approval permits the Bradburn district to form, but not to obtain a final order and decree from the District Court or exercise any powers until a final amended service plan is approved by the City. This gives the Bradburn districts the following powers:

- To hold a TABOR election this November
- To continue to negotiate with Staff regarding:
- PDP application
- ODP application wherein densities and financing is determined.
- To submit ODP to City Council for final approval
- To submit an Amended Service Plan to City Council for a Resolution of Approval

Once the conditions have been met, that is once a Resolution of Approval is granted, the Bradburn Districts will be permitted to do the following:

- Ask the District Court of Adams County for an order and decree completing the organization
- Issue debt, as permitted in the service plan
- Begin development, as permitted in the service plan

Policy Issue(s)

Three issues are before City Council for consideration:

- Does City Council desire to add a new urbanism development with the theme of “new urbanism” to the City portfolio of housing and life-style options? Council has expressed a favorable opinion to Staff in prior discussions earlier this year when briefed by Staff.
- Does City Council desire to approve the formation of three metropolitan districts to realize a development with a “new urbanism” theme? Council has directed Staff to develop policies and procedures for accepting and reviewing applications for MSD formation; City Council has stated it has a negative bias toward residential MSDs, but desires to weigh the benefits of these to the City on a case-by-case basis.
- Does City Council desire to approve the Service Plan on a conditional basis, subject to further review by the City of the development layout and the resulting financing plans? Council has not considered this issue in reviewing previous applications primarily because none of the prior service plans have been as complex.

Staff Recommendation

1. Conduct a public hearing regarding the creation of the Bradburn Metropolitan Districts Nos 1, 2, and 3.
2. Adopt Resolution No. 69 granting conditional approval to the Service Plan for the Bradburn Metropolitan Districts Nos. 1, 2 and 3, and making certain findings and determinations in regard to the Bradburn Metropolitan Districts.

Background Information

The Continuum Developers approached the City in January of this year, interested in building a “new urban” village of homes with retail and commercial areas on the north side of the development along 120th Avenue. They noted to the Staff that this type of project has several unique features, which they believe would benefit the City and its residents:

- Creation of a truly mixed-use development combining various types of housing, retail and office uses.
- Creation of a unique residential development where all single family access is from alleys creating a more interesting streetscape free of garages.
- Adding to the value of the housing stock in the City by building a “quality” development.
- Realization of appreciation of property values for the homeowners as a result of the type of development constructed. National experience has shown that these types of “new urban” villages are very much in demand by residents desiring to “get back to home town” atmospheres. As a result, the prices for these homes, while mid-priced to begin with, will appreciate at a faster rate than homes in a more typical suburban development.

The developers also mentioned that this type of development is more expensive to build, as the infrastructure improvements are more costly. Two factors are primarily at work: densities are higher in these neighborhoods and the houses have alleys at their backs. The Continuum asked what special taxing districts were available to allow them to build such a development.

Staff described the various forms of taxing districts to them. The Metropolitan Special District, or MSD, is the type of district that they thought would best fit their needs.

The Continuum continued to work on the planning of the development with Staff during the year. Staff received a partial service plan as required for the formation of an MSD in late July. A complete plan was submitted in early August and Staff began their review. The Service Plan was re-worked and re-submitted in mid-August, reviewed and revised by the Continuum and City Staff in late August. Staff and the developer have continued to review the service plan, including the assumed absorption timetables proposed and the financing aspects of the plan. Attached is a summary table of the findings to date, as the Continuum refines and revises their plan. The Continuum and Staff realize that several outstanding issues remain to be resolved during the course of the normal development review process by the City.

The key issues discussed with the Continuum representatives included:

- Governance
- Real Estate Absorption and Build-Out Projections
- Preliminary Development Plans and Densities
- Financing Plans for Commercial and Residential Districts

As mentioned earlier, many of the issues have been resolved during planning discussions with Staff. The two key issues outstanding are densities and financing of the commercial district. Staff will work to resolve these issues over the next several months through the development review process conducted by Staff and the Planning Commission, as needed.

Because the planning for this development has exceeded the expectations and time budgets of both the developer and the Staff, the Continuum Partners have requested that their plan be “conditionally approved” subject to resolution of the outstanding issues, to the City’s satisfaction. As stated earlier, this conditional approval has been reviewed by the City Attorney who concurs this is within the confines of the state law. Staff is recommending this as an appropriate solution in this case. A summary of the outstanding issues along with the outstanding components follows.

Governance

The essence of this plan is the concept described in the MSD Service Plan of an “operating” district (control district) and two “taxing” districts (one residential and the other commercial).

- The Operating District would retain control of key functions during the life of the project, for the sake of maintaining control over certain design standards and other components, thus guaranteeing the quality of the improvements. The Operating District would manage the financing, construction, operation and maintenance of facilities and improvements.
- The Taxing Districts are separate and distinct, and have the function primarily of funding the Operating District for construction, operation and maintenance of the facilities and improvements.
- Agreements among the districts and between the District and the City would outline the timing, purposes and scope of these various functions. These agreements are to be incorporated in and made a part of the service plan. There would be two key Intergovernmental Agreements (IGAs):
 - IGA between the City and the Bradburn MSD Operating District
 - IGA (inter-district) among the Operating and each Taxing District
- The primary purpose of the proposed Districts is to provide public improvements for the Bradburn area. These improvements will be dedicated to the City or retained by the Operating District for the use and benefit of the Districts’ inhabitants and taxpayers. Improvements generally include water and wastewater lines (not treatment or storage), drainage improvements, streets, park and recreation facilities and other improvements needed for the area.

- There are no outstanding issues on the Governance topic. The Service Plan will be the governing document; all subsequent documents, including the IGAs, will be properly coordinated with the Service Plan, with no conflicts. In addition the City will be notified of any changes to the Service Plan, and will be able to determine whether these changes require additional approval of the City, either at the Council level (material changes) or administrative level. Material amendments will be submitted to City Council for action, after appropriate Staff review.

Real Estate Absorption and Build-Out Projections

The original service plan called for a three-year build out (2001-2003) for completion of the improvements in the residential and commercial districts. The City engaged Mr. Tom Martin of Frederick Ross Consulting, at Continuum’s expense, to review and make recommendations on the real estate absorption proposed by the developer. His recommendations were to revise the build-out period to a 5-6 years, and to revise the pricing on some of the product types. This has impacted the revenues and expenditures of the project, including the bonds to be issued and the cash flows available to provide debt service and funds for operations and maintenance. This will be covered under the financing below. There are no outstanding issues on this topic.

Preliminary Plans and Densities

The Service Plan for the Metropolitan District proposes a total of 685 residential units that would utilize the following number of Growth Management Program service commitments:

# of Units	Type of Unit	Service Commitment Per Unit	Total Number of Service Commitments
253	Single Family Detached	1.00	253.0
114	Single Family Attached (Townhomes)	0.75	85.5
318	Multi-Family (Apartments)	0.50	159.0
685	Total		497.5

City Council previously has approved 400 service commitments for the Bradburn project. Since the service plan assumes a greater number of service commitments than approved by Council, a provision has been added to the Service Plan that requires the number and type of residential units and service commitments conform to the Official Development Plan for Bradburn once approved by the City. If the City does not approve the greater number of dwelling units as proposed by Continuum, the Service Plan would need to be amended to reflect the lower, approved dwelling unit count.

Financing Plans for Commercial and Residential Districts

The revised service plan includes financing as follows:

- For Commercial District #2
 - > Assessed value of \$14.6 million at build-out.
 - > Debt of \$9.45 million for improvements (or 65% of build-out assessed value).
 - > A mill levy of 45 mills.
 - > Increasing assessed values at 3% per year (multi-family) and 1% (retail)
- For Residential District #3
 - > Assessed values of \$12.3 million at build-out.
 - > Debt of \$7.6 million (or 61% of build-out assessed value).
 - > A capped mill levy at 35 mills.
 - > Increasing assessed values at 3% per year.

The City engaged Ms. Lorraine Trotter of Professional Management Solutions, at the developer's expense, to review the original proposal. Staff recommended, and the Continuum agreed to, the following changes for the residential portion:

- Reduce the mill levy for the residential portion of the project from 50-mill cap to a 35-mill cap, recognizing that this is above the City's policy of 25 mills. The rationale for supporting a 35 mill cap (reduced from the 50 mill cap originally proposed) include:
 - > The additional costs of the infrastructure necessary for this unique development,
 - > The stated desire by the City to work with the developer to guarantee this type of development in the City.
- The financing proposed uses a concept whereby the cap is gradually removed, and eventually the cap disappears entirely, leaving the district with an uncapped mill levy. Eliminate the gradual removal of the cap ("peel-off provision") for the residential district.

These two items together bring the financing for the residential district into conformity with the City's policy. This will reduce the District's bonding capacity, but the District may not be issuing bonds until 2004 and can tolerate the reduction.

Staff and the City's advisors will be in attendance at the September 11 City Council meeting to answer questions.

Respectfully submitted,

William M. Christopher
City Manager

Attachments:
Summary Matrix of Outstanding Issues and Basic Features
Resolution of Conditional Approval
Service Plan

Summary of Bradburn MSD Service Plan Components
September 2000

Component	Bradburn Village – Resid'l + Comm'l
District Structure	Three Districts <ul style="list-style-type: none"> • Operating District (controlling district) • Residential District (taxing district) • Commercial District (taxing district) Necessary due to combining residential and commercial/retail functions with separate costing and tax requirements
Governance	Two sets of IGAs <ul style="list-style-type: none"> • IGA between City and MSDs to be reviewed and approved by City Council at future date. • IGAs among Districts (inter-District IGAs) to be reviewed and approved at administrative level. • All documents are properly coordinated (Service Plan and IGAs)
Phasing of Project	Not relevant – all in Phase 1
Build-out	5-6 years comm'l–recommended by Ross Consulting, agreed by Continuum 4 years resid'l–recommended by Ross Consulting, agreed by Continuum
No. Acres	At Completion 130 acres Currently: Dist #2=37 acre Dist #3=75 acres Total 112 acres
No. Units & Density	Currently Proposed: <ul style="list-style-type: none"> • Distr2 318 MF units, • 265,598 sqft retail, restaurant, hotel, office • Distr3 685 SF and TH units (253 SF, 114 TH) All subject to development review process/CLUP amendment. No debt issued, no taxes/fees levied until approvals secured.
Costs of Public Improvements	Current Estimate: \$15.008 million To be updated with construction management, project management, other costs of professional services and fees To be completed/resolved during development review
Improvement Matrix	To be resolved – drainage and alley ownership and maintenance. Incorporated into Service Plan

Summary of Bradburn MSD Service Plan Components
September 2000

Financing District (Commercial)	– 2	<ul style="list-style-type: none"> • \$14.6mm assessed value at build out • \$9.45mm bond (65% of assessed) • 50 mill levy cap; currently proposed - 45 mill levy to cover debt and O&M; balance of O&M to be covered by MSD fees to be charged; estimated and included in current financing plan • Variable rate, 1-year re-set interest rate • Credit enhanced w/ A-rated L/C and developer guarantee • Peel-off provision for L/C to be resolved
Financing District (Residential)	– 3	<ul style="list-style-type: none"> • Dist #3 \$12.3mm assessed value at build out • \$7.6mm bond (61% of assessed value) • 35mill levy cap; currently proposed - 35 mill levy for debt • Fixed rate, non-rated, developer guarantee • No removal of mill levy cap during term of bonds
Term Limit on Bonds		<ul style="list-style-type: none"> • 30years maximum; 30 years current plan • No refunding without City's approval.
Callability of Bonds		<ul style="list-style-type: none"> • 10-year call protection if fixed rate done. • Otherwise, to be discussed.
Debt Authorization		\$20million
Level Debt Service		To be reviewed prior to financing

RESOLUTION

RESOLUTION NO. **69**

INTRODUCED BY COUNCILORS

SERIES OF 2000

WHEREAS, pursuant to the provisions of Title 32, Article 1, Part 2, C.R.S. as amended, and specifically Section 32-1-204.5 thereof, the City Council of the City of Westminster, Colorado, considered the Consolidated Service Plan of the proposed Bradburn Metropolitan District Nos. 1-3 on the 11th day of September, 2000; and

WHEREAS, it appears that the Service Plan should be approved conditionally, as permitted by Section 32-1-203(1) of the Colorado Revised Statutes;

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

Section 1. That the City Council of the City of Westminster, Colorado, does hereby determine that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, relating to the filing of a Service Plan for the proposed Bradburn Metropolitan District Nos. 1-3 have been fulfilled.

Section 2. That the City Council does hereby find and determine that:

(a) There is sufficient existing and projected need for organized service in the area to be served by the proposed District;

(b) The existing service in the area to be served by the proposed District is not adequate for present and projected needs;

(c) The proposed special Districts are capable of providing economic and sufficient service to the area within their proposed boundaries;

(d) The area to be included in the proposed Districts has, or will have the financial ability to discharge the proposed indebtedness on a reasonable basis;

Section 3. That the Service Plan of the proposed Bradburn Metropolitan District Nos. 1-3 is hereby approved upon the following conditions:

(a) An Official Development Plan is approved and the numbers of dwelling units reflected in Financing Plan (Exhibit G) are consistent with the Official Development Plan.

(b) Section V and Exhibit G are amended to the City staff's satisfaction, including, but not limited to, the Residential and Commercial Districts' Mill Levy Caps, the "Peel Off" provision, timing of the project completion, amortization schedules, and total project budgets for the Districts.

Section 4. That a certified copy of this Resolution be filed in the records of the City and submitted to the Petitioners for the purpose of filing in the District Court of Adams County.

ADOPTED AND APPROVED this 11th day of September, 2000 as amended.

ATTEST

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 11, 2000
Subject: Standley Lake Fee Increase
Prepared by: Rod Larsen, Open Space Supervisor

Introduction

City Council action is requested to approve the proposed 2001 fee schedule for Standley Lake Regional Park activities and adopt the attached Resolution authorizing the City Manager to increase fees up to 10% annually for permits and day use activities at the park on an as needed basis.

Summary

The Phase I improvements at Standley Lake Regional Park were completed in June 2000 and include a boat ramp, campground, restroom facility, fish cleaning station, nature center/ranger office, access roads, and trail system. These improvements allow greater access for the public (especially for trail use and day activities) and greatly enhance the facilities that Westminster and surrounding metro residents may enjoy.

Day use of the park is expected to rise now that the improvements are completed and it is projected that operation and maintenance (trash removal, restroom cleaning, trail maintenance, and law enforcement) costs associated with a high quality, water-based recreational park will increase.

In 1993, Council authorized the City Manager by resolution to adjust golf course fees up to a maximum of 10% annually on an as needed basis to address market conditions and/or operating costs. Staff believes that adopting a similar provision for Standley Lake Regional Park would make good management sense.

Policy Issue(s)

- Should Council set fees for the 2001 Standley Lake operating year at the same time as budget adoption?
- Should Council authorize the City Manager by resolution to increase Standley Lake Recreation fees up to 10% annually in future years on an as needed basis to address market conditions and/or operating costs?

Staff Recommendation

Approve the proposed 2001 fee schedule for the various Standley Lake Regional Park categories

Adopt Resolution No. 70 authorizing the City Manager to increase fees up to 10% annually on an as needed basis for permits and day use activities at the park.

Background Information

Staff is proposing the following fee structure for Standley Lake in 2001:

Type	Estimated Sales	2000	2001	% Increase
Resident	565	\$ 505	\$ 525	4%
Non-resident	35	\$ 630	\$ 655	4%
Sail/Fish	150	\$ 125	\$ 130	4%
Camping	25	\$ 250	\$ 260	4%
Special Use	25	\$ 25	\$ 25	0%
Daily Gate –Car	5,000	\$ 5	\$ 5	0%
Daily Gate – Boat	300	\$ 10	\$ 10	0%
Senior Pass	650	\$ 10	\$ 10	0%
Boat Dealer	1	\$1500	\$1500	0%
Annual	40	\$ 60	\$ 62	3%
Fines		Variable	Variable	0%
Estimated Revenue		\$354,520	\$390,000	

During 1998, Jefferson County Open Space (JCOS) and the Farmers Reservoir and Irrigation Company (FRICO) finalized several years of negotiations and reached an agreement in the purchase of the land and recreational rights surrounding Standley Lake. JCOS then deeded the property to the City of Westminster for the purpose of upgrading and maintaining Standley Lake as a regional park and also contributed \$2,463,733 to be used in the Phase I improvements.

The Department of Parks, Recreation, and Libraries primary focus in the operation of Standley Lake is to protect the lake’s water quality, ensure the safety and health of the visitors using the recreation area and achieve a self-sustaining operation. Providing 24-hour security during the boating season, staffing for 16 hours of day use, and contracting portable toilet facilities and trash collection represent over 90% of the operating budget. The remaining budget is used to purchase medical supplies, signage, and materials to maintain grounds and structures.

In 1985, the Department of Parks and Recreation issued 1,200 power boat permits at Standley Lake. Since that time, water quality issues have prompted the City to re-evaluate the long-term impact which power boat uses have upon the water at Standley Lake. Because of these concerns, City Council has reduced the number of boat permits available and has pursued a conservative approach when dealing with water quality. In 1992, a voluntary boat emissions inspection program was started with support from local boat dealers who provided the service at no charge to lake participants. This program became mandatory in 1993 and all power boats using Standley Lake must pass an emissions inspection before they are granted access to the lake. Water quality sampling from Standley Lake has indicated the 600 powerboat permits approved for 2001, along with the other protective measures regulating recreational activities, have been successful in preventing water quality degradation.

Alternative(s)

1. Reject Staff’s recommendation to adopt 2001 fees at this time and wait until the following budget year.
2. Reject the resolution allowing the City Manager to increase Standley lake recreation fees up to 10% each year, to address market conditions and/or operating costs.

Respectfully submitted,

William M. Christopher
 City Manager
 Attachments

RESOLUTION

RESOLUTION NO. **70**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION OF THE CITY COUNCIL ESTABLISHING NEW FEES FOR STANDLEY LAKE REGIONAL PARK, TO RESPOND TO MARKET CONDITIONS, MAINTAIN COMPETITIVE RATES, AND INCREASE REVENUE.

WHEREAS, it is the intent of the City Council to adjust fees to generate adequate revenue to support the enterprise at Standley Lake Regional Park; and

WHEREAS, The Phase I improvements at Standley Lake Regional Park were completed in June 2000 and include a boat ramp, campground, restroom facility, fish cleaning station, nature center/ranger office, access roads, and trail system which allow greater access for the public and greatly enhanced the facilities; and

WHEREAS, day use of the park is expected to rise now that the improvements are completed and it is projected that operation and maintenance costs associated with a high quality, water-based recreational park will increase; and

WHEREAS, it is the intent of the City Council to adjust fees to provide marketable, competitive fees, as seen in fee increase authorizations for other recreation activities;

NOW, THEREFORE, be it resolved by the Westminster City Council that the City Manager is authorized to increase fees up to 10% annually for permits and day use activities at the park.

Passed and adopted this 11th day of September, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 11, 2000

Subject: Resolution No. 71 Opposing "Taxcut 2000" (Amendment 21)

Prepared by: Barb Dolan, Sales Tax Manager

Introduction

City Council action is requested to adopt the attached resolution opposing Amendment 21, also referred to as "Taxcut 2000." Colorado voters will consider the amendment on November 7, 2000.

Summary

On May 25, 2000, the Colorado Secretary of State certified a citizens' initiative entitled "Taxcut 2000" for inclusion on the November 7, 2000 general election ballot. Taxcut 2000 has significant implications for the State of Colorado and its local governments. Staff estimates that the City will lose a minimum of \$4.1 million in tax revenues in Year 2001 if the Amendment passes. This loss could be as high as \$8.2 million in Year 2001 depending upon the legal interpretation of the ballot language. Westminster could also suffer indirect losses as the State and other local governments are forced to reduce intergovernmental revenues or services to citizens as a result of their own revenue losses. If approved, the initiative would have serious detrimental effects upon the citizens and businesses of Westminster, resulting in significant reductions to City services and/or capital improvements.

Policy Issue(s)

In light of the detrimental impact that the initiative will have on Westminster citizens, should the City Council take a formal position opposing Amendment 21, also known as Taxcut 2000?

Staff Recommendation

Adopt Resolution No. 71 opposing Amendment 21, also known as Taxcut 2000 and direct Staff to distribute copies.

Background Information

This section will be comprised of three parts:

- Features of Taxcut 2000
- Facts about Taxcut 2000
- Implications of Taxcut 2000

Features of Taxcut 2000

Amendment 21, also known as Taxcut 2000, is a citizens' initiative to amend the Colorado Constitution. The Amendment would establish, beginning in the year 2001, a \$25 "tax cut" that increases by \$25 each year, for each of the taxes listed below. The bold-faced items would directly reduce tax revenues collected by Westminster:

- **Utility customer and occupation tax and franchise charges (sales and franchise taxes paid on utility bills)**
- **Vehicle sales, use and ownership tax (sales taxes paid on vehicle purchases, and annual ownership tax paid when registrations are renewed)**
- State income tax
- **Property tax**
- **State income and local property tax equal to yearly revenue from sales and use taxes on food and drink (other than tobacco and alcohol)**
- State income tax equal to yearly revenue from estate taxes

The City could also be indirectly impacted by reduced intergovernmental revenues received from the State, Counties, and other local governments affected by the Amendment.

Facts about Taxcut 2000

- The tax cuts would apply to each district that levies the tax. For instance, property tax bills include taxes levied by a variety of local governments (City, County, School District, Library, etc.) In the first year, a \$25 tax cut will be subtracted from the amount to be received by each taxing government. If a taxpayer's bill for an individual government was less than \$25, then that government would receive no revenue from that property.
- The amount of the tax cut in each tax category increases by \$25 per year in perpetuity. There is no termination date in the Amendment. For instance, in year 10 the tax cut will be \$250 for each tax category, and in year 20 the cut would be \$500 until all tax is exhausted.
- The Amendment does not require the State to replace revenue lost by local governments. Each government would have to decide how to deal with the reduced tax revenue.
- It is not certain at this time if the City could "de-Bruce" the impact of this Amendment or not.

Implications of Taxcut 2000

Passage of the Amendment will have many negative implications for State, the City, and local governments. A detailed analysis of the initiative reveals the following impacts.

- The City would lose significant future tax revenues. Estimates indicate that the City will lose a minimum of \$4.1 million in tax revenues for 2001 and \$7.6 million in tax revenues for 2005 if the Amendment passes. This loss could be as high as \$8.2-\$10.8 million depending upon the legal interpretation of the ballot language.
- Other governments that provide Westminster citizens with services would also lose significant future tax revenues. Estimates indicate that the proposal would eliminate \$600 million in state tax revenue during the first 18 months and \$322 million in local and special district revenue in its first year.

The tax cut would be inequitably distributed among residents. The initiative would virtually eliminate the City property tax levy for many taxpayers. Westminster currently has 30,600 taxpayers (parcels) on the tax rolls. By year two of the tax cut, 28,668 of these taxpayers will pay no City property tax because their City property tax bills are less than \$100 (\$50 tax cut for property tax and \$50 tax cut for sales tax on food/drink). By year five of the tax cut, only 568 taxpayers (parcels) will be paying property tax of \$712,000. Obviously, the majority of these will be commercial. The same applies to the utility franchise and sales tax cuts. Smaller customers will receive great tax relief immediately, while larger customers will receive a smaller tax cut, relative to the amount of tax that they pay.

- Implementation will be burdensome and costly for business and governments. Sales/use tax on food and drink (excluding tobacco and alcohol) will have to be separately identified on monthly tax returns. In addition, utility companies will need to make billing program changes to apply the tax cut to monthly statements and governments would have to apply credits to tax bills.
- Special Districts e.g. fire districts that are heavily dependent on property tax revenue to fund their operations would likely be eliminated after two years of tax cuts.
- New fees and charges would likely be implemented in order for the City to continue to provide essential services. These could prove to be more financially burdensome for residents than existing taxes. For instance, charges for providing public safety services like police and fire could prove to be cost prohibitive when applied on a "per incident" basis. Costs of services that benefit the entire populace are more appropriately paid for with a general tax levy.
- Non-revenue related costs would be incurred as a result of loss of revenue by other governmental units. These governments may no longer be able to fulfill their obligations under intergovernmental service or mutual aid agreements with Westminster, forcing the City to completely subsidize these joint programs or reduce or eliminate them.
- Individuals will be hit hardest who can least afford it. Tax reductions under the Amendment for residents who pay little or no income or property tax will be insignificant. Yet these citizens may be compelled to pay expensive fees or charges for access to certain City services.
- Passage of the Amendment could result in new or increased, unanticipated, tangible and intangible costs for taxpayers. For instance, elimination of a Fire Protection District could result in skyrocketing insurance premiums for homeowners. Loss of a Parks and Recreation District could force residents to turn to more expensive private sector alternatives. Premium open space areas may be purchased by private parties and ultimately developed if government can no longer afford to preserve them.

Proposal will result in significant continuing cuts to City services. Using Staff's more conservative fiscal impact projection, Taxcut 2000 will result in a \$4.1 million reduction in General Fund revenues in 2001. This will increase to a \$7.6 million reduction by 2005. To provide a perspective on the level of impact this would have on the General Fund budget: the entire budgets for the Departments of Community Development and Finance would need to be eliminated to meet the 2001 revenue shortfall projected. In 2005, the entire Fire Department budget would need to be eliminated to meet the 2005 revenue shortfall projected. These are very large revenue reductions that will grow larger in future years resulting in additional cuts to City services. The revenue reductions will continue until the identified tax and fee sources disappear entirely.

Alternative(s)

1. Adopt a resolution supporting Amendment 21. This is not recommended because of the serious detrimental impact that the initiative would have on Westminster citizens.
2. Take no action to support or oppose Amendment 21. Again, this is not recommended. It is important that City Council take a public position to alert Westminster citizens of the potential revenue loss and negatives impacts should the initiative be approved.

Respectfully submitted,

RESOLUTION

RESOLUTION NO. 71

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION OPPOSING TAXCUT 2000 (AMENDMENT 21)

WHEREAS, on May 25, 2000, the Colorado Secretary of State certified a citizens' initiative to amend the Colorado Constitution entitled, "Taxcut 2000" for inclusion on the November 7, 2000, ballot; and

WHEREAS, "Taxcut 2000" on the surface has superficial appeal to taxpayers, but has disastrous implications for the City of Westminster, the State of Colorado and the other local governments which in turn would have serious reduction of service to the Citizenry; and

WHEREAS, according to estimates provided by City Staff, the City would lose significant future tax revenues if the initiative passes: passage of the Amendment would reduce Westminster revenues by \$4.1 to \$8.2 million in 2001, up to \$7.5 to \$10.8 million by the end of 2005; and

WHEREAS, passage of the Amendment would result in significant and on-going reductions in basic City services and important capital projects; and

WHEREAS, passage of the Amendment could result in a bond rating downgrade for the City, which would generate higher interest costs on future funds borrowed for capital improvements; and

WHEREAS, the tax cut would be inequitably distributed among residents, leaving only a small group of taxpayers paying the lion's share of certain taxes; and

WHEREAS, Westminster residents previously voted to allow the City to keep and spend certain revenues, including sales and property taxes, and in the past have supported the quality of services and facilities that has made Westminster the distinctive City it has become. The Amendment is contrary to the citizens' wishes and usurps their ability to opt out of "Taxcut 2000"; and

WHEREAS, implementation of the Amendment would be burdensome and costly for business and government, who would have to make significant changes to their accounting systems; and

WHEREAS the City would likely need to implement new fees and charges in order to provide essential services, and these could well be more financially burdensome for Westminster residents than the existing taxes, and

WHEREAS, necessary user fees and charges could be cost prohibitive for some Westminster citizens thereby denying them access to essential services which are currently provided for with general tax levies, and

WHEREAS, user fees and charges could hit the people hardest who can least afford it by compelling them to pay for access to City services which were previously subsidized by existing taxes, and

WHEREAS, the Amendment would generate non-revenue related costs when other governments affected by it cannot fulfill their obligations under intergovernmental service or mutual aid agreements with Westminster and the City is forced to subsidize these, and

WHEREAS, passage of the Amendment could result in new or increased costs for taxpayers such as cost of homeowners and car insurance due to reductions in fire protection and street repair services; and

WHEREAS, the amount of the tax cut increases each year in perpetuity until the identified taxes are entirely eliminated. There is no termination date in the Amendment, leaving future generations to grapple with ever decreasing revenues; and

WHEREAS, Taxcut 2000 is antithetical to the fundamental principles of home-rule, local control and citizen-led governance. and

WHEREAS, City Council urges the electorate to thoroughly study the consequences of "Taxcut 2000" before voting.

NOW, THEREFORE, the City Council of the City of Westminster resolves that it formally opposes Amendment 21 entitled, "Taxcut 2000," which will be considered by Colorado voters on November 7, 2000, and expresses its hope that it will be soundly defeated by an enlightened electorate.

PASSED AND ADOPTED this 11th day of September, 2000.

Mayor

ATTEST:

City

Agenda Memorandum

Date: September 11, 2000

Subject: Resolution No. 72 Formal Position on The “Responsible Growth Initiative” (Initiative 256)

Prepared by: David A. Shinneman, Planning Manager
Bill Christopher, City Manager

Introduction

City Council is requested to take a formal position on “The Responsible Growth Initiative”, Initiative 256. Council has reviewed the Staff’s analysis on the Initiative and has directed Staff to prepare a Resolution in opposition.

Summary

Staff previously provided City Council with information regarding proposed Ballot Initiative No. 256 also known as “The Responsible Growth Act” to amend the Colorado Constitution. Adequate signatures have been turned in on Initiative No. 256 and the Secretary of State will in all likelihood certify this issue for the November 7, 2000 ballot on September 13. The Initiative is being sponsored by COPIRG (Colorado Public Interest Research Group) and other associated groups. A copy of the Initiative is attached.

City Council reviewed the provisions and consequences of Initiative 256 and directed Staff to draft a Resolution to take formal action against this ballot Initiative.

Policy Issues

Whether to support, oppose or take no position on the Initiative. The Initiative would prohibit virtually all residential, commercial and industrial development outside of designated “Committed Areas”, “Growth Areas” (as defined by a voter approved growth area map), or other areas excepted under the Initiative language.

Discussion

The growth Initiative uses the term “valid development application” in two places. First, under Section 2 of the Initiative, if a “valid development application” has been filed for a particular piece of property, “the approval of which would result in development that shall be served by central water and sewer services.” that property is considered a “Committed Area” that a local government may approve for development. (If property is in a committed area, it can be developed without the election, which is required for new growth areas.) The application must have been filed by the date that the Secretary of State certifies the November ballot. (The deadline is September 13, but the Secretary of State could certify the ballot earlier.)

Under the Initiative, the City could only approve development which was either (a) a “Committed Area,” (b) a voter approved Growth Area or (c) “Section 9 Exception”, which is a property that meets one of the eight exceptions listed in Section 9 of the Initiative.

Second, for areas that are neither committed areas nor voter approved growth areas a local government may approve development if a valid development application has been filed under one of the exceptions listed in Section 9 of the measure.

The main exception is located in Section 9 (2) which excepts from the Initiative “Development or subdivision of land consistent with a valid development application which had been filed as of the date on which the 2000 general election ballot was certified by the Colorado Secretary of State.” This exception does not require the “valid development application” to be one that, if approved, would result in water and sewer service. A valid development application is defined by the measure as one that “substantively meets all of the rules for submission applicable to a proposal and that has been accepted as timely and complete by the local government.

Staff is of the opinion that development consistent with a Preliminary Development Plan (PDP) site and the Comprehensive Land Use Plan is the appropriate document or application for the City to consider to meet this exception of the Initiative for the following reasons:

- 1) The PDP is considered a “Site Specific Development Plan under section 11-5-18 of the Westminster Municipal Code.
- 2) The PDP is the first application or approval which specifies the type and intensity/density of development for a particular parcel or parcels of land.
- 3) Although the approval of a PDP does not result in a water and sewer service commitment, and this does not create a “Committed Area,” such is not required under Section 9 (2) of the Initiative, and it clearly preserves the right of the City to require the developer to meet all other City Code requirements prior to obtaining water and sewer service for a building permit.

Staff Recommendation

Adopt Resolution No. 72 formally opposing Initiative 256, “The Responsible Growth Initiative” and direct Staff to distribute copies of the Resolution where appropriate.

Background Information

The following is a summary provided by the Ballot Title Setting Board.

The summary prepared by the Board is as follows:

The measure adds a new article XXVIII to the Colorado Constitution. The measure states that the people find that rapid, unplanned, and unregulated growth through development and subdivision is a matter of statewide significance and concern. The measure states that its purpose is to require citizen management of growth by providing voters with information concerning growth impacts, by providing voters with control over growth areas in their communities, and by requiring coordination among local governments with respect to proposed growth areas. The measure states that it shall pre-empt any inconsistent provision of the Colorado Constitution, state statute, local ordinance or other provision of law.

The measure specifies that local governments, unless excepted in accordance with its provisions, shall approve development only within areas committed to development or within growth areas in accordance with voter-approved growth area maps.

The measure defines “committed area” to mean an area of land that has been committed to development in that the land meets one of three criteria as specified in the measure.

The measure defines “development” to mean commercial, residential, or industrial construction or other activity that changes the basic character of the land so as to permit commercial, residential, or industrial construction. The term “development” shall not include the construction, operation, maintenance, repair or replacement of facilities for telecommunications, public utilities, mining of minerals and construction materials, oil and gas exploration and production, or for the diversion, storage, transportation, or use of water within the State of Colorado.

The measure defines “growth area” to mean an area shown on a growth map approved by the voters as an area within which development may occur.

The measure defines “local government” to mean all statutory, charter and home rule cities and towns, home rule and statutory counties, and cities and counties.

The measure specifies that its terms shall apply to all counties and city and counties with a population in excess of 10,000 residents according to the most recent decennial census or, if more than five years have passed since such census, the population as projected by the department of local affairs as of the beginning of the fifth year following the date of the census. The governing body of any county whose population is less than 25,000 residents may submit a referred question to the voters exempting for a period of four years the entire county and all local governments within it from the requirements of the measure. This four-year period may be renewed or extended by a subsequent referred question.

The measure specifies that its terms shall apply to every city or town with any portion of its corporate limits located in any county to which the proposed amendment applies. Cities or towns whose population is less than 1,000 residents shall not be required to prepare a growth map; except that such cities or towns shall not approve any development that would cause the city’s or town’s population to exceed 1,000 until the voters of that jurisdiction have approved a map for such jurisdiction in conformity with the requirements of the measure.

The measure requires every local government subject to its terms to delineate its committed area no later than December 31, 2001, or within one year of becoming subject to the requirements of its terms, whichever occurs later.

The measure specifies that a growth area map shall include a map and text describing a proposed growth area and shall identify the general locations of each proposed land use and the general range of development densities within such growth area. No proposed growth area may be designated on a growth area map unless the development in such area shall be served by a central water and sewer system and roads satisfying the criteria specified in the measure within ten years following voter approval. For every city, city and county, or town, each proposed growth area shall abut along one-sixth or more of its perimeter to a committed area or to one or more growth areas that were previously approved by the voters of that jurisdiction.

The measure requires each growth area map and its text to be consistent with growth impact disclosures set forth in the measure, developed with citizen participation, and consistent with growth proposed by other local governments.

The measure requires each local government proposing a growth area to refer each proposed growth area map to a popular vote at a regular election. The measure specifies requirements for the ballot title and submission clause for such referendum. Under the measure, the proposing local government shall also provide growth impact disclosures that describe the impacts of development allowed by the proposed growth area map. The measure specifies how such disclosures are to be distributed to voters.

Such disclosures are to describe the elements of the proposed growth area and the anticipated effects of the proposed growth area.

The measure specifies that all growth impact disclosures shall be based upon the best generally available data routinely used by local government planners in Colorado in the preparation of master or comprehensive plans.

The measure requires development or subdivision of land within a voter-approved growth area to be undertaken in accordance with the growth area map. Development or subdivision of land within a committed area may be completed without voter approval if the development is completed in accordance with approved plans and any applicable regulations and guidelines. No development or subdivision of land shall be approved for land not included in a committed area or growth area; except that a local government may approve or allow development or subdivision activity with respect to such areas pursuant to eight different exceptions as specified in the measure where such activity satisfies such jurisdiction’s land use rules and regulations. Those exceptions are specified as follows:

- *Development that does not require any further local government approvals or requires only the issuance of a building permit;*
- *Development or subdivision of land consistent with a valid development application in conformity with the provisions of the measure;*
- *The creation of no more than three lots of no more than two acres each to accommodate residences of immediate family members of an agricultural property owner;*
- *A division of land that is not subject to control as a subdivision of land based upon statutes in effect at the time such land is subdivided;*
- *Publicly owned facilities necessary for the public health, safety, or welfare;*
- *A division of land that is permitted by statute as a rural cluster developments as of the effective date of the measure;*
- *Non-residential development of less than ten thousand square feet to permit retail or service use where no other retail or service uses are located within one mile of the site; and*
- *Commercial or industrial development, other than confined animal feeding operations or related facilities, that provides only goods or services to support nearby agricultural operations in an area where there are no other commercial or industrial sites within one mile.*

The measure specifies that it is not intended to affect other Constitutional protections afforded to private property.

The measure states that its provisions are to be liberally construed to effectuate its purposes. The measure provides that any laws enacted in derogations of the measure are to be strictly construed.

An additional summary of the Initiative is attached from the Colorado Municipal League.

City Impacts

The City of Westminster has already felt the impacts of the proposed Initiative. Many property owners are submitting requests for letters regarding the City’s interpretation as to what qualifies as “valid development application.” Many others are trying to get developments moving in an expedited manner in order to beat the deadlines imposed by the pending Initiative. Additionally, the Initiative, if approved, would dictate which parcels could be developed. This usurps the authority of the elected City Council on land development matters.

Direct Costs

The fiscal impacts on the City are indeterminate. The City would assume the direct costs to comply with the following six (6) tasks required by the measure 1) Delineating “committed areas;” 2) Developing “growth area maps;” 3) Referring growth area maps to a popular vote at a regular election; 4) Preparing growth impact disclosures to voters; 5) Distribution of the growth area map and impact disclosures to voters; and 6) Ensuring that growth area maps are consistent with those proposed by surrounding jurisdictions. Additional costs may be required to update the CLUP and other land use regulations. The above costs do not include the costs to be incurred by other political subdivisions such as school districts in complying with the Initiative’s requirements.

The Department of Local Affairs is estimating the initial combined cost of compliance for local governments statewide to be as high as \$60 million. Additional costs would be ongoing as maps and information are revised and new voter approvals are required.

Indirect Costs

These costs are difficult to quantify and are also indeterminate. Negative fiscal impacts caused from development delays, or prohibition of certain development will be felt either in the short term while the city creates the required growth area maps, etc., and/or in the long term should voters not approve the growth area map. Another indirect cost may be increased housing costs as the supply of new homes is limited by the impacts of the amendment.

Development Impacts

Staff has prepared a map to outline properties that could be affected negatively by the Initiative in terms of a development delay or prohibition. This map is attached. Also, the Initiative mandates counties to either (1) comply, (2) can be exempt or (3) exempt under the provisions and requirements of the Initiative. This will likely cause urban sprawl by developers pursuing new development in “exempt” or “can be exempt” counties such as Gilpin and Clear Creek (see attached map depicting the counties’ status).

Alternatives

Policy Issues #1 (Position on the Initiative)

- Support the proposed Initiative.
- Oppose the proposed Initiative.
- Take no position on the Initiative.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **72**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION ON THE “RESPONSIBLE GROWTH INITIATIVE” (AMENDMENT 24)

WHEREAS, CoPIRG (Colorado Public Interest Research Group) and other associated groups have submitted petitions to the Secretary of State to place a Citizen Initiative on the November 7, 2000 General Election Ballot known as the “Responsible Growth Act” which would amend the Colorado Constitution; and

WHEREAS, the Secretary of State has determined that there are sufficient ballot signatures on the petition, but as of this date, has not certified the ballot question; and

WHEREAS, the “Responsible Growth Act” is an attempt to apply growth limits on new development throughout the State of Colorado and applies a “one size fits all” approach to each and every town, city and county; and

WHEREAS, growth throughout the State of Colorado is recognized as the number one issue which residents express concern about and are desirous of growth restrictions; and

WHEREAS, the Citizen Initiative provisions of the growth restrictions usurp and undermine knowledgeable decision making by elected City and County officials and creates timing delays and uncertainty regarding new development plans which would be required to be voted upon by the electorate as part of the annual growth map proposition; and

WHEREAS, Colorado’s ability to attract desirable economic development prospects and, in turn, create good paying jobs and add to the local tax base would be negatively impacted by the passage of Initiative 256; and

WHEREAS, the Department of Local Affairs has estimated the initial combined cost of compliance for local governments statewide to be as high as \$60,000,000.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, Colorado that:

1. The Council concludes that the “Responsible Growth Initiative,” while appearing on the surface to be enticing and politically popular with the electorate, is ill founded and is not good public policy.
2. The City Council continues to support and practice the tenants of the Westminster Growth Management Plan that was established in the late 1970’s and furthermore that growth limits should be a matter of local determination.
3. The Council believes that the “one size fits all” approach on a statewide basis to impose growth restrictions is ill-founded and that the projected implementation cost of approximately \$60,000,000 is an unnecessary and wasteful expenditure of the public’s money.

4. The City Council is opposed to the “Responsible Growth Initiative” and urges Westminster voters to study the ballot language very thoroughly and vote against this well intentioned but ill-founded initiative.

PASSED AND ADOPTED this 11th day of September, 2000.

Mayor

ATTEST:

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 11, 2000

Subject: Agreements with Butterfly Pavilion re Use Tax Payment and New Facility Location at City Park

Prepared by: Bill Christopher, City Manager

Introduction

City Council action is requested on the two separate agreements with the Rocky Mountain Butterfly Consortium which (1) resolves the pending Use Tax payment issue on butterflies used at the Butterfly Pavilion and (2) details pertaining to the new Butterfly Pavilion facility being located on City owned land at City Park.

Summary

Based on direction from City Council, Staff has been negotiating with representatives of the Butterfly Pavilion (Rocky Mountain Butterfly Consortium) on resolution of the protracted dispute over Use Tax payments on the use of butterflies at the Butterfly Pavilion and the details which will bring the new Butterfly Pavilion facility to be located at City Park in the master planned area for the plant conservatory. City Council approval of both agreements is requested at this time.

Policy Issue(s)

- Does City Council wish to resolve the protracted dispute with the Rocky Mountain Butterfly Consortium over City Use Tax payments on the use of butterflies at the Pavilion?
- Does City Council wish to commit to providing a site to the Rocky Mountain Butterfly Consortium for the new Butterfly Pavilion facility at City Park in the master planned area designated for a “plant conservatory?”
- Does City Council support the collaborative effort between the Butterfly Pavilion organization and the City on joint marketing, joint site planning and the development and use of common facilities for the Butterfly Pavilion facility which would be a key component of the proposed cultural/entertainment complex?

Staff Recommendation

1. Approve the agreement between the City of Westminster and the Rocky Mountain Butterfly Consortium pertaining to the resolution of the payment of outstanding Use Tax to the City pertaining to the use of butterflies at the Butterfly Pavilion and authorize the City Manager to sign the agreement on behalf of the City **and to deliver it upon the expiration of the 30 day review period under the relocation agreement.**
2. Approve the agreement between the City of Westminster and the Rocky Mountain Butterfly Consortium pertaining to the new Butterfly Pavilion facility being located at City Park on land to be leased from the City of Westminster in conjunction with the proposed cultural/entertainment complex and authorize the City Manager to execute the agreement on behalf of the City, **provided, however, the final lease shall include a provision for termination in the event the construction and operation of the pavilion is unreasonably delayed.**

Alternative(s)

City Council could reject both agreements that have been submitted. Such action would not resolve the protracted dispute over the imposition of City Use Tax on butterflies that are used at the Butterfly Pavilion. Secondly, it would result in the Rocky Mountain Butterfly Consortium expanding their present facility and not having the joint advantage of a new butterfly facility being located at City Park as part of a proposed cultural/entertainment complex.

Another alternative would be to reject one of the agreements and approve the other. The two agreements are viewed by Staff from both organizations as a package deal. Accordingly, the opportunity to approve one agreement and reject another is not viable nor acceptable.

Background Information

Representatives from the City and Rocky Mountain Butterfly Consortium have finalized two important agreements which will first resolve the protracted dispute over the imposition of City Use Tax where butterflies are used at the Butterfly Pavilion and will provide a unique cooperative venture involving the construction of the new Butterfly Pavilion at City Park which would become a key component of a future cultural/entertainment complex at City Park. The attached two agreements have been reviewed and approved at the Staff level by both the City administration and City Attorney's Office, along with the Executive Director and Attorney for the Butterfly Pavilion.

The key provisions of the agreements are as follows:

Agreement Number 1 – Resolution of Pending Use Tax Dispute:

- The Rocky Mountain Butterfly Consortium agrees to pay all back Use Tax in the amount of \$32,274.80. The accrued penalty and interest assessments are to be waived.
- The Consortium agrees to pay the subject Use Tax in the future without any protest or challenge as far as the appropriateness and legality of the imposition of the Use Tax on butterflies and other invertebrates.

Agreement Number 2 – New Butterfly Pavilion Facility to be Located at City Park:

- The new Butterfly Pavilion facility shall be located on City Park land owned by the City which will be leased to the Rocky Mountain Butterfly Consortium. A site of approximately five acres in size shall be leased for an initial term of 25 years, renewable at the discretion of the Consortium for two additional terms of 25 years each.
- The rent for the site premises during the initial term and any renewal term shall be \$1.00 per annum.
- The existing Butterfly Pavilion facility and site is to be sold with the first \$2.1 million in proceeds to be paid to the Consortium to pay its original debt on the Pavilion site which consists of the actual cost of construction of the Pavilion building. Any proceeds above \$2.1 million will be shared equally on a 50-50 basis between the City and the Consortium. Each party may use its share of the proceeds of the sale of the existing Pavilion site as it sees fit without restriction or limitation.
- A joint parking facility is to be provided and the Consortium shall have the opportunity to review and approve within 30 days of the date of this agreement regarding a conceptual parking plan for the new site.
- The new Butterfly Pavilion building shall be approximately 38,000 square feet in size. Where practical, an integration of systems such as heating and air conditioning will be evaluated between the Butterfly Pavilion facility and the future City cultural/entertainment facility and a cost share shall be calculated on a predetermined formula or criteria agreeable to both parties.

- Each entity has selected and retained their respective architectural team. The City's team of EDAW/Morrison shall perform the master plan design and associated work for the development of the proposed cultural/entertainment complex.
- The Consortium agrees to design and construct the new Butterfly Pavilion building in conformance with the requirements of the City's Promenade development standards. Said design standards shall not preclude the Consortium from building an estimated four-story facility and the City building a six-story facility.
- The design of the cultural/entertainment complex shall be such as to allow future expansion to include a common entryway, lobby and if the parties agree, a common ticketing area for the new Butterfly Pavilion building and the proposed City facilities.
- The total cultural/entertainment complex shall be designed and constructed in full compliance with all requirements of the Americans With Disabilities Act and all other application federal, state and local requirements.
- All site development costs shall be shared on a pro-rata formula for each facility. This shall be based on usage projects or a square footage formula, whichever method is agreed to by the parties.
- The City agrees that it will not construct, operate or permit the construction or operation of any facility similar in nature to the Butterfly Pavilion on any City owned property where a fee is to be charged to the public within a one-half mile radius within the City without the express written approval of the express written approval of the Consortium.
- If for some reason the Consortium ceases to own or operate the Butterfly Pavilion and sells the building located on the new site for use other than the operation of an insect zoo or related use, the City shall be granted first right of refusal to purchase the facility on the same terms and conditions as those offered by the proposed purchaser and further provided that the City assumes all then existing debt.
- The City will waive one-half of all City Use Taxes that would be imposed on building materials involving the construction of the new Butterfly Pavilion building. All other applicable taxes and fees should be paid to the City for the new facility.
- Where appropriate, the City and the Consortium shall join together and cooperate in promotions that will be of mutual benefit to the Butterfly Pavilion, these City facilities, and any other facilities developed in the cultural/entertainment complex.

This is an existing and unique opportunity to have the new Butterfly Pavilion facility located as an integral part of the City Park, which in turn is adjacent to the Promenade. The synergy which will include a future cultural/entertainment component by the City further strengthens the level of attraction as a regional facility and will add further interest and excitement. The terms of the agreement allow both entities to own and operate their own separate facilities but have the advantage of joint planning and common areas for the two buildings wherever deemed to be viable. The existing Butterfly Pavilion site can be put to another land use which can further strengthen the 104th Avenue corridor as well as adding to the City's tax base.

A press conference and signing ceremony is to be planned for next week shortly after City Council would approve the agreements.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 11, 2000
Subject: Citizen Communication – Leland Leatherbury
Prepared by: Michele Kelley, City Clerk

Introduction

The City Clerk's Office has received a request from Mr. Leatherbury to address City Council at the September 11th Council meeting.

Summary

Leland Leatherbury, who resides at 4667 West 87th Place has requested time on Monday night's agenda to address City Council about his high water bills and some issues regarding Standley Lake permits for the handicapped.

Policy Issues

It is unknown to Staff what policy issues may be raised by Mr. Leatherbury.

Staff Recommendation

Listen to the comments by Mr. Leatherbury, and address issues as applicable with any follow-up to be referred to the City Manager.

Background Information

Mr. Leatherbury has indicated that his comments will take longer than five minute, and he has been advised that this item will be on the end of the agenda.

Respectfully submitted

William M. Christopher
City Manager

August 28th Meeting

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

A motion was made by Moss and seconded by Hicks to divide Councillor's Bill No. 82, and only move on first reading on the ballot language for the following propositions to be placed on the November 7th election ballot: Issue A, concerning accelerate park maintenance, Issue B, concerning accelerated park development and improvements; Issue C concerning a no tax increase street improvements and interchange, which involves I25 and 136th Avenue and 112th Avenue; and Issue D, involving interfund transfers and increases and Question 1, concerning adopting a budget for 2 fiscal years rather than one fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

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

September 11th meeting

ORDINANCE NO. 2819 – BALLOT ISSUES FOR NOVEMBER 2000 ELECTION:

A motion was made by Moss and seconded by Dixon to pass Councillor's Bill No. 82 on second reading to adopt the ballot language for Issue A, Accelerated Park Maintenance, Issue B, Accelerated Park and Development Improvements; Issue C, No Tax Street Improvements and Interchange at 136th and 112th, Issue D, Interfund Transfer and Reserve Transfers and Question 1, allowing City Council to adopt by Ordinance procedures for a 2 year budget. Upon roll call vote, the motion carried unanimously.

A motion was made by Councillor Moss and seconded by Dixon Councillor's Bill No. 82 include Charter Amendment Question 2 dealing with whether Board and Commission members shall serve at the will of City Council by allowing City Council to declare a vacancy on a Board or Commission. Councillor Hicks requested the maker and second to withdraw their motion and postpone this issue indefinitely. Councillor Moss and Mayor Pro Tem Dixon withdrew their motion.

A motion was made by Councillor Hicks and seconded by Dixon to postpone ballot question 2 indefinitely. The motion carried unanimously.

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, September 11, 2000.

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Hicks, Merkel and Moss. Councillor Atchison was absent none.

The minutes of the August 28, 2000 Council meeting were approved as amended.

The Mayor presented service pins and certificates of appreciation to City employees celebrating their 10, 15, 20 and 25 year anniversary of employment with the City.

Council accepted the resignation of Suzanne Smith from City Council and established a deadline for applications to be submitted as Friday, September 22, 2000.

At 7:20 P.M. the final public hearing was held on the 2001 City Budget.

At 8:07 P.M. a public hearing was held on the Creation of Bradburn Metropolitan Districts 1, 2, and 3.

Council approved the following: Legal Services for Westminster Boulevard Right-of-Way Extension; Standley Lake Regional Park 2001 fee schedule; Agreements with Rocky Mountain Butterfly Consortium pertaining to Use Tax Payment and a new Butterfly Pavillion facility.

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

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND. Purpose: Restorative Justice Grant appropriation.

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

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

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

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

A BILL FOR AN ORDINANCE ESTABLISHING A WALK THROUGH PLAN REVIEW PROCESS.

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

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

The following Resolutions were adopted by City Council:

Resolution No. 67 – Annexation Petition for Proposed Asbury III Property.

Resolution No. 68 – Carry forward balance of Year 2000 Private Activity Bond Allocation.

Resolution No. 69 – Bradburn Metropolitan District Service Plan.

Resolution No. 70 – Standley Lake Regional Park Fees.

Resolution No. 71 – Opposing Amendment 21 “Taxcut 2000”.

Resolution No. 72 – Opposing Initiative 256, “The Responsible Growth Initiative”.

At 9:55 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

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