



WESTMINSTER
COLORADO

September 22, 2003
7:00 P.M.

CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (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. Proclamation re Business Appreciation Week
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. August Financial Report
 - B. Contract for Construction of the 2003 Sewer Improvements
 - C. Construction of Reclaimed Waterline Extension for Bradburn
 - D. Construction of Reclaimed Waterline Extension at 113th and Pecos
 - E. Renewal of Property and Liability Excess Insurance
 - F. Quarterly Insurance Report: April - June 2003
 - G. Land Acquisition Related to 7501 and 7511 Eliot Street
 - H. Councillor's Bill No. 48 re Brookhill Center, Inc. Business Assistance Package (Dittman-Kauffman)
9. Appointments and Resignations
 - A. Boards & Commissions Pool
10. Public Hearings and Other New Business
 - A. Public Hearing re adoption of the 2003 Model Traffic Code
 - B. Councillor's Bill No. 50 re 2003 Model Traffic Code
 - C. Resolution No. 41 re Amendment to Urban Renewal Area—Aspen Care Site
 - D. Councillor's Bill No. 51 re Indoor Entertainment Establishments
 - E. Land Acquisition for 144th Avenue Interchange Project
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. Citizen Communication
 - B. City Council
 - C. Executive Session
 1. South Westminster Land Negotiations
13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON NON-LAND USE MATTERS:

Persons wishing to speak other than the applicant will be required to fill out a "Request to Speak or Request to Have Name Entered Into the Record" form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue, may do so whether in favor or opposed. No specified order of those in favor or in opposition will be used. (Amended Res 45, 2000)

The presiding officer shall conduct the hearing in such manner as to provide for freedom of speech and expression of opinion of all persons speaking, subject only to the limits of courtesy and respect to other persons and their opinion as long as the subject is related to the public hearing notwithstanding the presiding officer has the authority to limit debate to a reasonable length of time to be equal for both positions.

Any person speaking may be questioned by members of Council or by the City Administration.

The presiding officer shall rule upon all disputed matters of procedure, unless, on motion duly made, he is overruled by a majority vote of Council members present. (Res. 39, 1984, 84, 1997)

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 22, 2003 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Girl Scouts led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL

Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally were present at roll call. J. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Councillor McNally moved, seconded by Councillor Dittman to approve the minutes of the meeting of September 8, 2003 with no corrections or additions. The motion carried unanimously.

PROCLAMATION RE BUSINESS APPRECIATION WEEK

Councillor Kauffman presented Susan Grafton with a proclamation, proclaiming the week of October 6th as "Business Appreciation Week" in the City of Westminster.

CITIZEN COMMUNICATION

Mike Litzau, 10716 Zuni Drive, addressed Council on Habitat for Humanity Site Blessing for a home at 80th & Grove, on October 4, at 9:30 a.m.

CITY COUNCIL COMMENTS

Councillor Dittman commented on the Yellow Ribbon Walk for Life on Sunday of last weekend.

Councillor Kauffman commented on the DeSpain Building statue at the 72nd Avenue and Lowell Boulevard area.

Mayor Moss commented on the Holy COW Trail Stampede last Saturday, and that tickets are available for The Westminster Spotlight Theater Company performance of *The Diary of Anne Frank* on Sept. 12 - 28 at the Westminster Grange Hall, 3935 West 73rd Avenue.

CONSENT AGENDA

The following items were considered as part of the consent agenda: August Financial Report; Contract for Construction of the 2003 Sewer Improvements with American West Construction for \$76,997; Construction of Reclaimed Waterline Extension for Bradburn with Wycon Construction for \$244,200; Construction of Reclaimed Waterline Extension at 113th and Pecos with Century Communities for \$54,935; Renewal of Property and Liability Excess Insurance with CIRSA for \$439,921; Quarterly Insurance Report; Land Acquisition related to 7501 and 7511 Eliot Street for \$24,408.00 plus closing costs; and CB No. 48 re Brookhill Center BAP.

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. Councillor Dittman asked that CB No. 48 re Brookhill Center BAP be removed from the consent agenda for discussion.

Councillor McNally moved, seconded by Atchison to adopt the remaining consent agenda items as presented. The motion carried unanimously.

COUNCILLOR'S BILL NO. 48 RE BROOKHILL CENTER BUSINESS ASSISTANCE PACKAGE

Councillor Dittman moved, seconded by Atchison to TABLE this item until the next Council meeting. The motion carried unanimously.

BOARDS & COMMISSIONS POOL

Councillor McNally moved, seconded by Dixon to establish a deadline of November 14, 2003 to receive applications from citizens interested in the next cycle of the Boards and Commissions "Pool" and advertise this opportunity to become involved in the Westminster City government. The motion carried unanimously.

PUBLIC HEARING RE ADOPTION OF 2003 MODEL TRAFFIC CODE

At 7:20 p.m. the public hearing was opened on the adoption of the 2003 Model Traffic Code. Marty McCullough, City Attorney, addressed Council, and no one else spoke. The public hearing was declared closed at 7:21 p.m.

COUNCILLOR'S BILL NO. 50 RE 2003 MODEL TRAFFIC CODE

Councillor Dixon moved, seconded by McNally, to pass Councillor's Bill No. 50 on first reading amending Chapter 1 of Title X of the Westminster Municipal Code and adopting by reference the 2003 edition of the Model Traffic Code for Colorado. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 41 RE AMENDMENT TO URBAN RENEWAL AREA – ASPEN CARE SITE

Councillor Dittman moved, seconded by Hicks, to adopt Resolution No. 41 adding property generally located at 7490 Lowell Boulevard, into the existing south Westminster urban renewal area (URA). Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 51 RE INDOOR ENTERTAINMENT ESTABLISHMENTS

Mayor Pro-Tem Atchison moved, seconded by Hicks, to pass Councillor's Bill No. 51 on first reading amending the Westminster Municipal Code, Sections 11-4-8: Use by Special Permit and 11-4-9: Applications for Special Use Permits, to expand the use of Indoor Entertainment Establishments with a Special Use Permit to the M-1, Industrial District. Upon roll call vote, the motion carried unanimously.

LAND ACQUISITION FOR 144TH AVENUE INTERCHANGE PROJECT

Councillor Kauffman moved, seconded by Dittman to authorize the City Manager to expend up to \$175,000 for land acquisition in relation to the 144th Avenue Interchange Project. The motion carried unanimously.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session item to discuss South Westminster land negotiations.

ADJOURNMENT:

The meeting was adjourned at 7:24 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003



SUBJECT: Proclamation re Business Appreciation Week

Prepared By: Kimberley Jurawan, Economic Development Aide

Recommended City Council Action

Proclaim the week of October 6th as “Business Appreciation Week” in the City of Westminster.

Summary Statement

The City of Westminster has long recognized the importance of maintaining a healthy and diverse business community. The success of the City is closely linked to the success of our local businesses. Each year, Westminster hosts an appreciation event for local businesses to recognize their role as essential ingredients to the continued strength, well being, and high quality of life of our City. This year the event will be held on Friday, October 10 at the Westin Westminster Hotel.

The Mayor, on behalf of City Council, is requested to proclaim the week of October 6th as “Business Appreciation Week” in the City of Westminster.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council want to formally acknowledge the important contributions that Westminster businesses make to the community via the attached proclamation?

Alternative

City Council could choose to not proclaim the week of October 6th as “Business Appreciation Week”.

Background Information

On October 10, 2003 the City of Westminster will host the 13th annual Business Appreciation Event. This event recognizes the vital role that local business plays in the success of the City. Local businesses provide employment, shopping, entertainment and recreational opportunities for all citizens. Businesses contribute to the City’s General Fund sustained with revenue generated from sales and use tax and property tax collections. They enrich the quality of life in Westminster by supporting community organizations with financial and in-kind contributions. The high caliber mix of retail, service, and manufacturing establishments found in Westminster is virtually unparalleled in northwest metro Denver.

There are currently 1,698 commercial businesses and 1,127 home occupation businesses located in the City. It is appropriate they be publicly recognized for their contributions to the community by proclaiming “Business Appreciation Week”, and encouraging all citizens to support their local businesses.

A representative of the Business Advisory Group will be present at Monday night’s meeting to accept this proclamation.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, The City of Westminster benefits greatly from having a healthy and diverse business community; and

WHEREAS, Westminster businesses provide employment, shopping, entertainment and recreational opportunities to its citizens; and

WHEREAS, The success of local business in Westminster has also contributed to the City's financial stability, with a large portion of the City's General Fund sustained with revenue generated from sales and use tax collections; and

WHEREAS, The City of Westminster will be hosting the 13th annual Business Appreciation event on Friday, October 10, 2003 to honor the 2,825 commercial and home occupation businesses of the City; and

WHEREAS, It is fitting that official recognition be given to the importance that local businesses play as essential ingredients to the continued strength and well being of our city.

NOW THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and Staff do hereby proclaim the week of October 6, 2003 as

BUSINESS APPRECIATION WEEK

in the City of Westminster, and encourage all citizens to support local businesses.

Signed this 22nd day of September, 2003

Ed Moss, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 29, 2003



SUBJECT: Financial Report for August 2003

Prepared By: Mary Ann Parrot, Finance Director

Recommended City Council Action

Accept the Financial Report for August as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement and monthly revenue report. The Shopping Center Report is also attached to this monthly financial report; this reflects July sales and use tax receipts received in August. A summary of key points of the shopping center report is as follows and shows improved results for the month and year to date.

- Overall shopping center sales and use tax returns (for 25 shopping centers) for the month of August 2003 were up 2% compared to last year August 2002. (Last month this figure was negative 2%; therefore, results for the month of August show an improvement.)
- Overall shopping center sales and use tax returns (for 25 shopping centers) year-to-date for August were down 5%. (Last month this figure was a negative 6%; August is an improvement.)
- Westminster Mall sales and use tax returns year-to-date for July were down 11.2%; sales and use tax returns year-to-date for August are down 10.8%. This is a slight improvement.

Key features of the monthly financial report for August are as follows:

- At the end of August, eight months of 12 months of the year have passed. This is 66.7% of the year.
- The Sales and Use Tax Fund revenues are currently \$1,660,659 under pro-rated budget for the year. The August figures reflect the sales in July, tax receipts received in August. Sales Tax Returns are up for August 2003 compared to August 2002 by 5.9% for the month. This is the third consecutive month in 2003 where monthly returns are positive compared to the prior year. Sales Tax Returns remain down by 1.0% year-to-date, or \$152,831 below August year-to-date 2002. Staff will wait another month or two before having enough data to determine whether the recent information indicates sustained strengthening in the economy.
- For the entire Sales and Use Tax Fund (Sale and Use Tax Returns plus Audits), the fund is 0.5% above last year on a year-to-date basis. This is the first year-to-date figure that is "in the black" during 2003 and is encouraging. If this trend continues, the fund will still be significantly under budget. Staff will present to City Council at the annual budget retreat on September 29 a revised set of recommendations to address this shortfall.
- The General Fund revenue is currently 102% of pro-rated budget for seven months, assisted by positive variances in property tax collections, licenses and permits, charges for recreation services and miscellaneous payments.

Policy Issues

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

Alternatives

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

Background Information

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%.

General Fund

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

At the end of August, the General Fund is in the following position regarding both revenues and expenditures:

- Revenues over pro-rated budget (102% of budget) by \$ 971,948. This reflects the full budgeted transfer of funds from the Sales and Use Tax fund to the General Fund, which Staff is projecting will come in under budget.
- Expenditures under pro-rated budget (85% of pro-rated budget) by \$7.0 million. This is due to several factors: expenditures do not flow evenly during the year, 38 positions are still frozen and the salary savings are included in these numbers and lastly, the unspent contingency funds are reflected in Central Charges.

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

These funds are the repositories for the 3.25% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Projects Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. At the end of August, the position of these funds is as follows:

- Sales & Use Tax Fund revenues are under pro-rated budget (95.1% of pro-rated budget) by \$1,660,659.
- Sales & Use Tax Fund expenditures are even with pro-rated budget because of the transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund.
- Open Space Sales & Use Tax Fund revenues are slightly under pro-rated budget (98.8% of pro-rated budget) by \$34,744, due primarily to overall returns being below budget.
- Open Space Sales & Use Tax Fund expenditures are under pro-rated budget (73% of pro-rated budget) by \$1,056,056, due primarily to appropriating carryover from 2002. This increased the budget by \$1.4 million. Expenditures for the month were well below the \$1.4 million, leaving the fund's expenditures in a positive position.

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

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects. At the end of August, the Enterprise is in a positive position.

- Combined Water & Wastewater revenues are under pro-rated budget (98% of budget) by \$401,281, due to continuing conservation by citizens, despite hot weather in July.
 - Water revenues are under pro-rated budget (96% of pro-rated budget) by \$590,212, due primarily to lower revenues than normal in rates and charges for the eight-month period.
 - Wastewater revenues are over pro-rated budget (103% of pro-rated budget) by \$188,930.
 - Storm Water Drainage revenues are over pro-rated budget (104% of pro-rated budget) by \$20,408.
- Combined Water & Wastewater expenses are under pro-rated budget (76% of budget) by \$4.5 million due primarily to under-spending in capital at this time of year:
 - Water expenses are under pro-rated budget (79% of pro-rated budget) by \$2.8 million.
 - Wastewater expenses are under pro-rated budget (67% of pro-rated budget) by \$1.7 million.
 - Storm Water Drainage expenses are under pro-rated budget (64% of pro-rated budget) by \$57,393.

Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City's two municipal golf courses. The report for the Golf Courses shows an adjustment for the impact of the 1997 Sales Tax Bonds. The 1997 Sales Tax Bonds are not a legal obligation of the Legacy Ridge Golf Course. The Legacy Ridge statement reflects Operating Income and Net Income. The difference is that Operating Income does not reflect debt service while Net Income does reflect debt service. By showing the debt service separately, this will indicate the operating performance of the golf courses as a whole. This is highlighted in the footnotes:

- Combined Enterprise operating income - actual, year to date, without the impact of debt service for Legacy - is a surplus of \$430,462, an improvement over last month's operating surplus of \$184,084.
- Combined Enterprise net income - actual, year to date, with the impact of debt service for Legacy - is a surplus of \$45,972, a significant improvement over last month's net deficit of \$172,833.
- Legacy – Revenues are under pro-rated budget (94% of pro-rated budget) by \$85,016.
- Legacy – Expenses are under pro-rated budget (96.6% of pro-rated expenses) by \$32,460.
- Heritage – Revenues are under pro-rated budget (78% of pro-rated budget) by \$303,716; last month's figure was under pro-rated budget by \$223,407.
- Heritage – Expenses are over pro-rated budget (153% of pro-rated budget) by \$346,423, due mostly to equipment lease payments paid in April, inventory purchases and interest payments on debt service in June.

Staff will attend the September 29th City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2003**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-Rated	% Pro-Rated Budget
Revenues						
Taxes	3,663,000	3,493,490	(1)	4,140,962	647,472	119%
Licenses & Permits	1,625,000	1,193,500	(2)	1,411,020	217,520	118%
Intergovernmental Revenue	4,815,000	3,020,500	(3)	3,028,542	8,042	100%
Charges for Services						
Recreation Services	4,822,000	3,520,060	(4)	3,646,071	126,011	104%
Other Services	5,248,000	3,149,550	(4)	3,048,186	(101,364)	97%
Fines	1,900,000	1,235,000	(5)	1,083,123	(151,877)	88%
Interest Income	450,000	300,000	(6)	87,705	(212,295)	29%
Misc	290,717	195,496	(7)	592,225	396,729	303%
Leases	575,000	287,500	(8)	287,500	0	100%
Refunds	(65,000)	(43,333)	(9)	(1,624)	41,709	4%
Interfund Transfers	44,260,000	29,506,667	(10)	29,506,667	(0)	100%
Sub-total Revenues	<u>67,794,717</u>	<u>45,858,429</u>		<u>46,830,377</u>	<u>971,948</u>	<u>102%</u>
Carryover	305,763	0	(11)	0	0	
Revenues	<u>70,852,348</u>	<u>45,858,429</u>		<u>46,830,377</u>	<u>971,948</u>	<u>102%</u>
Expenditures						
City Council	134,331	89,554		80,675	(8,879)	90%
City Attorney's Office	681,427	454,285		406,203	(48,082)	89%
City Manager's Office	737,372	491,581		402,072	(89,509)	82%
Central Charges	19,131,915	12,754,610		8,713,316	(4,041,294)	68%
General Services	3,899,279	2,599,519		2,269,872	(329,647)	87%
Finance	1,246,166	830,777		742,728	(88,050)	89%
Police	15,172,307	10,114,871		9,219,470	(895,402)	91%
Fire Emergency Services	7,434,503	4,956,335		4,579,792	(376,543)	92%
Community Development	3,506,878	2,337,919		2,107,183	(230,736)	90%
Public Works & Utilities	6,573,577	4,382,385		4,212,605	(169,780)	96%
Parks Recreation & Libraries	12,334,593	8,223,062		7,467,107	(755,955)	91%
Total Expenditures	<u>70,852,348</u>	<u>47,234,899</u>	(12)	<u>40,201,023</u>	<u>(7,033,876)</u>	<u>85%</u>
Revenue Over(Under) Expend	<u>0</u>	<u>(1,376,470)</u>		<u>6,629,354</u>	<u>8,005,825</u>	

(1) Property Taxes at 98% to 101% in August; Admissions Taxes average 73%, Qwest at 61% by this time of year.

(2) Licenses 61%, Comm'l Permits 67%, Res'l Permits 80%.

(3) Cig Tax 50%, HUTF 57%, AutoOwnr 58%, Veh Regis 55%, Road & Bridge(Adco) 96%, Road & Bridge(Jeffco) 90%.

(4) Recreation 73%, PubSvc 63%, AT&T 49%, CAM & EMS billings 60%, all others 60%.

(5) Fines historically at 65%

(6) Governmental Accounting Standards Board requires that unrealized gains and losses be recorded.

These numbers reflect the reversal of the gain recorded at FYE.

(7) Miscellaneous and Westminster Faire Receipts.

(8) Timing delays of lease payments can occur; billed 1st Qtr, received 2nd Qtr - recorded during 1st Qtr with no delay.

(9) Refund payments generally apply to recreation charges in general.

(10) Transfers from Sales Tax Fund and Sheridan Park GID.

(11) Carryover from Year 2002 is always budgeted for the next year; included here to render correct balanced budget perspective.

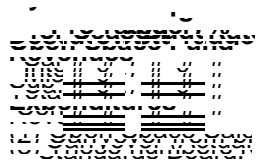
Carryover (Actual) represents use of prior year fund balance, as budgeted.

(12) Expenditures are based on even 1/12 per month or 8.33% per month.

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2003**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Sales and Use Tax Fund						
Revenues						
Sales & Use Tax						
Sales Tax Returns	41,249,188	27,694,825	(1)	25,692,129	(2,002,696)	92.77%
Sales Tx Audit Revenues	495,000	354,665		396,128	41,463	111.69%
Use Tax Returns	8,900,000	5,385,600		5,710,486	324,886	106.03%
Use Tax Audit Revenues	450,000	290,250		300,186	9,936	103.42%
Interest Income	50,000	33,333		(915)	(34,248)	-2.74%
Sub-total Revenues	<u>51,144,188</u>	<u>33,758,673</u>		<u>32,098,015</u>	<u>(1,660,659)</u>	<u>95.08%</u>
Carryover	<u>0</u>	<u>0</u>	(2)	<u>0</u>	<u>0</u>	
Total Revenues	<u>51,144,188</u>	<u>33,758,673</u>		<u>32,098,015</u>	<u>(1,660,659)</u>	<u>95.08%</u>
Expenditures						
Central Charges	<u>51,144,188</u>	<u>34,096,125</u>		<u>34,096,125</u>	<u>(0)</u>	<u>100.00%</u>
Revenues Over(Under) Expenses	<u>0</u>	<u>(337,452)</u>		<u>(1,998,110)</u>	<u>(1,660,658)</u>	

- (1) At end of August, historical averages are as follows: Sales Tax Returns 67.1%, Sales Tax Audit 71.6%, Use Tax Returns 65.9%, Building Use Tax 67.7%, Auto Use Tax 55.8%, Use Tax Audit 64.50%.
- (2) Carryover from prior year is always budgeted for the next year; included here to render correct balanced budget perspective. Carryover (Actual) represents use of prior year fund balance, as budgeted.



**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2003**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Water and Wastewater Fund-Combined						
Revenues						
License & Permits	70,000	46,667		74,708	28,041	160%
Intergovernmental Revenue	40,000	26,667		1,166	(25,501)	4%
Charges for Services						
Rates and Charges	28,884,247	19,171,420	(1)	17,161,234	(2,010,186)	90%
Tap Fees	4,633,500	3,154,374	(1)	5,074,047	1,919,673	161%
Interest Income	1,250,000	815,950	(2)	431,797	(384,153)	53%
Miscellaneous	183,998	122,665	(3)	193,510	70,845	158%
Sub-total Water/Wastewater Revenues	<u>35,061,745</u>	<u>23,337,743</u>		<u>22,936,462</u>	<u>(401,281)</u>	98%
Carryover	4,038,071	0	(4)	0		
Total Revenues	39,099,816	23,337,743		22,936,462	(401,281)	98%
Expenditures						
City Council	49,832	33,221		33,222	1	100%
City Attorney's Office	157,322	104,881		104,881	0	100%
City Manager's Office	260,755	173,837		173,837	0	100%
Central Charges	10,368,438	4,079,434	(5)	3,376,009	(703,425)	83%
General Services	574,289	382,859		382,859	(0)	100%
Finance	786,551	524,367		466,393	(57,974)	89%
Fire Emergency Services	36,777	24,518		24,518	0	100%
Community Development	586,751	391,167		391,168	1	100%
Public Works & Utilities	17,511,684	11,674,456		8,085,300	(3,589,156)	69%
Parks, Recreation & Libraries	121,383	80,922		80,922	(0)	100%
Information Technology	2,056,462	1,370,975		1,188,239	(182,736)	87%
Total Operating Expenses	<u>32,510,244</u>	<u>18,840,637</u>		<u>14,307,348</u>	<u>(4,533,289)</u>	76%
Revenues Over(Under) Expenses	<u>6,589,572</u>	<u>4,497,106</u>		<u>8,629,114</u>	<u>4,132,008</u>	

(1) (a) Water: Res Sales 67.3%, Commr Sales 66.4%, Wholesale Sales 65.6%, Meter Svc Fees 65.6%, Recl. Chgs projected at 1/12 per mo. until more data is available, Res Taps 64.4%, Commr Taps 72.2%.

(b) Wastewater: Res'l Sales 64.3%, Comm'l Sales 67.3%, Res'l Taps 67.1%, Comm'l Taps 97.5%.

(2) Interest Income historically is at 64% for water and 66.9% for wastewater at this time of year, current variance is due to reversal of FYE unrealized gain from 2002, required by the Governmental Accounting Standards Board.

(3) Includes Misc Income only.

(4) Carryover from prior year is budgeted for the next year; included here to render correct balanced budget perspective. Carryover (Actual) represents use of prior year retained earnings, as budgeted.

(5) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated in the Budget-Pro-rated column.

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2003**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-Rated	% Pro-Rated Budget
Water Fund						
Revenues						
License & Permits	70,000	46,667		74,708	28,041	160%
Intergovernmental Revenue	40,000	26,667		1,166	(25,501)	4%
Charges for Services						
Rates and Charges	20,198,436	13,471,946	(1)	11,240,109	(2,231,837)	83%
Tap Fees	3,433,500	2,257,974	(1)	4,034,926	1,776,952	179%
Interest Income	700,000	448,000	(2)	243,188	(204,812)	54%
Miscellaneous	179,500	119,667	(3)	186,612	66,945	156%
Sub-total Water Revenues	<u>24,621,436</u>	<u>16,370,921</u>		<u>15,780,709</u>	<u>(590,212)</u>	96%
Carryover	107,000	-		-	-	
Total Revenues	<u>24,728,436</u>	<u>16,370,921</u>		<u>15,780,709</u>	<u>(590,212)</u>	96%
Expenses						
City Council	33,815	22,543		22,543	(0)	100%
City Attorney's Office	104,926	69,951		69,951	0	100%
City Manager's Office	176,941	117,961		117,961	0	100%
Central Charges	7,080,743	3,476,666	(4)	2,986,183	(490,483)	86%
General Services	350,449	233,633		233,632	(1)	100%
Finance	703,237	468,825		410,850	(57,975)	88%
Fire Emergency Services	22,066	14,711		14,711	0	100%
Community Development	399,023	266,015		266,015	0	100%
Public Works & Utilities	11,322,502	7,548,335		5,445,007	(2,103,328)	72%
Parks, Recreation & Libraries	53,457	35,638		35,638	0	100%
Information Technology	2,056,462	1,370,975		1,188,239	(182,736)	87%
Total Operating Expenses	<u>22,303,621</u>	<u>13,625,253</u>		<u>10,790,730</u>	<u>(2,834,523)</u>	79%
Revenues Over(Under) Expenses	<u>2,424,815</u>	<u>2,745,668</u>		<u>4,989,979</u>	<u>2,244,311</u>	

(1) Res Sales 67.3%, Commr Sales 66.4%, Wholesale Sales 65.6%, Meter Svc Fees 65.6%, Recl. Chgs projected at 1/12 per mo. until more data is available, Res Taps 64.4%, Commr Taps 72.2%.

(2) Interest Income historically at 64% at this time of year; current variance is due to reversal of FYE unrealized gain from 2002, required per the Governmental Accounting Standards Board.

(3) Includes Misc Income only.

(4) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated in the Budget-Pro-rated column.

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2003**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Wastewater Fund						
Revenues						
Charges for Services						
Rates and Charges	8,685,811	5,699,475	(1)	5,921,125	221,650	104%
Tap Fees	1,200,000	896,400	(1)	1,039,121	142,721	116%
Interest Income	550,000	367,950	(2)	188,610	(179,340)	51%
Miscellaneous	4,498	2,999		6,898	3,899	230%
Sub-total Water Revenues	<u>10,440,309</u>	<u>6,966,824</u>		<u>7,155,754</u>	<u>188,930</u>	<u>103%</u>
Carryover	<u>3,931,071</u>	-	(3)	<u>-</u>	<u>-</u>	
Total Revenues	<u>14,371,380</u>	<u>6,966,824</u>		<u>7,155,754</u>	<u>188,930</u>	<u>103%</u>
Expenditures						
City Council	16,017	10,678		10,678	0	100%
City Attorney's Office	52,396	34,931		34,930	(1)	100%
City Manager's Office	83,814	55,876		55,876	0	100%
Central Charges	3,287,695	602,769	(4)	389,826	(212,943)	65%
General Services	223,840	149,227		149,227	(0)	100%
Finance	83,314	55,543		55,543	0	100%
Fire Emergency Services	14,711	9,807		9,807	(0)	100%
Community Development	187,728	125,152		125,152	0	100%
Public Works & Utilities	6,189,182	4,126,121		2,640,293	(1,485,828)	64%
Parks, Recreation & Libraries	<u>67,926</u>	<u>45,284</u>		<u>45,284</u>	<u>(0)</u>	<u>100%</u>
Total Operating Expenses	<u>10,206,623</u>	<u>5,215,388</u>		<u>3,516,616</u>	<u>(1,698,772)</u>	<u>67%</u>
Revenues Over(Under) Expenses	<u>4,164,757</u>	<u>1,751,436</u>		<u>3,639,138</u>	<u>1,887,702</u>	

- (1) Res'l Sales 64.3%, Comm'l Sales 67.3%, Res'l Taps 67.1%, Comm'l Taps 97.5%.
- (2) Interest Income historically at 66.9% at this time of year; current variance is due to reversal of FYE unrealized gain from 2002, required per the Governmental Accounting Standards Board.
- (3) Carryover from prior year is budgeted for the next year; included here to render correct balanced budget perspective.
Carryover (Actual) represents use of prior year retained earnings, as budgeted.
- (4) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated in the Budget-Pro-rated column.

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2003**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Storm Drainage Fund						
Revenues						
Business Fees						
Charges for Services	850,000	566,667		577,876	11,210	102%
Interest Income	0	0	(1)	9,199	9,199	
Miscellaneous	0	0		0	0	
Total Revenues	<u>850,000</u>	<u>566,667</u>		<u>587,075</u>	<u>20,408</u>	104%
Expenses						
Central Charges	0	0		2,698	2,698	
Organization Support Services	100,000	66,667		22,689	(43,978)	34%
Engineering	38,000	25,333		23,330	(2,003)	92%
PW&U Admin	0	0		0	0	
Infrastructure Improvements	0	0		0	0	
Street Maintenance	100,000	66,667		52,557	(14,110)	79%
Total Expenses	<u>238,000</u>	<u>158,667</u>		<u>101,274</u>	<u>(57,393)</u>	64%
Revenues Over(Under) Expenses	<u>612,000</u>	<u>408,000</u>		<u>485,801</u>	<u>77,801</u>	

(1) These numbers reflect the reversal of the unrealized gain recorded for FYE 2002, as required by the Governmental Accounting Standards Board.

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2003**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Golf Courses Combined						
Revenues						
Charges for Services	3,720,676	2,727,504	(1)	2,338,798	(388,706)	86%
Interest Income	0	0		(26)	(26)	
Miscellaneous	0	0		0	0	
Refunds	0	0		0	0	
Total Revenues	<u>3,720,676</u>	<u>2,727,504</u>		<u>2,338,772</u>	<u>(388,732)</u>	86%
Expenses						
Central Charges	158,150	105,434		92,123	(13,311)	87%
Recreation Facilities	<u>2,733,408</u>	<u>1,488,913</u>	(2)	<u>1,816,186</u>	<u>327,273</u>	122%
Total Expenses	<u>2,891,558</u>	<u>1,594,347</u>		<u>1,908,309</u>	<u>313,962</u>	120%
Operating Income (Loss)	829,118	1,133,157		430,463	(702,694)	
Debt Service Expense	<u>829,117</u>	<u>384,490</u>	(3),(4)	<u>384,490</u>	<u>0</u>	100%
Revenues Over(Under) Expenditure	<u>1</u>	<u>748,667</u>		<u>45,973</u>	<u>(702,694)</u>	

(1) Revenues pro-rated based on a 6 yr history of revenues per month. Based on this history, Charges for Services are projected at 76.5% for Legacy and 70.5% for Heritage for July.

(2) Expenses projected at 8/12 per month or 66.7%.

(3) Debt service payments due in Year 2003 are \$429,079. Net of a \$100,000 subsidy, for Legacy, debt service will be \$339,079. Debt service for Heritage is \$500,038 for the year.

For Legacy, 1/12 of the debt services is transferred to the Debt Service Fund each month. This transfer is reflected in both Budget figures above. For Heritage, the debt service is payable in June and December and will be reflected in the pro-rated budget at that time. This presentation should give the reader a clearer picture of the results of operations.

(4) Because the 1997A Sales and Use Tax Revenue Bonds are not a legal liability of the Golf Course Fund, the principal and interest that was recorded in Legacy Ridge was removed and recorded in the General Long Term Debt Account Group. However, Legacy is making monthly transfers to the Debt Service fund as noted above to assist in the payment of principal and interest. In order for the reader to get a clear picture of golf course operation without the Debt Service Fund transfers, the report will show Operating Income (without the budgeted debt service) and Revenues Over (Under) Expenditures (with debt service as budgeted).

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2003**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Legacy Ridge Fund						
Revenues						
Business Fees						
Charges for Services	1,740,453	1,331,447	(1)	1,248,811	(82,636)	94%
Interest Income	0	0		(2,380)	(2,380)	0%
Miscellaneous	0	0		0	0	
Refunds	0	0		0	0	
Total Revenues	<u>1,740,453</u>	<u>1,331,447</u>		<u>1,246,431</u>	<u>(85,016)</u>	94%
Expenses						
Central Charges	77,350	51,567		45,319	(6,248)	88%
Recreation Facilities	1,334,024	889,349	(2)	863,137	(26,212)	97%
Sub-Total Expenses	<u>1,411,374</u>	<u>940,916</u>		<u>908,456</u>	<u>(32,460)</u>	97%
Operating Income(Loss)	329,079	390,531		337,975	(52,556)	
Debt Svc STX Bonds Expense	<u>329,079</u>	<u>219,386</u>	(3),(4)	<u>219,386</u>	<u>0</u>	100%
Revenues Over(Under) Expenditures	<u>0</u>	<u>171,145</u>		<u>118,589</u>	<u>(52,556)</u>	

(1) Revenues pro-rated based on a 6 yr history of revenues per month. Based on this history, "Charges for Services" is projected at 76.5% for August.

(2) Expenses projected at 8/12 per month or 66.7%

(3) The budget for expenses reflects the City Council decision to subsidize the debt service for the Golf Course by \$100,000 for the FY 2003. Legacy's scheduled debt service is \$429,079 for the year; this will be reduced by \$100,000 to \$329,079 for the year. 1/12 of the total debt service of \$329,079 is transferred to the Debt Service Fund each month.

(4) As the 1997A Sales and Use Tax Revenue Bonds are not a legal liability of the Golf Course Fund, the principal and interest that was recorded in Legacy Ridge was removed and recorded in the General Long Term Debt Account Group. However, Legacy is making monthly transfers to the Debt Service fund as noted above to assist in the payment of principal and interest. In order for the reader to get a clear picture of golf course operation without the Debt Service Fund transfers, the report will show Operating Income (without the budgeted debt service) and Revenues Over (Under) Expenditures (with debt service as budgeted).

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2003**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Heritage at Westmoor Fund						
Revenues						
Charges for Services	1,980,223	1,396,057	(1)	1,089,987	(306,070)	78%
Interest Income	0	0		2,354	2,354	
Miscellaneous	0	0		0	0	
Refunds	0	0		0	0	
Total Revenues	<u>1,980,223</u>	<u>1,396,057</u>		<u>1,092,341</u>	<u>(303,716)</u>	78%
Expenses						
Central Charges	80,800	53,867		46,804	(7,063)	87%
Recreation Facilities	1,399,384	599,564	(2)	953,050	353,486	159%
Sub-Total Expenses	<u>1,480,184</u>	<u>653,431</u>		<u>999,854</u>	<u>346,423</u>	153%
Operating Income	500,039	742,626		92,487	(650,139)	
Debt Service Expense	500,038	165,104	(3)	165,104	0	100%
Revenues Over(Under) Expenses	<u>1</u>	<u>577,522</u>		<u>(72,617)</u>	<u>(650,139)</u>	

(1) Revenues pro-rated based on a 6 yr history of revenues per month. Based on this history, Charges for services is projected at 70.5% for August.

(2) Expenses projected at 8/12 per month or 66.7%.

(3) Debt service payments due in Year 2003 \$500,038. The pro-rated budget above includes only the debt service payment that was due in June 2003. The next debt service payment is due in December 2003.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003



SUBJECT: Contract for Construction of the 2003 Sewer Improvements

Prepared By: Diane M. Phillips, Capital Improvement Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with American West Construction in the amount of \$69,997 to provide construction services for the 2003 Sewer Improvements and a 10% contingency of \$7,000, which will be held in a separate account.

Summary Statement

- Three areas of the sewer system require improvements and maintenance. Martin/Martin Engineering has completed the design for this work and Staff is prepared to move forward with this project.
- Seven bids for construction of these improvements were received on September 9, 2003.
- American West Construction submitted the lowest cost bid and has completed successful projects for the City before. It is recommended that the City contract with them to provide construction services for this project.
- Funds were budgeted and are available for this project expense.

Expenditure Required: \$76,997

Source of Funds: Utility Fund Capital Improvement Wastewater Management Systems Repairs Project

Policy Issue

Should the City award a contract to American West Construction to provide construction services for the 2003 Sewer Improvements.

Alternative

The City could delay the construction of this project but operations of the sewer system could be compromised and cost of future repairs and construction would most likely increase.

Background Information

Three areas of the sewer system require improvements. At 104th and Sheridan the aerial sewer crossing is in poor condition and needs to be replaced. At 80th and Clay a sewer overflow is needed in the event of operational failure of the Shadowridge Lift Station. At 68th and Lowell the junction chamber needs to be replaced and a study conducted to help improve capacity.

Bids were opened on September 9, 2003 and seven bids were received. The engineering estimate for this project is \$88,000. The bids are listed below.

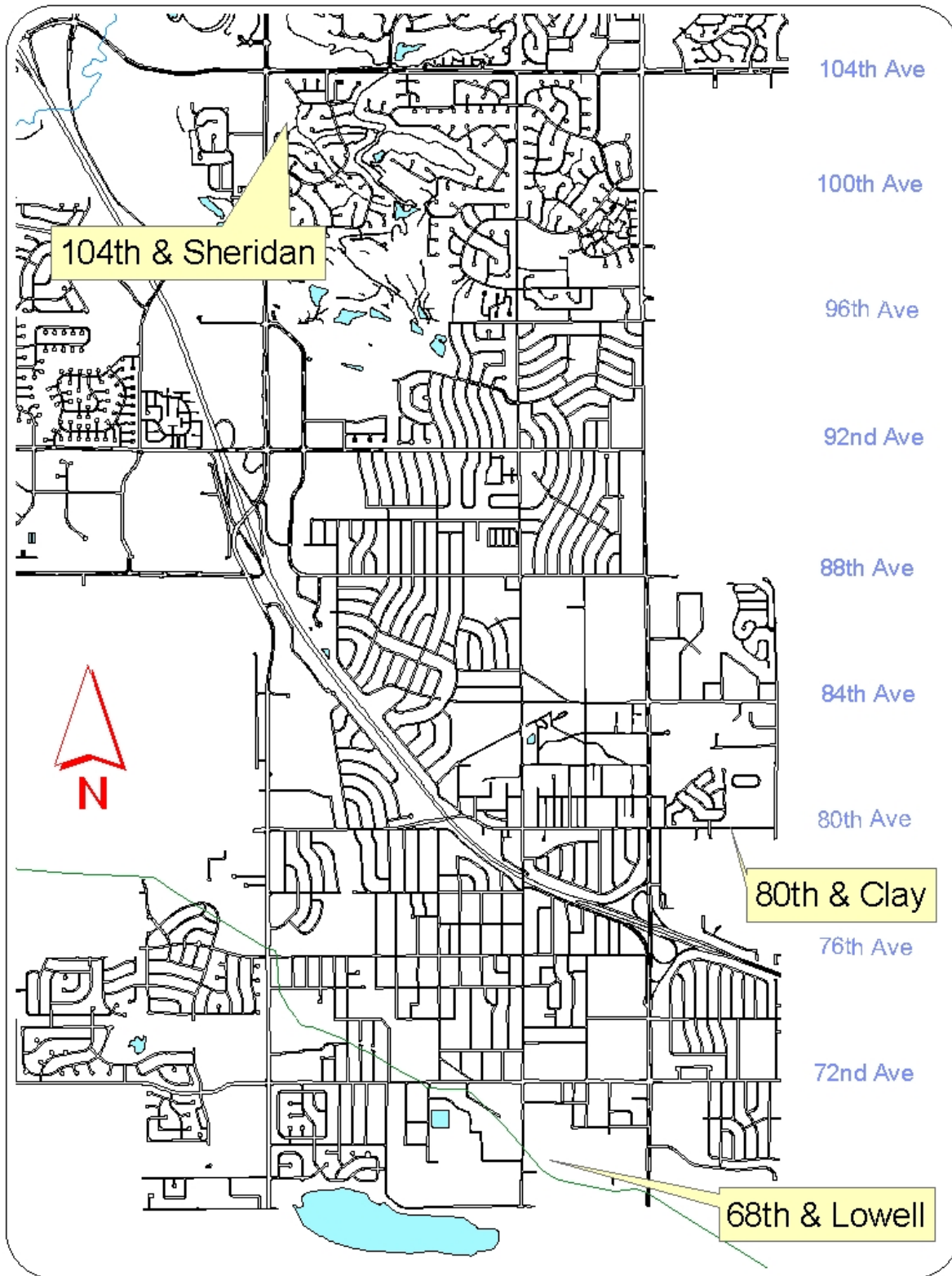
American West Construction	\$69,997
Concrete Works Construction	\$76,341
New Design Construction	\$80,232
T Lowell Construction	\$89,000
Levi Construction	\$94,979
EZ Excavating	\$99,398
AISA Civil Construction	\$100,765

American West Construction had the lowest cost and they have completed numerous successful projects for the City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003



SUBJECT: Construction of Reclaimed Waterline Extension for Bradburn

Prepared by: Diane M. Phillips, Capital Improvements Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with Wycon Construction in the amount of \$222,200 along with a project contingency of 10% in the amount of \$22,000 that will be held in a separate account for the construction of the reclaimed water line to serve the area north and east of 116th and Sheridan in the Bradburn development.

Summary Statement

- In order to fully utilize the Reclaimed Water Treatment System to its full capacity, waterlines need to be extended to applicable reclaimed customer locations.
- Martin/Martin Consulting Engineers was retained to design three extensions of the reclaimed waterline system. Bradburn is one of these three extensions.
- Competitive bids were received from four construction firms for the Bradburn project and Wycon Construction was the lowest bidder.
- The City has successfully utilized Wycon Construction on other projects.
- Funds were budgeted and are available for this project expense.

Expenditure Required: \$244,200

Source of Funds: Utility Fund Capital Improvement Reclaimed Waterline Project Budget

Policy Issue

Should the City contract with Wycon Construction to extend reclaimed waterlines to additional customers?

Alternative

The City could choose to not enter into an agreement with Wycon construction and choose to not construct the reclaimed water mains; however, this would impact the schedule to build out the reclaimed system and would negatively impact the Bradburn Village project.

Background Information

In order to fully utilize the capacity in the Reclaimed Water Treatment Facility (currently 6 million gallons per day (MGD)), reclaimed waterlines will need to be extended to additional customers.

Three projects are in the final stages of design or construction, which include:

The Bradburn subdivision which is north and east of 116th and Sheridan

The Stratford Lakes Park along with Ranch Reserve at 114th and Federal

The Park Centre Commercial Center located at 122nd and Pecos

These projects have been identified in the recently completed Reclaimed Master Plan as being cost effective areas to extend to at this time. Installation of the reclaimed infrastructure now will be more cost effective prior to completion of the streets and the landscaping.

The City received four bids from contractors for the construction of the Bradburn portion of this project on September 5, 2003. The engineering estimate was \$320,000.

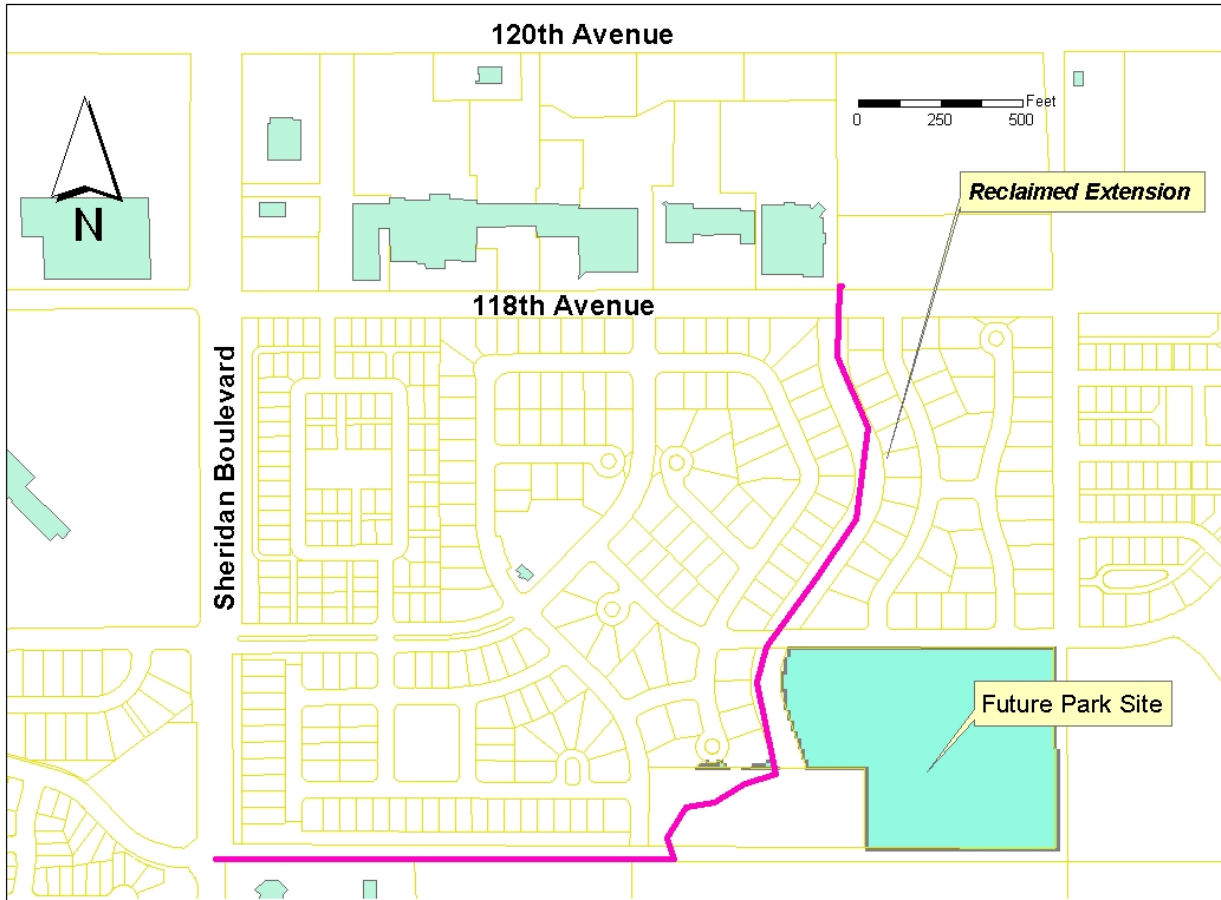
Wycon Construction	\$222,200
BT Construction	\$229,910
EZ Construction	\$245,556
ASIA Construction	\$425,658

Wycon Construction has completed other successful projects for the City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003



Subject: Construction of Reclaimed Waterline Extension at 113th and Pecos

Prepared by: Diane M. Phillips, Capital Improvement Projects Coordinator
Richard A. Clark, Utilities Manager
Kipp Scott, Water Quality Administrator

Recommended City Council Action

Authorize the City Manager to execute a contract with Century Communities for a sum not to exceed \$54,935, with no project contingency, for the construction of 900 feet of 8-inch reclaimed water main through the Westbury Development to serve the Westbury Development and City of Westminster park property to the east.

Summary Statement

- To fully utilize the Reclaimed Water Treatment system to its planned capacity, reclaimed waterlines need to be extended to appropriate reclaimed customer locations.
- The developer, Century Communities, is in the process of installing infrastructure to serve the Westbury Development, at the northeast corner of 112th Avenue and Pecos Street. (Map attached).
- The 2003 Reclaim Master Plan identified the Westbury Development and the City of Westminster park property (Tee-ball fields) located east of Westbury as potential reclaimed customers. However, the Westbury Development could be served by reclaimed water from the reclaimed main located on Pecos Street. Therefore, the reclaim infrastructure does not need to be extended to serve the Westbury Development.
- Century Communities has agreed to extend the reclaimed water line through this development, using their contractor, to provide reclaimed water to the City park property to the east.
- The City of Westminster's Capital Project's Advising Engineer has reviewed the proposed costs for this project and acknowledges that the construction costs are competitive with other projects that the City of Westminster has recently bid.
- Reimbursement for the actual costs of construction, not to exceed \$54,935, will be made in the form of a credit to the irrigation tap fees that will be charged for the Westbury Development (approximately \$130,000).

Expenditure Required: \$54,935

Source of Funds: Partial Irrigation tap fee credit

Policy Issue

Should the City provide a tap fee credit to a developer for the extension of a reclaimed water line?

Alternatives

The City could choose to not enter into an agreement with Century Communities and choose to bid the complete project for extension of the reclaimed water lines to this area. This will be a more costly option, as the line would need to be constructed within a new roadway soon after completing the roadway.

The City could choose to not construct the reclaimed water main; however, this would impact the schedule to build out the reclaimed system and reduce the utilization of the system.

Background Information

To fully utilize the capacity in the Reclaimed Water Treatment Facility (currently 6 million gallons per day (MGD)) reclaimed waterlines need to be extended to potential customers. This line extension will allow irrigation of eight acres for a projected annual use of 27 acre-feet. The projected total annual reclaimed use with this extension is 1,102 acre-feet. This is approximately 42% of the reclaimed supply of 2,600 acre-feet.

This project was identified as being necessary to reach build out of the reclaimed water irrigation system. However, it was not identified as one of the projects that could be funded in the 2003 Capital Improvements program due to limited funds available. It also was not projected to begin development until a later date.

The developer has offered to extend the reclaimed water line through their development. Utilizing their contractor to allow reclaimed irrigation water to be used on the City of Westminster park property located to the east of the Westbury Development.

Currently, the City of Westminster has committed the 2003 Capital Improvements funds to three projects; Park Center, Bradburn, and Stratford Lakes and would not be able to reimburse the developer for this work directly out of the Capital Improvements fund.

By allowing the developer a credit on the irrigation tap fees that he would be required to pay for this project, he will be reimbursed for the construction of the reclaimed water main. These tap fees would normally be used for extension of reclaimed mains in future years, however, this situation allows the City of Westminster to take advantage of economies of having the entire infrastructure installed at one time.

These projects have been identified in the recently completed Reclaimed Master Plan (RMP) as being cost effective extensions to do prior to full development of these parcels. The RMP identifies that installation of this infrastructure will be more cost effective prior to completion of streets and landscaping.

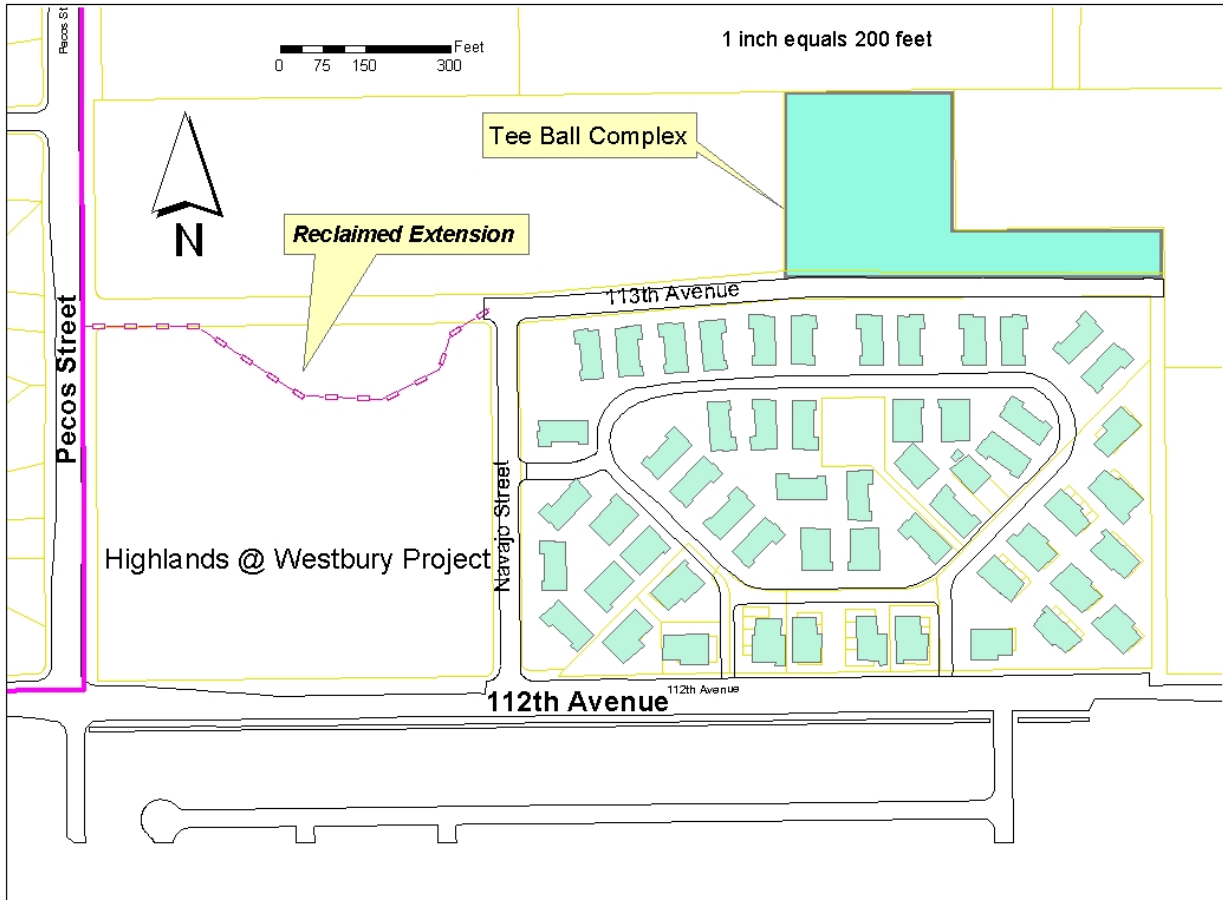
The City of Westminster chose to enter into similar reimbursement contracts with the developers at the Park Center development in April of 2003, and the Bradburn project in August of 2003. Funds for these projects were from the 2003 Capital Improvements Project budget. By allowing the developer to complete a portion of the work with their contractors, the City of Westminster is able to coordinate installation of the reclaimed water mains with the construction that is occurring within the development. This reduces conflicts on these projects due to the timing of the installation of other utilities, warranty issues on recently installed landscaping and other public improvements, and a genuine desire by the developer to have access to the reclaimed system as soon as possible.

City of Westminster Staff evaluated options for this project and believes it is in the best interest to contract with the developer of the Westbury project, Century Communities, to install the portion of water line that is located within 113th Avenue (see attached map).

Respectfully submitted,

J. Brent McFall
City Manager

Attachment





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003



SUBJECT: Renewal of Property and Liability Excess Insurance

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action

Authorize the City Manager to enter into an agreement with CIRSA for the purchase of excess insurance for \$399,921 along with a 10% contingency amount of \$40,000 in the event the final quote comes in higher, and charge this expense to the 2004 Property and Liability Self-Insurance Fund.

Summary Statement

- City Council action is requested to authorize the annual expenditure for the 2004 contribution to the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for property and liability insurance.
- The City annually purchases insurance to cover assets (buildings, vehicles, equipment, and parks) and to protect itself from liability exposure resulting from claims brought against the City and its employees. This insurance is purchased through CIRSA. The preliminary quote from CIRSA for 2004 for property and liability coverage is \$399,921, which represents a contribution of \$425,874 minus a loss control credit of \$9,499 and a loss experience credit of \$16,453.
- The cost of coverage in 2003 was \$299,413. The preliminary quote for next year of \$399,921 represents an increase in contribution, net of credits, of \$100,508 (33.6%). 4.63% of the 33.6% increase is due to CIRSA's need to rebuild the reserve fund for claims. In 2002 the CIRSA board voted to subsidize the 2003 premiums with funds from the pool's reserves. Since claims have increased overall for the pool, causing an increase in money spent out of CIRSA's reserves, their most recent actuarial studies show they must now fund those reserves to bring them back up to appropriate limits. 5.82% of the total increase was due to a shifting of the City's exposures. This shift in exposures comes mostly in the form of City vehicles. The City's Fleet division and Risk Management worked closely together to clean up the list of current City vehicles listed as insured with CIRSA. This resulted in a much more accurate list of vehicles to insure, but unfortunately increased the number of "high exposure" vehicles listed for insurance coverage. The balance of the increase (23%) is due to the overall increase in losses to the overall CIRSA insurance pool. Members in CIRSA's pool pay contributions in relation to each member's exposures and then each member's loss experience. The City received a "Loss Experience" credit of \$16,453 for 2004 since our loss experience is better than the overall loss experience of CIRSA members, but losses for the City still increased overall.

Expenditure Required: \$439,921 inclusive of a 10% contingency amount of \$40,000

Source of Funds: Property and Liability Self Insurance Fund

Policy Issue

Whether the City should continue to use a municipal insurance pool for placement of its property and liability coverage.

Alternatives

City Council could reject staff's recommendations to utilize CIRSA for this insurance coverage and direct staff to seek proposals on the open insurance market. This process would be done utilizing an insurance brokerage firm, since most insurance carriers do not deal directly with an insured. Risk Management staff recently sent out a Request for Proposal seeking bids from brokerage firms. Of the five brokers specifically targeted to receive the RFP, only two responded. Those that declined to respond noted that they felt they could not compete with the City's current insurance program at this time or were not interested. Based on the two responses the City received, brokerage fees for this service could run the City anywhere from \$21,000 to \$45,000 to bid out the insurance. Also, it may be difficult for private insurance carriers to match the rates provided by CIRSA as well as the customized services that CIRSA provides to government entities.

Background Information

The City of Westminster has been a member of the Colorado Intergovernmental Risk Sharing Agency since its inception in 1982. Since that time, the pool has grown from its original 18 cities to 205 members in 2003. CIRSA provides property and liability coverage that is tailored to meet municipal exposures. On January 1, 1988, the City implemented a large, self-insured retention program, electing to pay the first \$100,000 of each property claim and the first \$150,000 of each liability claim. Risk Management staff recommends increasing the City's self-insured retention in 2004 from the current levels to \$200,000 per line of coverage. The contribution savings outweighs the risk of retaining an increase of \$50,000 in each liability claim and \$100,000 in each property claim, especially since the City has not had a property or liability claim reach the excess levels of coverage for the past 17 years. The premium to continue coverage with \$100,000/\$150,000 in retention would have been \$441,292 – an increase in premium of \$141,879 (47%) from 2003. A reserve fund insures that funds are available to cover expenses under the self insured retention level in the event of a catastrophic year or a year in which multiple, large claims occur that fall within the retention level. The City's audited Property and Liability Fund balance at the end of 2002 was \$2,236,549.

The City has continued to purchase its excess property and liability coverage from CIRSA for several reasons:

- CIRSA has provided favorable quotes for its insurance
- CIRSA was established by municipalities specifically to provide insurance that meets the unique needs of Colorado cities and towns
- Unlike all brokers or private insurance companies, CIRSA does not charge commissions

The services provided by CIRSA include all claims handling, loss control, administrative services and the following excess coverage:

- Property coverage in excess of \$200,000 to \$501,000,000 (limits shared with all pool members)
- \$1,000,000 per occurrence/aggregate business interruption coverage
- Public officials liability coverage from \$200,000 to \$5,000,000 per occurrence and \$10,000,000 per aggregate
- Police Professional Liability insurance from \$200,000 to \$5,000,000 per occurrence/aggregate
- Motor vehicle physical damage from \$200,000 to \$1,000,000 per occurrence
- Motor vehicle liability coverage from \$200,000 to \$1,500,000 per claim/occurrence
- General Liability Insurance coverage from \$200,000 to \$5,000,000 per claim/occurrence

Through on-going employee safety training and other loss control practices initiated by the individual departments and the Risk Management Staff, the efforts of the Citywide Safety Committee and the City's effective working relationship with CIRSA claims adjusting staff, Staff hopes to continue to improve on the success of the program. Loss control activities include:

- Off-site inspection of facilities
- Annual Defensive Driving, Risk Management 101, Risk Management for Supervisors and Safety 101 training
- Citywide Safety Committee review and analysis of all Incident Reports involving safety failures
- The annual snowplow rodeo and training sponsored by the Public Works and Utilities Department

The quote for the 2004 property and liability insurance premium is preliminary at this time. CIRSA members are being asked to approve the premiums and continuation of membership at this time so that CIRSA can calculate final premium quotes based on all members responses. It is anticipated that final premium quotes will be distributed in December. To avoid having to return to City Council in the event the final premiums come in higher than this preliminary quote, Staffs recommended action includes a 10% contingency factor of approximately \$40,000 with the total final premium not to exceed \$439,921.

Staff will be bringing to City Council a proposal at the September 29th Budget Session to add funds into the Property and Liability Fund to cover the increased 2004 costs identified in this Agenda Memorandum. No payments will be agreed to or made to CIRSA prior to receiving City Council final approval of these additional funds.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003



SUBJECT: Quarterly Insurance Report: April - June 2003

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action:

This is for information only.

Summary Statement:

- The attached document provides detailed information on each claim including the City's claim number, date of loss, claimant's name and address, a summary of the claim, and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. The listing of the claims in this report is provided in accordance with Westminster Municipal Code 1-30-3.
- In accordance with Code provisions, the Risk Management Officer acting as the City Manager's designee has the authority to settle claims of less than \$30,000. However, under our contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjustor and settlement of claims proceed with the concurrence of both CIRSA and the Risk Management Officer. The City retains the authority to reject any settlement recommended by CIRSA, but does so at the risk of waiving its insurance coverage for such claims.

Expenditure Required: \$ 0

Source of Funds: NA

SUBJECT:

Quarterly Insurance Report: April - June 2003

Page 2

Policy Issues:

None identified at this time.

Alternatives

None.

Background Information

Information on the status of each claim received during the second quarter is provided on the attached spreadsheet.

For the second quarter to date, Staff has noted the following summary information:

- Three of the 12 claims reported in the first quarter of 2003 remain open at this time.
- 22 of the 27 claims reported in the second quarter of 2003 have been paid or denied and are now closed.
- Total claims for the quarter breakdown by department as follows:

Department	2nd Qtr 2003			YTD
	Total Claims	Open	Closed	Total
Fire	2	0	2	3
CD	1	0	1	1
Police	7	4	3	9
PR&L	4	1	3	9
PWU - Streets	12	0	12	15
PWU - Utilities	1	0	1	2
TOTAL	27	5	22	39

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CLAIMS SUBMITTED AND OCCURRED IN 2ND QUARTER:

Claim	DOL	Dept	Claimant	Address	Description	Reserves	Payments	Status	Notes
2003-173	04-Apr-03	PWU -St	Aaron Marr	1045 Third Street, Penrose CO 81240	Claimant alleges damage to his vehicle from driving over a pothole.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-129	05-Apr-03	PWU -St	Alanna J. Rizzo	13054 Harrison Dr, Thornton CO 80241	Claimant alleges damage to her vehicle from driving over a pothole/uneven pavement.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-222	10-Apr-03	PWU -St	William Paz	10423 Iris Way, Broomfield CO 80021	Claimant alleges he drove his vehicle over a portion of road that was sunken, causing damage to his vehicle.	\$0.00	\$0.00	C	Denied since City was not responsible for maintenance of the location of the incident.
2003-164	15-Apr-03	PRL	Clifford Deffke	10465 Jellison Way, Westminster CO 80021	Claimant alleges a City tree fell on his fence causing damage.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-171	24-Apr-03	PWU -St	Kelli Brown	3062 E 137th Place, Thornton CO 80602	Claimant alleges damage to her vehicle from driving over a pothole.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-200	25-Apr-03	PWU -St	Randall Judy	10878 Alcott Ct, Westminster CO 80234	Claimant alleges damage to claimant's vehicle from her daughter (Megan Judy) driving her vehicle over a pothole.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-169	26-Apr-03	PD	Aaron Valenzuela	10829 Alcott Circle, Westminster CO 80234	A police car being driven by a police officer following the claimant/suspect hit Claimant/suspect.	\$1,500.00	\$473.00	O	PIP coverage allowed under City's Auto insurance policy.
2003-172	26-Apr-03	PWU -St	Lisa Schiel	1496 W 116th Ave #96-31, Westminster CO 80234	Claimant alleges damage to her vehicle from driving over a pothole.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-174	27-Apr-03	FIRE	Mark Mallory	6331 W74th Ave	Fire employee accidentally exited an ambulance before putting the vehicle in park. The ambulance rolled into a parked car owned by the claimant	\$1,119.40	\$1,119.40	C	
2003-276	09-May-03	PWU -St	Windings HOA	3847 W 103rd Drive, Westminster CO 80031	Claimant alleges that the force of City snowplows driving by damaged fence.	\$0.00	\$0.00	C	Denied based on lack of evidence against the City.
2003-201	10-May-03	PRL	Dennis McAfee	2252 W 118th Ave, Westminster CO	Claimant alleges branches from City trees fell on his fence causing damage.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-202	10-May-03	PWU -St	Richard Spencer	10140 W 73rd Pl, Arvada CO 80005	Sewer backup in basement of an eight-unit apartment complex.	\$2,054.00	\$2,054.00	C	City was not liable for backup, but claimant was allowed up to \$2500 under City's "good neighbor" sewer backup policy since blockage was in main line.

Claim	DOL	Dept	Claimant	Address	Description	Reserves	Payments	Status	Notes
2003-203	10-May-03	PRL	Polly Bond / Caroline Ruthosky	7820 W 87th Dr Unit O, Westminster CO 80005	Claimant alleges her 10-year-old daughter (Caroline) slipped and fell at the City Park Rec. Center pool due to an uplifted floor tile.	\$0.00	\$0.00	O	CIRSA investigating
2003-254	11-May-03	PRL	Roxanne Barnes	10785 Southaven Circle, Highlands Ranch CO 80126	Claimant alleges damage to her vehicle when she drove over branches from City trees the day following a heavy snowstorm.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-258	12-May-03	PWU - St	Vertus/Shirley Krieger	7381 Utica St, Westminster CO 80030	Claimant alleges that while City staff were replacing sidewalk in front of their house, one of their sprinkler heads was broken.	\$0.00	\$0.00	C	City staff replaced sprinkler head free of charge
2003-204	14-May-03	PWU - Util	Boni Turman	3551 Kellogg Place, Westminster CO 80031	City Utility staff left house spigot on to relieve pressure while replacing a fire hydrant. Water flooded claimant's basement causing damage.	\$3,769.71	\$3,769.71	C	
2003-244	15-May-03	PWU - St	J Patrick Reeder	9860 Upham Ct, Westminster CO 80021	Claimant drove his vehicle over a pothole recently filled with tar destroying vehicle tire.	\$26.96	\$26.96	C	Streets staff followed standard procedure and attempted to clean the tire. Cleaning did not work.
2003-274	19-May-03	PD	Lisa Thurston	36 Harlan St, Lakewood CO	Police officer's vehicle, running with lights and sirens through a red light, was struck by claimant's vehicle.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-257	22-May-03	PD	Rachel Gonzales	3019 W 107th Pl Unit G, Westminster CO 80031	Police detective driving City vehicle rear ended claimant's vehicle.	\$356.29	\$356.29	C	
SUBTOTAL						\$8,826.36	\$7,799.36		

CLAIMS SUBMITTED IN 2ND QUARTER WITH OCCURANCE DATES PRIOR TO 2ND QUARTER 2003

Claim	DOL	Dept	Claimant	Address	Description	Reserves	Payments	Status	Notes
2002-124	29-Mar-02	PD	Luann Povich (Stover)	8701 Huron St., Denver CO 80260	Claimant alleges she suffered damages due to the conduct of Westminster Police Department employees in acts of trespass, unlawful seizures and conversions and violation of her constitutional rights.	\$0.00	\$0.00	O	CIRSA investigating
2002-118	05-Nov-02	FIRE	144 Interstate Partners Ilc	c/o Alberta Development Partners, LLC, 5460 S Quebec St, Englewood CO 80111	Claimant alleges breach of contract and promissory estoppels over cleanup of their property after the Fire Department demolished a structure on the property for the purposes of training.	\$4,800.00	\$4,800.00	C	Parties agreed to split the total cost of cleanup as settlement to this claim.

CLAIMS SUBMITTED IN 2ND QUARTER WITH OCCURANCE DATES PRIOR TO 2ND QUARTER 2003

2002-114	13-Dec-02	PWU - St	Pat Murphy	10047 Allison Ct., Westminster CO 80021	Claimant alleges driving his vehicle over a pothole at 100th and Simms caused damage to his vehicle	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-319	27-Dec-02	PD	Jerry Baysinger	5115 Williams Fork Trail, Boulder CO 80301	Claimant alleges he suffered injuries and damages when Westminster Police Officers arrested him.	\$100.00	\$0.00	O	CIRSA investigating
2003-322	27-Dec-02	PD	David Luko	3952 W 127th Ave., Broomfield CO 80020	Claimant alleges he suffered injuries and damages when Westminster Police Officers arrested him.	\$100.00	\$0.00	O	CIRSA investigating
2003-317	30-Dec-02	PD	Jeffrey Higgins	PO Box 6884, Broomfield CO 80021	Claimant alleges he suffered damages due to the conduct of Westminster Police Department employees in acts of negligence and violation of his constitutional rights.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-197	07-Mar-03	CD	Bill Metzger	5870 Newcombe Ct., Arvada CO 80004	Claimant collided his car with the south end of the median south of 104th Ave on Westminster Pkwy causing damage to his vehicle. Claimant alleges the median was not properly marked. The developer for the Mercedes Benz dealership with the City's permission reconstructed this median.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act and the fact the City was not responsible for the improper construction of the median. Claimant was referred to the developer responsible.
2003-320	17-Mar-03	PWU - St	Mark & Teresa Manshardt	9320 Pierce St Westminster CO 80021	Claimant alleges that a City snowplow operator damaged their fence while plowing snow in their neighborhood.	\$0.00	\$0.00	C	Denied based on lack of evidence against the City.

SUBTOTAL	\$5,000.00	\$4,800.00	C = Closed
GRAND TOTAL	\$13,826.36	\$12,599.36	O = Open



WESTMINSTER

COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003



SUBJECT: Land Acquisition Related to 7501 and 7511 Eliot Street (Golden Corral Restaurant)

Prepared By: Tony Chacon, South Westminster Revitalization Projects Coordinator

Recommended City Council Action

Authorize the City Manager to execute the necessary Purchase and Sale Agreement for the property, execute the necessary closing documents required for the acquisition of this parcel, and authorize that funds from the South Westminster Revitalization CIP Account be used for the purchase.

Summary Statement

- The City has been actively seeking a development prospect for an undeveloped commercial site within the urban renewal area, near the northeast corner of 74th Avenue and Federal Boulevard.
- Golden Corral Restaurants, Inc. is proposing to build a 10,000 square foot restaurant on the site.
- The parcel is not of appropriate size or configuration upon which to construct the proposed restaurant.
- The encroachment of the residential property into the “commercial zone” impacts the ability of the developer to market his property to a suitable user and prepare a functional site development plan.
- The configuration of the highway sound-wall along the residential property line, which extends into the “commercial zone,” will obstruct the view of the proposed new restaurant from the south.
- The prospective restaurant has agreed to proceed with the project only upon securing these two parcels and a portion of the Colorado Department of Transportation (CDOT) right-of-way (see Attachment B), and upon being granted a permit to access Federal Boulevard from CDOT.
- The owners of the property at both 7501 and 7511 have agreed to sell their “excess” property to the City at a total cost of \$24,408.00. The property owner at 7511 has indicated a need to close on the transaction by the end of September 2003, so he can sell his residence.
- The remaining residential lots addressed on Eliot Street remain in compliance with the City Code.
- As part of the acquisition, the City will be granted a 15’ utility easement between the properties that may be used to loop the water system to serve Federal Boulevard properties as necessary.
- The developer has agreed to negotiate terms to repurchase the property from the City in conjunction with a final Development and Disposition Agreement to be approved by WEDA Board in the future.
- It is estimated that the restaurant would generate \$90-110,000 in annual sales tax.

Expenditure Required: \$24,408.00 plus closing costs

Source of Funds: General Capital Improvements Fund - South Westminster Redevelopment Project

Policy Issues

Should the City assist the prospective developer by acquiring and holding property for development purposes, knowing that the associated development cannot proceed until such time as the developer is able to negotiate and resolve necessary access and land conveyance issues with the Colorado Department of Transportation?

Alternatives

1. The City may choose to delay acquisition until such time as issues related to the CDOT ownership and Federal Boulevard access is resolved and the restaurant development is assured. Staff recommends that the City not pursue this alternative, as one of the property owners must sell his property by late September to meet a closing on a new residence. By failing to act immediately, the City would likely have to negotiate with a new property owner prolonging the required acquisition, risking the loss of the restaurant prospect.
2. The City may choose not to give consideration to including the residential parcels as part of the development. Staff recommends that this alternative not be considered as the existing parcel is not of suitable configuration or size for Golden Corral Restaurants, or other potential prospects.

Background Information

Over the last few years, City staff has been working with the owner (Gayeski & Associates) of a vacant 1.6-acre site at 74th Avenue and Federal Boulevard, immediately north of the McDonalds restaurant. While strategically located at U.S.36 and Federal Boulevard, development of the site has languished due to inaccessibility to the site from Federal Boulevard. The highway ramp system was originally located in a manner that did not permit any direct access onto the property from Federal Boulevard. As such, access to the site has been restricted to an easement on the east side (backside) of McDonalds accessing 74th Avenue.

In the Fall 2002, the Colorado Department of Transportation (CDOT) completed improvements to Federal Boulevard and a new realigned eastbound U.S. 36 entry ramp that may permit access to the site from Federal Boulevard. As a result, Gayeski & Associates aggressively began to market the site to prospective businesses. The recruitment paid dividends when Golden Corral Restaurants, a family-oriented sit-down restaurant chain, expressed a serious interest in locating on the site. Upon viewing the site, the prospect advised the developer and the City that two issues needed to be addressed prior to formally committing to the project with the property owner.

Given the restaurant's significant parking requirements, the developer proposes to use a portion of the excess CDOT right-of-way for parking and landscaping (See Attachment B). Secondly, the back portion of residential properties at 7501 and 7511 Eliot Street, encroaching into the "commercial zone," needed to be made available for integration into the development site. Accordingly, City staff immediately initiated discussions with CDOT relative to securing use of the required right-of-way (ROW) along Federal Boulevard. The City did receive an initial response indicating CDOT may be willing to grant a landscaping/parking easement relative to the excess ROW along Federal Boulevard, but stated that any sale would only be considered upon completion of the U.S. 36 transit corridor environmental impact statement (EIS). The City responded by retaining a consultant to negotiate directly with CDOT to gain their support for the conveyance. The consultant has succeeded in gaining a tentative verbal agreement to convey the property to the City. The consultant is awaiting a response from CDOT relative to terms and conditions under which the transaction would occur. The City has not received any direct verbal or written confirmation relative to this tentative agreement. The developer of this site will pay for the cost of this CDOT land.

City staff also approached the two residential property owners utilizing the services of a real estate brokerage firm to establish their interest in selling. Ensuing discussions between the broker and the prospective sellers led to a mutually agreeable proposal relative to the sale of the properties.

<u>Address</u>	<u>Square Footage</u>	<u>Per Square Foot Cost</u>	<u>Total Cost</u>
7501 Eliot Street	3,727	\$2.42	\$ 9,008.00
7511 Eliot Street	4,132	\$3.73	\$15,400.00

Staff believes the proposed sales prices to be reasonable given comparable commercial land values in the area, which range from \$3.00 to \$4.00 per square foot. Upon establishing the sales prices, Staff attempted to negotiate long-term options to purchase the property, thus allowing the City additional time to resolve the CDOT issue prior to closing. However, the property owner at 7511 Eliot Street has indicated he is in the process of constructing a new house and needs to close on a sales transaction for the remnant parcel by the end of September 2003, so as to be able to place the Eliot Street property on the market.

The developer and prospective restaurant have indicated that the project as proposed could not be done without having use of both the CDOT and residential properties. Acquisition of these properties will eliminate one obstacle to getting the development underway. Upon securing all the necessary property, WEDA will negotiate a development agreement with Gayeski and Associates for WEDA Board consideration that will incorporate the cost of the two acquisitions into a development assistance package.

Upon final assemblage of the required land and approval of a development agreement with WEDA, the developer would move forward with construction of a 10,000 square foot, family-style restaurant. As part of the project, the developer will work with CDOT to remove a portion of the existing sound wall and construct a new fence or sound wall along the new property line. According to representatives of the restaurant, the facility is expected to produce \$3-4 million in sales in the first year of operation. This would result in sales tax revenue of \$90,000 to \$120,000 annually.

Staff believes the acquisition of these two parcels is necessary to facilitate new development on the site regardless of whether the restaurant project moves forward as proposed. In the event the project does not proceed as a restaurant development, Staff would continue to work with the developer to find a more suitable user for the site and negotiate a land sales transaction suitable to WEDA's interests.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003



SUBJECT: Second Reading of Councillor's Bill No. 48 re Brookhill Center, Inc. Business Assistance Package

Prepared By: Susan Grafton, Economic Development Manager

Recommended City Council Action:

Pass Councillor's Bill No. 48 on second reading authorizing the City Manager to execute an agreement in substantially the same form attached business assistance package (BAP) between the City of Westminster and Brookhill Center, Incorporated (BCI)

Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading which authorizes the execution of a business assistance agreement with Brookhill Center, Inc.
- BCI has worked diligently over the past two years to upgrade the Towne Center at Brookhill and to fill the remaining vacancies. Additional help is needed to fill the final spaces.
- This BAP will not become active until after the current Bed, Bath and Beyond BAP expires, which is expected to occur in November 2003
- Assistance is based on the City's desire to encourage upgrading of older shopping centers and filling existing vacant retail space.
- This Councillor's Bill was passed on first reading on September 8, 2003.

Expenditure Required: \$ 330,150 (Sales Tax Rebate)

Source of Funds: The business assistance package to BCI will be funded through the rebate of sales tax directly generated from the retail stores and shops at the east end of Towne Center at Brookhill.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **48**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN BROOKHILL CENTER, INCORPORATED (BCI) AND THE CITY OF WESTMINSTER TO AID WITH THE UPGRADING OF THE TOWN CENTER AT BROOKHILL IN WESTMINSTER

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

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

WHEREAS, BCI plans to continue renovation and filling vacancies at the Town Center at Brookhill located at 88th Avenue and Wadsworth Parkway in Westminster, and

WHEREAS, the assistance agreement continues to meet the goal of filling vacant retail space in the City; and

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

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

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

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

Section 3. 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 8th day of September 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of September, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003

SUBJECT: Boards and Commissions Pool

Prepared By: Michele Kelley, City Clerk

Recommended City Council Action

Establish a deadline of November 14, 2003 to receive applications from citizens interested in the next cycle of the Boards and Commissions "Pool" and advertise this opportunity to become involved in the Westminster City government.

Summary Statement

- This year Staff will be recruiting citizens that may be interested in serving on the City's new Historic Landmark Board in addition to the other Boards and Commissions.
- City Council annually solicits Westminster citizens who are interested in serving on the various City Boards and Commissions when vacancies would occur during the year.
- After the deadline to receive applications has passed, City Council would then interview each individual who has submitted an application.
- Staff is recommending a deadline for applications this year of November 14th, in order to provide lead time for citizens.

Expenditure Required: \$0

Source of Funds: n/a

Policy Issues

Should Council recruit for new members of the Board and Commission pool at this time?

Alternatives

Council could decide to set a different date for the deadline

Council could decide not to recruit for the members of the Board and Commission pool at this time.

Background Information

Once a deadline has been established, a press release for the various newspapers will be prepared with a brief description of each of the Board's responsibilities. A copy of the press release will be sent to all the homeowner associations within the City and to Neighborhoodly News, which distributes information within many subdivisions within the City. This information is also broadcast on Channel 8 and the application form is available on the Internet and will be published in an upcoming issue of "City Edition."

A copy of the Boards and Commission brochure is attached for Council to review the publication that will be distributed to interested citizens.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



Agenda Item 10 A-B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003



SUBJECT: Public Hearing and Councillor's Bill No. 50 re 2003 Model Traffic Code

Deleted :

Prepared By: Tami Cannon, Paralegal

Recommended City Council Action

- Hold a Public Hearing regarding the adoption of the 2003 Model Traffic Code.
- Pass Councillor's Bill No. 50 on first reading repealing and reenacting Chapter 1 of Title X of the Westminster Municipal Code and adopting by reference the 2003 edition of the Model Traffic Code for Colorado.

Summary Statement

- The City of Westminster, along with numerous other cities in Colorado, has historically adopted by reference the Model Traffic Code, which is promulgated and published by the Colorado Department of Transportation.
- The Model Traffic Code provides comprehensive traffic control regulations for Colorado municipalities. The City, pursuant to its home-rule status, can add, delete or modify sections of the Model Traffic Code.
- The attached Councillor's Bill repeals and reenacts Chapter 1 of Title X of the Westminster Municipal Code, which adopts, in part, the Model Traffic Code and provides for further traffic regulations consistent with state law.
- State Statute requires the City conduct a Public Hearing before adoption of the Model Traffic Code.
- The adoption of the attached Councillor's Bill and updated Model Traffic Code will help ensure the protection of the health and safety of the public.

Expenditure Required: N/A

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Source of Funds: N/A

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Policy Issues

Shall the City adopt the 2003 version of the Model Traffic Code for Colorado?

Alternatives

Do not adopt the 2003 version of the Model Traffic Code and continue to enforce the 1995 edition previously adopted by reference by the City. This alternative is not recommended because the 2003 version takes into account recent changes made to the applicable state statutes regulating traffic within Colorado.

Background Information

The Model Traffic Code for Colorado was originally adopted by the Colorado Department of Transportation in 1952, and was subsequently revised in 1962, 1966, 1970, 1973, 1977 and 1995. The Model Traffic Code was developed to make available a specimen set of motor vehicle and traffic regulations that track state law. The 2003 edition of the Model Traffic Code has been adopted by the Transportation Commission and reflects changes to the traffic laws by the Colorado General Assembly since the 1995 edition, which was the latest version adopted by the City.

The 2003 edition is substantially the same as the 1995 edition, with a few additions and modifications. The additions include new sections on neighborhood electric vehicles, signal lamps and devices for street rod vehicles and custom motor vehicles, multiple-beam road lights, mufflers on commercial vehicles, local permit standards for overweight vehicles, failure to pay a toll established by rural transportation authority, increase in penalties for moving traffic violations within school zones, use of high occupancy vehicle lanes by inherently low-emission vehicles, prohibiting foreign matter or spilling loads and use of dyed diesel fuel on highways, and requiring splash guards in certain situations. The remaining changes from the 1995 edition are amendments of existing sections, including child restraint systems requirements and exemptions.

Those sections of the 2003 Model Traffic Code not adopted by reference include minimum standards for commercial vehicles – spot inspections, gross weight of vehicles and loads, parking or abandonment of vehicles, and operation of motor vehicles on property under control of or owned by parks and recreation districts. However, those items are addressed elsewhere within Chapter 1 of Title X of the Westminster Municipal Code.

Approval by the Colorado Department of Transportation is required by law for all regulations pertaining to streets which are also state highways, including Sheridan and Federal Boulevards. Such approval will be sought following the public hearing and before publication of the adopting ordinance so that the Department will have sufficient time to certify its approval of the regulations prior to the date the ordinance will become effective. The ordinance will take effect and be in force thirty (30) days following its publication in full.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3052**

COUNCILLOR'S BILL NO. **50**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Dixion-McNally

A BILL

FOR AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE CITY OF WESTMINSTER, COLORADO; ADOPTING BY REFERENCE THE 2003 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO;"

THE CITY OF WESTMINSTER ORDAINS:

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

10-1-1: ADOPTION: Pursuant to parts 1 and 2 of Article 16 of Title 31 and part 4 of Article 15 of Title 30, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the ~~1995~~ **2003** edition of the "Model Traffic Code for Colorado, ~~Municipalities~~" promulgated and published as such by the Colorado Department of Transportation, SAFETY AND ~~Staff~~ Traffic and ~~Safety~~ Projects ENGINEERING Branch, 4201 East Arkansas Avenue, **EP 700**, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City of Westminster. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the City Clerk of the City of Westminster, Colorado, and may be inspected during regular business hours.

10-1-2: DELETIONS: The ~~1995~~ **2003** edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are expressly deleted:

Section 235. Minimum standards for commercial vehicles – SPOT INSPECTIONS.

Section 508. Gross weight of vehicles and loads.

Section 1202. Parking or abandonment of vehicles.

Section 1408. Operation of motor vehicles on property under control of or owned by parks and recreation districts.

10-1-3: ADDITIONS OR MODIFICATIONS: The said adopted Code is subject to the additions or modifications as set forth in this Chapter 1 of Title X of the Westminster Municipal Code, including the following:

(A) ~~Section-1204. Stopping, standing, or parking prohibited in specified places.~~

(2) Except as otherwise provided in subsection (4) of this Section, in addition to the restrictions specified in subsection (1) of this Section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:

- (a) within five feet (5') of a public or private driveway; except this subsection shall not apply to Franklin Square Subdivision nor the bulb portion of a cul-de-sac anywhere in the City.

(B) **1401. RECKLESS DRIVING – PENALTY.**

(2) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A TRAFFIC OFFENSE.

(C) 1402. CARELESS DRIVING – PENALTY.

(2) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION, INCLUDING A PERSON'S ACTIONS WHICH ARE THE PROXIMATE CAUSE OF BODILY INJURY OR DEATH TO ANOTHER, COMMITS A TRAFFIC OFFENSE.

Section 2. The title and purpose of this ordinance shall be published prior to its consideration on first reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

Section 3. This ordinance shall take effect thirty (30) days following its publication in full on November 15, 2003.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of September, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of October, 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003



SUBJECT: Resolution No. 41 re Amendment to Urban Renewal Area—Aspen Care Site

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action:

Adopt Resolution No. 41 adding property generally located at 7490 Lowell Boulevard, more specifically defined in Attachment A, into the existing south Westminster urban renewal area (URA).

Summary Statement:

- The City of Westminster established an urban renewal area in 1987, which was expanded in 1992 to incorporate most of the commercial and industrial zoned and developed property within the general area bounded by 74th Avenue on the north, 68th Avenue and the railroad tracks on the south, Zuni Street on the east and Tennyson Street on the west.
- Residentially zoned property immediately south of 75th Avenue along Lowell Boulevard, including the Aspen Care nursing home site (“the Aspen Care site”), was not included within the urban renewal area.
- The Aspen Care site is contiguous with the existing urban renewal area boundary.
- The City signed a development agreement with Community Builders, Inc. to redevelop the Aspen Care site that in part calculated use of the tax increment produced from the redevelopment to assist in financing the project.
- State law allows the City Council to make minor adjustments to the urban renewal boundary without an official finding of blight or lengthy public hearing process.
- While a finding of blight is not essential to a make minor boundary adjustments, Staff proceeded to conduct an inventory of blight conditions relative to the aforementioned parcels and did find that conditions of blight existed on the property.
- The 64,213 square feet (1.47 acres) of land to be added to the urban renewal area is less than 1% of the existing urban renewal area, supporting a finding that the proposed amendment is minor.
- The owners of the Aspen Care site, Community Builders, Inc., does not oppose having the property incorporated into the urban renewal area.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City Council (a) add the Aspen Care site to the existing urban renewal area as a minor amendment or (b) require the proposed amendment to the URA to proceed pursuant to a finding of blight and public hearing process as outlined in Colorado Revised Statutes?

Alternatives

1. City Council could choose to not proceed with incorporating the Aspen Care site into the URA at this time and direct Staff to present a blight study and pursue the associated public hearing process to establish a new urban renewal area. Staff recommends that this alternative not be pursued as the state statutes do permit a minor amendment process, the land area is extremely small, and there is no opposition of property owners to the proposal.
2. City Council could choose to not incorporate the land into the URA. Staff recommends the City not choose this alternative, as the property tax increment revenue generated from the redevelopment would not be available to assist in repayment of a loan provided from the Westminster Housing Authority.

Background Information

In 1987 the City of Westminster conducted a blight study, created the Westminster Economic Development Authority (WEDA) and established an urban renewal area that included property generally comprised of the Westminster Plaza shopping center and property immediately across 72nd Avenue and Federal Boulevard. In 1992 the City expanded the blight study and amended the urban renewal area to include most of the commercial and industrial development and zoned land bounded by 74th Avenue on the north, 68th Avenue and the railroad tracks on the south, Zuni Street on the east, and Tennyson Street on the west. Given the focus of the 1992 boundary expansion was tied to commercial and industrial property, several adjoining “residential” redevelopment parcels were not included in the urban renewal area.

In 2001, City staff initiated plans to proceed with redevelopment of property along Lowell Boulevard and Meade Street. In conjunction with this effort Staff determined that prospective developable property along the fringe of the existing urban renewal area, including the Aspen Care site, would need to be included in the URA to support acquisition needs and financing. Accordingly, a consultant was hired to prepare an inventory of blight conditions related to additional property on the fringe that might eventually be incorporated into the URA. The results of the survey indicated that all of the properties inventoried had conditions of blight.

As follow-up to the blight inventory, Staff discussed and researched options relative to amending the existing urban renewal area boundaries. Substantial amendments to the urban renewal area typically involve a notice and public hearing process and require a finding of at least four conditions of blight. Staff research also found that state law allows a “minor amendment” to the area without the formal process. No standards are set forth in the statute for what constitutes a “minor” amendment. Staff believes this minor amendment process is appropriate to the current situation based on the following facts:

- The land area to be brought into the urban renewal area is well less than 1% of the existing URA;
- A blight survey conducted by a qualified urban renewal consultant found conditions of blight relative to the Aspen Care site;
- Community Builders, Inc., the owner and developer of the property, has expressed no opposition to designating the property as part of the urban renewal area; and,
- The state statutes permit the City to make minor amendments to the urban renewal area.

SUBJECT: Resolution re Amendment to Urban Renewal Area—Aspen Care Site Page 3

In preparing a development agreement with Community Builders, Inc. to move forward on the redevelopment of the Aspen Care site, the Westminster Housing Authority provided a \$1.1 million loan to assist in acquiring property along Meade Street and Lowell Boulevard. The loan was to be repaid through a variety of funding sources, including the incremental property tax revenue resulting from the new development. Given this course of action, it is necessary to incorporate the described property into the urban renewal area to be able to collect and use the property tax increment produced by the development to assist in repaying the loan. It is estimated that development of 50 townhomes on Lowell Boulevard and Meade Street would generate approximately \$1,000,000 to WEDA over the term of the urban renewal designation.

Respectfully Submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **41**

INTRODUCED BY COUNCILLOR'S

SERIES OF 2003

AMENDING THE SOUTH WESTMINSTER URBAN RENEWAL PLAN TO INCLUDE THE ASPEN CARE SITE AS A MINOR MODIFICATION THERETO

WHEREAS, 1.47 acres of land at the southeast corner of West 75th Avenue and Lowell Boulevard is the site of the former Aspen Care Nursing Home, which has been vacant for many years ("the Aspen Care site"); and

WHEREAS, the Aspen Care site is legally described as Lot 1, 7490 Lowell Boulevard Subdivision, a part of the southwest quarter of section 32, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, Adams County, Colorado, and this property has not previously been included in the south Westminster Urban Renewal Area; and

WHEREAS, modification of the south Westminster Urban Renewal Plan is governed by C.R.S. section 31-25-107(7); and

WHEREAS, addition of the Aspen Care site to the existing south Westminster Urban Renewal Area would increase the size of the area by less than one percent; and

WHEREAS, the Westminster Housing Authority provided financial assistance to incent the redevelopment of this abandoned facility for housing; and

WHEREAS, inclusion of the Aspen Care site into the contiguous south Westminster Urban Renewal Area would permit capture of the property tax increment to be generated by the new housing development, and

WHEREAS, the property tax increment is needed to repay the Westminster Housing Authority investment in this redevelopment project so that these funds can be made available for other goals and projects of the Authority; and

WHEREAS, an official development plan has been approved for a townhome project on the Aspen Care site that is consistent with the existing Urban Renewal Plan and the South Westminster Strategic Revitalization Plan; and

WHEREAS, addition of the Aspen Care site to the south Westminster Urban Renewal Area is a modification that will not substantially change the existing urban renewal plan in land area, land use, design, building requirements, timing, or procedure, as previously approved

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

1. Redevelopment of the Aspen Care site as a townhome project will afford maximum opportunity, consistent with the sound needs of the City of Westminster as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

2. The acquisition, clearance, rehabilitation, conservation, development or redevelopment or a combination thereof of the Aspen Care site is necessary in the best interests of the public health, safety, morals, and welfare of the citizens of the City of Westminster.

3. The south Westminster Urban Renewal Area and Plan are hereby amended to include the Aspen Care site as a minor modification.

ADOPTED, at a regular meeting of the City Council of the City of Westminster, Colorado, this 22nd day of September, 2003.

Mayor

ATTEST:

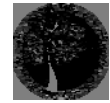
City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003



SUBJECT: Councillor's Bill No. 51 re Indoor Entertainment Establishments

Prepared By: John Shary, Planning Technician

Recommended City Council Action

Pass Councillor's Bill No. 51 on first reading amending the Westminster Municipal Code, Sections 11-4-8: Use by Special Permit and 11-4-9: Applications for Special Use Permits, to expand the use of Indoor Entertainment Establishments with a Special Use Permit to the M-1, Industrial District.

Summary Statement:

- The City received a request from a paint ball business wishing to locate within an existing warehouse building in an M-1, Industrial District. Currently, the Westminster Municipal Code does not allow for a paint ball facility in the M-1 district.
- Indoor entertainment establishments (the paint ball business is considered as indoor entertainment.) are allowed in the more restrictive business and commercial zone districts of B-1, C-1 and C-2. Staff is recommending an amendment to the City Code to allow indoor entertainment establishments within the M-1, Industrial District with a Special Use Permit. Issues such as compatibility of adjacent uses, parking, hours of operation and security issues would be addressed through the Special Use Permit approval process.
- This amendment would also allow other indoor entertainment establishments such as amusement centers, bowling, billiards, movie theaters and gymnastics schools to be located in M-1 districts with a Special Use Permit.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation: The Planning Commission heard this case on May 27, 2003. The Commission voted unanimously to recommend that City Council amend the Code to allow for indoor entertainment establishments in the M-1 district.

Policy Issue

Should the City amend the Westminster Municipal Code to allow indoor entertainment establishments in the less restrictive M-1, Industrial District with a Special Use Permit?

Alternatives

- Deny the amendment to the Westminster Municipal Code, Sections 11-4-8: Uses by Special Permit and 11-4-9: Applications for Special Use Permits, to allow indoor entertainment establishments in the M-1, Industrial District with a Special Use Permit. These uses would still be permitted in B-1, C-1, and C-2 zoning districts but not in M-1 districts. The paint ball facility request submitted to the City would continue to not be allowed in the M-1 district if this option were chosen.
- Amend the Westminster Municipal Code, Section 11-4-4: Permitted Uses, to expand the use of indoor entertainment establishments to the M-1, Industrial District without a Special Use Permit. This option would allow indoor entertainment establishments in the M-1 district as a use by right. There would be no added level of review for compatibility of adjacent uses, hours of operation and security issues. Both the Planning Commission and Staff had concerns with this option because there may be situations where nearby uses would not be compatible with these types of uses.

Background Information

The City received a request to locate a paint ball facility in a warehouse within an M-1 district, which is not currently permitted. Paint ball facilities and other indoor entertainment establishment uses, such as gymnastic centers, sometimes prefer to be located in industrial districts to utilize the open floor space typically found in industrial buildings. A paint ball facility, as a use, is not specifically listed in the Permitted Uses section of the Westminster Municipal Code but is categorized as an indoor entertainment establishment, which is listed. Uses associated with indoor entertainment establishments per the Code are: amusement centers, bowling, billiards, movie theaters and similar uses. These uses are permitted in the commercial and business districts of the City but not the M-1, Industrial District. Allowing indoor entertainment establishments within the M-1 district with a Special Use Permit would on a case by case basis allow for a paint ball facility and other similar facilities to legally operate in an environment more conducive to their needs.

The Planning Commission recommended Staff amend the Code allowing for indoor entertainment establishments in the M-1 district with a Special Use Permit. Through discussions with the City Staff Development Review Committee, Staff concurred with the Planning Commission's recommendation to require a Special Use Permit in order to mitigate any potential detrimental effects or for the City to deny the use if it would not be compatible to surrounding uses in the area. In addition, Staff recommends the deletion of the "architectural compatibility with the character of the neighborhood" criteria for consideration of a Special Use Permit. Review of architectural elevations is not a function of the Special Permit and License Board but is completed as part of the Official Development Plan review process. Leaving this criteria in, would be a duplication of an existing process. Further, Staff recommends an additional review criteria, "hours of operation" be included.

Attached is a map that illustrates all properties zoned M-1 within the City. (Undeveloped property zoned M-1, larger than two acres, must be rezoned to Planned Unit Development, PUD, prior to development.)

The cities of Arvada, Broomfield and Northglenn currently allow for indoor entertainment establishments in their Industrial Zone Districts without a Special Use Permit. Boulder reviews the use on a case-by-case basis.

Respectfully submitted,

J. Brent McFall, City Manager
Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **51**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING USES BY SPECIAL PERMIT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-4-8(B) of the Westminster Municipal Code is hereby AMENDED BY THE ADDITION OF A NEW SUBSECTION to read as follows:

5. **INDOOR ENTERTAINMENT ESTABLISHMENTS:** INDOOR ENTERTAINMENT ESTABLISHMENTS INCLUDING AMUSEMENT CENTERS, BOWLING, BILLIARDS, MOVIE THEATERS, PAINT BALL, GYMNASTICS & SIMILAR USES MAY BE PERMITTED IN THE M-1 ZONE WITH A SPECIAL USE PERMIT. INDOOR ENTERTAINMENT ESTABLISHMENTS ARE PERMITTED IN THE B-1, C-1 AND C-2 ZONES WITHOUT A SPECIAL USE PERMIT.

Section 2. Section 11-4-9(I) of the Westminster Municipal Code is hereby AMENDED to read as follows:

11-4-9: APPLICATIONS FOR SPECIAL USE PERMITS:

(I) When considering any special use permit, the Board shall consider the impact of each of the criteria listed below, insofar as each is relevant to the proposed use:

1. Pedestrian safety.
2. Traffic volume and adequacy of parking and access.
3. Essential character of the neighborhood.
4. Desires of the inhabitants of the neighborhood.
5. Peace of the neighborhood.
6. Police activity in comparable businesses.
7. ~~Architectural compatibility with the character of the neighborhood.~~ HOURS OF OPERATION.
8. Compliance of the structure with all applicable building regulations
9. Compatibility with surrounding uses.
10. The benefits from the use to the public good and the public interest.

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

Section 4. 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 22nd day of September, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of October, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 22, 2003



SUBJECT: Land Acquisition for 144th Avenue Interchange Project

Prepared By: Dave Downing, City Engineer

Recommended City Council Action

Authorize the City Manager to expend up to \$175,000 for land acquisition in relation to the 144th Avenue Interchange Project.

Summary Statement

- Funds have been set aside in the 144th Avenue Interchange Capital Improvement Project Account for the purpose of acquiring land to facilitate the project's development. Authorization to expend up to \$175,000 is needed from Council at this time.
- Funds are available in the 144th Avenue Interchange Capital Project for their expense.

Expenditure Required: \$ 175,000

Source of Funds: General Capital Improvement Fund - 144th Avenue Interchange

Policy Issues

Whether to authorize the expenditure of \$175,000 to facilitate land acquisition relative to the 144th Avenue Interchange Project.

Alternatives

1. Fund a lesser amount than requested.
2. Do not authorize any funds for land acquisition.

Background Information

The City has an opportunity to acquire land in the 144th Avenue Interchange area that will facilitate the interchange project. The \$175,000 will facilitate the acquisition of this property.

Council approval of the expenditure is required since the funding needed exceeds the City Manager \$50,000 expenditure limit.

Respectfully submitted,

J. Brent McFall
City Manager

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, September 22, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally. Absent none.

The minutes of the September 8, 2003 meetings were approved.

Council presented a proclamation to Susan Grafton proclaiming the week of October 6th as "Business Appreciation Week" in the City of Westminster.

Council approved the following: August Financial Report; Contract for Construction of the 2003 Sewer Improvements with American West Construction for \$76,997; Construction of Reclaimed Waterline Extension for Bradburn with Wycon Construction for \$244,200; Construction of Reclaimed Waterline Extension at 113th and Pecos with Century Communities for \$54,935; Renewal of Property and Liability Excess Insurance with CIRSA for \$439,921; Quarterly Insurance Report; Land Acquisition related to 7501 and 7511 Eliot Street for \$24,408.00 plus closing costs; and Land Acquisition for 144th Avenue Interchange Project for \$175,000.

Council TABLED the Second reading of Councillor's Bill No. 48 re Brookhill Center Business Assistance Package.

Council established a deadline of November 14, 2003 to receive applications from citizens interested in the next cycle of the Boards and Commissions "Pool" and advertise this opportunity to become involved in the Westminster City government.

At 7:20 P.M. a Public hearing was held on the adoption of the 2003 Model Traffic Code.

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

A BILL FOR AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE CITY OF WESTMINSTER, COLORADO; ADOPTING BY REFERENCE THE 2003 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO;" purpose: Adoption of the 2003 Model Traffic Code

A BILL FOR AN ORDINANCE AMENDING USES BY SPECIAL PERMIT purpose: expand the use of Indoor Entertainment Establishments with a Special Use Permit to the M-1, Industrial District

The following Resolutions were adopted:

Resolution No. 41 re Amendment to Urban Renewal Area – Aspen Care Site

At 7:24 P.M. the meeting was adjourned

By order of the Westminster City Council
Michele Kelley, CMC, City Clerk

Published in the Westminster Window on October 2, 2003

ORDINANCE NO. **3052**

COUNCILLOR'S BILL NO. **50**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Dixon-McNally

A BILL

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(A) ~~Section 1204.~~ **Stopping, standing, or parking prohibited in specified places.**

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- (a) within five feet (5') of a public or private driveway; except this subsection shall not apply to Franklin Square Subdivision nor the bulb portion of a cul-de-sac anywhere in the City.

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Published October 16, 2003

If you do not receive a ballot in the mail, or if the ballot is lost, damaged or spoiled, you need to apply in writing to the County Clerk for a replacement ballot. The deadline to apply for a replacement ballot is 7 PM on election day. If you reside in Adams County (east of Sheridan Boulevard) offices are located at 8452 Federal Boulevard and 1865 West 121st Avenue. If you reside in Jefferson County (west of Sheridan Boulevard) the office is located at 100 Jefferson County Parkway in Golden.

If you need additional information, please call the City Clerk's office at 303-430-2400 Extension 2161.

Michele Kelley, Westminster City Clerk

Published in the Westminster Window October 2, 2003 and October 9, 2003