



REVISED CITY COUNCIL AGENDA

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Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) 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. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Proclamation – Fire Prevention Month
 - B. Proclamation – Physical Therapy Month
7. Citizen Communication (5 minutes or less)

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any 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 2005 – Financial Report
 - B. Change Order Number 3 to BT Construction for the Reclaimed Waterline Extension Project
 - C. Purchase of a Biosolids Tanker Trailer
 - D. Fire Prevention and Safety Grant
 - E. Donation of Surplus Fire Department Self Contained Breathing Apparatus Masks
 - F. Fire Department Performance and Resource Study
 - G. Renewal of Property and Liability Excess Insurance
 - H. 144th Avenue and I-25 Interchange Project – Contract with Bigfoot Turf
 - I. Big Dry Creek Wastewater Treatment Facility Contract Amendment with Camp, Dresser & McKee, Inc.
 - J. Big Dry Creek Wastewater Treatment Facility Contract Amendment with Sorenson Engineering, Inc.
 - K. Second Reading CB No. 45 re Wolff Street Extension (114th Ave. to 116th Ave.) Supplemental Appropriation
 - L. Second Reading CB No. 46 re Cellular Tower Leases for Countryside Recreation Center and the Hydropillar
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Resolution No. 36 re Resubmitting the Repeal of Ordinances Nos. 3216 and 3217 to the Voters
 - B. Public Hearing (continued from 9/12/05) re Country Club Village Metropolitan Districts No. 1 and 2
 - C. Resolution No. 37 re Service Plan for Country Club Village Metropolitan Districts No. 1 and 2
 - D. Public Hearing re Annexation, CLUP Amendment and Zoning for the Family in Christ Property
 - E. Resolution No. 38 re Findings Concerning the Family in Christ Property Annexation
 - F. Councillor's Bill No. 47 re Annexation of the Family in Christ Property
 - G. Councillor's Bill No. 48 re CLUP Amendment for the Family in Christ Property
 - H. Councillor's Bill No. 49 re Zoning the Family in Christ Property from A-1 and C-1 to O-1
 - I. Public Hearing re Annexation, CLUP Amendment and Zoning for the DeCroce Property
 - J. Resolution No. 39 re Findings Concerning the DeCroce Property Annexation
 - K. Councillor's Bill No. 50 re Annexation of the DeCroce Property
 - L. Councillor's Bill No. 51 re CLUP Amendment for the DeCroce Property
 - M. Councillor's Bill No. 52 re Zoning the DeCroce Property from A-1 to PUD
 - N. Combined Preliminary and Official Development Plan for the DeCroce Subdivision

- O. Public Hearing re Annexation, CLUP Amendment and Zoning for the Jaidinger Property
 - P. Resolution No. 40 re Findings Concerning the Jaidinger Property Annexation
 - Q. Councillor's Bill No. 53 re Annexation of the Jaidinger Property
 - R. Councillor's Bill No. 54 re CLUP Amendment for the Jaidinger Property
 - S. Councillor's Bill No. 55 re Zoning the Jaidinger Property from A-1 to PUD
 - T. Combined Preliminary and Official Development Plan for the Jaidinger Planned Unit Development
 - U. Councillor's Bill No. 56 re Village at Standley Lake Business Assistance
 - V. Councillor's Bill No. 57 re Lease of Bott House on Open Space
- 11. Old Business and Passage of Ordinances on Second Reading**
- 12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
- A. City Council
 - B. Executive Session - Personnel Matter, Municipal Judge Performance Appraisal
- 13. Adjournment**

WESTMINSTER HOUSING AUTHORITY MEETING

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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



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 - 1. WEDA Redevelopment Project Item
 - 2. Personnel Matter, Municipal Judge Performance Appraisal
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CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 26, 2005 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Davia, Dittman, Dixon, Hicks, and Price were present at roll call. Barbara Opie, Acting City Manager, Jane Greenfield, Assistant City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Davia moved, seconded by Hicks, to approve the minutes of the regular meeting of September 12, 2005. The motion passed unanimously.

CITY MANAGER COMMENTS

Ms. Opie reported that J. Brent McFall, City Manager, and Stephen P. Smithers, Assistant City Manager, were attending the International Conference of City Managers Annual Conference in Minnesota.

CITY COUNCIL COMMENTS

Mayor Pro Tem Kauffman congratulated Susan Grafton, Economic Development Manager, on having been named a "Woman of Influence" by the Commercial Real Estate Women's Network. He reported the re-opening of Hidden Lake High School and was pleased with the cooperation between the City and the school that it evidenced. Finally, the Mayor Pro Tem commented on Ken Bueche's retirement from a 33-year career as the Colorado Municipal League's Executive Director.

Councillor Davia reported on the groundbreaking ceremonies for The Orchard at Westminster, as well as the opening of Unique Capabilities. Additionally, the efforts of the Metro-wide Site Selection Committee to attract new business to the area substantiated that the area was not only a great place to live, play, and work, but also that it had the necessary resources to nourish corporate environments.

Councillor Dixon reported having traveled with the Mayor and members of the Westminster Fire Department to attend ceremonies to honor fallen firefighters at the Firemen's Memorial in Colorado Springs. Westminster was one of several fire departments from throughout the state and the region to attend this impressive ceremony.

Councillor Dittman reported that the grand opening of a Fred Astaire Dance Studio in the community would be held soon.

Councillor Hicks reported having represented the City and Council at a recent celebration of the 125th anniversary of Mexico's Independence from Spain. Held in downtown Denver, the event had been well attended. Mexico's Constitution was modeled after the United States'—just one of several

commonalities the two countries shared. Councillor Hicks noted that he and Councillors Dixon and Davia would be leaving City Council after the November 1 election. He invited the public to a farewell party the City was hosting on their behalf to be held at the City Park Recreation Center.

Mayor McNally reported that the Mayor/Council Breakfast would be at Covenant Village. The Police Department's liaison to seniors of community would be introduced and describe programs and services available.

PROCLAMATIONS

On behalf of the Mayor and Council, Councillor Price presented to Laura Koppel, Public Information/Education Specialist, and Doug Hall, Fire Marshal, a proclamation declaring October to be Fire Prevention Month.

Councillor Davia read a proclamation declaring October to be Physical Therapy Month. Present to accept the proclamation was David Bookout of Independent Physical Therapy and a member of the Colorado Chapter of the American Physical Therapy Association.

CITIZEN COMMUNICATION

Jane Fancher, 7260 Lamar Court, posed questions about the City's appropriation into the General Fund of revenue generated by the voter-approved public safety tax. She opposed the business assistance package contemplated in Councillor's Bill No. 56, as well as the planned \$1.2 million expenditure to extend Wolff Street. Further, she suggested that the Rotary Club should have been contacted about the storage of equipment in the garage at the Bott Home, which was a factor in the lease proposed through Councillor's Bill No. 57. Ms. Opie answered Ms. Fancher's questions concerning public safety tax revenues.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: August 2005 financial report; authorization of a \$35,349 Change Order on reclaimed water extensions project contract with BT Construction; authority to purchase a biosolids tanker trailer for \$76,955.17 from Anderson Tank & Trailer Service, Inc., the low bidder; authority to submit a Fire Prevention and Safety Grant application to the United States Department of Homeland Security; authority to donate 124 surplus self-contained breathing apparatus masks to the Adams and Jefferson County Hazardous Response Authority; authority for the City Manager to execute a \$69,024 contract with Emergency Services Consulting Inc. for completion of a Fire Department Performance and Resource Study and authorizing a \$5,976 contingency; authority for the City Manager to execute a \$471,547 agreement, including a \$47,000 contingency, with CIRSA to purchase excess stop loss insurance for 2006 property and liability coverage; authority for the City Manager to sign a \$110,000 contract with Bigfoot Turf Sod Farm for sod to be used in landscaping in the 144th Avenue/I-25 Interchange Project and an expenditure not to exceed \$55,000 from Certificate of Participation funds; authority for the City Manager to execute a \$999,937 contract amendment with Camp, Dresser & McKee, Inc. for additional construction phase services related to the construction of the upgrade and expansion of the Big Dry Creek Wastewater Treatment Facility; authority for the City Manager to execute a \$300,000 contract amendment with Sorenson Engineering, Inc. for additional Owner's Representation Services during the construction of

the upgrade and expansion of the Big Dry Creek Wastewater Treatment Facility; final passage of Councillor's Bill No. 45 authorizing a \$19,574 supplemental appropriation in the General Capital Improvement Fund, reflecting the City's receipt of cash-in-lieu funds for offsite drainage improvements for the Wolff Street Extension Project; and final passage of Councillor's Bill No. 46 authorizing the City Manager to sign a lease agreement with VoiceStream for space at Countryside Recreation Center and the Hydropillar for cellular transmission antenna installation.

Councillor Hicks requested that Councillor's Bill No. 46 be tabled and not approved on final passage at this time.

Upon a motion by Councillor Davia, seconded by Councillor Dixon, the Council voted unanimously to approve the consent agenda excluding item 8L regarding final passage of Councillor's Bill No. 46 and to table said bill to allow further discussion of the proposed lease.

RESOLUTION NO. 36 RESUBMITTING THE REPEAL OF ORDINANCES 3216 & 3217 TO THE VOTERS

Councillor Dittman moved, seconded by Price, to adopt Resolution No. 36 resubmitting two ballot questions to the Westminster electorate on November 1, 2005, to decide whether the two ordinances to enable redevelopment of a blighted retail center at Sheridan Boulevard and 72nd Avenue should be repealed.

Council permitted public comment and the Mayor invited interested parties to the podium. Larry Dean Valente, 3755 West 81st Avenue, commented on the success of the referendum process to place these two ordinances before the electorate and thanked those individuals involved. Democracy was alive and well in Westminster. No others wished to speak.

At roll call, the motion passed unanimously.

HEARING REGARDING COUNTRY CLUB VILLAGE METROPOLITAN DISTRICTS 1 AND 2

At 7:29 p.m. a hearing commenced that had been opened and continued at the September 12 meeting. The purpose of the hearing was to consider the proposed creation of two districts to fund infrastructure to serve the Country Club Residential and Commercial developments. John Carpenter, Community Development Director, provided background information. The developers were Country Club Village Enterprises, LLC (Mike Byrne and Tim Wiens, managing members) and WL Homes LLC, doing business as John Laing Homes. District 1 would consist of approximately 20 acres of commercial development; District 2, 40 acres of residential development adjacent to the commercial property. At this time, the service plan was "skeletal" to allow the developers to proceed with the formation of the districts at the November 1 election. The Districts would not be allowed to levy any tax, impose any fee, construct any improvements, or incur any debt until Amended Service Plans (one for each district) were reviewed by staff and approved by City Council.

Ed Icenogle, 821 17th Street in Denver and legal counsel for the applicants, testified and confirmed Mr. Carpenter's testimony. He responded to Council's questions concerning the current and potential boundaries of the districts.

Responding to a request from Jane Fancher, 7260 Lamar Court, Mr. Carpenter provided details about the powers, authority, and purpose of the proposed metropolitan districts. If approved by property owners, the taxes generated by the new districts and paid by property owners within the districts would be used to build infrastructure to adequately service the developments. Only property owners within the boundaries of the district would vote to form the districts and would pay the tax assessments if formation of the districts were approved. The hearing was closed at 7:41 p.m.

RESOLUTION NO. 37 APPROVING THE SERVICE PLAN FOR COUNTRY CLUB METRO DISTRICTS

Councillor Dittman moved to adopt Resolution No. 37 approving the consolidated service plan for Country Club Village Metropolitan District No. 1 and Country Club Village Metropolitan District No. 2. Councillor Davia seconded the motion, and it passed unanimously on roll call vote.

HEARING ON FAMILY IN CHRIST PROPERTY ANNEXATION, CLUP AMENDMENT AND ZONING

At 7:41 p.m. the Mayor opened a public hearing to consider the annexation, Comprehensive Land Use Plan (CLUP) Amendment, and zoning of the Family in Christ property located at the northwest corner of Wadsworth Boulevard and 99th Avenue. The parcel contained 5.4 acres, and the City had recently purchased half of the property and retained an option to purchase the remainder next year, to add it to the Big Dry Creek open space corridor. A portion of the property might be sold to Jefferson Academy at a later date for use as parking. The CLUP amendment was to change the land use designation of the parcel from Northeast Comprehensive Development Plan to City Owned Open Space. Accordingly, the zoning measure would change the parcel's current designation from A-1 and C-1 (Jefferson County zoning) to O-1. Dave Shinneman, Planning Manager, advised that, in accordance with applicable law, notice of this hearing had been published, the property had been posted, and property owners within 300 feet had been sent individual notification. He entered into the record the agenda memorandum and attendant attachments.

The Mayor invited public comment either in favor of or in opposition to this proposal. No one wished to testify. Mr. Shinneman stated that the Planning Commission had reviewed this proposal and had voted unanimously to recommend approval. The hearing was closed at 7:44 p.m.

RESOLUTION NO. 38 RE FINDINGS FOR THE FAMILY IN CHRIST PROPERTY ANNEXATION

It was moved by Councillor Hicks, seconded by Councillor Dittman, to adopt Resolution No. 38 making certain findings regarding the Family in Christ property annexation as required under Section 31-12-110 C.R.S. The motion passed unanimously at roll call.

COUNCILLOR'S BILL NO. 47 RE FAMILY IN CHRIST PROPERTY ANNEXATION

Councillor Hicks moved to pass Councillor's Bill No. 47 on first reading approving the annexation of the Family in Christ property. Councillor Price seconded, and the motion passed at roll call unanimously.

COUNCILLOR’S BILL NO. 48 RE FAMILY IN CHRIST PROPERTY CLUP AMENDMENT

Councillor Hicks moved, seconded by Price, to pass Councillor’s Bill No. 48 on first reading approving the Comprehensive Land Use Plan Amendment for the Family in Christ property by changing the designation from Northeast Comprehensive Development Plan to City Owned Open Space. This recommendation was based on a finding that the proposed amendment would be in the public good and that: (a) there was justification for the proposed change and the Plan was in need of revision as proposed; and (b) the amendment was in conformance with the overall purpose and intent and the goals and policies of the Plan; and (c) the proposed amendment was compatible with existing and planned surrounding land uses; and (d) the proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems. At roll call, the motion passed unanimously.

COUNCILLOR’S BILL NO. 49 ZONING THE FAMILY IN CHRIST PROPERTY

Upon a motion by Councillor Hicks, seconded by Councillor Price, the Council voted unanimously at roll call to pass Councillor’s Bill No. 49 on first reading approving the rezoning of the Family in Christ property from A-1 and C-1 (Jefferson County) to O-1 based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code had been met.

HEARING RE DE CROCE PROPERTY ANNEXATION, CLUP AMENDMENT, ZONING & PDP/ODP

At 7:46 p.m. the Mayor opened a public hearing to consider the DeCroce annexation, Comprehensive Land Use Plan Amendment, zoning, and combined Preliminary and Official Development Plan. The property was located at the southwest corner of Church Ranch Boulevard and 101st Avenue and was approximately 12,100 square feet in size. The applicant requested annexation and approval of one single-family residence on the property. Zoning of PUD (Planned Unit Development) was requested to make adjustments to the required setbacks due to the constrained nature of the site. Dave Shinneman, Planning Manager, stated that notice of this hearing had been properly published in the newspaper, posted on the property, and mailed to property owners within 300 feet of the parcel being considered. He entered into the record the agenda memorandum and associated attachments.

Raymond DeCroce, 6611 West 96th Avenue, and Marianne Spears, his sister and business partner, were present to testify in favor of the proposal and to answer questions. No others wished to testify. Mr. Shinneman reported that the Planning Commission had considered the proposal and had voted unanimously to recommend approval. The Mayor closed the hearing at 7:50 p.m.

RESOLUTION NO. 39 RE FINDINGS FOR THE DE CROCE PROPERTY ANNEXATION

Councillor Dixon moved to adopt Resolution No. 39 making certain findings of fact in accordance with § 31-12-110, C.R.S. concerning the DeCroce Property annexation. Councillor Davia seconded the motion, and it passed unanimously at roll call.

COUNCILLOR’S BILL NO. 50 RE DE CROCE PROPERTY ANNEXATION

It was moved by Councillor Dixon and seconded by Councillor Davia to adopt Councillor’s Bill No. 50 on first reading approving annexation of the DeCroce property to the City. The motion passed unanimously on roll call vote.

COUNCILLOR’S BILL NO. 51 RE DE CROCE PROPERTY CLUP AMENDMENT

Councillor Dixon moved, seconded by Davia, to pass Councillor’s Bill No. 51 on first reading approving the Comprehensive Land Use Plan Amendment for the DeCroce property by changing the designation from Northeast Comprehensive Development Plan to R-2.5 Residential. This recommendation was based on a finding that the proposed amendment would be in the public good and that: (a) there was justification for the proposed change and the Plan was in need of revision as proposed; and (b) the amendment was in conformance with the overall purpose and intent and the goals and policies of the Plan; and (c) the proposed amendment was compatible with existing and planned surrounding land uses; and (d) the proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems. At roll call, the motion passed unanimously.

COUNCILLOR’S BILL NO. 52 ZONING THE DE CROCE PROPERTY

Upon a motion by Councillor Dixon, seconded by Councillor Davia, the Council voted unanimously on roll call vote to pass Councillor’s Bill No. 52 on first reading approving the rezoning of the DeCroce property from A-1 (Jefferson County) to PUD (Planned Unit Development) based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code had been met.

DE CROCE SUBDIVISION COMBINED PRELIMINARY AND OFFICIAL DEVELOPMENT PLAN

Councillor Dixon moved to approve the combined Preliminary and Official Development Plan for the DeCroce subdivision as submitted based on the finding that the criteria set forth in Section 11-5-15 of the Westminster Municipal Code had been met. After the second of Davia, Council voted unanimously in support of the motion.

HEARING RE JAIDINGER PROPERTY ANNEXATION, CLUP AMENDMENT, ZONING & PDP/ODP

At 7:56 p.m. a hearing opened to consider the Jaidinger Property annexation, Comprehensive Land Use Plan Amendment, zoning, and combined Preliminary and Official Development Plan. The location of this 8-acre parcel was the southeast corner of 106th Avenue and Balsam Street. The owners wanted to annex the property to subdivide it into two lots and would provide services to both new parcels. Provisions of the Northeast Comprehensive Development Plan permitted the contemplated division. A portion of the property was impacted by the Jefferson County Airport Critical Zone, but the proposed location of the new residence was outside the critical zone. David Shinneman, Planning Manager, entered the agenda memorandum and attachments and informed Council that notice of this hearing had been published, the property had been posted, and the property owners within 300 feet had been notified, as well.

Curt Jaidinger testified on behalf of his parents in support of the requested actions. No others wished to speak. Mr. Shinneman announced that the Planning Commission's review of this proposal had resulted in a unanimous recommendation for approval. The Mayor closed the hearing at 7:58 p.m.

RESOLUTION NO. 40 RE FINDINGS FOR THE JAIDINGER PROPERTY ANNEXATION

Councillor Dittman moved to adopt Resolution No. 40 making certain findings of fact in accordance with § 31-12-110, C.R.S. concerning the Jaidinger Property annexation. Councillor Dixon seconded the motion, and it passed unanimously at roll call.

COUNCILLOR'S BILL NO. 53 RE JAIDINGER PROPERTY ANNEXATION

It was moved by Councillor Dittman and seconded by Councillor Hicks to adopt Councillor's Bill No. 53 on first reading approving annexation of the Jaidinger property to the City. The motion passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 54 RE JAIDINGER PROPERTY CLUP AMENDMENT

Councillor Dittman moved, seconded by Dixon, to pass Councillor's Bill No. 54 on first reading approving the Comprehensive Land Use Plan Amendment for the Jaidinger property by changing the designation from Northeast Comprehensive Development Plan to R-1 Residential. This recommendation was based on a finding that the proposed amendment would be in the public good and that: (a) there was justification for the proposed change and the Plan was in need of revision as proposed; and (b) the amendment was in conformance with the overall purpose and intent and the goals and policies of the Plan; and (c) the proposed amendment was compatible with existing and planned surrounding land uses; and (d) the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems. At roll call, the motion passed unanimously.

COUNCILLOR'S BILL NO. 55 ZONING THE JAIDINGER PROPERTY

Upon a motion by Councillor Dittman, seconded by Councillor Dixon, the Council voted unanimously on roll call vote to pass Councillor's Bill No. 55 on first reading approving the rezoning of the Jaidinger property from A-1 (Jefferson County) to PUD based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code had been met.

JAIDINGER PUD COMBINED PRELIMINARY AND OFFICIAL DEVELOPMENT PLAN

Councillor Dittman moved to approve the combined Preliminary and Official Development Plan for the Jaidinger Planned Unit Development as submitted based on the finding that the criteria set forth in Section 11-5-15 of the Westminster Municipal Code had been met. After the second of Dixon, Council voted unanimously in support of the motion.

COUNCILLOR'S BILL NO. 56 RE VILLAGE AT STANDLEY LAKE BAP

Mayor Pro Tem Kauffman moved, seconded by Dittman, to pass Councillor's Bill No. 56 on first reading authorizing the City Manager to execute and implement a business assistance package (BAP)

with JWD Company, LLC, a Colorado limited liability company. At roll call, the motion passed unanimously.

COUNCILLOR'S BILL NO. 57 RE THE LEASE OF BOTT HOUSE ON OPEN SPACE LAND

It was moved by Councillor Davia, seconded by Councillor Dixon, to pass Councillor's Bill No. 57 as an emergency ordinance authorizing the execution of a 10-month lease in substantially the same form as the copy provided for the Bott house at 10395 Wadsworth Boulevard. The motion passed unanimously on roll call vote.

EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTER

The Mayor announced that Council would be meeting immediately in executive session to discuss the performance appraisal of the Municipal Judge.

ADJOURNMENT:

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

ATTEST:

City Clerk

Mayor

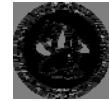


WESTMINSTER
COLORADO

Agenda Item 6 A

Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: Proclamation of Fire Prevention Month

Prepared By: Doug Hall, Deputy Fire Marshal
Laura Koppel, Public Information/Education Specialist

Recommended City Council Action

Proclaim October as Fire Prevention Month.

Summary Statement

- Councillor Jo Ann Price will present the proclamation to the Westminster Fire Department.
- Each year the National Fire Protection Association designates one week as National Fire Prevention Week. This designation always occurs during the week that includes October 9, the anniversary of the Great Chicago Fire. This week is set aside to encourage efforts across the country to educate the public about fire safety.
- The City of Westminster will extend the celebration of Fire Prevention Week to span an entire month. The Westminster Fire Department will participate in several ways, including fire safety presentations at schools throughout the community; a fire safety coloring contest for third grade children in the city; and a number of community events with local businesses regarding public safety.
- Tours and programs will also be held at the City's fire stations. Throughout the month, several thousand citizens are expected to take advantage of these special programs. Westminster citizens can receive information on how to survey their home for potential hazards and upon request smoke detectors and batteries will be provided to those citizens who cannot afford one.
- Deputy Fire Marshal Doug Hall and Public Information/Education Specialist Laura Koppel will be present to accept the Proclamation on behalf of the Fire Department.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City proclaim October as Fire Prevention Month?

Alternative

No alternatives identified

Background Information

Fire Service professionals throughout the United States will celebrate Fire Prevention Week, October 9-15, 2005. Fire Prevention Week was established to commemorate the Great Chicago Fire, the tragic 1871 conflagration that killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures and burned more than 2,000 acres. The fire began on October 8, but continued into and did most of its damage on October 9, 1871.

In 1920, President Woodrow Wilson issued the first National Fire Prevention Day proclamation, and since 1922, Fire Prevention Week has been observed on the Sunday through Saturday period in which October 9 falls. According to the National Archives and Records Administration's Library Information Center, Fire Prevention Week is the longest running public health and safety observance on record. The President of the United States has signed a proclamation proclaiming a national observance during that week every year since 1925.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, in 2004 the United States had 3,900 fire fatalities, 17,785 injuries, and over 9.7 billion dollars in property loss due to structure fires; and,

WHEREAS, in 2004 the City of Westminster Fire Department responded to 7,312 emergency alarms, of those calls 161 were fire calls, and over 3.3 million dollars in buildings and content were lost due to structure fires; and,

WHEREAS, Fire Prevention should be of concern to every Westminster citizen; and,

WHEREAS, the City of Westminster recognizes the staggering annual losses due to fires and wishes to bring to the attention of every citizen the importance of sound fire prevention practices; and,

WHEREAS, the City of Westminster believes that a "fire safe" community depends on a joint commitment and effort involving all citizens as well as firefighters; and,

WHEREAS, the Westminster Fire Department has established a public education program which works to educate citizens on the hazards of fire; and,

WHEREAS, the Westminster Fire Department encourages all Westminster citizens to have a free home fire inspection to point out potential hazards; and,

WHEREAS, the 2005 Fire Prevention Week theme, "Use Candles with Care: When You Go Out, Blow Out!", effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire Prevention Week and year-round,

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the month of October as

FIRE PREVENTION MONTH

in the City of Westminster, and urge all citizens to heed the important safety messages of Fire Prevention Month 2005, and to support the many public safety activities and efforts of the City of Westminster's Fire Department.

Signed this 26th day of September, 2005

Nancy McNally, Mayor



Agenda Item 6 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 26, 2005

SUBJECT: Proclamation re Physical Therapy Month

Prepared by: Linda Yeager, City Clerk

Recommended City Council Action

Proclaim October as Physical Therapy Month.

Summary Statement

- Councillor David Davia will present the proclamation to David Bookout, a member of the Colorado Chapter of the American Physical Therapy Association.
- City Council is requested to proclaim the month of October as Physical Therapy Month in the City of Westminster.
- David Bookout of Independent Physical Therapy, located at 10359 Federal Boulevard in Westminster, will be present to accept the proclamation.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: Proclamation re Physical Therapy Month

Page 2

Policy Issue

None identified.

Alternative

None identified.

Background Information

The Colorado Chapter of the American Physical Therapy Association represents more than 1,000 physical therapists, physical therapist assistants and physical therapy students in Colorado and promotes the importance of physical therapy education and research.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, the practice of physical therapy involves a variety of aspects from injury prevention to general health and fitness to rehabilitation following an injury, disease or surgery; and

WHEREAS, physical therapy helps improve the quality of life and physical well being of people of all ages, including cardiac patients, children, athletes and the elderly; and

WHEREAS, the Colorado Chapter of the American Physical Therapy Association represents more than 1,000 physical therapists, physical therapist assistants and physical therapy students in Colorado and promotes the importance of physical therapy education and research; and

WHEREAS, through physical therapy practice, education and research, physical therapists are able to prevent disease, promote health, reduce pain and enhance the quality of life; and

WHEREAS, it is appropriate that we recognize these individuals who dedicate their time and talent toward enhancing the physical health of the citizens of our state and thank them for making Colorado an even better and healthier place to live, work and raise a family.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the month of October as

PHYSICAL THERAPY MONTH

in the City of Westminster, and do urge all citizens to recognize the significant contributions of these dedicated professionals.

Signed this 26th day of September, 2005

Nancy McNally, Mayor



**WESTMINSTER
COLORADO**

Agenda Memorandum

Agenda Item 8 A

City Council Meeting
September 26, 2005



SUBJECT: Financial Report for August 2005

Prepared By: Cherie Sanchez, Accounting Manager

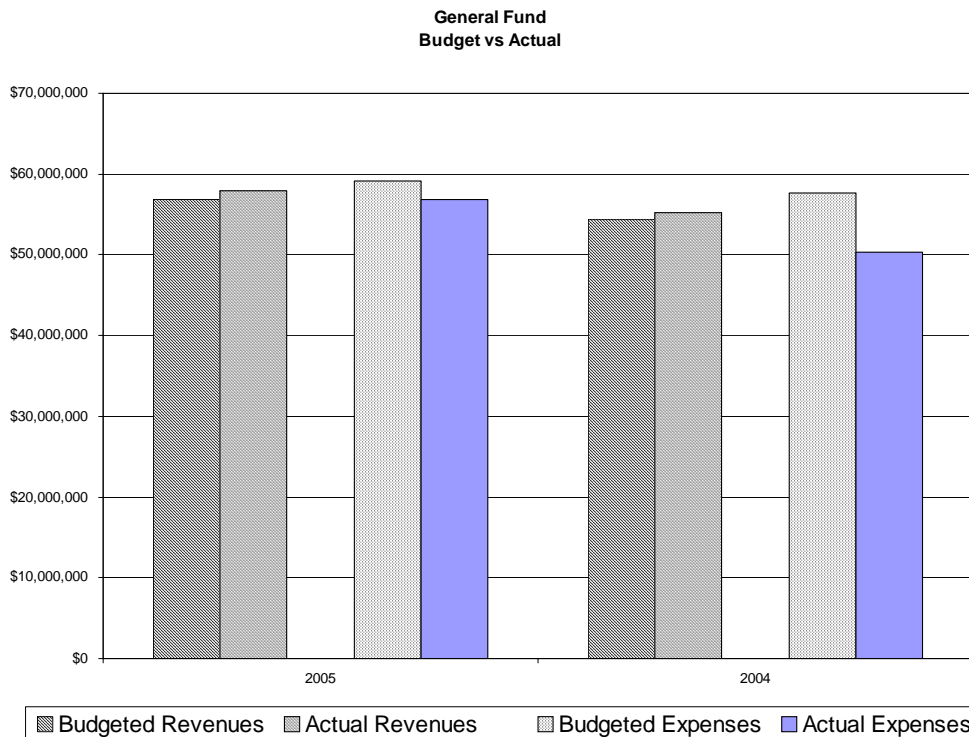
Recommended City Council Action

Accept the Financial Report for August as presented.

Summary Statement

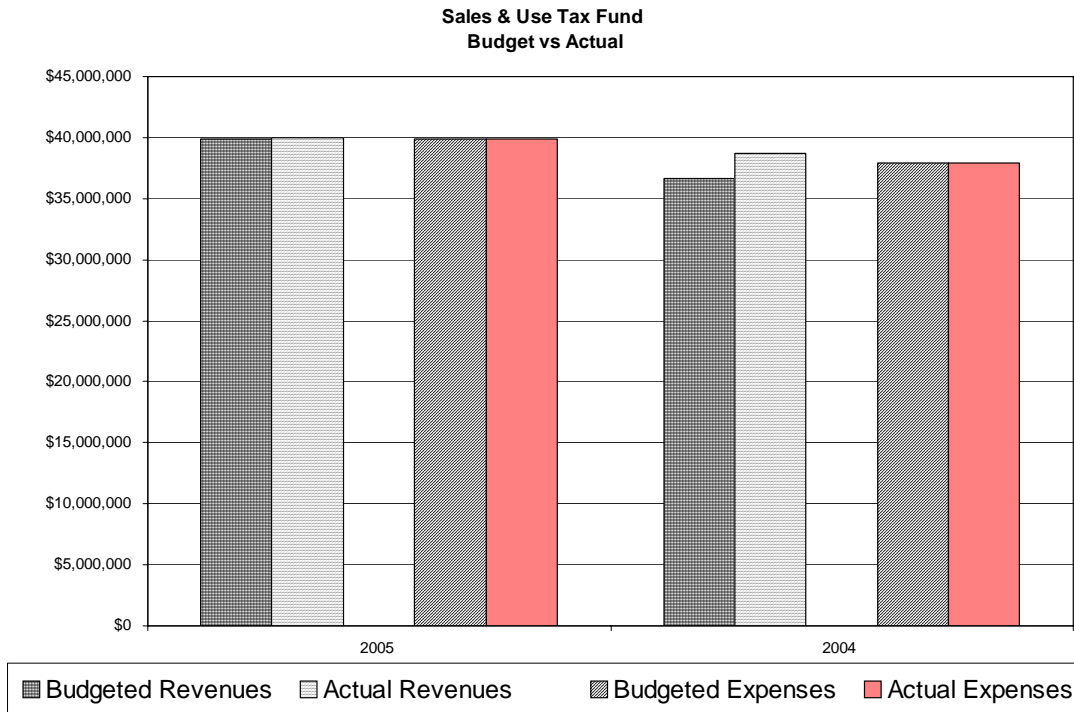
City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 4-year historical averages.

The General Fund revenues exceed expenditures by \$968,846. The following graph represents Budget vs. Actual for 2004 – 2005.

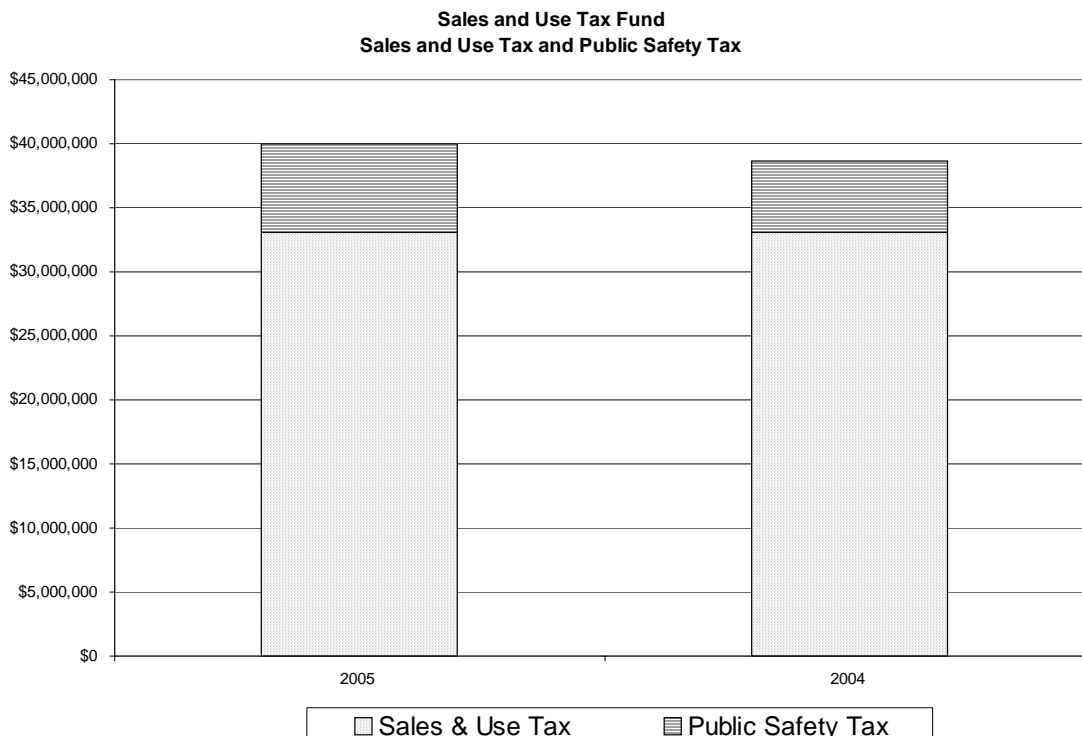


The Sales and Use Tax Fund's revenues exceed expenditures by \$128,604.

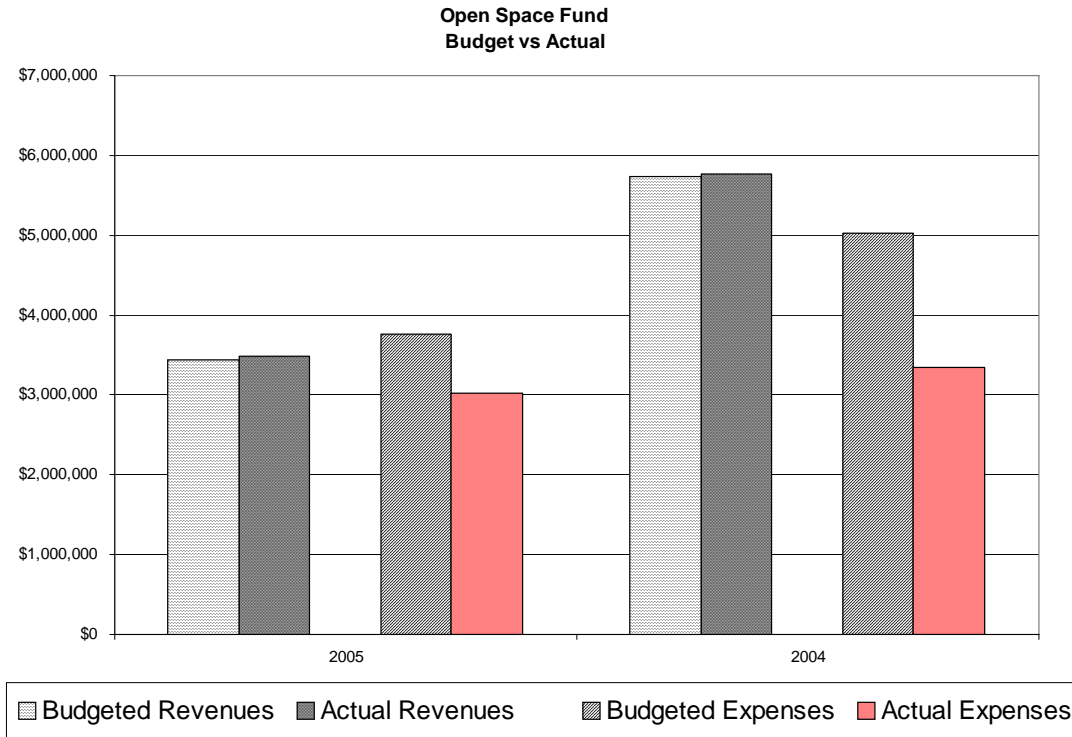
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 4%. It should be noted that there are timing differences and anomalies in this report that overstate the revenue picture.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 3.6%. This includes Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 7%.



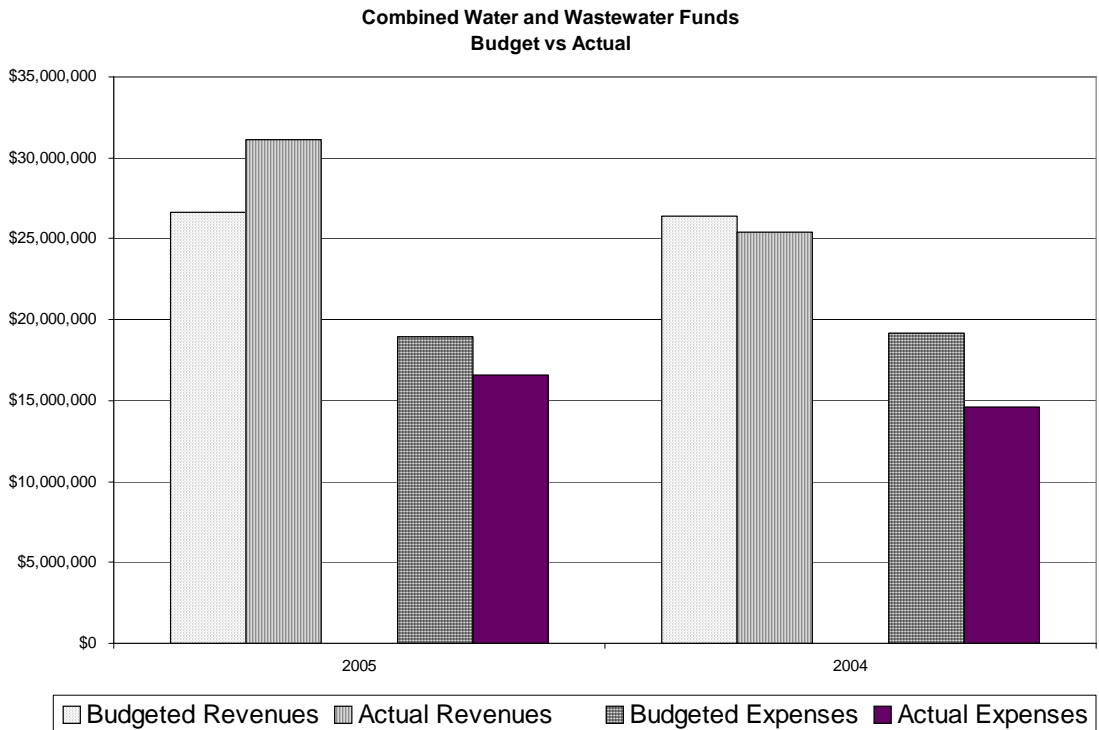
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



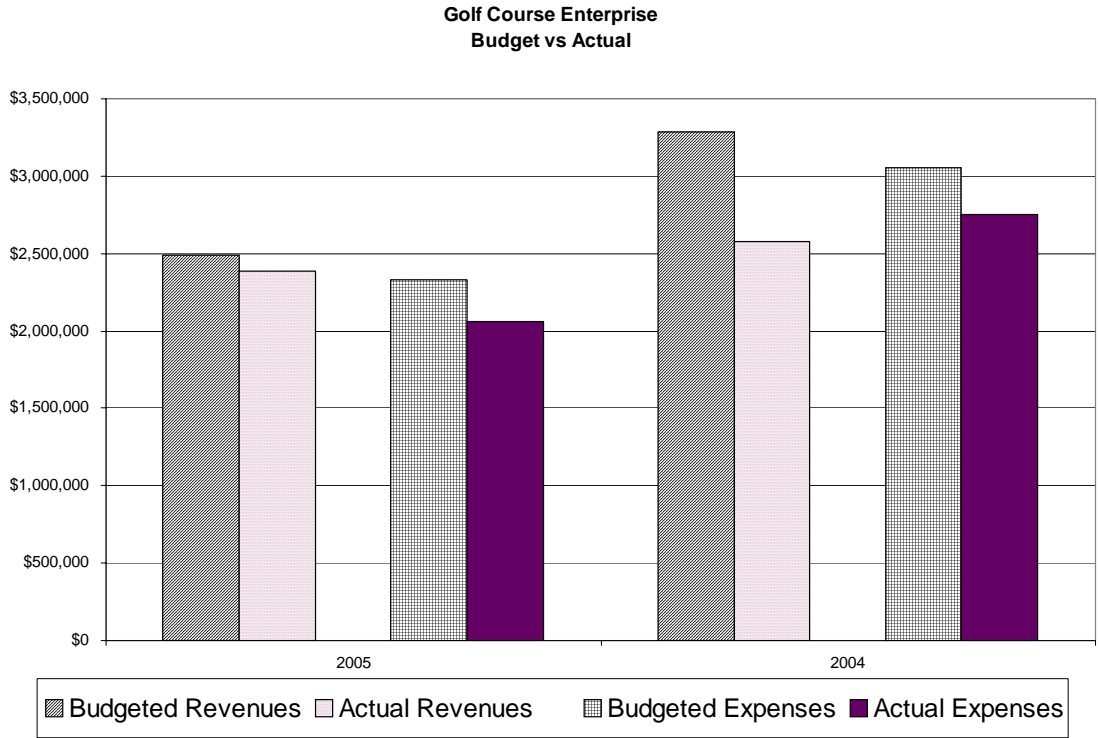
The Open Space Fund revenues exceed expenditures by \$470,506.



The combined Water & Wastewater Funds' revenues exceed expenses by \$14,535,387. Included in this figure is over \$8.2 million in tap fees.



The combined Golf Course Funds' revenues are over expenditures by \$319,756. This number does not reflect year end revenue and expenditure projections, which show continuing fiscal challenges at the golf courses.



Policy Issue

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.

Alternative

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

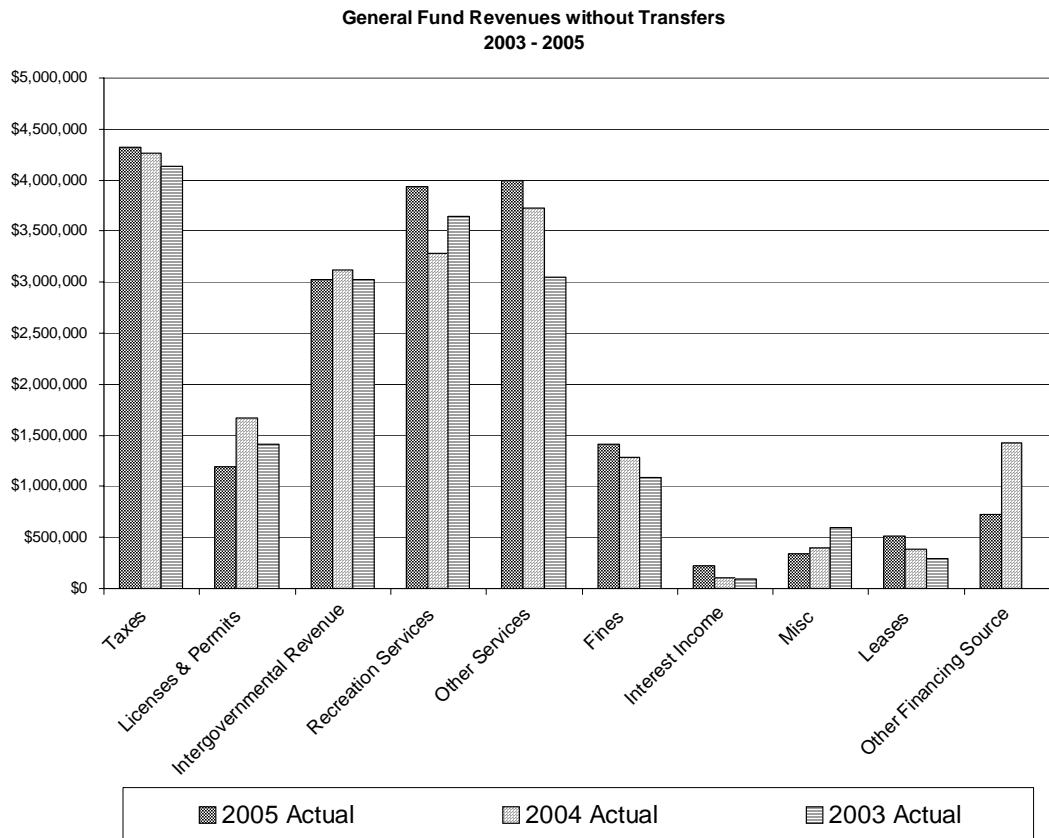
Background Information

This section includes a discussion of highlights of each fund presented.

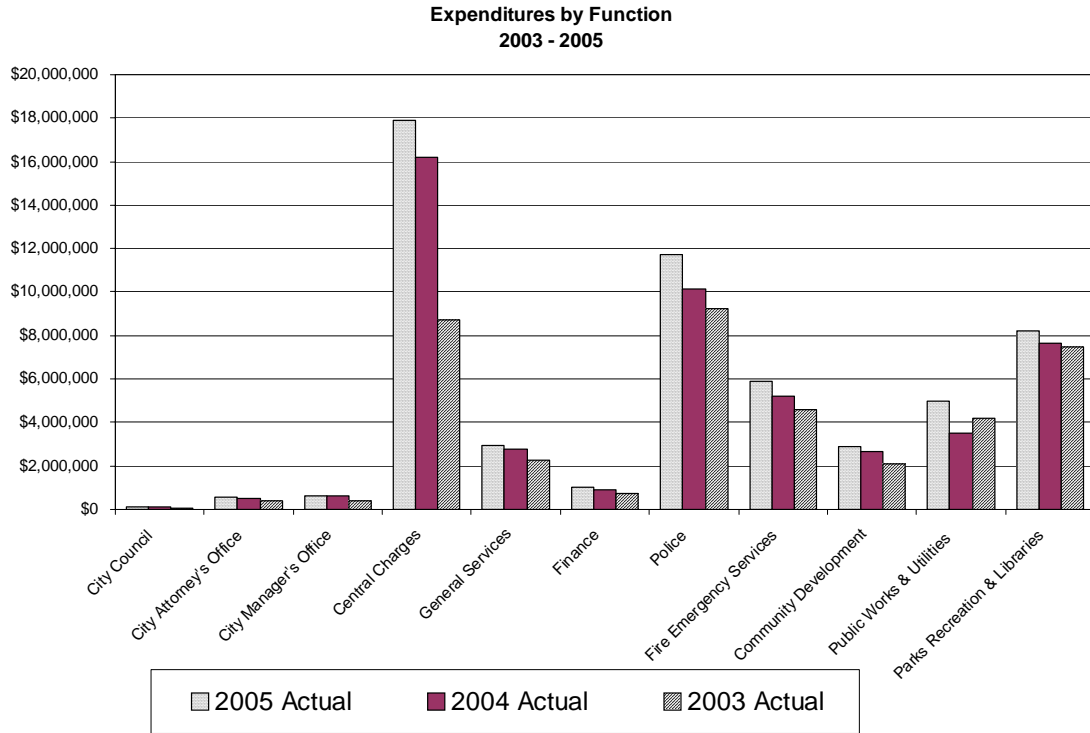
General Fund

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; City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2003 – 2005 year-to-date.



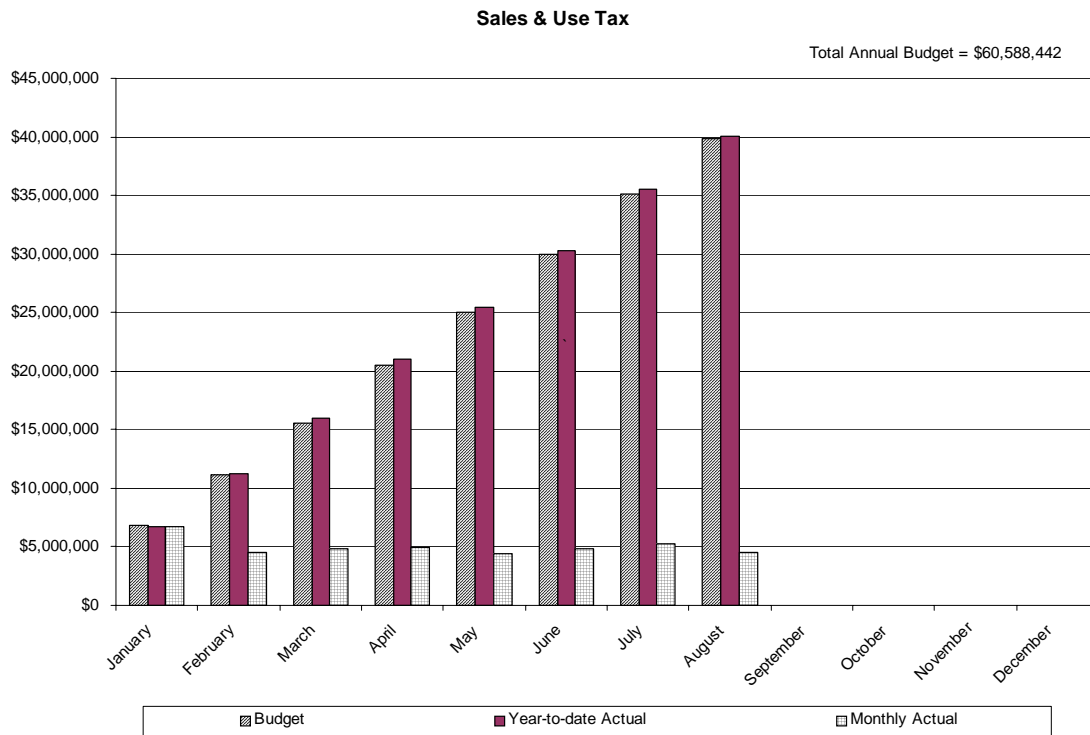
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2003 –2005.



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

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Project 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. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

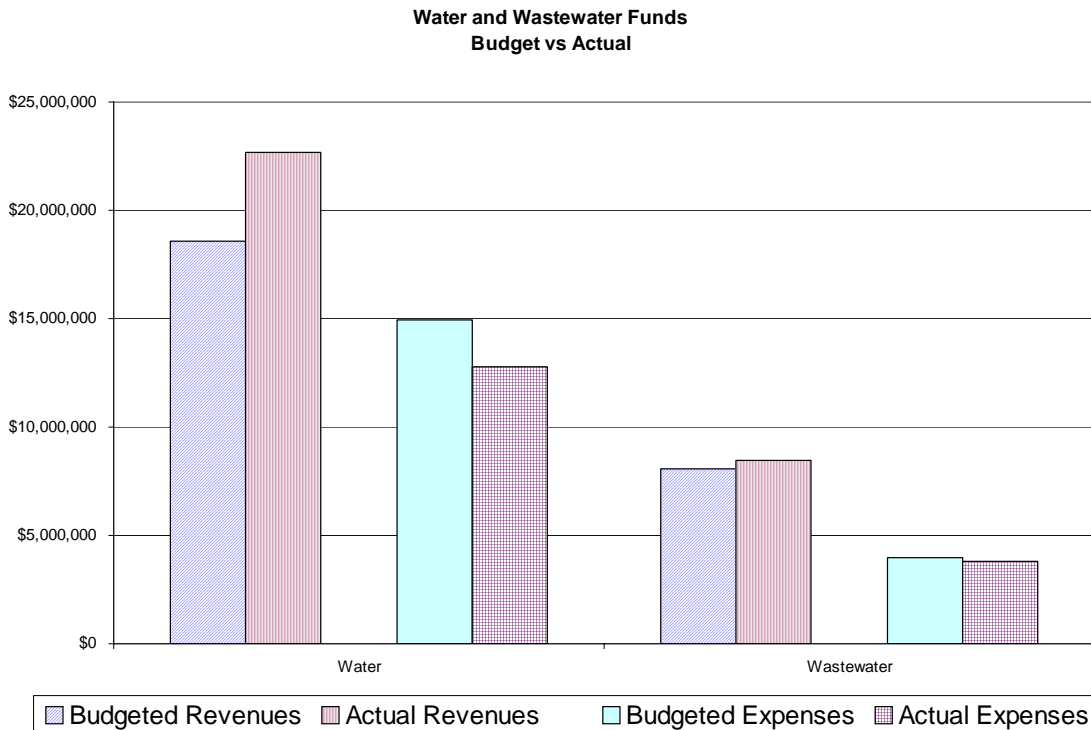
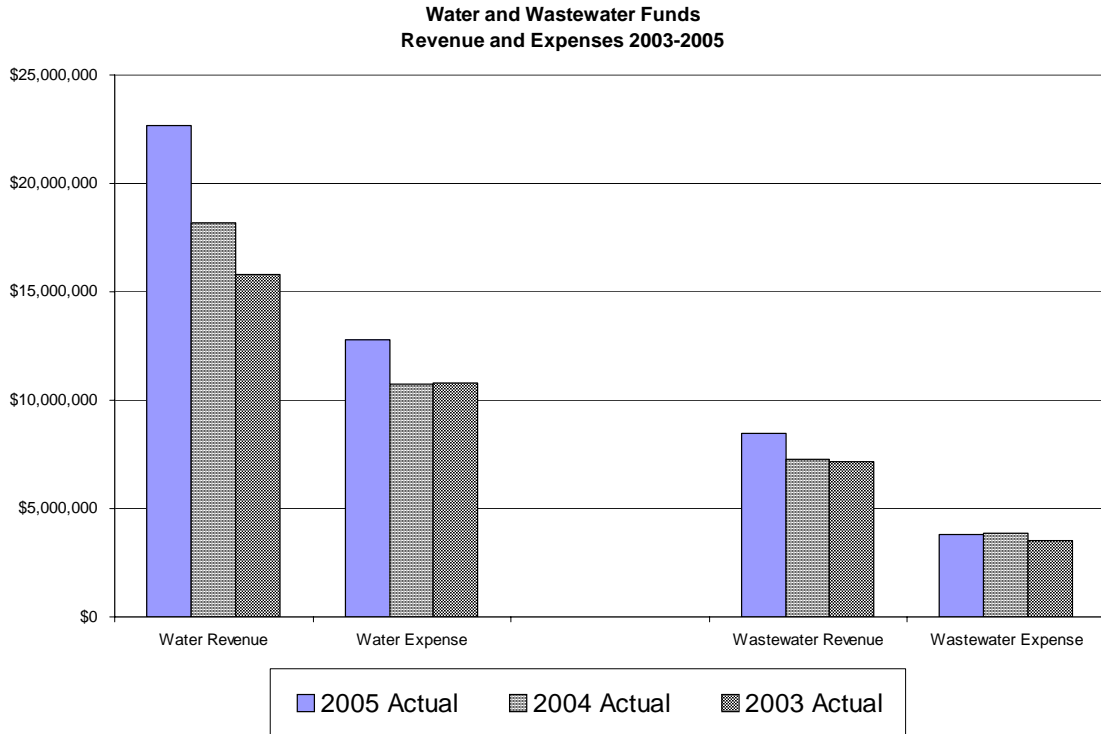
This chart indicates how the City’s Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.



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

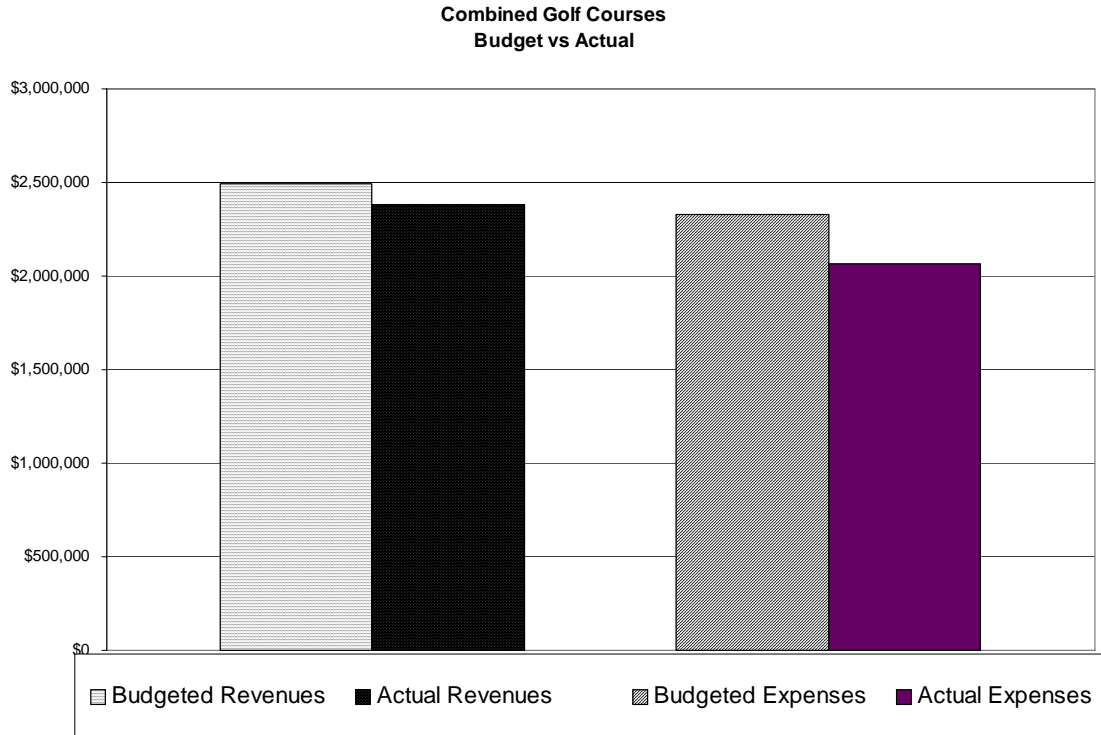
This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

These graphs represent the segment information for the Water and Wastewater funds.

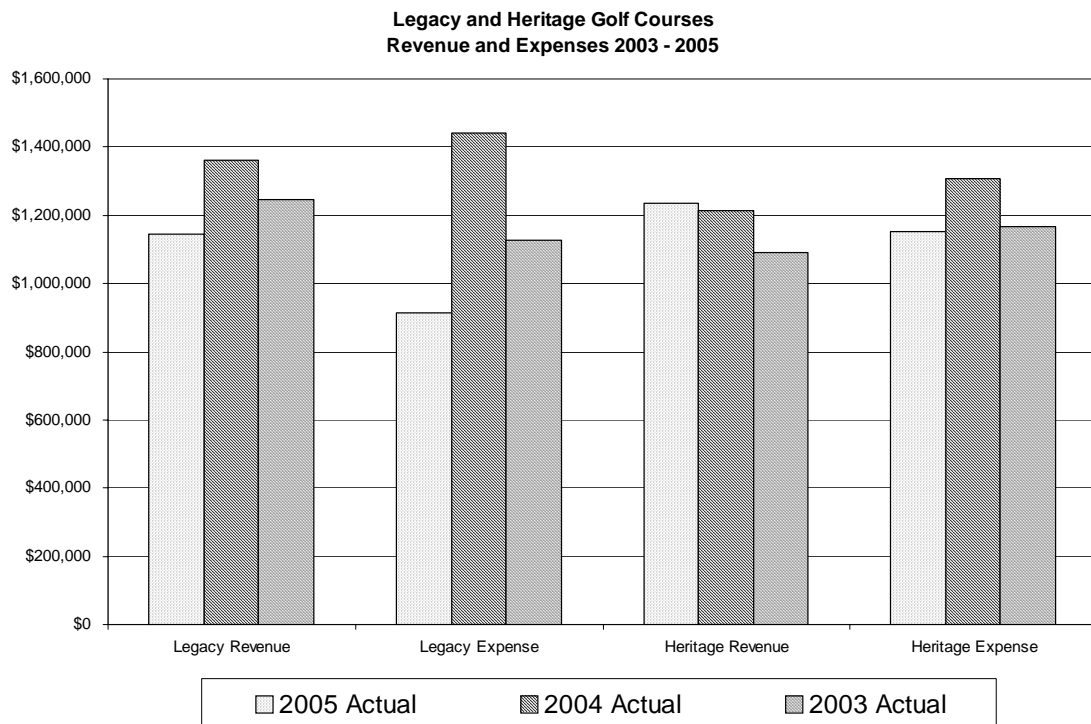


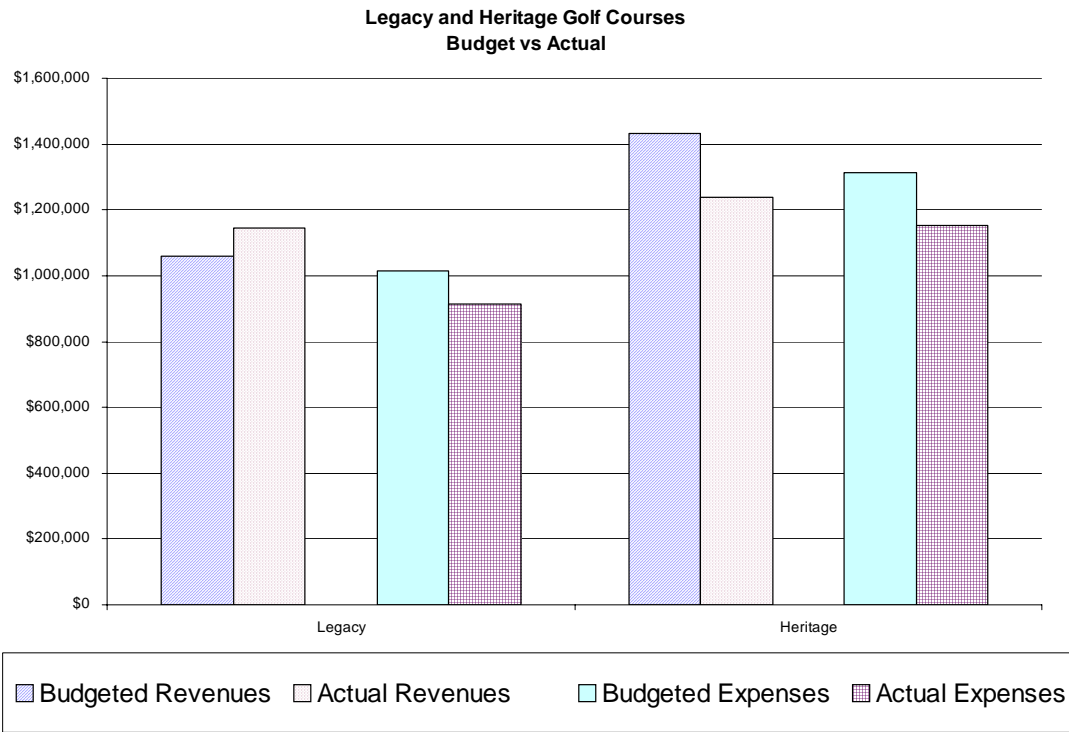
Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City's two municipal golf courses. On October 11, 2004, City Council approved a four-point program to provide relief to the golf courses over the coming years.



The following graphs represent the information for each of the golf courses.





Respectfully submitted,

J. Brent McFall, City Manager

Attachments
Statement
Receipts

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2005**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-Rated	% Pro-Rated Budget
Revenues						
Taxes	4,503,416	4,263,934		4,324,654	60,720	101%
Licenses & Permits	1,730,000	1,205,520		1,195,043	(10,477)	99%
Intergovernmental Revenue	4,774,471	3,058,556		3,024,221	(34,335)	99%
Charges for Services						
Recreation Services	5,254,500	3,531,404		3,938,613	407,209	112%
Other Services	6,077,757	3,733,698		3,997,985	264,287	107%
Fines	1,950,000	1,288,950		1,417,086	128,136	110%
Interest Income	250,000	166,667		216,988	50,321	130%
Misc	359,072	239,381		334,848	95,467	140%
Leases	1,025,000	512,500		512,500	-	100%
Refunds	(65,000)	(43,333)		(4,975)	38,358	11%
Interfund Transfers	57,290,850	38,193,900		38,193,900	-	100%
Other Financing Sources	721,425	721,425		721,425	-	100%
Sub-total Revenues	<u>83,871,491</u>	<u>56,872,602</u>		<u>57,872,288</u>	<u>999,686</u>	<u>102%</u>
Carryover	7,863,725	-		-	-	
Revenues	<u>91,735,216</u>	<u>56,872,602</u>		<u>57,872,288</u>	<u>999,686</u>	<u>102%</u>
Expenditures						
City Council	200,123	150,160		124,180	(25,980)	83%
City Attorney's Office	920,080	584,571		556,445	(28,126)	95%
City Manager's Office	1,113,609	719,422		633,097	(86,325)	88%
Central Charges	29,271,180	19,265,579		17,927,206	(1,338,373)	93%
General Services	4,950,124	3,187,730		2,940,733	(246,997)	92%
Finance	1,748,923	1,146,870		993,756	(153,114)	87%
Police	18,947,903	12,130,751		11,717,557	(413,194)	97%
Fire Emergency Services	10,037,676	6,321,674		5,912,598	(409,076)	94%
Community Development	4,481,420	2,770,273		2,872,441	102,168	104%
Public Works & Utilities	7,092,197	4,369,524		4,986,611	617,087	114%
Parks Recreation & Libraries	12,971,981	8,444,355		8,238,818	(205,537)	98%
Total Expenditures	<u>91,735,216</u>	<u>59,090,909</u>		<u>56,903,442</u>	<u>(2,187,466)</u>	<u>96%</u>
Revenue Over(Under) Expend	<u>-</u>	<u>(2,218,307)</u>		<u>968,846</u>	<u>3,187,152</u>	

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2005**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Sales and Use Tax Fund						
Revenues						
Sales Tax						
Sales Tax Returns	39,979,309	26,962,629		26,965,619	2,990	100%
Sales Tx Audit Revenues	545,000	389,365		464,731	75,366	119%
S-T Rev. STX	<u>40,524,309</u>	<u>27,351,994</u>		<u>27,430,350</u>	<u>78,356</u>	<u>100%</u>
Use Tax						
Use Tax Returns	9,712,377	5,898,594		5,190,812	(707,782)	88%
Use Tax Audit Revenues	500,000	368,500		457,491	88,991	124%
S-T Rev. UTX	<u>10,212,377</u>	<u>6,267,094</u>		<u>5,648,303</u>	<u>(618,791)</u>	<u>90%</u>
Total STX and UTX	<u>50,736,686</u>	<u>33,619,088</u>		<u>33,078,653</u>	<u>(540,435)</u>	<u>98%</u>
Public Safety Tax						
PST Tax Returns	9,067,240	6,009,965		6,839,896	829,931	114%
PST Audit Returns	209,000	151,573		67,178	(84,395)	44%
Total Rev. PST	<u>9,276,240</u>	<u>6,161,538</u>		<u>6,907,074</u>	<u>745,536</u>	<u>112%</u>
Total Interest Income	<u>119,572</u>	<u>79,715</u>		<u>43,225</u>	<u>(36,490)</u>	<u>54%</u>
Carryover	455,944	-		-	-	-
Total Revenues	<u>60,588,442</u>	<u>39,860,341</u>		<u>40,028,952</u>	<u>168,611</u>	<u>265%</u>
Expenditures						
Central Charges	<u>60,588,442</u>	<u>39,900,348</u>		<u>39,900,348</u>	<u>-</u>	<u>100%</u>
Revenues Over(Under) Expenses	<u>0</u>	<u>(40,007)</u>		<u>128,604</u>	<u>168,611</u>	

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2005**

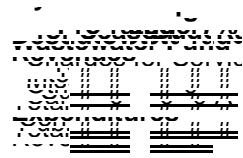
Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Open Space Fund						
Revenues						
Sales & Use Tax	4,389,869	2,901,980		2,935,783	33,803	101%
Intergovernmental Revenue	0	0		0	0	N/A
Interest Income	25,000	16,667		33,983	17,316	204%
Sale of Assets	0	0		0	0	N/A
Miscellaneous	194,776	194,776		199,623	4,847	102%
Interfund Transfers	321,996	321,996		321,996	0	100%
Sub-total Revenues	4,931,641	3,435,419		3,491,385	55,966	102%
Carryover	1,633,871	0		0	0	
Total Revenues	6,565,512	3,435,419		3,491,385	55,966	102%
Expenditures						
Central Charges	6,565,512	3,768,950		3,020,879	(748,071)	80%
Revenues Over(Under) Expend	0	(333,531)		470,506	804,037	

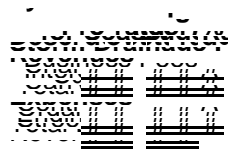
**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2005**

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		57,250	10,583	123%
Charges for Services						
Rates and Charges	31,698,593	20,806,086		21,592,693	786,607	104%
Tap Fees	6,900,000	4,639,100		8,227,542	3,588,442	177%
Interest Income	1,450,000	820,100		1,080,454	260,354	132%
Miscellaneous	463,446	308,964		167,661	(141,303)	54%
Other Financing Sources	16,109,000	0		0	0	N/A
Sub-total Water/Wastewater Revenues	<u>56,691,039</u>	<u>26,620,917</u>		<u>31,125,600</u>	<u>4,504,683</u>	<u>117%</u>
Carryover	5,605,434	0		0	0	N/A
Total Revenues	<u>62,296,473</u>	<u>26,620,917</u>		<u>31,125,600</u>	<u>4,504,683</u>	<u>117%</u>
Expenditures						
Central Charges	13,676,681	6,924,745		6,342,109	(582,636)	92%
Finance	552,747	309,538		298,322	(11,216)	96%
Public Works & Utilities	17,609,735	10,110,166		8,425,485	(1,684,681)	83%
Information Technology	2,469,212	1,580,296		1,524,297	(55,999)	96%
Total Operating Expenses	<u>34,308,375</u>	<u>18,924,745</u>		<u>16,590,213</u>	<u>(2,334,532)</u>	<u>88%</u>
Revenues Over(Under) Expenses	<u>27,988,098</u>	<u>7,696,172</u>		<u>14,535,387</u>	<u>6,839,215</u>	

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2005**

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		57,250	10,583	123%
Charges for Services						
Rates and Charges	22,124,843	14,479,535		15,342,236	862,701	106%
Tap Fees	4,900,000	3,281,400		6,497,909	3,216,509	198%
Interest Income	850,000	470,900		601,086	130,186	128%
Miscellaneous	453,446	302,297		167,611	(134,686)	55%
Sub-total Water Revenues	<u>28,398,289</u>	<u>18,580,799</u>		<u>22,666,092</u>	<u>4,085,293</u>	<u>122%</u>
Carryover	5,351,548	0		0	0	N/A
Total Revenues	<u>33,749,837</u>	<u>18,580,799</u>		<u>22,666,092</u>	<u>4,085,293</u>	<u>122%</u>
Expenses						
Central Charges	11,312,710	6,029,788		5,160,038	(869,750)	86%
Finance	552,747	309,538		298,322	(11,216)	96%
Public Works & Utilities	11,508,770	7,002,266		5,823,437	(1,178,829)	83%
Information Technology	2,469,212	1,580,296		1,524,297	(55,999)	96%
Total Operating Expenses	<u>25,843,439</u>	<u>14,921,888</u>		<u>12,806,094</u>	<u>(2,115,794)</u>	<u>86%</u>
Revenues Over(Under) Expenses	<u>7,906,398</u>	<u>3,658,911</u>		<u>9,859,998</u>	<u>6,201,087</u>	





**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2005**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Golf Courses Combined						
Revenues						
Charges for Services	3,103,363	2,325,301		2,215,186	(110,115)	95%
Interest Income	0	0		1,387	1,387	N/A
Miscellaneous	0	0		0	0	N/A
Interfund Transfers	250,000	166,667		166,667	0	100%
Total Revenues	<u>3,353,363</u>	<u>2,491,968</u>		<u>2,383,240</u>	<u>(108,728)</u>	<u>96%</u>
Expenses						
Central Charges	190,977	124,281		121,049	(3,232)	97%
Recreation Facilities	2,663,396	2,045,497		1,785,440	(260,057)	87%
Total Expenses	<u>2,854,373</u>	<u>2,169,778</u>		<u>1,906,489</u>	<u>(263,289)</u>	<u>88%</u>
Operating Income (Loss)	498,990	322,190		476,751	154,561	148%
Debt Service Expense	498,990	156,995		156,995	0	100%
Revenues Over(Under) Expenditures	<u>0</u>	<u>165,195</u>		<u>319,756</u>	<u>154,561</u>	

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2005**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Legacy Ridge Fund						
Revenues						
Charges for Services	1,375,387	1,060,423		1,146,212	85,789	108%
Interest Income	0	0		264	264	N/A
Miscellaneous	0	0		0	0	N/A
Total Revenues	<u>1,375,387</u>	<u>1,060,423</u>		<u>1,146,476</u>	<u>86,053</u>	<u>108%</u>
Expenses						
Central Charges	99,377	65,291		57,810	(7,481)	89%
Recreation Facilities	1,276,010	948,075		854,431	(93,644)	90%
Sub-Total Expenses	<u>1,375,387</u>	<u>1,013,366</u>		<u>912,241</u>	<u>(101,125)</u>	<u>90%</u>
Revenues Over(Under) Expenditures	<u>0</u>	<u>47,057</u>		<u>234,235</u>	<u>187,178</u>	

**City of Westminster
Financial Report
For the Eight Months Ending August 31, 2005**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Heritage at Westmoor Fund						
Revenues						
Business Fees						
Charges for Services	1,727,976	1,264,878		1,068,974	(195,904)	85%
Interest Income	0	0		1,123	1,123	N/A
Interfund Transfers	250,000	166,667		166,667	0	100%
Total Revenues	<u>1,977,976</u>	<u>1,431,545</u>		<u>1,236,764</u>	<u>(194,781)</u>	<u>86%</u>
Expenses						
Central Charges	91,600	58,990		63,239	4,249	107%
Recreation Facilities	1,387,386	1,097,422		931,009	(166,413)	85%
Sub-Total Expenses	<u>1,478,986</u>	<u>1,156,412</u>		<u>994,248</u>	<u>(162,164)</u>	<u>86%</u>
Operating Income	498,990	275,133		242,516	(32,617)	
Debt Service Expense	<u>498,990</u>	<u>156,995</u>		<u>156,995</u>	<u>0</u>	<u>100%</u>
Revenues Over(Under) Expenses	<u>-</u>	<u>118,138</u>		<u>85,521</u>	<u>(32,617)</u>	

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF AUGUST 2005

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	344,251	2,564	346,815	349,518	4,229	353,748	-2	-39	-2
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	256,358	10,063	266,420	325,747	2,157	327,904	-21	366	-19
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	209,399	13,851	223,250	223,137	1,800	224,937	-6	670	-1
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	217,343	315	217,658	216,011	2,535	218,546	1	-88	0
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	187,505	1,108	188,614	197,360	247	197,607	-5	349	-5
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	160,766	1,316	162,081	146,890	3,490	150,381	9	-62	8
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	134,018	24,786	158,805	110,246	25,436	135,682	22	-3	17
SHOPS AT WALNUT CREEK 104TH & REED TARGET	102,017	666	102,684	0	40,325	40,325	*****	-98	155
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	98,512	1,987	100,499	40,042	125	40,167	146	1491	150
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	84,430	41	84,471	94,734	87	94,821	-11	-53	-11
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	73,610	92	73,702	81,746	97	81,843	-10	-5	-10
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	56,788	122	56,910	64,569	335	64,904	-12	-63	-12
WILLOW RUN 128TH & ZUNI SAFEWAY	55,407	339	55,746	50,430	329	50,759	10	3	10
OFFICE MAX CENTER SW CORNER 88TH & SHER OFFICE MAX	52,521	316	52,837	52,333	1,229	53,562	0	-74	-1
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED	44,183	8,109	52,292	38,554	396	38,950	15	1950	34

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF AUGUST 2005

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
ELWAY MOTORS NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	51,487	453	51,940	56,514	1,188	57,702	-9	-62	-10
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	51,570	315	51,885	52,238	254	52,492	-1	24	-1
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	42,346	162	42,508	42,376	350	42,726	0	-54	-1
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	35,913	359	36,272	40,622	491	41,113	-12	-27	-12
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR HOMESTEAD HOUSE/H M WOODS	23,852	9,485	33,337	12,460	450	12,910	91	2008	158
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	33,229	6	33,235	26,999	4	27,003	23	60	23
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	9,892	22,421	32,313	12,835	20,636	33,471	-23	9	-3
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	26,386	38	26,425	32,608	478	33,086	-19	-92	-20
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	25,587	332	25,919	25,846	967	26,813	-1	-66	-3
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	25,471	326	25,797	26,026	62	26,088	-2	428	-1
	2,402,840	99,573	2,502,413	2,319,839	107,696	2,427,535	4	-8	3

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF AUGUST 2005

Center Location Major Tenant	YTD 2005			YTD 2004			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	3,501,088	28,103	3,529,191	3,737,834	56,968	3,794,802	-6	-51	-7
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	2,578,571	44,839	2,623,410	3,085,309	16,825	3,102,134	-16	167	-15
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,589,647	26,547	1,616,194	1,561,347	21,091	1,582,438	2	26	2
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	1,866,786	8,930	1,875,716	1,872,616	30,270	1,902,886	0	-71	-1
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	1,759,193	2,939	1,762,132	1,769,408	4,275	1,773,684	-1	-31	-1
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	1,334,166	23,036	1,357,202	1,181,041	32,339	1,213,380	13	-29	12
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,001,218	216,998	1,218,216	865,882	167,772	1,033,654	16	29	18
SHOPS AT WALNUT CREEK 104TH & REED TARGET	800,955	19,999	820,954	0	40,325	40,325	*****	-50	1936
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	790,875	41,647	832,522	389,754	3,455	393,209	103	1106	112
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	768,060	6,238	774,297	858,602	2,453	861,056	-11	154	-10
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	637,736	4,908	642,644	669,947	4,877	674,824	-5	1	-5
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	462,198	1,784	463,982	501,953	2,450	504,403	-8	-27	-8
WILLOW RUN 128TH & ZUNI SAFEWAY	448,056	11,285	459,342	425,754	4,869	430,623	5	132	7
OFFICE MAX CENTER SW CORNER 88TH & SHER OFFICE MAX	513,759	5,609	519,368	399,944	3,269	403,213	28	72	29
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED	214,035	13,199	227,234	211,465	4,301	215,766	1	207	5

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF AUGUST 2005

Center Location Major Tenant	YTD 2005			YTD 2004			%Change			
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total	
ELWAY MOTORS										
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	363,937	4,602	368,539	406,551	3,069	409,619	-10	50	-10	
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	421,622	6,617	428,239	454,329	2,786	457,116	-7	137	-6	
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	339,209	3,101	342,310	303,797	5,223	309,020	12	-41	11	
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	275,772	3,057	278,828	306,543	2,384	308,927	-10	28	-10	
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR HOMESTEAD HOUSE/H M WOODS	152,794	13,620	166,415	121,767	3,747	125,515	25	263	33	
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	445,794	5,640	451,434	240,655	301	240,956	85	1773	87	
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	91,545	171,214	262,760	96,391	183,559	279,950	-5	-7	-6	
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	266,064	2,491	268,555	306,173	776	306,949	-13	221	-13	
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	205,063	11,261	216,323	203,997	19,663	223,659	1	-43	-3	
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	196,552	7,487	204,039	192,077	2,262	194,339	2	231	5	
	21,024,694	685,152	21,709,846	20,163,136	619,309	20,782,445	4	11	4	



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: Approval of Change Order Number 3 to BT Construction for the Reclaimed Waterline Extension Project

Prepared By: Abel Moreno, Capital Projects and Budget Manager, Public Works and Utilities

Recommended City Council Action

Authorize a Change Order with BT Construction for the Reclaimed Waterline Extension Project in the amount of \$35,349.

Summary Statement

- City Council authorized the Reclaimed Water Line Extension contract with BT Construction (BT) at the June 27, 2005 City Council Meeting in the amount of \$344,681 with an additional \$34,500 as a project contingency.
- Change Order Number 3 will fund construction of the reclaimed water line in the Home Farm subdivision into BT's contract.
- The Home Farm subdivision is scheduled to be chipsealed in 2006.
- The Home Farm subdivision reclaimed water line was in the original scope of work for which BT submitted a bid in January 2005. However, it was later removed from the scope because a "Reclaimed Agreement" between the Home Farm subdivision and the City was not completed.
- A "Reclaimed Agreement" between the Home Farm subdivision and the City has subsequently been finalized.
- This change order does not require a budget increase to the approved CIP budget for this project.
- The Home Farm subdivision has 12 acres of property that will be irrigated with reclaimed water, freeing up 24.8 acre feet of potable water for domestic use.
- To date, the City has approved Change Orders Numbers 1 and 2 for this project in the amount of \$9,348. The change order work includes street cut impact fee costs, redesign of the Ranch Townhomes connection, additional required utilities locates, and additional required pipe fittings.

Expenditure Required: \$35,349

Source of Funds: Utility Fund Capital Improvements - Reclaimed Connections Project

Policy Issue

Should City Council authorize Change Order No. 3 in the amount of \$35,349 in order to install the reclaimed water line in the Home Farm subdivision?

Alternatives

The City could choose to delay the reclaimed water line installation in the Home Farm subdivision.

The City could choose to install the Home Farm subdivision reclaimed water line in 2006, ahead of the chipseal project (scheduled for 2006). Delaying this work until 2006 is anticipated to increase its cost and potentially cause a delay in the subdivision streets being chipsealed.

Staff recommends installing the line now because the subdivision is scheduled to be chipsealed in 2006 and Home Farm has now completed the necessary "Reclaimed Agreement."

Background Information

On June 27, 2005, City Council authorized a contract with BT Construction in the amount of \$344,681 (with a project contingency of \$34,500) to connect reclaimed water to twelve sites throughout the City. The Home Farm subdivision was in the original scope of work. However, by the June 27, 2005 City Council meeting a "Reclaimed Agreement" with the subdivision had not been completed and was deleted from the scope of work approved by Council. The Home Farm subdivision is scheduled to be chipsealed in 2006. Additionally, a "Reclaimed Agreement" has now been completed with Home Farm subdivision and staff recommends that this section be added back to the BT Construction contact. The Utility Fund has adequate funds in the Reclaimed Connections project account to cover this change order because the installation costs for this subdivision were included in the original project budget. BT Construction has agreed to complete the work at their originally submitted unit prices and, if approved, will schedule this work to follow the completion of the original project work (currently slated to be at the end of October).

City Council's approval is required on this change order since one change order is greater than 5-percent and cumulative change orders are greater than 10-percent per the City's purchasing requirements. Westminster Municipal Code 15-1-7 (A) states, "The City Manager shall have authority to approve an amendment to a purchase agreement when the amount of the amendment does not exceed five percent of the original agreement or fifty thousand dollars (\$50,000), whichever is greater, and the amount of the cumulative amendments does not exceed ten percent of the original agreement or fifty thousand dollars (\$50,000), whichever is greater. Amendments, or change orders, to agreements for the purchase of construction services shall be reported to City Council."

Respectfully submitted,

J. Brent McFall
City Manager

CHANGE ORDER NO. 3 RECLAIMED WATER LINE EXTENSION HOME FARM SUBDIVISION





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: Purchase of a Biosolids Tanker Trailer

Prepared By: Carl F. Pickett, Purchasing Officer

Recommended City Council Action

Award the low bid to Anderson Tank & Trailer Service, Inc., in the amount of \$76,955.17 for a Brenner Tanker Trailer.

Summary Statement

In July 2005, the City's Purchasing Officer requested formal bids for a biosolids tanker trailer. This expense was previously approved by City Council in the 2005 -2006 Budget. The low bid of \$76,955.17, submitted to the City by Anderson Tank & Trailer Service, Inc. is being recommended for this purchase.

Expenditure Required: \$76,955.17

Source of Funds: Utility Fund Operating Budget

Policy Issue

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

Alternative

Do not replace the tanker trailer at this time. This is not recommended as the daily use of four tankers is essential to the timely transportation of biosolids to the City’s farms.

Background Information

As part of the 2005 Budget, City Council approved the purchase of a replacement tanker trailer. The biosolids tanker trailer will be utilized on a daily basis to transport biosolids to farm fields. The tanker has a volume of 6,500 gallons and is constructed of aluminum. The unit is insulated and equipped with internal heating elements for winter use. With the purchase of the 3000 acre Strasburg Natural Resource Farm (SNRF) in April 1997, additional trailers were necessary to maintain the flexibility to utilize application sites both close in and at the SNRF. The application of biosolids is regulated and approved by the Colorado Department of Public Health & Environment, and allows a beneficial use for the biosolids as a fertilizer and soil conditioner.

Unit #9230 has reached a point that it is no longer economically reasonable to maintain it in service. Information regarding this vehicle replacement is as follows:

UNIT #	YEAR	MAKE	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)
9230	1979	Tempte	\$21,106.31

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

Two bids were received for this tanker trailer. Those bid’s are as follows:

Anderson Tank & Trailer Inc.	\$76,955.17
Beall Trailers of Colorado	\$87,326.00

The low bid from Anderson Tank and Trailer Service Inc. of \$76,955.17 meets all specifications and requirements set by the City.

Respectfully submitted,

J. Brent McFall,
City Manager



WESTMINSTER
COLORADO

Agenda Item 8 D

Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: Fire Prevention and Safety Grant

Prepared By: Doug Hall, Deputy Fire Marshal
Laura Koppel, Public Information/Education Specialist

Recommended City Council Action

Authorize staff to submit an application to the United States Department of Homeland Security for the 2005 Fire Prevention and Safety Grant.

Summary Statement

The United States Department of Homeland Security, Office of Domestic Preparedness has reauthorized the Fire Prevention and Safety (FP&S) Grant program to enhance the safety of the public and firefighters with respect to fire and fire-related hazards. The primary goal is to reach high-risk target groups in order to mitigate the high incidence of death and injury. There is no match requirement from the City for this grant. The Fire Department would like to submit a grant application for \$31,945 to fund community fire and injury prevention education programs specific to Westminster. The application period for the grant is September 6 to October 7, 2005.

Expenditure Required: \$31,945 Grant Funds

Source of Funds: Fire Prevention and Safety Grant, US Department of Homeland Security

Policy Issue

Should the City of Westminster submit an application to the United States Department of Homeland Security for the 2005 Fire Prevention and Safety Grant?

Alternative

Direct staff not to submit a Fire Prevention and Safety grant application at this time. This would eliminate the purchase of some specific tools and curriculum for community fire and injury prevention education programs.

Background Information

The United States Department of Homeland Security has allocated \$32.5 million in 2005 for the FP&S grant program. The programs purpose is to reach high-risk target groups in order to mitigate the high incidence of death and injury by fire. In the past four years, the Westminster Fire Department has responded to 171 residential fires. These fires resulted in two deaths, 21 civilian injuries and residential property damage estimated at over \$6 million.

According to the National Fire Protection Association Report, *U.S. Fire Loss during 2004*, seventy eight percent of all structure fires occurred in residential properties. The report states, "With home fire deaths still accounting for 3,190 fire deaths or 82 percent of all civilian deaths, fire safety initiatives targeted at the home remain the key to any reductions in the overall fire death toll." The number one strategy calls for more widespread public fire safety education on how to prevent fires and how to avoid serious injury or death if fire occurs.

In order to meet the needs of the community, the Fire Department would like to use grant funds to purchase:

- Sparky's Hazard House (a miniature dollhouse for public education with animated effects to illustrate potential fire and injury hazards in the average home) - \$27,154
- Retina Interactive 911 Simulator - \$2,508
- *Risk Watch*, a curriculum regarding unintentional injuries and natural disasters - \$718
- Five other miscellaneous educational videos \$1,565

This grant will enable the Westminster Fire Department to enhance and formalize public education activities. These tools will provide the means to educate at-risk target audiences and the interactive activities will catch and hold their attention. Ultimately, these tools will enhance the retention and application of this fire and life safety information in real-world situations. Currently, the Westminster Fire Department does not have the budget allocated to purchase these educational tools, but can support the minimal costs to continue and maintain these programs.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Item 8 E

Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: Donation of Surplus Fire Department Self Contained Breathing Apparatus Masks

Prepared By: Ken Watkins, Deputy Chief of Technical Services

Recommended City Council Action

Authorize the Fire Department to donate 124 Self Contained Breathing Apparatus (SCBA) masks to the Adams and Jefferson County Hazardous Response Authority.

Summary Statement

- The Fire department purchased these SCBA masks as part of an upgrade to new self contained breathing apparatus in 1999.
- In July 2005, the Fire Department received 175 new SCBA masks from the Adams and Jefferson County Hazardous Response Authority. These new masks were obtained from the assembly of Weapons of Mass Destruction protection kits for all Adams and Jefferson County first responders. The masks were received by the Adams and Jefferson County Hazardous Response Authority through a Federal Homeland Security Grant.
- The Fire Department's old masks would be distributed by the Adams and Jefferson County Hazardous Response Authority to smaller fire departments in the two counties.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City donate the Fire Department's used self contained breathing apparatus masks to the Adams and Jefferson County Hazardous Response Authority?

Alternatives

The masks could be sent to auction. Based on the market value of this type of used equipment, it is estimated that the auction value for all 124 masks is less than \$500.

The Fire Department could continue to store the used masks and keep them on hand for reserve usage. The Fire Department is not in favor of this option due to lack of storage space and with 175 new masks the department has enough for a reserve supply.

Background Information

The Adams and Jefferson County Hazardous Response Authority purchased new SCBA masks as part of a Federal Homeland Security Grant. The masks were to be included in weapons of mass destruction protection kits that the authority was assembling for all first responders in the Adams and Jefferson County response areas. Westminster Fire and Police Departments received these kits for all fire apparatus and police vehicles. After the kits were assembled and distributed, there was a surplus of new masks. The Adams and Jefferson County Hazardous Response Authority contacted the Westminster Fire Department and offered to donate the remaining masks as an upgrade to the department's current masks. The Fire Department accepted the masks in July and has fit tested and distributed the new masks to all firefighting personnel. The value of these new SCBA masks would be approximately \$55,000 if purchased by the Fire Department.

The new SCBA masks are improved from the masks that were purchased in 1999. They offer a better mask-to-face seal, a broader field of vision and clearer voice communication. A new material was used for the face sealing component of the masks that allows the mask to be certified by the National Institute for Occupational Safety and Health (NIOSH) as Chemical, Biological, Radiological and Nuclear hazard (CBRN) approved. This testing process was brought about by changes implemented after the attacks on September 11, 2001. The Fire Department's old masks do not meet this testing standard. Many of these old masks are in need of repair, including replacement of face pieces valued at \$40.00 each.

The Adams and Jefferson County Hazardous Response Authority would distribute the Fire Department's old SCBA masks to smaller, mostly rural, fire departments in Adams and Jefferson Counties.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: Fire Department Performance and Resource Study

Prepared By: Jim Cloud, Fire Chief

Recommended City Council Action

Authorize the City Manager to sign a contract with Emergency Services Consulting Inc., in an amount not to exceed ~~\$69,024~~ for the completion of a Fire Department performance and resource study, and authorize ~~an allowance of \$5,976 for contingencies.~~

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Summary Statement

• ~~As part of the 2005 budget, the Fire Department requested and was granted a budget of \$75,000 to complete a Fire Department Performance and Resource Study. This study was requested to measure current performance and to project performance and resource needs in the year 2020 as the City of Westminster moves into build-out. This item was included as part of the 2005 Management Agenda in the City's Strategic Plan.~~

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• ~~The bid package that went out to vendors included the completion of a base study, four additional study components, and the provision of a working computer model for use by Fire Administrative Staff to model performance in the future. The actual study components are itemized in Attachment 1. The base study includes a review of current Fire Department performance and a projection of performance in the year 2020 with respect to resource distribution, concentration, reliability, performance, and utilization. The base study also includes an evaluation of dispatch operations for fire and emergency medical services, as well as an evaluation of fire department or fire district facilities, staffing and equipment that are immediately adjacent to the City of Westminster in order to assess opportunities for automatic aid agreements. The four additional study components include a review of Fire Prevention operations, Training operations and facilities, Fire Administration functioning, and the condition of fire apparatus and facilities.~~

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• ~~Emergency Services Consulting Inc. (ESCi) was one of seven firms that submitted a proposal in response to the City's request. The bid proposal from ESCi was the lowest bid of those firms that submitted a complete bid proposal and was the only firm whose bid price would allow the City to complete the base study, three of the four additional study components, and provide a working software model for use by the department in future years. The ESCi team that has been organized to complete this study has exceptional credentials and experience in completing studies on fire department operations. Staff contact with representatives of ESCi has been very positive and productive. Reference checks with respect to work previously completed by ESCi have also been very favorable.~~

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Expenditure Required: ~~\$69,024 plus a contingency of \$5,976~~

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Source of Funds: General Capital Improvement Fund – Fire Resource Study Project

Policy Issue

Should the City of Westminster utilize an outside contractor to complete a study of the Fire Department or rely upon the expertise of staff to complete this study?

Alternative

Direct staff to complete the study internally. This is not recommended due to lack of internal resources and the desire to garner a professional third party review of Fire Department performance and resources.

Background Information

A committee made up of representatives of the Fire Department, City Manager's Office, Purchasing and the City Attorney's Office met over a period of several months to organize and develop the key components of the proposed Fire Department performance and resource study. This bid package was mailed out July 28, 2005 and proposals were due back on September 1, 2005. The City received seven bid proposals in response to the bid package. Of the seven, two vendors were eliminated because their proposals were incomplete and three vendors were eliminated because the bid proposal exceeded the available budget. Staff did an extensive review of the remaining two consultant proposals, Citygate Associates, LLC from California and Emergency Services Consulting Inc from Oregon. This review included a review of previous studies completed by the respective consultant, reference calls to Fire officials who had used the consultants in the past, a phone interview by a City panel, and general contact. A more detailed review of the bid proposals is included as Attachment 2.

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After the interview process, ESCi was selected as the recommended consultant for this study and Fire Department staff initiated negotiation discussions to fit the study components with the approved budget. Staff is proposing contracting with ESCi to complete the base study; a review of Fire Prevention operations, Training operations, and Fire Administration functioning; and the provision of a working computer model for the Fire Department to use in future years to model emergency response performance. A review of the condition of existing apparatus and fire stations was eliminated because it was felt that the City and Fire Department had these items adequately addressed in the Major Apparatus Replacement and Capital Improvement Program projected budgets. Additionally, several items were eliminated under the review of Fire Administration functioning that were included in ESCi's proposal but not requested or needed by the City. The elimination of these items will provide for a contingency amount that would be used to focus on areas of concern that may come up in the study or new items that were not originally contemplated. The modified cost quotation from ESCi can be reviewed in Attachment 3.

With Council authorization, the study will begin in October 2005 and should be completed by March 2006. The completion of this study will include the distribution of a booklet itemizing the findings and recommendations. The team from ESCi will also be conducting a review of the findings before City Council in late March or April 2006 at a Study Session.

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The completion of this study will be a key step in the development of a Fire Department Strategic Plan addendum that will dovetail into the City's Strategic Plan. Additionally, potential resource needs will be identified and can be considered as the 2007-2008 budgets are developed. More importantly, the completed study will provide a professional consultant's view of Fire Department operations and help to guide departmental customer service improvements and performance measures for the future.

Respectfully submitted,

J. Brent McFall
City Manager
Attachments (3)

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ATTACHMENT 1

Fire Performance and Resource Study

Base Study Elements:

- The successful consultant will analyze the effectiveness of current Fire Department resources in 2005-06 and at community build-out in the year 2020. Build-out assumptions should assume current land use planning; projections on socio-economic and population demographics; and consideration for the aging of current development within the City. Specific issues to be addressed include:
 - Resource distribution:
 - Response time by grid and time of day for the 1st responding unit and 1st responding ambulance.
 - Adequacy of the quantity, capacity, and locations of current Fire Stations.
 - Adequacy of the number of emergency units by type –
 - Ambulances
 - Engines
 - Ladders
 - Command Vehicle
 - Attack Units (Brushfire rigs)
 - Resource Concentration:
 - Effectiveness of current apparatus locations – ambulances, engines, ladders, command vehicle.
 - Response time by grid for full alarm assignment at structure fires.
 - Establishment of an effective workforce at the scene of a moderate structure fire – 15 FTE's.
 - Resource reliability:
 - What percentage of calls within a station's normal first response district will require response by emergency apparatus responding from another City fire station?
 - Are there predictable times of the day, week, month or year when queued calls occur?
 - What are the chances –
 - That 3 or 4 ambulances will be busy at one time?
 - That 6 or 7 engines will be busy at one time?
 - What are the chances that two or more simultaneous significant emergency events within the City would exhaust 90-100% of the Fire Department's emergency response force?
 - The consultant will complete an existing conditions analysis on call load and factors that affect response performance such as traffic patterns, impact of traffic control devices, call load, etc.
 - Resource Performance:
 - Call receipt and dispatch of apparatus within 60 seconds;
 - Turnout time within 60 seconds;
 - Arrival of first engine/ladder at a fire suppression incident within 240 seconds;
 - Arrival of full first alarm assignment at a fire suppression incident within 480 seconds;
 - Arrival of first responding unit at an emergency medical incident within 240 seconds;
 - Arrival of an ALS ambulance unit at an emergency medical incident within 480 seconds.
 - Crew effectiveness based on critical task measurement.

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- Resource Utilization
 - Effectiveness of current emergency service staffing with respect to medical versus non-medical calls for service and the overall emergency response capability of the department as a whole.
 - Purchasing and staffing aerial apparatus in stations as an engine company.
 - Analysis on the priority placement of four person crews.
 - Analysis of the placement of the 7th piece of fire apparatus.
 - Would the traditional concept of a staffed “truck” company improve service delivery in the community?
 - Could a “heavy rescue” unit be justified and improve service levels in the community?
 - Special teams participation and placement –
 - Water Rescue
 - Hazardous Materials
 - Technical Rescue
 - Should the City consider adding apparatus or services to improve emergency response within the community? What performance benchmarks would trigger a need for adding or reducing apparatus or services?
 - What performance measures should the Fire Department consider to better serve the community?

- The consultant will complete an evaluation of the fire and EMS dispatch operations currently providing service to the Westminster Fire Department and offer recommendations, if any, for community emergency service improvement. Specific issues to be addressed include:
 - Adequacy of staffing to address fire and EMS call load
 - Management overview
 - Emergency Medical Dispatching
 - Support of Fire Department functioning during emergency calls
 - Communication interoperability with adjoining fire departments or districts

- The consultant will complete an evaluation of Fire Department or Fire District facilities, staffing and equipment immediately adjacent to the City of Westminster boundaries to assess response opportunities with automatic aid agreements. Specific issues to be addressed include:
 - Location of facilities
 - Type of emergency apparatus available
 - Nature of staffing
 - Dispatching and communication interoperability
 - Projected response performance.

Additional study components desired: (Provide a separate bid for each component)

- A. The consultant will complete an evaluation of the current Fire Prevention operations of the Westminster Fire Department and offer recommendations, if any, for community emergency and non-emergency service improvement. Specific issues to be addressed include:
 - a. Code enforcement
 - b. Plan review
 - c. Fire investigation
 - d. Public education

- B. The consultant will complete an evaluation of the current training operations and facilities within the Westminster Fire Department and offer recommendations, if any, for the improvement of employee effectiveness and safety during emergency operations. Specific issues to be addressed include:
 - a. Adequacy of training facilities
 - b. Adequacy of instructor staffing
 - c. Nature of training
 - d. Quality of training
 - e. Quantity of training

- C. The consultant will evaluate Fire Administration functioning and offer recommendations, if any, for the improvement of customer service to the community. Specific issues to be addressed include:
 - a. Use of technology
 - b. Number of support staff
 - c. Customer service delivery
 - d. Analysis of workload versus employee numbers

- D. The consultant will review the condition of existing apparatus/fire stations and offer recommendations. Specific issues to be addressed include:
 - a. Review existing replacement and remodel schedules
 - b. Review apparatus maintenance records
 - c. Review current sole vendor practice for fire apparatus
 - d. Review current emergency apparatus maintenance & repair operations.

Note: Bidders should also include in the bid document any material, data, work effort, or assistance that they would expect the City or Fire Department to provide for the completion of this study such as the RHAVE risk analysis program, call data, etc.

ATTACHMENT 2

Fire Department Performance and Resource Study
Bid Comparisons

The Fire Department received seven bid proposals in response to RFP #05/29/07 which was the Fire Department Performance and Resource Study. The following is a summary of each of the bids and status.

Citygate Associates, LLC

<u>Base Bid</u>	<u>Add Items - A</u>	<u>- B</u>	<u>- C</u>	<u>- D</u>	<u>Total</u>
\$46,950	\$ 8,396	\$ 8,396	\$ 8,396	\$ 8,396	\$80,534

Required Elements: Bid included all elements including leaving us with a working computer model.

Credentials: Excellent

Executive Summaries Review: Well written and complete, good graphics, tables may be a bit overused and overwhelming.

Working Model: Requires FireView and NFIRS-5-Alive software at an additional cost of 20 to 25K.

Notes: - Unless negotiations are successful, the department will not be able to include all of the additional items in the study.

- Initial contact was good during proposal development. Follow-up after submission of proposal has been questionable.

Status: Scheduled for interview.

Management Advisory Group, Inc

<u>Base Bid</u>	<u>Add Items - A</u>	<u>- B</u>	<u>- C</u>	<u>- D</u>	<u>Total</u>
\$48,500	\$ 4,900	\$ 5,900	\$ 4,900	\$ 4,500	\$68,700

Required Elements: Bid did not include executive summaries of previous work, a copy of the contract, a listing of departmental expectations, or proposal for a working model.

Credentials: Weak

Executive Summaries Review: None provided.

Working Model: None provided in original proposal.

Notes: Proposal submitted did not match with RFP.

Status: This firm has been dropped from consideration for inability to follow bid instructions and lack of information to provide a comparison.

Marshal Macklin Monaghan/ Pomax Inc.

<u>Base Bid</u>	<u>Add Items - A</u>	<u>- B</u>	<u>- C</u>	<u>- D</u>	<u>Total</u>
\$86,067	\$ 9,788	\$ 9,250	\$ 9,055	\$ 8,210	\$122,370

Required Elements: Bid did not include a listing of departmental expectations or a working model.

Credentials: Strong

Executive Summaries Review: Well written but not real specific to Standards of Cover issues.

Working Model: None provided.

Notes: Team may lack the experience to deal with specific Fire Department questions or issues.

Status: Has been dropped from consideration because bid proposal exceeds the available budget and proposal did not include a working model.

Emergency Services Consulting, Inc.

<u>Base Bid</u>	<u>Add Items - A</u>	<u>- B</u>	<u>- C</u>	<u>- D</u>	<u>Total</u>
\$35,838	\$ 5,125	\$ 5,125	\$ 17,365	\$ 5,750	\$73,774*

(* includes \$4,511 in expenses for additional items not included in add item bids.)

Required Elements: Bid included all elements including a working computer model.

Credentials: Excellent

Executive Summaries Review: Well written and complete.

Working Model: Requires ESRI Spatial and Network Analyst software at an additional cost of \$5,000.

Notes: - Only vendor whose bid cost will cover all elements of requested study.
- Follow-up contact has been very favorable, both phone and email.
- Team has done nearly identical studies as evidenced by Beaumont, Texas study.
- Studies of other departments are very professional and well written. Highlighting of recommendations is very effective.

Status: Scheduled for interview.

System Planning Corporation – Tri Data

<u>Base Bid</u>	<u>Add Items - A</u>	<u>- B</u>	<u>- C</u>	<u>- D</u>	<u>Total</u>
\$78,994	\$ 29,443*	\$ -	\$ -	\$ -	\$108,437

(* Bid for all additional items were included as a lump sum.)

Required Elements: Bid did not include executive summaries of previous work, a copy of the contract, an individual bid for each additional study item, or a working model.

Credentials: Strong

Executive Summaries Review: None provided.

Working Model: None provided.

Notes: Bidder did not comply with directions in bid documents which made a comparison impossible.

Status: Has been dropped from consideration because bid proposal exceeds the available budget and proposal was incomplete.

Matrix

<u>Base Bid</u>	<u>Add Items - A</u>	<u>- B</u>	<u>- C</u>	<u>- D</u>	<u>Total</u>
\$46,000	\$ 5,000	\$ 5,000	\$ 8,000	\$ 5,000	\$69,000

Required Elements: Bid included only one executive summary of previous work, no copy of the contract, no listing of departmental expectations and no indication of a working model.

Credentials: Fair

Executive Summaries Review: Only one provided. Format was effective with description of issue, recommendations, location in full report, projected cost and priority listed.

Working Model: None provided in original submittal.

Notes: Proposed work plan was good but focused more on development of a master plan. Did not mention “Standards of Cover” which was the essence of our RFP.

Status: Has been dropped from consideration because bid proposal was incomplete and proposal did not include a working model.

Health Analytics

<u>Base Bid</u>	<u>Add Items - A</u>	<u>- B</u>	<u>- C</u>	<u>- D</u>	<u>Total</u>
\$94,557	\$ 6,670	\$ 8,338	\$ 6,670	\$ 6,670	\$122,904

Required Elements: Bid included all required elements except for the three executive summaries.

Credentials: Very good

Executive Summaries Review: None provided.

Working Model: Will require the purchase of ADAM and CAD Analyst software at an additional cost of \$30,000.

Notes: Bidder did not provide executive summaries of previous work so comparison was impossible.

Status: Has been dropped from consideration because bid proposal exceeds the available budget and proposal was incomplete.

Modified Cost Quotation

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Emergency Services Consulting inc. is pleased to present the following formal bid for the project outlined in the proposed work plan:

Base Study Elements

<u>Objectives</u>	<u>Cost</u>
Development of Work Plan	\$3,130.00
Review Background Information	\$1,060.00
Stakeholder Input Meeting	\$4,640.00
Fire Department Analysis	\$9,195.00
Future System Demand Projections	\$3,125.00
Future Delivery System Models	\$3,750.00
Development and Review Draft Report	\$2,435.00
Delivery and two Presentations of Final Report	\$3,480.00
Total Consulting Services, not to exceed:	\$30,815.00
Expenses, not to exceed:	\$5,023.00
Total Bid Base Study Elements, not to exceed:	\$35,838.00
Total Base Study Bid: Thirty-five thousand, eight hundred thirty eight dollars.	

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Additional Study Components

<u>Objectives</u>	<u>Cost</u>
Fire Prevention Operations	\$5,125.00
Fire and EMS Training	\$5,125.00
Fire Administration	\$13,365.00
Total – Additional Study Elements, not to exceed:	\$23,615.00
Expenses, not to exceed:	\$4,571.00
Total Bid Additional Study Elements, not to exceed:	\$28,186.00
Total Additional Study Elements Bid: Twenty eight thousand, one hundred eighty six dollars	
Total Bid Base and Additional Study Elements, not to exceed:	\$64,024.00
ESRI Spatial and Network Analyst Software	\$5,000.00
Total Bid Base Study, Additional Study Elements and Software:	\$69,024.00

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Study Components removed from proposal to facilitate reduction of total Additional Study Elements total:

- **Task 4: Risk Management**
 - Analyze risks associated with current employment practices
 - Analyze risks associated with current termination practices
 - Review job-related injury processes
 - Liability insurance programs
 - Property insurance programs

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- **Task 5: Personnel Management**

- Policies, rules, regulations, manuals and handbooks for the City of Westminster. ESCi will review all internal fire department policies, rules, regulations, SOGs, manuals and handbooks.
- Compensation
- Counseling Services
- Application and recruitment process

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- **Remove Facilities/Apparatus Condition and Refurbishment/Replacement Schedules study tasks.**

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Information relative to cost quotation

- **Bid quotation is valid for 60 days.**

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- ESCi will receive full cooperation from person(s) representing the City of Westminster.
- While engaged in the project, ESCi will report to a single point of contact.
- When requested, and in a timely manner, the client representative will provide to the ESCi project manager, data, information, and materials required for the completion of the objectives outlined in the detailed work plans submitted in this proposal.
- Local taxes, fees, or business licenses associated with this project have not been included in the cost quotation. If required, ESCi will invoice said charges in addition to the project fee.
- ESCi shall perform any additional work on a time and materials basis at the hourly rate of \$145.00 per hour.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 26, 2005



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 stop loss insurance for \$471,547 along with a 10% contingency amount (\$47,000) in the event the final quote comes in higher, and charge this expense to the 2006 Property and Liability Fund.

Summary Statement

- City Council action is requested to authorize the annual expenditure for the 2006 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 2006 for property and liability coverage is \$471,547, which represents a contribution of \$473,558 minus a Loss Control Standards Audit credit of \$2,011.
- The final cost of coverage in 2005, before credits, was \$440,854. The preliminary quote for next year of \$473,558 represents an increase in contribution of \$32,623 (7.4%). 4.4% (\$19,398) of the increase is due to increased exposures the City faces in 2006. Most significantly the excess insurance carriers are now asking for more detailed information and the City was required to identify insurable miscellaneous property that had not previously been documented. This miscellaneous property includes City owned street lights, signs and fencing. Another increased exposure to the City is the addition of the new skateboard park. The remaining 3% (\$13,225) increase is due to the overall loss experience of the pool. Although the City experienced an improvement in our individual loss experience, as a member of an insurance pool, the City shares in the total losses to the pool. As a whole the pool experienced a 16% increase due to loss experience mostly in the area of police liability. The City also received a "Loss Control Standards Audit" credit of \$2,011 for 2006 since it exceeded CIRSA's standards for loss control measures.

Expenditure Required: \$518,547

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.

Alternative

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 commercial insurance carriers do not deal directly with an insured. Brokerage fees for this service could run the City anywhere from \$21,000 to \$45,000 to bid out the insurance. Risk Management staff still believes it would be difficult for private insurance carriers to match the rates provided by CIRSA and obtain the customized services that CIRSA provides to government entities. At this time it is anticipated that property and liability insurance coverage in the general insurance market will see no change or even decreased rates for 2006, but Hurricane Katrina may have a drastic affect on all January 1 renewals. Police Professional Liability insurance markets are still seeing double digit increases in rates.

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 233 members in 2005. 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. In 2004, Risk Management staff recommended and City Council approved increasing the City's self-insured retention levels to \$200,000 per line of coverage to save on premium contribution costs. The 2006 premium quote is based on continuing the \$200,000 retention level. The premium to continue coverage with \$100,000 in retention for 2006 would be \$561,445 – an increase in premium of \$120,591 (27%) from 2005. The premium to continue coverage with \$150,000 in retention for 2006 would be \$506,017 – an increase in premium of \$65,163 (14.8%) from 2005. 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 2004 was \$2,032,009.

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 continues to improve on the success of the program as seen in the improved loss experience and loss control credit the City received on the 2006 quote. Loss control activities include:

- Safety inspections of facilities
- Annual Defensive Driving, Risk Management 101, Risk Management for Supervisors and Safety 101 training classes.
- Citywide Safety Committee review and analysis of all Workers' Compensation Injury Report forms involving safety failures
- The annual snowplow rodeo and training sponsored by the Public Works and Utilities Department
- Safety SPIRIT Awards incentive program

The quote for the 2006 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, Staff's recommended action includes a 10% contingency factor of approximately \$47,000 with the total final premium not to exceed \$518,547.

Funds for the requested increase are available in the City's Property and Liability Fund. In the 2006 Budget, \$400,000 was budgeted for this contribution. The balance of the premium will be paid from Fund reserves, which are carried over from year to year.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: 144th Avenue and I-25 Interchange Project – Contract with Bigfoot Turf

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended City Council Action

Authorize the City Manager to sign a contract with Bigfoot Turf Sod Farm in an amount not to exceed \$110,000 for sod to be used for landscaping the 144th Avenue and I-25 Interchange project and an expenditure of an amount not-to-exceed \$55,000 from the Certificate of Participation funds for the project.

Summary Statement

- Over the past several years, the City has taken several steps towards the construction of a new interchange at 144th Avenue and I-25. With the construction of The Orchard at Westminster project having started, it is important to begin the construction of the interchange in the fourth quarter of 2005 so its opening will coincide with that of the development. It will also be desirable to have this interchange looking attractive on opening day.
- The construction of the interchange project is being performed under two separate contracts, one for the roadway construction and one for the landscape and irrigation. This approach is beneficial in that the roadway contractor will be finished with its work before all of the landscape and irrigation installation, which will allow the City to close the roadway contract much sooner than the landscape and irrigation contract.
- The subject of this Agenda Memorandum relates to the sod installation element of the landscape and irrigation contract. The approach that Staff is recommending is to contract with a sod farm to grow a special blend of grass that will then be installed by separate contractor. The authorization to contract with the qualified low bidder to install the sod will be the subject of a future Agenda Memorandum.
- This approach allows staff to closely monitor the growth of the grass to assure a high quality product until it is time for installation.
- The contract with Bigfoot Turf has already been signed by the City Manager and Council is being requested to retroactively approve this contract. Staff realizes that this is an unusual request but became necessary because the seed to grow this sod needed to be planted no later than the second week of September. A down payment of \$20,625 was made to Bigfoot Turf so the seeding could take place. If Council chooses not to approve this contract, then this down payment would be forfeited.
- Funds are available in the project budget for this contract.

Expenditure Required: Not to exceed of \$110,000

Source of Funds: Proceeds from the issuance of Certificates of Participation (\$55,000) and WEDA Bond Proceeds (\$55,000)

Policy Issues

Should the City enter into a contract with Bigfoot Turf to supply sod for the project?

Alternative

Do not authorize the execution of the contract with Bigfoot Turf and require the seeding of the project in lieu of using sod. Staff does not recommend this alternative because of the relatively small difference in cost to sod the project versus seeding. Additional benefits are less erosion, better water conservation, higher quality grass and nicer immediate appearance of the project. As discussed earlier, if City Council does not approve this contract, the down payment would be forfeited.

Background Information

The City recently advertised the interchange project for construction and will be approaching Council for approval of two construction contracts at the October 10 Council meeting. One contract is for the roadway construction and one is for the landscape and irrigation installation. This approach was taken by staff to assure the completion of the roadway portion in a timely manner to meet obligations made to Forest City, the developer of the Orchard.

A specific line item in the landscape and irrigation contract is the installation of sod in the 144th Avenue medians and the interchange infield areas, which is a total of about 12 acres of sod. Sod that is commercially grown is typically a bluegrass variety, which is not a salt tolerant variety. But, a mixture of bluegrass, fescue and rye would be salt tolerant. This is a custom blend that requires an arrangement with a sod farm to specifically grow this mix. Bigfoot Turf is the recommended farm for this project because their fee was the lowest of the three farms contacted. An additional benefit of Bigfoot Turf is that they water their grasses with water that has a high salt content from a nearby stream while many other sod farms use well water. The grasses are grown in an environment similar to what will be experienced at the interchange and the success rate of the sod will be very good. The controlled growth of this sod will be monitored by staff until the sod is cut and delivered to the project in the fall of 2006 and the spring of 2007.

The initial cost to install sod instead of seeding the project is about \$100,000 or about 0.36% of the project budget. Staff believes this is a wise initial investment since most of these initial costs will be saved in the long run for several reasons:

- There will be a savings realized for not having to reseed areas that didn't grow. This is a common problem when seeding a project because of wind and water erosion, bad seeding techniques, and extremely hot weather.
- Less potable City water will be used in growing sod versus seeding at the project site. Water usage for sod is high for the first month until the roots are established, but water for seed growth can be high for up to a year.
- Long term water usage is expected to be considerably less with sod because of the higher quality top soil used to grow the grass than the on site soils. This makes for a better root system and healthier grass which will take less water to sustain in the long term.
- Very little erosion occurs when using sod versus seed. Cost savings are realized because slope repairs are minimized by using sod.

Staff contacted three sod farms to obtain proposals for this work with the results being as follows:

<u>Sod Farm</u>	<u>Proposed fee</u>
Bigfoot Turf	\$110,000
Graff's Turf Farm	\$137,214
Bitter Sweet Turf Farm	\$142,500

Staff recommends Bigfoot Turf not only because of their lowest fee proposal but because they are highly regarded in the industry. One of their most notable projects was supplying sod for the University of Northern Colorado football field.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: Contract Amendments for Construction Phase Services for the Big Dry Creek Wastewater Treatment Facility Renovation and Expansion Project

Prepared By: Kent W. Brugler, P.E., Senior Engineer, Public Works and Utilities
Abel Moreno, Capital Projects and Budget Manager, Public Works and Utilities
Jim Arndt, P.E., Director of Public Works and Utilities

Recommended City Council Action

- Authorize the City Manager to execute a contract amendment with Camp, Dresser & McKee, Inc. in the amount of \$999,937, for additional construction phase services related to the construction of the upgrade and expansion of the Big Dry Creek Wastewater Treatment Facility.
- Authorize the City Manager to execute a contract amendment with Sorenson Engineering, Inc. in the amount of \$300,000 for additional Owner's Representation services during the construction of the upgrade and expansion of the Big Dry Creek Wastewater Treatment Facility.

Summary Statement

- The City entered into an engineering services agreement with Camp, Dresser & McKee in August 2003 for final design and construction phase services; the design phase effort has been completed.
- The City entered into an owner's representation services agreement with Sorenson Engineering, Inc. in September 2004, including both design phase and construction phase project management services.
- Both contracts must be amended due to adjustments to the scope of services required to ensure adequate oversight of the construction work.
- The construction phase of the project began on August 22, 2005 and is scheduled for completion by June, 2008.
- The costs related to these contract amendments were anticipated and included in the total project costs described in the Staff Report presented at the July 18, 2005 Study Session and for the construction contract award approved by Council on July 25, 2005. No project budget increase is requested.

Expenditure Required: \$1,299,937

Source of Funds: Utility Fund Capital Improvement Program - Big Dry Creek Wastewater Treatment Facility Expansion/Renovation

Policy Issue

Should the City amend the existing professional services contracts with Camp, Dresser & McKee, Inc. and Sorenson Engineering, Inc. to include additional services related to the construction of the upgrade and expansion of the Big Dry Creek Wastewater Treatment Facility?

Alternatives

1. The City could choose to not amend these contracts; however the construction phase of this complex and significant project would not be adequately monitored and managed, resulting in possible cost and schedule overruns as well as reduced quality control of the work.
2. The City could choose to terminate the existing contracts and put the work out to bid a second time. Staff does not recommend this as both firms have detailed knowledge of the project, were originally selected through a competitive process, are fully competent to provide the services requested and have provided detailed cost proposals that are fair and reasonable for the scope of services requested.

Background Information

Camp, Dresser & McKee, Inc. (CDM) was awarded an engineering contract on July 14, 2003 for final design and construction phase services for the Big Dry Creek Wastewater Treatment Facility Rehabilitation and Expansion Project. The construction was then estimated to cost \$24 million and take 18 months to construct. During the final design process, staff recommended that the scope of the project be modified to include several process changes, including biological nutrient removal and ultraviolet light disinfection. These changes were approved by City Council on January 10, 2005 and included the approval of an amendment to CDM's engineering contract for the additional design phase services. As the design progressed, the project's contractor developed a revised construction sequencing and construction schedule for the additional process modifications, resulting in a lengthened construction time to 33 months. The requested \$999,937 amendment to the CDM contract reflects compensation for the increased construction phase services necessary and will bring the contract total to \$4,058,437.

The City Council awarded the owner's representative contract to Sorenson Engineering, Inc. on September 13, 2004 in the amount of \$410,000 to provide assistance to staff for overall project management during the final design and construction phases of the project. For the same reason of greater construction length noted above, as well as additional quality control/quality assurance materials testing, additional compensation in the amount of \$300,000, is recommended to be allocated to the contract with Sorenson Engineering for the final design and construction phase of the project. The amendment will bring the total compensation to Sorenson Engineering, Inc. to \$710,000.

The additional costs of both amendments were included in the total project budget of \$44,713,000 presented to City Council on July 25, 2005 and as outlined in the 2005 Capital Improvement Program modifications approved by City Council on May 23, 2005. No project budget increase is requested.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: Second Reading of Councillor’s Bill No. 45 and Other Actions re Construction and Construction Related Contracts for Wolff Street Extension (114th Avenue to 116th Avenue)

Prepared By: Dick Kellogg, Senior Projects Engineer

Recommended City Council Action

Pass Councillors Bill No. 45 on second reading authorizing a supplemental appropriation in the General Capital Improvement Fund in the amount of \$19,574 reflecting the City’s receipt of cash-in-lieu funds for offsite drainage improvements for the Wolff Street Extension Project (“the Project”);

Summary Statement

- The Wolff Street Extension Project is designed to provide access to the Park site that is currently being constructed jointly by the City and the Hyland Hills Park and Recreation District on City-owned land located to the east of Sheridan Boulevard at the 115th Avenue alignment (see attached map). The road will also interconnect at the Westfield and West 117th Avenue neighborhoods and provide convenient access to the future Bradburn Elementary School from the south.
- City Council at the regular City Council Meeting on February 23, 2004 approved an expanded scope from a “bare bones” street connection (e.g., two lanes of asphalt; no curb and gutter) for the Wolff Street Extension project to include both Wolff Street and an eastward extension of 115th Avenue to Wolff Street with curb, gutter and sidewalk. At the same time Council approved postponement of the 98th Avenue, Sheridan Boulevard to Westminster Boulevard project with the understanding that the 98th Avenue project would be completed by developers when development adjacent to the 98th Avenue alignment occurs.
- This Councillor’s Bill was passed on first reading on September 12, 2005.

Expenditure Required: \$1,223,343

Source of Funds: **Wolff Street Project** in the General Capital Improvement Fund (\$411,578) + supplemental appropriation of cash-in-lieu payments (\$19,574) = \$431,152.
98th Avenue Project transfer of funds in the General Capital Improvement Fund to the Wolff Street Project (\$447,402)
Utility Fund 115th/Wolff Water and Reclaimed project account (\$188,300)
Storm Water Utility Fund (\$156,489)

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. **3230**

COUNCILLOR'S BILL NO. **45**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

Hicks – Price

A BILL

FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,587,000 is hereby increased by \$19,574 which, when added to the fund balance as of the City Council action on September 12, 2005 will equal \$32,356,518. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This is an appropriation of cash-in-lieu funds received for the offsite drainage improvements for the Wolff Street extension.

Section 2. The \$19,574 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Cash-in-lieu	7500.40210.0455	\$0	\$19,574	\$19,574

Total Change to Revenues

\$19,574

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Wolff Street Ext	80375030301.80400.8888	\$490,000	\$19,574	\$509,574

Total Change to Expenses

\$19,574

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of September, 2005.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: Second Reading of Councillor's Bill No. 46 re Approval of Cellular Tower Leases for Countryside Recreation Center and the Hydropillar

Prepared By: Gary Casner, Senior Telecommunications Administrator

Recommended City Council Action

Pass Councillor's Bill No. 46 on second reading, authorizing the City Manager to sign a lease agreement with VoiceStream to provide space at Countryside Recreation Center and the Hydropillar for cellular transmission antenna installation.

Summary Statement

- Additional cellular sites within the City are needed by cellular phone companies to enhance and expand cellular services for customers.
- VoiceStream has evaluated locations and determined that the Countryside Recreation Center and the Hydropillar sites are ideal for the placement of cellular antennas.
- The proposed lease requirements provide for a site that will be constructed of materials that are consistent with those used in current structures at each location.
- Execution of these agreements will generate \$2,000 per month in revenue for the City of Westminster.
- The site plan has been reviewed by the Planning Division, the Parks, Recreation and Libraries Department and the Public Works Department to ensure that the tower, antenna and associated structures meet code requirements and will fit in visually at each location.
- The City Charter requires that leases of City land be ratified by ordinance.
- This Councillor's Bill was passed on first reading on September 12, 2005.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. **3231**

COUNCILLOR'S BILL NO. **46**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

Price - Dixon

A BILL

FOR AN ORDINANCE APPROVING CELLULAR TOWER LEASE AGREEMENTS WITH VOICESTREAM FOR THE LEASE OF A PORTION OF THE COUNTRYSIDE RECREATION CENTER AND THE HYDROPILLAR FOR THE CONSTRUCTION OF CELLULAR TOWERS AND ANTENNAS

WHEREAS, additional cellular sites within the City are needed by cellular phone companies to enhance and expand cellular services for customers; and

WHEREAS, VoiceStream has evaluated locations and determined that the Countryside Recreation Center and the Hydropillar sites are ideal for the placement of cellular antennas; and

WHEREAS, execution of these agreements will generate \$2,000 per month in revenue for the City; and

WHEREAS, the City Charter requires such leases to be approved by ordinance.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease Agreements between the City and VoiceStream for the lease of a portion of the Countryside Recreation Center and the Hydropillar for the construction of cellular towers and antennas are approved in substantially the same form as attached as Attachment "A."

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of September, 2005.

ATTEST:

Mayor

City Clerk



Agenda Item 10 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: Resolution No. 36 re Resubmitting the Repeal of Ordinances Nos. 3216 and 3217 to the Voters

Prepared By: Steve Smithers, Assistant City Manager
Linda Yeager, City Clerk
Jane Greenfield, Assistant City Attorney

Recommended City Council Action

Adopt Resolution No. 36 resubmitting two ballot questions to the Westminster electorate on November 1, 2005, to decide whether the two ordinances, which enable the redevelopment of a blighted retail center at Sheridan Boulevard and 72nd Avenue, should be repealed.

Summary Statement

- On July 11, 2005, Council unanimously approved Ordinance 3216 amending the Comprehensive Land Use Plan and Ordinance 3217 rezoning several properties at the southwest corner of Sheridan and 72nd Avenue in order to allow Shoenberg Ventures to redevelop and expand their existing center, in furtherance of the goals of the South Sheridan urban renewal plan. The new anchor tenant proposed was a Wal-Mart superstore.
- On August 9, 2005, citizens of Westminster filed petitions with the City Clerk that requested the Council to either repeal these ordinances or refer the question of their repeal to the Westminster electorate. Although the original petitions contained an insufficient number of valid signatures, on September 8, 2005, the petitioners filed supplemental petitions containing additional valid signatures for both referenda petitions sufficient to meet the requirements of the City's Charter.
- On August 29, 2005, in order to participate in the coordinated elections of Adams and Jefferson Counties, the City Council adopted Resolution 35 referring these same measures to be placed on the November 1st ballot.
- The City Clerk is required under Charter §8.10 to present the referenda petitions to the Council if sufficient signatures are obtained. The Council then has thirty days to either repeal the ordinances or "determine to submit the proposal provided for in the petition to the electors." Charter §8.11.
- This presentation to Council of valid and sufficient referenda petitions suspends the operation of Ordinances 3216 and 3217 until the questions are decided by the voters. Charter §8.13

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City place the questions of repealing Ordinances 3216 and 3217 before the voters on the regular November 1, 2005, election ballot?

Alternative

City Council could choose to repeal both ordinances and request the Adams and Jefferson Counties Clerks to cancel that portion of the City's election related to these previously submitted ballot questions. This would be inconsistent with Council's previous adoption of Resolution 35 and its initial approval of Ordinances 3216 and 3217.

Background Information

For several years City Staff has been working with the Shoenberg Ventures partners to redevelop their aging shopping center at 72nd and Sheridan. After adopting the South Sheridan Reinvestment Plan in March 2004, the City entered into a Memorandum of Understanding (MOU) with Shoenberg Ventures for the future redevelopment of that center. The approval, by the Planning Commission and City Council, of the ordinances and the PDP/ODP for the redevelopment of the center with a Wal-Mart superstore and associated commercial uses was consistent with the Reinvestment Plan and the MOU, as well as the City's overall goals of economic revitalization of South Westminster. The proposed redevelopment would constitute approximately 25 percent of the South Sheridan urban renewal area.

Council has already referred the repeal of the two ordinances to the electorate, pursuant to its power specified in Charter §8.13, in order to insure the broadest participation of Westminster citizens in deciding this issue and to save the unnecessary expenditure of substantial tax dollars on a special election. Adoption of the current resolution will both confirm the Council's prior action and complete the referendum process of the petitioners as described in the Charter. The wording of the questions in this Resolution are identical to the wording in Resolution 35, Series of 2005.

For those reasons, it is recommended that Council adopt the attached resolution submitting the petitioners' referenda to the voters of Westminster at the November election and confirming the language previously provided to the County Clerks for the coordinated election.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Resolution No. 36, Series of 2005

RESOLUTION

RESOLUTION NO. 36

INTRODUCED BY COUNCILLORS

SERIES OF 2005

A RESOLUTION REFERRING TO THE VOTERS OF WESTMINSTER AT THE NOVEMBER 1, 2005, ELECTION THE QUESTIONS WHETHER ORDINANCES 3216 AND 3217, APPROVING A COMPREHENSIVE LAND USE PLAN AMENDMENT AND REZONING CERTAIN PROPERTIES AT THE SOUTHWEST CORNER OF 72ND AVENUE AND SHERIDAN BOULEVARD, SHOULD BE REPEALED

WHEREAS, the City Clerk has presented to the City Council two referendary petitions, containing valid signatures of at least ten percent of the number of persons who are registered electors of the City as of the date of the last regular City election, requesting the repeal of Ordinances 3216 and 3217 or referral of the same to the voters; and

WHEREAS, the City Council has determined not to repeal the ordinances identified in said referendary petitions;

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

1. The Council finds that the referendary petitions, presented by the City Clerk, contain sufficient valid signatures to require either repeal, or referral to the electorate on the question of repeal, of Ordinances 3216 and 3217.

2. At the regular election to be held on November 1, 2005, there shall be referred to the registered electors of the City the following questions:

A. SHALL ORDINANCE 3216 (Councillor’s Bill No.32, Series 2005) AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN by changing the land use designations for the approximately 0.9 acre property at 7007 Sheridan Boulevard from “R-3.5 Residential” to “Retail Commercial,” and for the approximately 15.5 acres located immediately west of the existing shopping center, called Shoenberg Center, at the southwest corner of Sheridan Blvd. and 72nd Ave., from “R-8 Residential” to “Retail Commercial”, BE REPEALED?

_____ YES

_____ NO

B. SHALL ORDINANCE 3217 (Councillor’s Bill No.33, Series 2005), REZONING TWO PARCELS OF LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SHERIDAN BOULEVARD AND 72ND AVENUE in Section 1, Township 3 South, Range 69 West, 6th P.M., Jefferson County, Colorado, from a R-1 Zone and a C-1 Zone to a PUD Zone, BE REPEALED?

_____ YES

_____ NO

PASSED AND ADOPTED THIS 26th DAY OF SEPTEMBER, 2005.

Mayor

ATTEST:

City Clerk



Agenda Item 10 B & C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 26, 2006



SUBJECT: Public Hearing and Resolution No. 37 regarding Country Club Village Metropolitan District No. 1 and Country Club Village Metropolitan District No. 2

Prepared By: John Carpenter, Director of Community Development

Recommended City Council Action

1. Reopen the public hearing.
2. Adopt Resolution No. 37 approving the consolidated service plan for Country Club Village Metropolitan District No. 1 and Country Club Village Metropolitan District No. 2

Summary Statement

The developers of property at approximately 120th Avenue and Federal Parkway propose the creation of two districts to fund infrastructure to serve the Country Club Residential and Commercial developments. District No. 1 will consist of approximately 20 acres of commercial development. District No. 2 will consist of a 40-acre residential parcel adjacent to the commercial property within District No. 1. The developers are Country Club Village Enterprises, LLC (the managing members are Mike Byrne and Tim Wiens) and WL Homes LLC d/b/a/ John Laing Homes. This is a “skeletal service plan” that allows the developers to proceed with the formation of the districts at the November election. The districts will not be allowed to levy any tax, impose any fee, construct any improvements or incur any debt until the Amended Service Plans (one for each district) are reviewed by City staff and approved by Council.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City Council allow two new metropolitan districts to be formed within the City's boundaries?

Alternative

Do not approve the Service Plan and wait for the detailed Amended Service Plans to be submitted and reviewed. This would mean that the developers could not form the districts until May 2006, at the earliest, if at all. The service plan that has been submitted for approval prohibits the districts from doing anything other than organize until the Amended Service Plans are approved by Council.

Background Information

The developers of the Country Club Village (retail) and Country Club Highlands (residential) have requested that the City approve two separate metropolitan special districts to fund infrastructure to serve these developments. These projects are located on sites bounded by Federal Boulevard, 120th Avenue and Zuni Street.

The preliminary development plan (PDP) for the retail project included language regarding metro district formations. Subsequently, the Council adopted a metro district policy that generally discourages the formation of metro districts for residential areas and places restrictions on metro districts for commercial areas.

The request for the two metro district was discussed at a City Council Study Session on July 11, 2005 (staff report is attached). At that meeting, Council gave general support for these two district formation requests. Council supported the residential request since approval was implied in the PDP that was approved before adoption of the Council's metro district policy.

The action requested of Council is the approval of a "skeleton" service plan. Service plans must be approved by City Council for any metropolitan special district proposed for formation within the City. The skeleton plan provides the necessary information to allow the issue of district formation to be placed on the fall 2005 ballot. However, no bonds can be issued or property taxes levied until the comprehensive service plans are approved by City Council. Staff anticipates that the more detailed plans will be submitted to Council for review in the next few months.

Two legally distinct metro districts are proposed, one for the retail area and one for the residential area. The details on the extent of the improvements financed, bond issuance details, maximum/minimum mill levies and so forth will be presented to Council as a part of the review of the Consolidated Service Plan.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 37

INTRODUCED BY COUNCILLORS

SERIES 2005

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO APPROVING THE SERVICE PLAN FOR COUNTRY CLUB VILLAGE METROPOLITAN DISTRICTS 1 AND 2

WHEREAS, § 32-1-204.5, C.R.S. provides that no special district shall be organized except upon adoption of a resolution approving the Service Plan of the proposed special district; and

WHEREAS, a service plan dated September 13, 2005 has been submitted to the City Council of the City of Westminster (the "City") for the Country Club Village Metropolitan Districts 1 and 2 (the "Districts") in compliance with § 32-1-204.5, and City policies (hereinafter referred to as the "Service Plan"); and

WHEREAS, the Districts and the City anticipate that the Service Plan may be revised in the future, such revision to be approved by the City; and

WHEREAS, the territories of the proposed Districts are located wholly within the boundaries of the City; and

WHEREAS, adequate notice has been published and sent to property owners and interested parties of a public hearing of the City Council of the City of Westminster to review the Service Plan; and

WHEREAS, the City Council of the City of Westminster has conducted a public hearing on the Service Plan for the Country Club Village Metropolitan Districts 1 and 2.

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

Section 1. That notice of the hearing was properly given and the City Council has jurisdiction to hear this matter.

Section 2. The City Council makes the following findings:

a. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special districts.

b. The existing service in the areas to be served by the proposed special districts is inadequate for present and projected needs.

c. The proposed special districts are capable of providing economical and sufficient service to the areas within their proposed boundaries.

d. The areas to be included in the proposed special districts have, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Section 3. The Service Plan for the Country Club Village Metropolitan Districts 1 and 2 is hereby approved. Nothing herein limits the City's powers with respect to the Districts, the property within the Districts, or the improvements to be constructed by the Districts. The City's findings are based solely upon the evidence in the Service Plan and such other evidence presented at the public hearing, and the City has not conducted any independent investigation of the evidence. The City makes no guarantee as to the financial viability of the Districts or the achievability of the results.

RESOLVED this 26th day of September 2005.

CITY COUNCIL CITY OF WESTMINSTER
WESTMINSTER, COLORADO

By: _____
Mayor

ATTEST:

By: _____
Clerk

RESOLUTION NO. **37**

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WESTMINSTER, COLORADO
APPROVING THE SERVICE PLAN FOR
COUNTRY CLUB VILLAGE METROPOLITAN DISTRICTS 1 AND 2**

WHEREAS, § 32-1-204.5, C.R.S. provides that no special district shall be organized except upon adoption of a resolution approving the Service Plan of the proposed special district; and

WHEREAS, a service plan dated September 13, 2005 has been submitted to the City Council of the City of Westminster (the "City") for the Country Club Village Metropolitan Districts 1 and 2 (the "Districts") in compliance with § 32-1-204.5, and City policies (hereinafter referred to as the "Service Plan"); and

WHEREAS, the Districts and the City anticipate that the Service Plan may be revised in the future, such revision to be approved by the City; and

WHEREAS, the territories of the proposed Districts are located wholly within the boundaries of the City; and

WHEREAS, adequate notice has been published and sent to property owners and interested parties of a public hearing of the City Council of the City of Westminster to review the Service Plan; and

WHEREAS, the City Council of the City of Westminster has conducted a public hearing on the Service Plan for the Country Club Village Metropolitan Districts 1 and 2.

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

Section 1. That notice of the hearing was properly given and the City Council has jurisdiction to hear this matter.

Section 2. The City Council makes the following findings:

a. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special districts.

b. The existing service in the areas to be served by the proposed special districts is inadequate for present and projected needs.

c. The proposed special districts are capable of providing economical and sufficient service to the areas within their proposed boundaries.

d. The areas to be included in the proposed special districts have, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Section 3. The Service Plan for the Country Club Village Metropolitan Districts 1 and 2 is hereby approved. Nothing herein limits the City's powers with respect to the Districts, the property within the Districts, or the improvements to be constructed by the Districts. The City's findings are based solely upon the evidence in the Service Plan and such other evidence presented at the public hearing, and the City has not conducted any independent investigation of the evidence. The City makes no guarantee as to the financial viability of the Districts or the achievability of the results.

RESOLVED this 26TH day of SEPTEMBER 2005.

CITY COUNCIL OF THE CITY OF WESTMINSTER
WESTMINSTER, COLORADO

By: _____

ATTEST:

By: _____
Clerk



WESTMINSTER

05-133

Staff Report

City Council Meeting
July 11, 2005



SUBJECT: Proposed Metropolitan District for Country Club Village and Country Club Highlands Project

PREPARED BY: John Carpenter, Director of Community Development

Recommended City Council Action

City Council guidance is requested on the creation of a metro district for Country Club Village and Country Club Highlands Project

Summary Statement:

The developers of the Country Club Village (retail) and Country Club Highlands (mostly residential with 4-acre retail pad) projects have requested City approval of metropolitan districts to fund infrastructure to serve these developments. These projects are located on sites bounded by 120th Avenue, Federal Parkway, and Zuni Street (extended).

The revised Preliminary Development Plan (PDP) for the retail project included language regarding metro district formation. Subsequently, the City Council adopted a formal metro district policy (copy attached) that staff believes could preclude the formation of a metro district for the residential portion of this project. Staff is seeking direction on how to proceed with this request.

The developer will be present at Monday evening's Study Session to listen to the discussion.

Expenditure Required: \$10,000 to hire legal consultants
Source of Funds: To be paid for by the developers

Policy Issues:

- 1) Does the Council support the request to form a metro district to cover the Country Club Village retail project as well as the retail part of the Country Club Highlands mostly residential project? The Council Metro District policy would not preclude the formation of a district for a non-residential project.
- 2) Does the Council support the request to form a separate metro district for the residential portions of the Country Club Highlands project?

Alternatives:

- 1) Conclude that this project is grandfathered since the PDP approval preceded the adoption of the metro district policy.
- 2) Modify the policy to allow additional conditions under which residential projects could be formed. For example, allow metro districts if there is over 2 ½ linear feet of arterial street frontage in need of widening per acre of land (roughly the ratio at Country Club Highlands).

- 3) Stipulate that the metro district can only be used to pay for arterial street improvements beyond this limit and not for “normal” residential project improvement costs such as local streets, sidewalks, utilities, grading etc.

The Council’s recently adopted metro district policy does not support residential metro districts except in four cases, none of which apply to this development.

Background Information

Mike Byrne is developing a retail project (Country Club Village) and a mostly residential project (Country Club Highlands) on the land bounded by Federal Parkway, 120th Avenue, and Zuni Street. The Highlands parcel is mostly single family residential with a maximum density of 3.5 dwelling units per acre with a 4-acre retail/restaurant pad site at the northwest corner of 120th Avenue and Zuni Street. The Country Club Village PDP contains the following statement:

Metro District: City and owner agree that a metro district could be organized with the Parkland PUD as a method to do improvement to Federal Parkway, W. 120th Avenue, and other public improvements that benefit properties within the Parkland PUD and adjacent properties.

The Country Club Village parcel is within the Parkland PDP, but the adjacent Country Club Highlands parcel is not. The revised PDP for Country Club Village was approved by City Council on September 13, 2004. No PDP has yet been approved for the residential Country Club Highlands project.

Mike Byrne has sent an email to City staff indicating, “Our development team believes that the language “adjacent properties” is clear in that the intent was to be able to form a metro district that would lighten the unusual cost burden of having 120th Avenue, Federal Boulevard and Zuni Street surrounding a 118 unit residential development. This PDP document was approved and recorded prior to the City Council adopting the new policy on metro districts, and therefore, should be grandfathered in because of the unusual nature of these improvements.”

As referenced in Mr. Byrne’s email, in December 2004, City Council formally adopted a policy regarding metro districts, which does not support their formation for residential projects except under very limited circumstances (see attached).

John Laing Homes is the proposed developer of the Highlands residential project. Jim Miller, Vice President of Land Development for John Laing Homes sent a letter (attached) to explain why the company representatives believe that a metro district is justified for their proposed project. Their rationale is as follows:

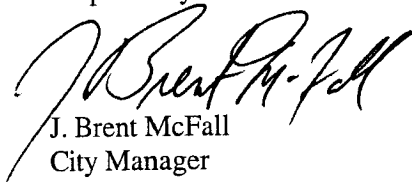
- The mostly residential site is bordered on two sides by an arterial street and a third side by a collector street, which they say results in higher than normal off-site improvement costs for such a small site 40.43 acres. Per staff research, the vast majority of most recent smaller single family residential projects in Westminster have only one arterial street frontage to improve, but some exceptions would be Savory Farms (Federal Boulevard and 112th Avenue) and Cheyenne Ridge (144th Avenue/Huron Street). The developer of Savory Farms (about 40 acres at 2.5 dupa) paid to improve Federal Boulevard and 112th Avenue, which is very similar to Country Club Highlands, but did not have to improve a third collector street. In the case of Cheyenne Ridge, the developer paid cash-in-lieu fees for arterial street improvements. Neither Cheyenne

Ridge or Savory Farms has a metro district. Huntington Trails (144th Avenue/Huron Street) has two arterial frontages and does have a metro district approved as a condition of annexation.

- The developers are accepting as normal development costs, the expenses to improve 120th Avenue and Zuni Street abutting their residential area plus 120th Avenue costs for the pad site at 120th Avenue/Zuni Street subject to establishment of recoveries to be reimbursed by the commercial site and the Arabian Horse property.
- The developers believe that the cost to improve Federal Boulevard (\$908,029) and the cost to rebuild existing Zuni from a local street to a collector street abutting the existing Arabian Horse Center (\$232,281) are excessive. (They will not have any ability to charge the Arabian Horse Center for this expense).
- Thus, they are requesting that the Metro District pay for \$1,140,309 and cap the mill levy at 25 mills. Mike Bryne has submitted an application for a metro district to include both Country Club Village AND the Country Club Highlands retail/restaurant pad. The owners of the Highlands parcel have sent a letter to staff consenting to the proposed district formation. Since Mike Bryne and John Laing Homes only have this property under contract and are not owners.
- The three main arguments in support of including the project in a metro district are:
 - 1) It was contemplated as a possibility in the language on the Country Club Village PDP, and
 - 2) Council's metro district policies were adopted after the PDP was adopted and therefore theirs should be "grand fathered."
 - 3) The development costs are excessive considering the size of the parcel.

The Council's recently adopted metro district policy does not support residential metro districts except for four cases, none of which apply to this development. Excessive development costs is not a reason to support metro district formation in the current metro district policy in part because of the precedent that would set.

Respectfully submitted,



J. Brent McFall
City Manager

Attachments

DRC
Attachment



John Laing Homes
More thought per square foot.

June 7, 2005

John Carpenter, Director of Community Development
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80031

Re: Addition of Country Club Highlands to proposed MSD for Country Club Village

Dear Mr. Carpenter:

John Laing Homes respectfully requests the City of Westminster allow the residential portion of the Country Club Village development to be included in the Metropolitan Service District currently being considered for the adjacent commercial sites. There is one commercial site due West of the residential and one located on the corner of 120th and Zuni.

The off-site improvement costs associated with this adjacent residential development are abnormally high (about \$3,000,000) due to the requirement to construct and/or improve 3 major roads along the perimeter of the site. It would be normal to assume two major roads for a development of this size. Thus we are assuming the construction of Zuni Street and 120th Avenue to be normal improvements.

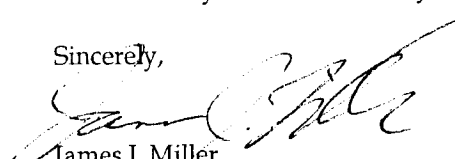
The excessive costs for constructing Federal Blvd and the inability to recover normally reimbursable costs are approximately \$1,140,000 for which we are asking the City to consider allowing us to fund thru the creation of a Metro District for the residential. All normal offsite and onside costs will be funded by the developer thru normal financing means.

Costs immediately adjacent to the residential and the corner commercial site were included because the City is expecting the residential to construct the improvements adjacent to the corner commercial even though not part of this development. We are currently in negotiation with the owner of the future commercial site on the corner and it is not known how much, if any, can be contributed by him. We would ask that the City allow a reimbursement agreement on that portion, should an agreement not be possible.

The City is also asking that we improve the East 1/2 of Zuni. We are asking for the right to obtain reimbursement agreements from the adjacent owner for this work.

The East 1/2 of Zuni (adjacent to the existing Arabian Horse Center and due East of the proposed commercial at the corner of Zuni and 120th Avenue) probably cannot be reimbursed as that site was previously platted. We consider the non-reimbursable East 1/2 of Zuni street and Federal Boulevard improvements to be an excessive cost to that normally expected on a single family subdivision of this size. We propose that these two improvements be allowed to be funded thru the creation of a Metro District against the residential property. This estimated amount is approximately \$1, 140,000 per the attached. This total may also be limited by the 25 mil levy cap for residential property.

Sincerely,


James J. Miller
Vice President Land Development

EXCESSIVE COSTS FOR COUNTRY CLUB HIGHLANDS

Total Costs This development

Federal Blvd.	\$	908,029
120th Avenue Improvements next to commercial	\$	224,463
120th Avenue improvements next to residential	\$	337,093
West 1/2 Zuni Street Adjacent Commercial	\$	232,281
East 1/2 Zunit Street Adjacent Commercial	\$	232,281
Zuni Street adjacent residential	\$	1,074,052
	\$	3,008,197

Total Excessive Costs

Federal Blvd.	\$	908,029
East 1/2 Zunit Street Adjacent Commercial	\$	232,281
Total Amount requested for Metro District	\$	1,140,309

Federal Blvd Back-Up COUNTRY CLUB HIGHLANDS			
ITEM	Unit Price	Quantity	Cost
overexcavation for Roadways	\$ 2.50 cy	11,667	\$ 29,167
Purchase R/W	12,000 ls	1	\$ 12,000
Traffic Control	\$ 25,000 ls	1	\$ 25,000
saw cut edge	\$ 4.00 lf	1,700	\$ 6,800
striping	\$ 3 sf	2,680	\$ 6,699
removal existing pavement	\$ 20.00 sy	105	\$ 2,100
12"asphalt & prep	\$ 26.60 sy	6,300	\$ 167,580
Grading & Paving	Subtotal		\$ 249,346
Traffic Signals	\$ 250,000 ls	0.25	\$ 62,500
street signs	\$ 350.00 ea	2	\$ 700
Signage	\$ 350.00 ea	2	\$ 63,200
asphalt/conc. Repairs @10% conc&asph budget	\$ 312,030	8%	\$ 24,962
Warranty Repairs	Subtotal		\$ 24,962
6" Vertical, median, Curb & Gutter	\$ 8.60 lf	3,000	\$ 25,800
8' x 6" thick walk	\$ 20.72 lf	1,430	\$ 29,630
environmental disposal fee	1% %	55,430	\$ 610
Subgrade Prep	\$ 1.50 lf	4,430	\$ 6,645
Concrete	Subtotal		\$ 62,684
Sod and Irrigation	\$ 2.00 sf	54,950	\$ 109,899
2" Trees	\$ 300.00 ea	80	\$ 24,072
3" Trees	\$ 400.00 ea	20	\$ 8,024
Shrubs	\$ 30.00 ea	330	\$ 9,894
Tap Fee	\$ 20,000.00 ea	9	\$ 183,166
Landscaping	Subtotal		\$ 335,055
Landscape maint, water, (2yr.)	\$ 0.86 sf	54,950	\$ 47,257
Total Performance Surety 115% 1.0 yrs+(25% 2yrs warr)	1.00% cost	735,247	\$ 13,970
Inspection Fees	2.1% cost	735,247	\$ 15,440
Civil Engineer	2% cost	735,247	\$ 14,705
	Subtotal		\$ 14,705
Soils Engineering			
all other testing, thickness reports	\$ 6.00 lf	1,400	\$ 8,400
	Subtotal		\$ 8,400
Storm Water Inspection	1% cost	735,247	\$ 7,352
Construction Management	3% cost	735,247	\$ 22,057
Dry Utilities			
Street light wire	10.00 lf	1400	\$ 14,000
Street Lights arterial	4,100.00 ea	6	\$ 24,600
	Subtotal		\$ 38,600
Erosion Control	5,000 ls	1	\$ 5,000
	Total Federal		\$ 908,029

120 th AVE next to Commercial on Corner

Backup

COUNTRY CLUB HIGHLANDS

ITEM DESCRIPTION	Qty	UNIT	UNIT COST	COST
Embankment Material	0	CY	1.5	\$ -
Underground Overhead Electric	600	LF	100	\$ 60,000
Relocate Existing Telephone Line	0	LF	25	\$ -
Traffic Control	1	LS	15000	\$ 15,000
Earthwork/utilities	SUBTOTAL			\$ 75,000
Silt Fence	600	LF	2	\$ 1,200
Inlet Protection	2	EA	175	\$ 350
Straw Bale Barriers	3	EA	55	\$ 165
Seeding	0.3	AC	1000	\$ 300
Erosion Control	SUBTOTAL			\$ 2,015
Hot Bituminous Pavement (12" Depth)	600	SY	24.6	\$ 14,760
Subgrade Prep	600	SY	2	\$ 1,200
Removal of Asphalt Pavement	34	SY	10	\$ 340
Streets	SUBTOTAL			\$ 16,300
6" Vertical Curb with 2' Pan	600	LF	8.6	\$ 5,160
Curb and Gutter Preparation	600	LF	1.23	\$ 738
8' Sidewalk (Detached)	4800	SF	3.4	\$ 16,320
Curb Ramps	0	EA	1200	\$ -
Curb&Gutter, Misc. Concrete	SUBTOTAL			\$ 22,218
24" RCP	550	LF	32	\$ 17,600
5' Type R Inlet	0	EA	2400	\$ -
15' Type R Inlet	0	EA	5000	\$ -
Storm Sewer	SUBTOTAL			\$ 17,600
Ex. Waterline Reimbursement (Does Not Includ	600	LF	8.517	\$ 5,110
Water	SUBTOTAL			\$ 5,110
Landscaping	0	SF	2	\$ -
Trees (Spacing 1 Tree Every 40')	0	EA	500	\$ -
Street Lights	3	EA	2500	\$ 7,500
Sound Wall along 120th Avenue (6' High)	0	FF	31.65	\$ -
Landscaping	SUBTOTAL			\$ 7,500
Thermoplastic Pavement Markings	1000	SF	2.5	\$ 2,500
Thermoplastic Pavement Markings "Arrows", "O	3	EA	250	\$ 750
Ground Signs with Post	2	EA	300	\$ 600
Traffic Signal (1 Quadrant)	0.5	LS	62500	\$ 31,250
Pavement Marking and Signs	SUBTOTAL			\$ 35,100
Warranty	1	LS	1925.9	\$ 1,926
Gas Feeder Pipe	600	LF	8	\$ 4,800
Electric Feeder Cable	600	LF	12	\$ 7,200
Soft Cost (Civil, Traffic, Geotech, Surveying)	1	LS	0	\$ -
Miscellaneous	SUBTOTAL			\$ 13,926
Subtotal 120th Improvements				\$ 194,769
Mobilization				\$ 6,000
Contingency 10%	0.1			\$ 20,077
Permits	0.02			\$ 3,617
Total				\$ 224,463

120th Avenue Adjacent Residential				
COUNTRY CLUB HIGHLANDS				
Back-Up				
ITEM	Unit Price	Quantity	Cost	
overexcavation for Roadways	\$ 2.50 cy	1,383	\$	3,457
erosion control	\$ 20,000 ls		\$	-
Grading	Subtotal		\$	3,457
Traffic Control	\$ 25,000 ls	1	\$	25,000
Mobilization	\$ 1,500 ea	1	\$	1,500
saw cut edge	\$ 4.00 lf	900	\$	3,600
striping	\$ 5 sf	1,848	\$	9,240
adjust manholes	\$ 400 ea	2	\$	800
adjust valves	\$ 200 ea	2	\$	400
removal existing pavement	\$ 51 sy	356	\$	18,133
12"asphalt & prep	\$ 26.60 sy	2,489	\$	66,204
Paving	Subtotal		\$	124,878
Signage	\$ 350.00 ea		\$	-
asphalt/conc. Repairs @10% conc&asph budget	\$ 155,747 ls	8%	\$	12,460
Warranty repairs	Subtotal		\$	12,460
6 " Vertical Curb & Gutter	\$ 8.26 lf	900	\$	7,434
8' x 6" thick walk	\$ 20.72 sf	900	\$	18,648
environmental disposal fee	1% %	26,082	\$	287
Subgrade Prep	\$ 2.50 lf	1,800	\$	4,500
Concrete	Subtotal		\$	30,869
24" RCP w/rock bed	\$ 37.50 lf	50	\$	1,875
5' Inlet	\$ 2,400.00 ea	1	\$	2,400
15' Inlet	\$ 4,915.00 ea	1	\$	4,915
Storm Sewer	Subtotal		\$	9,190
Total Performance Surety 115% 1.0 yrs+(25% 2yrs warr)	1.00% cost	168,393	\$	3,199
Inspection Fees	2.1% cost	168,393	\$	3,536
Construction Management	3% cost	168,393	\$	5,052
Civil Engineer	2% cost	\$ 168,393	\$	5,052
all other testing, thickness reports	\$ 6.00 lf	800	\$	4,800
Soils Engineering	Subtotal		\$	4,800
Comcast relocation	32.00 lf	800	\$	25,600
Switch Gear	6,000.00 ea	1	\$	6,000
Street light wire	10.00 lf	800	\$	8,000
Street Lights arterial	4,100.00 ea	4	\$	16,400
bury overhead lines	50.00 lf	800	\$	40,000
Dry Utilities	Subtotal		\$	96,000
Perimeter Walls	14.00 sf	2,400	\$	33,600
Erosion Control	5000 ls	1	\$	5,000
Total			\$	337,093

FOR ZUNI STREET ADJACENT TO COMMERCIAL SITE ON CORNER

Backup
COUNTRY CLUB HIGHLANDS

ITEM DESCRIPTION	Qty	UNIT	UNIT COST	COST	East 1/2	West 1/2
					Zuni	Zuni
Underground Overhead Utilities	440	LF	\$ 100	\$ 44,000		
Traffic Control	1	LS	\$ 5,000	\$ 5,000		
Reset Telephone Box	2	EA	\$ 2,500	\$ 5,000		
Reset Light Pole	2	EA	\$ 1,500	\$ 3,000		
Reset Water Meter	1	EA	\$ 750	\$ 750		
Reset Ground Sign and Post	5	EA	\$ 350	\$ 1,750		
Remove Asphalt	2,000	SY	\$ 10	\$ 20,000		
Remove Curb and Gutter	860	LF	\$ 6	\$ 4,730		
Remove Sidewalk	239	SY	\$ 12	\$ 2,867		
Remove Barb Wire Fence	400	LF	\$ 5	\$ 2,000		
Remove 12" Waterline	430	LF	\$ 12	\$ 5,160		
Remove 12" Gate Valve	3	EA	\$ 350	\$ 1,050		
Remove FH Assembly	1	EA	\$ 750	\$ 750		
Remove 8" Sanitary Sewer	150	LF	\$ 15	\$ 2,250		
Remove Sanitary Sewer Manhole	1	EA	\$ 750	\$ 750		
Remove Inlet	1	EA	\$ 750	\$ 750		
Earthwork	SUBTOTAL			\$ 99,807	\$ 49,903	
Inlet Protection	3	EA	\$ 175	\$ 525		
Straw Bale Barriers	4	EA	\$ 55	\$ 220		
Erosion Control	SUBTOTAL			\$ 745	\$ 373	
Hot Bituminous Pavement (10" Depth)	2,151	SY	\$ 21	\$ 44,098		
Subgrade Prep	2,151	SY	\$ 2	\$ 4,302		
Streets	SUBTOTAL			\$ 48,400	\$ 24,200	
8" Vertical Curb with 2" Pan	850	LF	\$ 9	\$ 7,310		
Curb and Gutter Preparation	850	LF	\$ 1	\$ 1,046		
8' Sidewalk (Detached) (West Side Only)	3,280	SF	\$ 3	\$ 9,840		
5' Sidewalk (Attached) (East Side Only)	2,200	SF	\$ 3	\$ 6,600		
Crosspans	1	EA	\$ 2,500	\$ 2,500		
Curb Ramps	2	EA	\$ 1,300	\$ 2,600		
Curb & Gutter, Misc. Concrete	SUBTOTAL			\$ 29,896	\$ 14,948	
10' Type R Inlet	2	EA	\$ 3,600	\$ 7,200		
Storm Sewer	SUBTOTAL			\$ 7,200	\$ 3,600	
24" TR Flex DIP Pipe	560	LF	\$ 125	\$ 70,000		
24" Tapping Sleeve	1	EA	\$ 15,000	\$ 15,000		
24" Butterfly	2	EA	\$ 5,200	\$ 10,400		
24"x8" Tee	1	EA	\$ 3,900	\$ 3,900		
24" Vertical Lowering	1	EA	\$ 10,400	\$ 10,400		
24" Air Vacuum Assembly	-	EA	\$ 5,500	\$ -		
24"x8" Fire Hydrant Assembly	1	EA	\$ 7,400	\$ 7,400		
Boring across 120th plus digging, etc.	130	LF	\$ 700	\$ 91,000		
18" TR Flex DIP Pipe	560	LF	\$ 68	\$ (37,800)		
18" Tapping Sleeve	1	EA	\$ 10,000	\$ (10,000)		
18" Butterfly	2	EA	\$ 2,500	\$ (5,000)		
18"x8" Tee	1	EA	\$ 2,500	\$ (2,500)		
16" Vertical Lowering	1	EA	\$ 5,000	\$ (5,000)		
18" Air Vacuum Assembly	-	EA	\$ 5,500	\$ -		
18"x8" Fire Hydrant Assembly	1	EA	\$ 6,000	\$ (6,000)		
Boring across 120th plus digging, etc.	130	LF	\$ 700	\$ (91,000)		
Water	SUBTOTAL			\$ 208,100	\$ 104,050	
						City Reimbursement Water (difference)
						\$ 50,800
8" PVC (SDR 35)	70	LF	\$ 24	\$ 1,645		
4" DIA Manhole	1	EA	\$ 1,650	\$ 1,650		
Tie into Existing Stubs	1	EA	\$ 600	\$ 600		
Sanitary Sewer	SUBTOTAL			\$ 3,895	\$ 1,948	
Landscaping repair	5,400	SF	\$ 6	\$ 32,400		
Trees (Spacing 1 Tree Every 40')	2	EA	\$ 500	\$ 1,000		
Street Lights	1	EA	\$ 2,500	\$ 2,500		
Landscaping	SUBTOTAL			\$ 35,900	\$ 17,950	
Thermoplastic Pavement Markings	440	SF	\$ 3	\$ 1,100		
Thermoplastic Pavement Markings "Arro	8	EA	\$ 250	\$ 1,500		
Ground Signs with Post	3	EA	\$ 300	\$ 900		
Pavement Markings and Signs	SUBTOTAL			\$ 3,500	\$ 1,750	
Warranty	1	LS	\$ 3,915	\$ 3,915		
Gas Feeder Pipe	440	LF	\$ 8	\$ 3,520		
Electric Feeder Cable	440	LF	\$ 12	\$ 5,280		
Right-of-Way Acquisition	1,760	SF	\$ 3	\$ 4,400		
Soft Cost (Civl, Traffic, Geotech, Survey)	1	LS	\$ -	\$ -		
Misc.	SUBTOTAL			\$ 17,115	\$ 8,557	
				\$ 454,557	\$ 227,278	
				\$ 6,000	\$ 3,000	
				\$ 46,056	\$ 23,028	
				\$ 8,749	\$ 4,374	
				\$ 515,361	\$ 257,681	
				\$ (50,800)	\$ (25,400)	
				\$ 464,561	\$ 232,281	\$ 232,281

Zuni Street adjacent to Residential				
Back-Up				
CC Highlands				
ITEM	Unit Price	Quantity	Cost	
overexcavation	\$ 2.50 cy	3,438	\$	8,594
Grading	Subtotal		\$	8,594
purchase R/W	\$ 2.50 ea	53,300	\$	133,250
Mobilization	\$ 1,500 ea	1	\$	1,500
striping	\$ 7 sf	899	\$	6,294
adjust valves	\$ 200 ea	6	\$	1,200
range boxes	\$ 300 ea	2	\$	600
remove existing pavement	\$ 15.00 sy	850	\$	12,750
10' asphalt & prep	\$ 22.50 sy	4,950	\$	111,375
Paving	Subtotal		\$	266,969
Traffic Signal 1 quadrant	\$ 250,000 ea	0	\$	62,500
Traffic Signs	\$ 350 ea	2	\$	700
Signage			\$	63,200
asphalt/conc. Repairs	\$ 346,546	8%	\$	27,724
Repairs Warranty	Subtotal		\$	27,724
8" Crossspan	\$ 3.98 sf	992	\$	3,948
30' square radius w/color	\$ 2,325 ea	2	\$	4,650
20' square radius w/ramp w/color	\$ 1,545 ea	2	\$	3,090
6" Vertical Curb & Gutter	\$ 8.26 lf	2,600	\$	21,476
Removal curb and gutter	\$ 15.00 lf	315	\$	4,725
Removal sidewalk	\$ 27.00 lf	300	\$	8,100
8' x 6" thick walk	\$ 20.72 lf	1,300	\$	26,936
environmental disposal fee	1% %	72,925	\$	802
Subgrade Prep	\$ 1.50 lf	3,900	\$	5,850
Concrete	Subtotal		\$	79,577
4' Dia Manhole	\$ 1,400 ea	3	\$	4,200
18" RCP w/rock bed	\$ 32.00 lf	250	\$	8,000
10' Inlet	\$ 3,770 ea	2	\$	7,540
Rip Rap	\$ 44.00 cy		\$	-
Storm Sewer	Subtotal		\$	19,740
24" tr flex DIP water pipe	\$ 125.00 lf	1,300	\$	162,500
24" Butterfly valves	\$ 5,200 ea	3	\$	15,600
24x8" tees	\$ 3,900 ea	3	\$	11,700
24" depressions	\$ 10,400 ea	1	\$	10,400
24" air/vac assy	\$ 5,500 lf	1	\$	5,500
24x8" Fire Hydrant	\$ 7,400 ea	2	\$	14,800
connect to exist	\$ 1,000 ea	1	\$	1,000
(16x8" Fire Hydrant)	\$ 6,000 ea	(2)	\$	(12,000)
(16" tr flex DIP)	\$ 67.50 lf	(1,300)	\$	(87,750)
(16" butterfly valves)	\$ 2,500 ea	(3)	\$	(7,500)
(16" tees)	\$ 2,500 ea	(3)	\$	(7,500)
(16" bends)	\$ 2,500 ea	(3)	\$	(7,500)
(16" depressions)	\$ 5,000 ea	(1)	\$	(5,000)
(16" air/vac)	\$ 5,500 ea	(1)	\$	(5,500)
Water Lines	Subtotal		\$	221,500
	City upsizing Reimbursement		\$	(88,750)
8" Pvc 0-12' sdr 21	\$ 23.50 lf	200	\$	4,700
Manholes, 12'	\$ 1,650 ea	1	\$	1,650
connect to exist	\$ 600 ea	2	\$	1,200
removal existing sanitary sewer	\$.18 lf	1,350	\$	24,000
Sanitary Sewer			\$	31,550
Sod and Irrigation	\$ 2.00 sf	42,020	\$	84,041
2" Trees	\$ 300 ea	61	\$	18,408
3" Trees	\$ 400 ea	15	\$	6,136
Shrubs	\$ 30 ea	252	\$	7,566
Tap Fee	\$ 20,000 ea	7	\$	140,068
Landscaping	Subtotal		\$	256,218
Landscape maint, water, (2yr.)	\$ 0.86 sf	42,020	\$	36,137
Total Performance Surety	1.00% cost	943,522	\$	17,927
Inspection Fees	2.1% cost	943,522	\$	19,814
Construction Management	3% cost	943,522	\$	28,306
Civil Engineer	2% cost	943,522	\$	18,870
all other testing, thickness reports	\$ 6.00 lf	1,340	\$	8,040
Soils Engineering	Subtotal		\$	8,040
Storm Water Inspection	1% cost	943,522	\$	9,435
Street light wire	10.00 lf	1350	\$	13,500
Street Lights arterial	4,100 ea	7	\$	28,700
removed 2 poles	1,000 ea	2	\$	2,000
Dry Utilities	Subtotal		\$	44,200
Erosion Control	5000.00 ls	1	\$	5,000
	Total Zuni Residential		\$	1,162,802
	city upsizing reimbursement		\$	(88,750)
	Total Cost Zuni Residential		\$	1,074,052





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 13, 2004



SUBJECT: Policy for Metropolitan Special District Formation

PREPARED BY: Mary Ann Parrot, Finance Director
John Carpenter, Community Development Director
Marty McCullough, City Attorney

Recommended City Council Action

Adopt the policy regarding formation of Metropolitan Special Districts

Summary Statement

- Metropolitan Districts also referred to as Metropolitan Special Districts (MSD) are enabled under CRS Title 32, Special District Act.
- These districts are formed by developers to finance, construct and maintain public improvements related to a proposed development. The districts have the power to levy ad valorem property taxes and to charge fees. MSD's can be used to tax-exempt finance the costs of constructing and financing the improvements they are building and the taxes they assess can be used to reimburse the developer for these costs.
- The City currently has five MSD's within its boundaries (the mill levies shown are the maximums):
 - Countrydale MSD for the Westmoor Business Park (Commercial, formed in 1998) – cap of 50 mills.
 - NBC (Circle Point Business Park – Commercial - Year 2000) – cap of 50 mills.
 - Bradburn Village (Commercial and Residential – Year 2000) – cap of 50 mills commercial, cap of 30 mills residential.
 - Huntington Trails (Residential – Year 2000) – cap of 25 mills.
 - 144th Avenue MSD (Commercial – Year 2004) – mill levy not yet established.
- City Staff has identified several issues of concern over the past four years, as a result of the City's recent experience involving these kinds of districts:
 - The City may or may not benefit from the improvements constructed, whereby the developer may benefit beyond the point of public interest of the citizens.
 - There are definite differences between commercial and residential districts, especially given the nature of the property owners – commercial tenants vs. homeowners – and the expertise each group has or does not have with regard to taxing districts.
 - Residents of metro districts, paying up to 25 mills to a metro district, often do not understand why they have to pay this tax when the vast majority of Westminster residents do not.
 - Increased tax burdens on the residents of these districts may or may not come to the attention of the residents and tenants of these districts at the time of purchase.
 - A distressed MSD could result in unreasonable mill levy burdens and/or closure of businesses.

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

Policy Issue

Does City Council desire to adopt a formal policy concerning the creation of MSD's?

Alternatives

1. Delay or reject approval of the draft policy. This is not recommended, as Staff believes that the absence of a policy leads to ad hoc decision-making and uncertainty in the development review process.
2. Adopt a policy, which is more permissive with regard to approving districts, mill levies, etc. This is also not recommended, as Staff believes that this is not in the best interests of the City or its taxpayers.

Background Information

Staff has operated under policy direction given to Staff on a verbal basis over the past several years. Staff has reviewed policies from several other cities and drafted the attached policy, based on past policy direction from City Council and in part on the procedures used by other cities, which have proven useful and practical. A summary of the policy issues is as follows:

- In general, there can be a use for Title 32 Metropolitan Districts, especially where improvements are involved that will benefit the taxpayers and citizens of Westminster.
- Staff is recommending that City Council implement conditions, restrictions and requirements with regard to the formation and substance of these districts that go beyond what is contained in State Statute.

Objectives in establishing this policy are as follows:

1. Articulate the types of benefits that are expected to inure to the City and its citizens generally in the proposed formation of a special district
2. Avoid having indebtedness of special districts affect the credit rating of the City of Westminster
3. Preserve the financial integrity of the City and its citizens
4. Prevent the shifting of development risk to non-developers
5. Attempt to minimize and insulate the City from risks and controversies that may arise in relation to special districts
6. Attempt to minimize excessive tax burdens upon City residents in special districts
7. Prevent the costs of any such district from being shifted to citizens who are not within the geographic boundaries of the District or receiving benefit from it

In particular, the policy perspective on two types of MSD's will differ depending on whether the district is a residential district or commercial. This is primarily because residents do not typically use property taxes as a determining factor when buying a house to the extent that office and other commercial users do. And in the event that the residential taxpayer does investigate property taxes, the system is complicated and can be very confusing. In the case of office and retail, this confusion is reduced because the taxes are passed through in the leases on the spaces rented. The City has taken a more protective approach to residential citizens than those occupying commercial establishments. The policy perspective is presented below for each type of district: residential or commercial.

Residential MSD's:

In general the City is opposed to the creation of MSD's to fund capital construction of residential developments for the following reasons:

1. Virtually all existing Westminster residential development was funded without MSD's. In other words, the lack of having these districts clearly has not adversely affected Westminster residential development.
2. Creation of a residential MSD creates a differential property tax structure among similar residential developments where the MSD resident is paying significantly more property tax without any commensurate public benefit – up to 6 to 7 times the City mill levy.

3. Buyers of homes in MSD projects are generally unaware of the higher property taxes in their development but can become upset when they later discover this. Residents may be surprised to find out the price of their home did not include the price of streets and utilities in their development that they repay over a 30 or more year period through their property taxes versus the vast majority of Westminster homes where this is not the case.
4. There would be an arguable public benefit if home prices were lower in MSD projects, reflecting the developers lower capital cost. Studies have shown that this is not the case.

In summary, there is generally not a compelling public purpose and benefit to form residential districts. In very limited and unique circumstances, the City may support a residential MSD. Examples include:

1. For the purposes of annexing a highly desirable parcel into the City of Westminster.
2. For a large-scale regional retail and mixed use project that provides significant sales tax revenues to the City and includes high quality residential product integrated into the regional retail area in a new urbanism design.
3. Construction of a unique new urbanism project such as Bradburn, which incorporates a significant retail commercial area, office buildings, office and retail units over retail space and a variety of housing types including single-family detached and attached products along with significant recreational amenities (pool, clubhouse, etc.), private parks and public parks and open space.
4. As an incentive for redevelopment.
5. To ensure an operating mill levy for long-term maintenance of improvements, when there is no effective HOA in place.

The process of determination that the formation of such a district is compelling, special and unique is a two-step process described below under the section titled "Review Procedures." If and when they are considered and/or approved, the mill levy cap is proposed at 25 mills.

1. This mill levy will cover debt service and operating expenditures.
2. The debt service portion of the mill levy will disappear when the bonds are redeemed.
3. The operating portion of the mill levy will be encouraged, if not required. It will be reviewed to see if it provides for maintenance of the capital infrastructure to be maintained by the district. In addition, it will be reviewed for reasonableness regarding fees paid to the district, its consultants, or other parties. A district cannot levy this operational mill levy until after Staff reviews the uses for it, and it is approved by City Council.
4. This will be fixed mill levy, with no peel-off provision allowed and no other derivations associated with the mill levy. However, provision that allow the mill levy to decline will be permitted.

Commercial MSD's

These types of districts will be viewed differently and will be reviewed for the benefit they bring to the City. These districts can be beneficial to the City and the tenants for the following reasons:

1. They can help to attract a business park to the City. Many high quality business parks in the metropolitan Denver area have created MSD's to support a higher quality of business park amenities.
2. They may be critical to attracting an economic development project.
3. They could be used to support a redevelopment project.

The mill levy cap is proposed at 50 mills and peel off provisions for mill levies will be reviewed but not necessarily approved. (Peel off provisions allow the removal of mill levy caps in certain circumstances when the ratio of debt to assessed value reaches certain levels, or with other formulae as specified in the MSD Service Plan.)

1. This mill levy will cover debt service and operating expenditures.
2. The debt service portion of the mill levy will disappear when the bonds are redeemed.
3. The operations mill levy will be reviewed to see if it provides for maintenance of the capital infrastructure to be maintained by the district. In addition, it will be reviewed for reasonableness regarding fees paid to the district, district consultants and/or other parties.
4. The City reserves the right to impose an operating mill levy to continue past the term of the bonds.

Review procedures

Procedures are spelled out for two levels of review:

1. Criteria for deciding whether to accept a proposal for review or not. If a developer's proposal does not meet the criteria outlined above, Staff will recommend to City Council that the proposal be rejected. City Council would have the prerogative to accept the developer's proposal or reject it after Staff has given them a recommendation.
2. Criteria for review after a proposal has been accepted include required submittals such as approved PDPs and ODPs, compliance with City standards for financing in these districts, time necessary for review, etc.

Respectfully submitted,



J. Brent McFall
City Manager

Attachments

CONSOLIDATED SERVICE PLAN
FOR
COUNTRY CLUB VILLAGE METROPOLITAN DISTRICTS 1 AND 2

City of Westminster, Colorado

SEPTEMBER 13, 2005

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Exhibit A Legal Descriptions of Initial Boundaries of Districts

Exhibit B Boundary Maps of Initial Boundaries of Districts

Exhibit C Legal Description and Map of Fairway Property

I. INTRODUCTION

A. General Overview. This consolidated service plan ("Service Plan") for Country Club Village Metropolitan Districts 1 and 2 (hereinafter collectively referred to as the "Districts") constitutes a combined service plan for two special districts proposed to be organized to serve the needs of a new community (the "Project"). The Districts are located entirely within the boundaries of the City. Legal descriptions and boundary maps of the Districts are contained in Exhibits A and B to this Service Plan, respectively.

The Districts are to be located at approximately 120th Avenue and Federal Parkway, in the City of Westminster, Colorado. District No. 1 will consist of approximately 20 acres of commercial development. District No. 2 will consist of Country Club Highlands, a 40 acre residential parcel adjacent to the commercial property within District No. 1. The Districts may construct improvements within and without their boundaries pursuant to C.R.S. § 32-1-1004; provided that only those Public Improvements (as defined herein) which are specifically identified in the Amended Service Plan (as defined herein) shall be constructed without the City's approval. No portion of the Districts' boundaries is within the boundaries of another special district.

Unless otherwise specifically noted herein, the general provisions of this Service Plan apply to the Districts collectively. Where necessary, however, specific reference is made to an individual District to help distinguish the powers and authorities of each District.

The purpose of the Districts will be to finance the Public Improvements for the benefit of their inhabitants and taxpayers, the majority of which may be dedicated to City, its designee, or other entities as provided herein or in the Amended Service Plan or as City otherwise requires. Certain other improvements may be dedicated to other service districts or retained by the Districts for continued operation and maintenance. The improvements to be furnished by the Districts as well as a demonstration of how the Districts will best provide the necessary Public Improvements in a cost effective manner, from available resources, and by coordination with surrounding service providers, are described herein.

This Service Plan is submitted in accordance with Part 2 of the Special District Act, §§ 32-1-201, *et seq.*, C.R.S. It defines the powers and authorities of the Districts and describes the limitations and restrictions placed thereon. In addition to the powers and authorities enumerated herein, the Districts may engage in other activities, with the City's approval.

B. Contents of Service Plan. Numerous items are included in this Service Plan in order to satisfy the requirements of law for the formation of a special district. It is the Districts' contention that this Service Plan meets each of those requirements as well as any and all relevant requirements of the City Code. At the request of the City, this Service Plan is to be considered preliminary in nature. Upon approval of this Service Plan, the proponents of the Districts shall be entitled to seek a court order permitting organization of the Districts pursuant to state law. Following entry of court orders formally decreeing the Districts organized, and continuing until

an Amended Service Plan is approved by the City, the Districts shall not undertake any activity except minimal administrative or ministerial activities required by state law to maintain the Districts as lawfully existing political subdivisions of the state or except as otherwise provided by this Service Plan. Without limiting the generality of the foregoing, the District shall not levy any tax, impose any fee, construct any Public Improvements (as defined herein) or incur any Debt (as defined herein) until the Amended Service Plan is approved. The organizers of the District have submitted an Amended Service Plan to the City, which is currently under review. The approval of this Service Plan does not obligate the City to approve the Amended Service Plan or any zoning, subdivision, planning, building permit, or other land use matter for the owners of the real property described in Exhibits A, B, or C.

C. Existing Services and Districts. There are currently no other entities in existence located in the surrounding area which have the ability and/or desire to undertake the design, financing and construction of the Public Improvements. It is also the Districts' understanding that the City does not wish to provide the Public Improvements. Consequently, the powers and authorities requested under this Service Plan are deemed necessary. The level of the Public Improvements makes organization of the Districts critical so that both the construction and financing costs may be undertaken at acceptable levels.

II. DEFINITIONS

In this Service Plan, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

Amended Service Plan: means a complete amendment and restatement of this Service Plan which shall be considered for approval after a public hearing by the City, and containing such provisions, terms and conditions as are acceptable to the Districts and the City. A separate Amended Service Plan shall be submitted for each District. If approval of an Amended Service Plan is obtained, the Districts shall operate and exist solely pursuant to said Amended Service Plan.

Approved Development Plan: means any Preliminary Development Plan or Official Development Plan approved by the City and applying to any of the property located within the boundaries of a District.

Boards: means the boards of directors of the Districts.

Bond, Bonds or Debt: means any of the following which evidence an obligation to repay borrowed money or to acquire Public Improvements: bonds, notes, certificates, debentures, loan agreements, contracts, leases or other financial obligations. The term does not include contracts or financial obligations incurred in the ordinary course of business and necessary for the administration of the Districts or to maintain the Districts as lawfully existing political subdivisions of the State.

City: means the City of Westminster, Colorado.

City Code: means the City Code of the City of Westminster, Colorado.

City Council: means the City Council of the City of Westminster, Colorado.

Developers: means Country Club Village Enterprises, LLC and WL Homes LLC d/b/a John Laing Homes

Financial Plan: means the Financial Plan described in Section VI which describes (a) how the Public Improvements are to be financed; (b) how the Debt is expected to be incurred; and (c) the estimated operating revenue derived from property taxes for the first budget year.

Material Modification: means such changes as are described in the Amended Service Plan and any changes thereafter that may be deemed by the City to constitute material modifications pursuant to C.R.S. 32-1-207.

Maximum Mill Levy: means the maximum mill levy the Districts are permitted to impose for payment of Debt as set forth in Section VI below.

Maximum Mill Levy Imposition Term: means the maximum term for imposition of a mill levy on a particular property developed for residential uses as set forth in Section VI below.

Public Improvements: means a part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed as generally described in the Special District Act, except as specifically limited by this Service Plan, as amended to serve the future taxpayers and inhabitants of the service areas as determined by the Board of one or more of the Districts.

Public Improvements Matrix: means the exhibit to be contained in the Amended Service Plan which addresses the entity responsible for financing, construction, ownership, operation and maintenance of each Public Improvement contemplated herein.

Service Plan: means this service plan for the Districts as approved by City Council.

Special District Act: means Section 32-1-101, et seq., of the Colorado Revised Statutes, as amended from time to time.

State: means the State of Colorado.

III. PURPOSE OF AND NEED FOR THE DISTRICTS AND GENERAL POWER

A. Purpose and Intent. The purpose of the Districts will be to finance the Public Improvements for the benefit of their taxpayers. It is not the Districts' intent to provide ongoing services other than as specifically set forth herein, or as might be authorized by the City from time to time. The Districts acknowledge the need to cooperate with the City in order to properly serve and promote the health, safety and welfare of its inhabitants and it hereby expresses its intention to do so.

B. General Powers. The Districts will ensure that the proposed Public Improvements are designed and constructed in accordance with applicable facility and service standards and specifications of the City, other governmental entities having proper jurisdiction, and of those special districts that qualify as "interested parties" under Section 32-1-204 (1), C.R.S. The Districts will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work. The powers of the Districts will be exercised by their respective Boards to the extent necessary to provide the Public Improvements. Said services, facilities and improvements will be carried out pursuant to, and in accordance with, the procedures and conditions contained in the Special District Act, other applicable Colorado statutes, and this Service Plan and the Amended Service Plan, as any or all of the same may be amended from time to time. Notwithstanding the foregoing, the Districts shall not exercise the power of eminent domain or adjust their boundaries through inclusions or exclusions (except for the possible inclusion of the property described in Exhibit C) without City approval.

1. Powers of District No. 1. Such authorization includes for District No. 1 the following:

a. Water. The design, acquisition, installation and construction of a complete water and irrigation water system, including but not limited to transmission and distribution systems for domestic and other public or private purposes, together with all necessary and proper facilities, equipment and appurtenances incident thereto which may include, but shall not be limited to, transmission lines, distribution mains and laterals, storage facilities, land and easements, as well as any and all extensions of and improvements made thereto. The Districts shall not be authorized to design, acquire, install or construct water treatment plants without the express prior written approval of the City.

b. Streets. The design, acquisition, installation, construction, operation, and/or maintenance of street and roadway improvements, exclusive of water or sewer improvements, including, but not limited to: curbs, gutters, culverts, storm sewers and other natural or man-made drainage facilities, detention ponds, retaining walls, sidewalks, trails, bridges, parking facilities, paving, lighting, grading, landscaping, plaza areas, public fountains and art, weed control, tunnels, sound walls and/or other street improvements, together with all necessary, incidental, and appurtenant facilities, land and easements, as well as any and all extensions of and improvements made thereto.

c. Traffic and Safety Controls. The design, acquisition, installation and construction of traffic and safety protection facilities and services through traffic and safety controls and devices on streets and highways, environmental monitoring, as well as other facilities and improvements including but not limited to, main entry buildings, access gates, signalization at intersections, traffic signs, area identification signs, directional assistance, and driver information signs, together with all necessary, incidental, and appurtenant facilities, land easements, as well as any and all extensions of and improvements made thereto.

d. Sanitation. The design, acquisition, installation and construction of sanitary sewers, lift stations and force mains, and all necessary or proper equipment and appurtenances incident thereto, together with all necessary, incidental and appurtenant facilities, land, and easements and all necessary extensions of and improvements to said facilities or systems. The Districts shall not be authorized to design, acquire, install or construct wastewater treatment plants without the express prior written approval of the City.

e. Drainage and Stormwater Quality. The design, acquisition, installation and construction of storm sewers, flood and surface drainage, channels, culverts, and other drainage facilities, detention ponds, fishing ponds, water quality control facilities, retaining walls, erosion control structures and appurtenances, and all necessary or proper equipment or appurtenances incident thereto, together with all necessary, incidental and appurtenant facilities, land and easements, and all necessary extensions of and improvements to said facilities or systems.

f. Transportation. The design, acquisition, installation, construction, operation and maintenance of public transportation system improvements, including transportation equipment, park and ride facilities and parking lots, parking structures, roofs, covers, and related facilities together with all necessary, incidental and appurtenant facilities, land and easements, and all necessary extensions of and improvements to said facilities or systems. The foregoing shall include, but not be limited to, public facilities for commercial structures consisting of restrooms, buses, automobiles, and other means of conveyance, as well as structures relating to the repair, operations and maintenance of the same.

g. Television Relay and Translator. The design, acquisition, construction, completion, installation and/or operation and maintenance of television relay and translator facilities including, but not limited to, cable television and communication facilities, satellite television facilities, Internet and other telecommunication facilities, together with all necessary, incidental and appurtenant facilities, land and easements, and all necessary extensions of and improvements made thereto.

h. Mosquito and Pest Control. The design, acquisition, installation, construction, operation, and/or maintenance of systems and methods for the elimination and control of mosquitoes, rodents and other pests.

2. Powers of District No. 2. Such authorization includes for District No. 2, the following:

a. Streets. The design, acquisition, installation, construction, operation, and/or maintenance of street and roadway improvements, including, but not limited to: curbs, gutters, culverts, storm sewers and other natural or man-made drainage facilities located in, adjacent to, or parallel to a street, detention ponds, retaining walls, sidewalks, trails, bridges, parking facilities, paving, lighting, grading, landscaping, tunnels, sound walls, water transmission and distribution systems and sanitary sewer systems located in, on, under or through the right of way of Zuni Street together with all necessary and proper facilities, equipment and appurtenances incident thereto, and/or other street improvements, together with all necessary, incidental, and appurtenant facilities, land and easements, as well as any and all extensions of and improvements made thereto.

b. Traffic and Safety Controls. The design, acquisition, installation and construction of traffic and safety protection facilities and services through traffic and safety controls and devices on streets and highways, environmental monitoring, as well as other facilities and improvements including but not limited to, main entry buildings, access gates, signalization at intersections, traffic signs, area identification signs, directional assistance, and driver information signs, together with all necessary, incidental, and appurtenant facilities, land easements, as well as any and all extensions of and improvements made thereto.

3. Dedication to the City. Except as may otherwise be provided in this Service Plan, as amended or by separate agreement with the City, once construction and/or installation is complete, the Districts shall dedicate all public water and wastewater improvements, public streets and streets dedicated by plat, public drainage facilities, and public sidewalks to the City, together with all necessary rights-of-way and easements for access thereto. Nothing herein shall be deemed or construed as obligating the City to accept any Public Improvement that may be constructed by the Districts. The City specifically reserves the right to refuse to accept for operation and maintenance any Public Improvement that may be constructed by the Districts, in the City's sole discretion. The District will comply with applicable City ordinances, regulations and standards, including, without limitation, execution of public improvement agreements and provision of improvement completion guaranties, in connection with the construction of Public Improvements and dedication of any of the Public Improvements to the City.

4. Ownership/Operation by the District. The Districts are expected to undertake all ownership, operation and maintenance responsibilities for any and all improvements not dedicated to or accepted by the City, and may elect to do so either itself or by contract with a property owners' association, or similar entity.

5. Acquisition of Land. The Districts agree to acquire, by easement or plat dedication and at no cost to the City, all land necessary for construction of the Public Improvements and/or facilities contemplated herein.

C. Preliminary Engineering Plan. The Districts shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment,

maintenance and financing of the Public Improvements within and without the boundaries of the District. An estimate of the costs of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed was prepared based upon a preliminary engineering survey and estimates derived from the zoning on the property within the Districts and is in excess of \$1,000,000 which will be specified in detail in the Amended Service Plan.

All of the Public Improvements authorized hereunder will be designed in such a way as to assure that the Public Improvements standards will be in compliance with those of the City and shall be in accordance with the requirements of the Approved Development Plan. All descriptions of the Public Improvements to be constructed, and their related costs, are estimates only and are subject to modification in the Amended Service Plan. Upon approval of this Service Plan, the Districts will continue to develop and refine cost estimates contained herein and prepare for issuance of Debt. All cost estimates will be inflated to then-current dollars at the time of the issuance of Debt and construction. All construction cost estimates assume construction to applicable local, State or Federal requirements.

The estimated cost of acquiring land, engineering services, legal services and administrative services together with the estimated costs of the Districts' organization and initial operations are anticipated to be in excess of \$100,000 which will be specified in detail in the Amended Service Plan and will be eligible for reimbursement from Debt proceeds.

IV. BOUNDARIES, POPULATION AND ASSESSED VALUATION ESTIMATES

A. Boundary Changes. The boundaries of the District will initially be comprised of that real property set forth in Exhibits A and B. The owners of approximately four acres of commercial property at the corner of 120th and Zuni (the "Fairway Property") shall have the right to have the Fairway Property included in District No. 1, upon mutually agreeable terms with District No. 1, which inclusion shall not be deemed a material modification of this Service Plan. The Fairway Property is more fully described in the legal description and map attached as **Exhibit C.**

B. Population and Assessed Valuation Estimates. The estimated assessed value at full build-out of District No. 1 is \$4,727,624 and the estimated assessed value at full build-out of District No. 2 is \$5,383,311. The assessed value of the property within the initial boundaries for the 2005 tax year is \$380,318 in District No. 1 and \$2,974 in District No. 2. The current population of the Districts is zero persons; at build-out, its population is estimated only for purposes of this Service Plan to be 354 persons.

V. PROPOSED AGREEMENTS

To the extent practicable, the Districts may enter into intergovernmental and/or private agreements in order to ensure long-term provision of the improvements and services contemplated herein, and to provide effective management therefor. Said agreements may include, but are not limited to, agreements with property owner associations, governments and/or service providers. Agreements of this nature are authorized by Section 18(2)(a) of Article XIV of the Constitution of the State of Colorado and Sections 29-1-201, *et seq.*, Colorado Revised Statutes.

VI. FINANCIAL PLAN

A. General. As described hereinabove, the Districts shall not have the authority, power, or consent to issue Debt or undertake any construction activities until such time as the Amended Service Plan is filed with and approved by the City. However, and notwithstanding the foregoing, upon the approval of this Service Plan by the City, and after the issuance of orders calling an election from the Adams County District Court, the Districts shall be expressly permitted to obtain the necessary voted authorization for increases in debt and taxes as contemplated by the TABOR Amendment, Section 20 of Article X of the Constitution of the State of Colorado. Said voter authorizations may be obtained without submittal or approval of the Amended Service Plan contemplated herein, but the Districts shall not utilize any such voted authorization or issue any Debt until the Amended Service Plan is approved.

The Districts shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements from revenues generated by the Districts and by and through the proceeds of Debt to be issued by the Districts. The Financial Plan for the Districts shall be to issue such Debt as the Districts can reasonably pay within the Maximum Mill Levy Imposition Term from revenues derived from the Maximum Mill Levy and other legally available revenues. The principal of the total Debt that the Districts shall be permitted to issue in aggregate shall not exceed \$5,000,000 (which shall be specified for each District in the Amended Service Plan) and shall be permitted to be issued on a schedule and in such year or years as the Districts determine shall meet the needs of the Financial Plan referenced above and phased to serve development as it occurs. All Debt issued by the Districts may be payable from any and all legally available revenues of the Districts, including general ad valorem taxes to be imposed upon all taxable property within the Districts. The Districts may also rely upon various other revenue sources authorized by law. These will include the power to assess fees, rates, tolls, penalties, or charges as provided in Section 32-1-1001(1), C.R.S., as amended from time to time. The Financing Plan shall be approved as part of the Amended Service Plan and the Districts shall be subject to the provisions and limitations contained within the scope thereof. All Debt issued by the Districts must be issued in compliance with the requirements of Section 32-1-1101, C.R.S. and all other requirements of State law.

B. Maximum Voted Interest Rate and Maximum Underwriting Discount. The interest rate on any Debt is expected to be the market rate at the time the Debt is issued. In the event of a default, the proposed maximum interest rate on any Debt is not expected to exceed 18% or such lesser amount as may be provided in the Amended Service Plan. The proposed maximum underwriting discount will be 5% or such lesser amount as may be provided in the Amended Service Plan. Debt, when issued, will comply with all relevant requirements of this Service Plan, as amended, State law and Federal law as then applicable to the issuance of public securities.

C. Maximum Mill Levy. As described hereinabove, the Districts shall not have the authority, power, or consent to impose any mill levy until the Amended Service Plan is approved. The "Maximum Mill Levy" shall be the maximum mill levy the Districts are permitted to impose upon the taxable property within the Districts for payment of Debt and operations and maintenance expenses, and shall be determined as follows:

The Maximum Mill Levy for Country Club Village Metropolitan District 1 shall be fifty (50) mills or such lesser amount as may be provided in the Amended Service Plan; provided that if, on or after the date of the approval of this Service Plan, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after the date of approval of this Service Plan, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation to assessed valuation shall be deemed to be a change in the method of calculating assessed valuation. The Maximum Mill Levy for Country Club Village Metropolitan District 2 shall be twenty-five (25) mills, or such lesser amount as may be provided in the Amended Service Plan, without adjustment.

D. Maximum Mill Levy Imposition Term. The Districts shall not impose a levy for repayment of any and all Debt (or use the proceeds of any mill levy for repayment of Debt) which exceeds a term authorized by state law or in the Amended Service Plan.

E. Refunding. The Districts shall not authorize any refunding of outstanding Debt, without the prior approval of the City Council.

F. Debt Repayment Sources. The Districts may impose a mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt service and for operations and maintenance. In no event shall the mill levies exceed the Maximum Mill Levy or the Maximum Mill Levy Imposition Term.

After approval of the Amended Service Plan, the Districts may also rely upon various other revenue sources authorized by law and the Amended Service Plan. Additional revenue sources may include the power to assess fees, rates, tolls, penalties, or charges as provided in Section 32-1-1001(l), C.R.S., as amended from time to time. The Districts shall not impose,

collect or receive any revenues derived from a fee which is calculated based upon the price of any goods or property which is sold by a retail establishment located within the Districts, such as a fee which is commonly referred to as a Public Improvement Fee or Retail Sales Fee.

G. Security for Debt. The Districts shall not pledge any revenue or property of the City as security for the Debt set forth in this Service Plan. Approval of this Service Plan shall not be construed as a guarantee by the City of payment of any of the Districts' obligations; nor shall anything in the Service Plan be construed so as to create any responsibility or liability on the part of the City in the event of default by the Districts in the payment of any such obligation.

H. TABOR Compliance. The Districts will comply with the provisions of TABOR. With the approval of the City, the Districts may set up other qualifying entities to manage, fund, construct and operate facilities, services, and programs. To the extent allowed by law, any entity created by the Districts will remain under the control of the Districts' Boards.

I. Districts' Operating Costs. In addition to the capital costs of the Public Improvements, the Districts will require operating funds for administration and to plan and cause the Public Improvements to be constructed and maintained. The first year's operating budget is estimated to be \$100,000 which is anticipated to be derived from property taxes and other revenues.

VII. GENERAL MATTERS

A. Elections. Following the approval of this Service Plan by the City, and after the issuance of orders calling an election from the Adams County District Court, an election will be held which will allow the electorate of the Districts to vote on questions regarding organizational issues relating to the District. This election is currently planned for November 1, 2005, but may be held on any legally permissible date. This organizational election, as well as all future elections, will be conducted as provided in the Uniform Election Code of 1992, the Special District Act, and the TABOR Amendment to the Colorado Constitution. The ballot for said organizational election may deal with the following topics (in several questions, but not necessarily using the exact divisions shown here):

1. Whether to organize the Districts;
2. Membership and terms of the initial boards of directors;
3. Approval of new taxes;
4. Approval of mill levies;
5. Approval of bond limits;
6. Approval of limits on other forms of indebtedness;
7. Approval or waiver of a property tax revenue limit;
8. Approval or waiver of a total revenue limit; and
9. Approval or waiver of fiscal year spending limit
10. Waiver of term limits for Directors

B. Dissolution of the Districts. If proceedings for an Amended Service Plan, as contemplated hereinabove, have not been initiated on or before January 1, 2008, the City may opt to pursue the remedies available to it under Section 32-1-701(3) C.R.S.

C. Annual Report; Requests for Information. The Districts shall be responsible for submitting an annual report to the City on or before July 1 for the preceding fiscal year. For purposes of this section, a "fiscal year" shall begin on January 1 and end on December 31 of each year. The annual report shall contain the following information as it pertains to each fiscal year:

1. Boundary changes made or proposed;
2. Intergovernmental Agreements with other governmental entities entered into or proposed;
3. Changes or proposed changes in the Districts' policies;
4. Changes or proposed changes in the Districts' operations;
5. Summary of litigation and/or notices of claim which involve the Districts;
6. Proposed construction plans for the year immediately following the report year;
7. Current status of construction of Public Improvements;
8. A current copy of the Districts' budgets; and
9. A schedule of all fees, charges and assessments imposed in the report year and proposed to be imposed in the following year as well as a summary of the revenues raised or proposed to be raised therefrom.

The annual report shall be signed by either the Districts' legal counsel or by the Districts' President, provided that the latter is attested by the Districts' Secretary. The City reserves the right to request reports from the Districts beyond the mandatory statutory five-year reporting period, per Section 32-1-207(3)(c), C.R.S. In addition to the foregoing, the Districts shall permit the City to inspect all Public Improvements and facilities as well as all of the Districts' books and accounting records.

D. Consolidation. The Districts shall not file a request with the Adams County District Court to consolidate with any other special district without first obtaining written approval from the City.

E. Modification of Service Plan. The Districts must obtain approval from the City Council before making any material modifications to this Service Plan.

F. Failure to Comply with Service Plan. In accordance with the authority contained within the City Code, and in the event the Districts take any action constituting a material modification to this Service Plan without first obtaining the required approval, the City may utilize any and all remedies available to it at law or in equity to seek to enjoin the actions of the District.

G. Disclosure. The Amended Service Plan shall include in an exhibit copies of executed agreements between the Districts and the owners of the property within the Districts'

boundaries that require the owners to provide or cause to be provided adequate written notice (in form and substance satisfactory to the City) to all purchasers or lessees of real property in the Districts regarding the existence of the Districts and any and all taxes, charges, fees or assessments which may be imposed in connection with the Districts. In the event that the Districts have not been organized prior to the City's approval of the Amended Service Plan, the Amended Service Plan may include a draft agreement. Such notice shall be included in any contract for the sale for or lease of any of the property and shall also be delivered to the purchaser of any land in the Districts along with the delivery of any deed. As a condition to approval of an Amended Service Plan, a copy of said written notice must also be recorded in the real estate records of Adams County.

H. Conservation Trust Fund Participation/GOCO. The Districts shall claim no entitlement to funds from the Conservation Trust Fund, Great Outdoor Colorado funds or like funds which are derived from lottery proceeds. The Districts shall remit to the City any and all such funds which they receive.

VIII. CONCLUSIONS

It is submitted that this Service Plan for Country Club Village Metropolitan Districts 1 and 2 has established that the following requirements of Section 32-1-203(2), C.R.S. have been met:

1. There is sufficient existing and projected need for organized service in the area to be served by the Districts;
2. Existing services in said area to be served are inadequate for present and projected needs;
3. The Districts are capable of providing economical and sufficient service to the area within their boundaries; and
4. The area included in the Districts has, and will have, the financial ability to discharge the proposed Debt on a reasonable basis.

It is therefore respectfully requested that the City Council, which has jurisdiction to approve this Service Plan by virtue of §32-1-204.5, C.R.S., *et seq.*, adopt a resolution approving this Service Plan as submitted.

EXHIBIT A

Legal Descriptions of Initial Boundaries of Districts

**COUNTRY CLUB VILLAGE
LEGAL DESCRIPTION**

A TRACT OF LAND SITUATED IN THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 32; THENCE NORTH 80 DEGREES 21 MINUTES 32 SECONDS EAST A DISTANCE OF 593.44 FEET, SAID POINT BEING ON THE EXISTING NORTHERLY RIGHT OF WAY LINE OF COLORADO STATE HIGHWAY NO. 128 AS DESCRIBED IN THAT CERTAIN DEED RECORDED ON BOOK 781 AT PAGE 247 IN THE OFFICE OF THE CLERK AND RECORDER OF ADAMS COUNTY AND THE POINT OF BEGINNING; THENCE NORTH 20 DEGREES 49 MINUTES 39 SECONDS WEST A DISTANCE OF 761.79 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT, THE RADIUS OF WHICH BEARS SOUTH 43 DEGREES 46 MINUTES 49 SECONDS EAST, SAID POINT ALSO BEING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF NORTH FEDERAL BOULEVARD; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A DELTA OF 25 DEGREES 24 MINUTES 46 SECONDS, A RADIUS OF 772.50 FEET, AN ARC DISTANCE OF 342.63 FEET; THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, NORTH 71 DEGREES 37 MINUTES 57 SECONDS EAST A DISTANCE OF 749.3 FEET TO THE EAST LINE OF THE WEST ONE-HALF OF SAID SOUTHEAST ONE-QUARTER OF SAID SECTION 32; THENCE SOUTH 00 DEGREES 16 MINUTES 09 SECONDS EAST, ALONG SAID EAST LINE OF SAID WEST ONE-HALF, A DISTANCE OF 1166.21 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY NO. 128 AS DESCRIBED IN THAT CERTAIN DEED RECORDED IN BOOK 233 AT PAGE 36 IN SAID OFFICE OF THE CLERK AND RECORDER OF ADAMS COUNTY; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE NORTH 89 DEGREES 51 MINUTES 07 SECONDS WEST A DISTANCE OF 16.06 FEET TO A POINT ON SAID NORTHERLY RIGHT OF WAY LINE AS DESCRIBED IN SAID BOOK 781 AT PAGE 247; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE OF SAID BOOK 781 AT PAGE 247, NORTH 00 DEGREES 01 MINUTES 41 SECONDS WEST A DISTANCE OF 4.05 FEET; THENCE NORTH 86 DEGREES 55 MINUTES 07 SECONDS WEST A DISTANCE OF 721.07 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.



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Municipal Engineering Development Master Planning

**COUNTRY CLUB VILLAGE
METROPOLITAN DISTRICT #1
LEGAL DESCRIPTION**

SHEET 3 OF 7

MAY 13, 2005

**COUNTRY CLUB HIGHLANDS
LEGAL DESCRIPTION**

A TRACT OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST ONE-QUARTER CORNER OF SAID SECTION 32; THENCE NORTH 84 DEGREES 18 MINUTES 04 SECONDS WEST A DISTANCE OF 546.17 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 50 MINUTES 24 SECONDS WEST 779.09 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 09 SECONDS WEST 1262.87 FEET; THENCE NORTH 72 DEGREES 20 MINUTES 02 SECONDS EAST 1239.53 FEET; THENCE NORTH 72 DEGREES 20 MINUTES 02 SECONDS WEST TO A POINT ON A TANGENT CURVE TO THE LEFT, THE RADIUS OF WHICH BEARS NORTH 17 DEGREES 39 MINUTES 58 SECONDS WEST, SAID POINT ALSO BEING ON THE SOUTHEASTERY RIGHT OF WAY LINE OF NORTH FEDERAL BOULEVARD; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A DELTA OF 08 DEGREES 38 MINUTES 38 SECOND, A RADIUS OF 1000.00 FEET, AN ARC DISTANCE OF 150.86 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 22 SECONDS EAST A DISTANCE NON-TANGENT OF 1317.36 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 38 SECONDS EAST A DISTANCE OF 77.00 FEET TO THE EAST SAID SECTION LINE; THENCE SOUTH 86 DEGREES 02 MINUTES 05 SECONDS EAST A DISTANCE OF 81.34 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A DELTA OF 27 DEGREES 04 MINUTES 15 SECONDS, A RADIUS OF 541.50 FEET, AN ARC DISTANCE OF 255.85 FEET TO A POINT ON A NON-TANGENT LINE WHICH BEARS NORTH 00 DEGREES 18 MINUTES 22 SECONDS WEST; THENCE CONTINUING NORTH 62 DEGREES 43 MINUTES 55 SECONDS EAST A DISTANCE OF 140.47 FEET TO A POINT ON A TANGENT CURVE TO THE RIGHT, THE RADIUS OF WHICH BEARS SOUTH 27 DEGREES 16 MINUTES 05 EAST; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A DELTA OF 02 DEGREES 37 MINUTES 16 SECONDS, A RADIUS OF 303.50 FEET, AN ARC DISTANCE OF 13.88; THENCE NORTH 00 DEGREES 01 MINUTES 41 SECONDS WEST A DISTANCE OF 254.74 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO. PARCEL CONTAINS 40.409 ACRES (1,760,204 SF) MORE OR LESS .



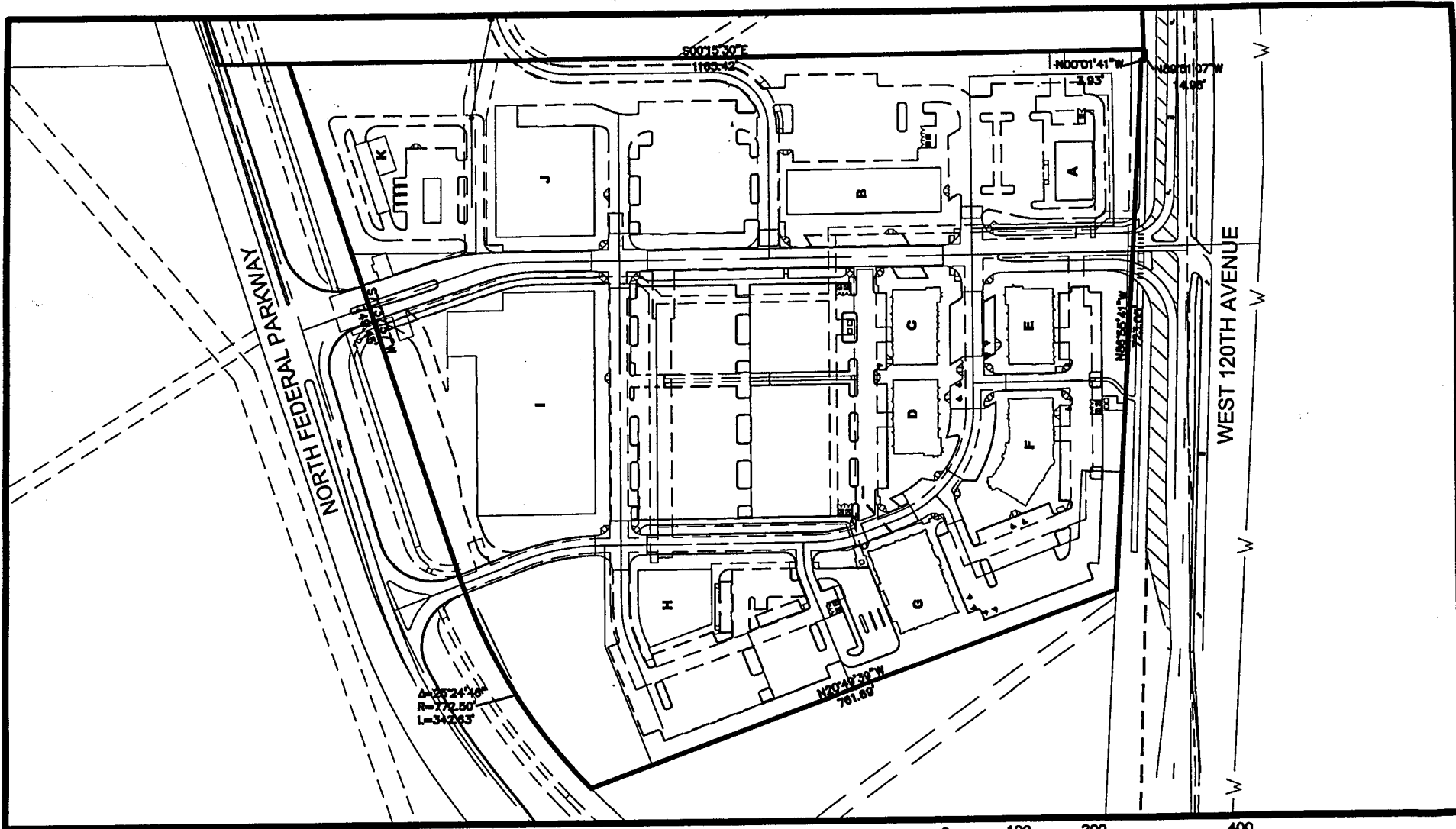
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**COUNTRY CLUB HIGHLANDS
METROPOLITAN DISTRICT #2
LEGAL DESCRIPTION**

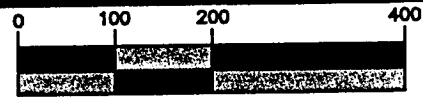
EXHIBIT A-3
JULY 27, 2005

EXHIBIT B

Boundary Maps of Initial Boundaries of Districts



A TRACT OF LAND SITUATED IN THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO



1 inch = 200 ft. Horizontal



SHEET 2 OF 7

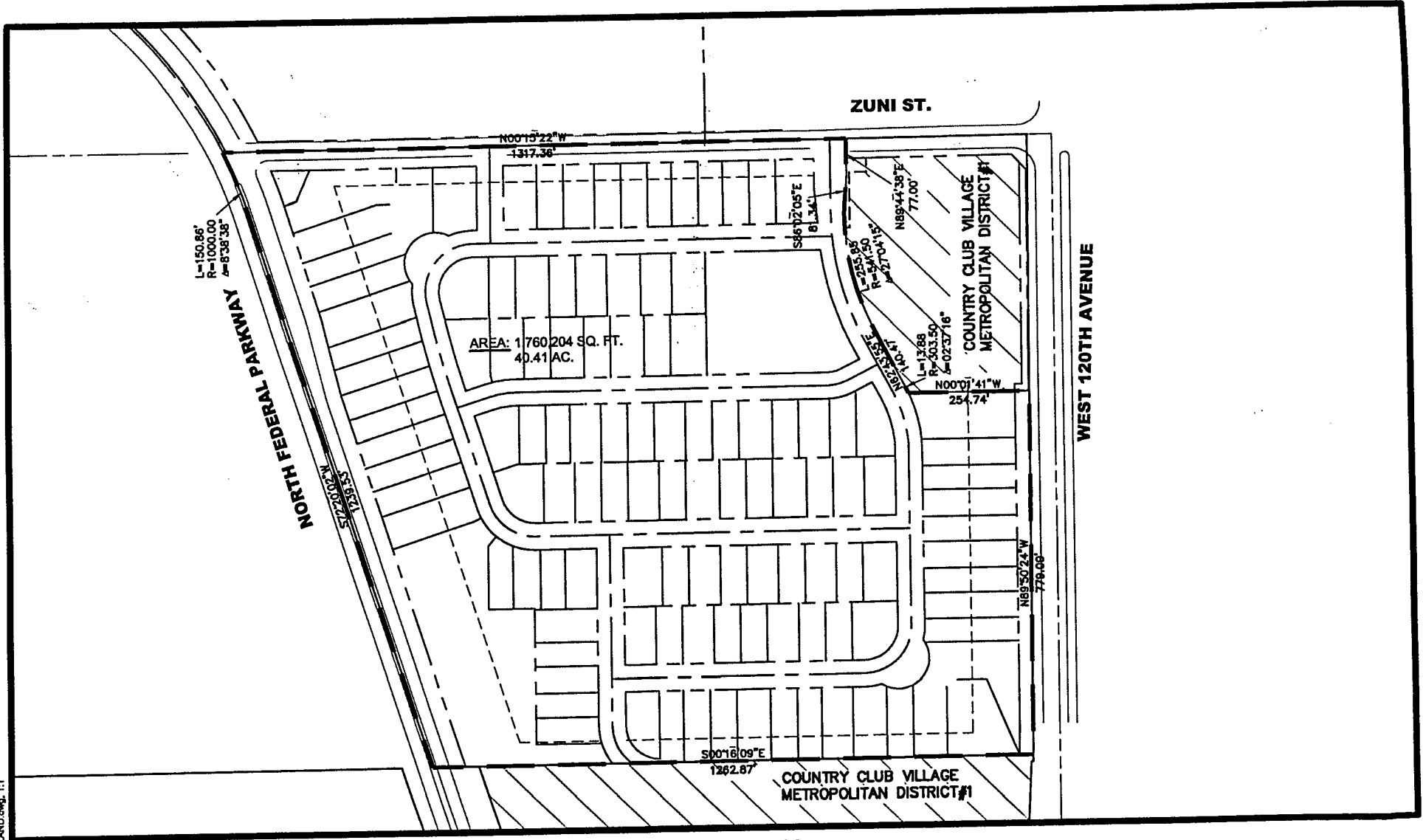
1"=200'

MAY 13, 2005



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Municipal Engineering Development Master Planning

**COUNTRY CLUB VILLAGE
METROPOLITAN DISTRICT #1
BOUNDARY MAP**



A TRACT OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 32,
 TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY
 OF ADAMS, STATE OF COLORADO

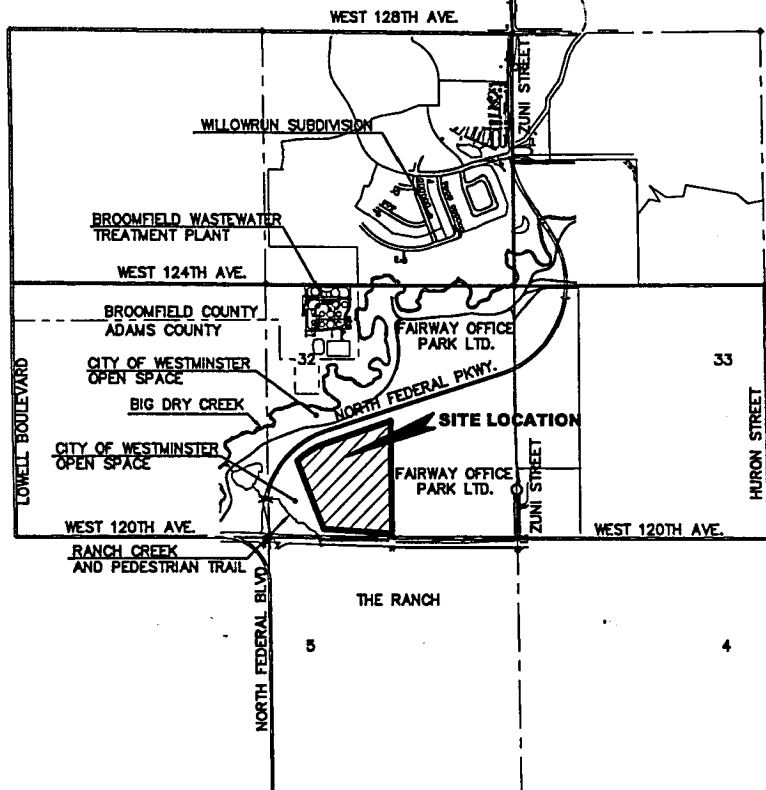


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**COUNTRY CLUB HIGHLANDS
 METROPOLITAN DISTRICT #2
 BOUNDARY MAP**

EXHIBIT B-2
 1" = 300
 JULY 27, 2005

L:\PROJECTS\DR COV\HICVIL\Cadd\METRO EXHIBITS HIGHLAND.dwg, 1:1



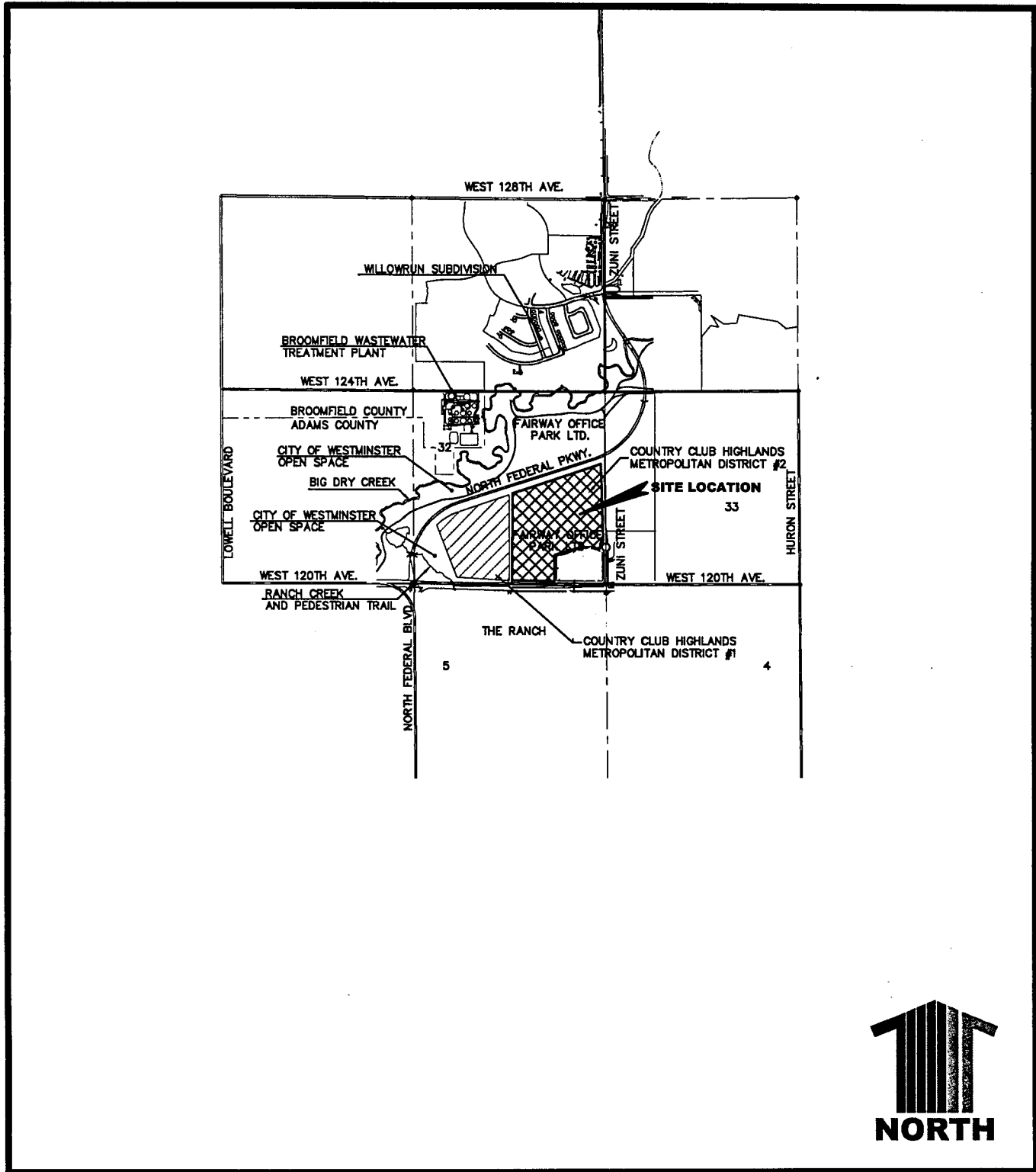
1 inch = 2000 ft. Horizontal



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 Municipal Engineering Development Master Planning

**COUNTRY CLUB VILLAGE
 METROPOLITAN DISTRICT #1
 VICINITY MAP**

SHEET 1 OF 7
 1"=2000'
 MAY 13, 2005



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 Municipal Engineering Development Master Planning

**COUNTRY CLUB HIGHLANDS
 METROPOLITAN DISTRICT #2
 VICINITY MAP**

EXHIBIT C
 1" = 2000'
 JULY 27, 2005

EXHIBIT C

Legal Description and Map of Fairway Property

Commercial Parcel

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST ONE-QUARTER CORNER OF SAID SECTION 32;

THENCE NORTH 00 DEGREES 15 MINUTES 21 SECONDS WEST A DISTANCE OF 51.54 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 50 MINUTES 24 SECONDS WEST A DISTANCE OF 543.14 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 22 SECONDS WEST A DISTANCE OF 254.14 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, THE RADIUS OF WHICH BEARS NORTH 25 DEGREES 15 MINUTES 43 SECONDS WEST;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A DELTA OF 02 DEGREES 00 MINUTES 22 SECONDS, A RADIUS OF 303.50 FEET, AN ARC DISTANCE OF 10.63;

THENCE CONTINUING NORTH 62 DEGREES 43 MINUTES 55 SECONDS EAST A DISTANCE OF 145.18 FEET TO A POINT ON A TANGENT CURVE TO THE RIGHT, THE RADIUS OF WHICH BEARS SOUTH 27 DEGREES 16 MINUTES 05 EAST;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A DELTA OF 27 DEGREES 00 MINUTES 43 SECONDS, A RADIUS OF 541.50 FEET, AN ARC DISTANCE OF 255.29 FEET TO A POINT ON A NON-TANGENT LINE WHICH BEARS SOUTH 00 DEGREES 15 MINUTES 22 SECONDS EAST

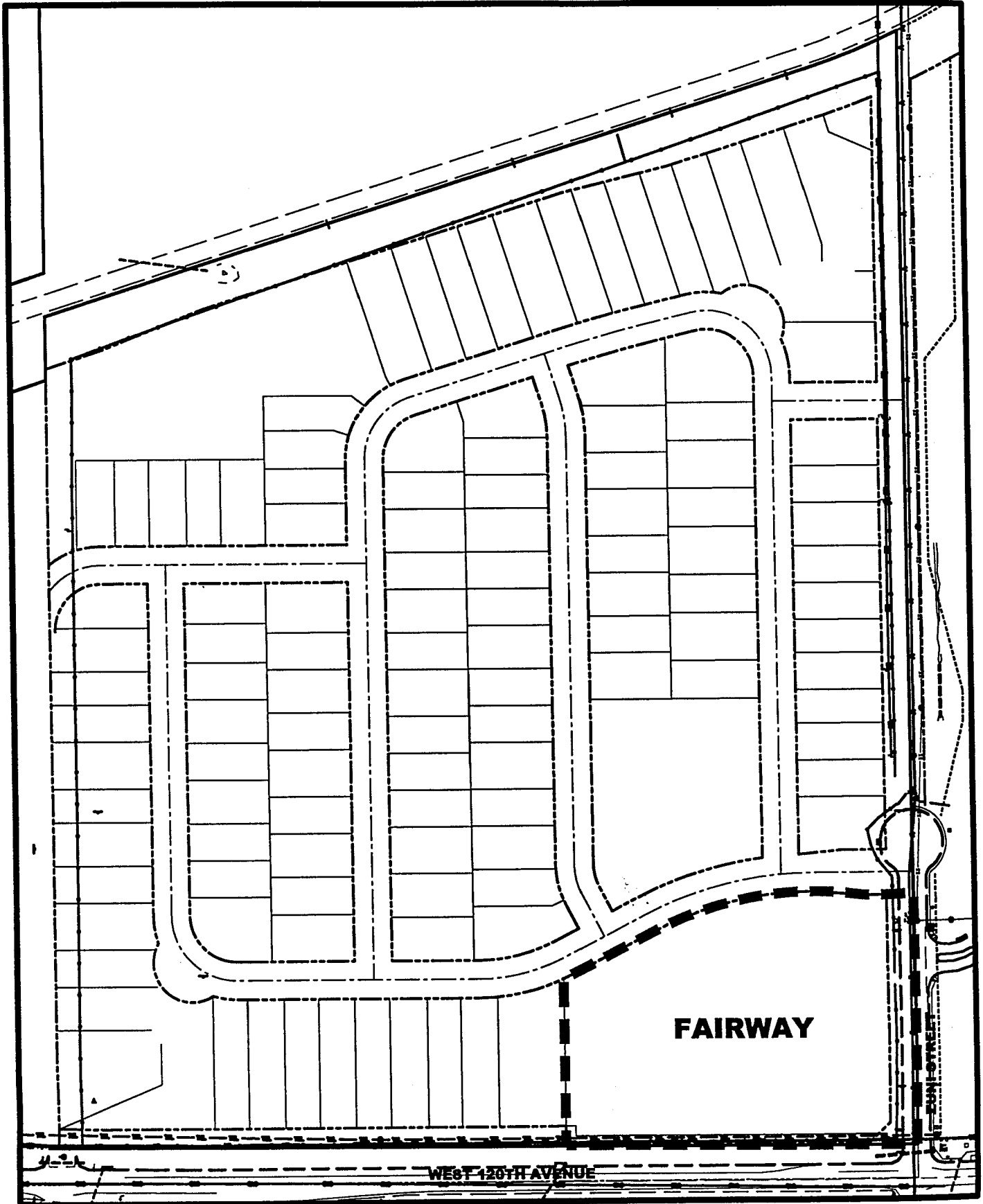
THENCE SOUTH 86 DEGREES 02 MINUTES 05 SECONDS EAST A DISTANCE OF 81.51 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 38 SECONDS EAST A DISTANCE OF 77.00 FEET TO THE EAST SAID SECTION LINE;

THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS A DISTANCE OF 381.75 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

PARCEL CONTAINS 4.384 ACRES (190,968 SF) MORE OR LESS

**COUNTRY CLUB VILLAGE
EXHIBIT B-1
MAP OF ADDITIONAL COMMERCIAL PARCEL AND RESIDENTIAL PROPERTY**



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8201 Southpark Lane, Suite 200
Littleton, CO. 80120 (303) 730-0434
Municipal Engineering Development Master Planning

**COUNTRY CLUB VILLAGE
EXHIBIT B-1
MAP OF ADDITIONAL COMMERCIAL
PARCEL AND RESIDENTIAL PROPERTY**

SHEET 1 OF 1

MAY 25, 2005



City Council Meeting
September 26, 2005



SUBJECT: Public Hearing and Action on the Family in Christ Property Annexation, Comprehensive Land Use Plan Amendment and Zoning

Prepared By: David Falconieri, Planner III

Recommended City Council Action

1. Hold a public hearing.
2. Adopt Resolution No. 38 making certain findings regarding the Family in Christ property annexation as required under Section 31-12-110 C.R.S.
3. Pass Councillor’s Bill No. 47 on first reading approving the annexation of the Family in Christ property.
4. Pass Councillor’s Bill No. 48 on first reading approving the Comprehensive Land Use Plan amendment for the Family in Christ property changing the designation from Northeast Comprehensive Development Plan to City Owned Open Space. This recommendation is based on a finding that the proposed amendment will be in the public good and that:
 - a. There is justification for the proposed change and the Plan is in need of revision as proposed; and
 - b. The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.
5. Pass Councillor’s Bill No. 49 on first reading approving the rezoning of the Family in Christ property from A-1 and C-1 (Jefferson County) to O-1. This recommendation is based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code have been met.

Summary Statement

- The Family in Christ property is located at the northwest corner of Wadsworth Boulevard and 99th Avenue and consists of 5.4 acres.
- The City has purchased the western half of the property and has an option on the remainder that is scheduled for purchase next year. The property was purchased using open space funds and will be added to the Big Dry Creek open space corridor. A portion may be later sold to Jefferson Academy for use as parking.

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

Planning Commission Recommendation

The Planning Commission reviewed this proposal on September 13, 2005, and voted unanimously (7-0) to recommend the City Council approve the Family in Christ annexation, the CLUP amendment to City Owned Open Space, the zoning of the property from A-1 and C-1 (Jefferson County) to O-1.

No one spoke in favor or in opposition to this proposal.

Policy Issues

Should the City annex the Family in Christ property?

Should the City approve a Comprehensive Land Use Plan amendment for the Family in Christ property changing the designation from Northeast Comprehensive Development Plan to Public Open Space?

Should the City approve the rezoning of the Family in Christ property from A-1 and C-1 to O-1?

Alternative

Make a finding that there is no community of interest with the Family in Christ property and take no further action. If this action is taken this City owned property will remain unincorporated and subject to County codes and regulations.

Background Information

Nature of Request

The City Council authorized the purchase of the Family in Christ property earlier this year with the understanding that the west half would be purchased later in 2005 and the remainder in 2006. The property was purchased with open space funds and the land will be used to add to the Big Dry Creek open space corridor. The church has signed an annexation petition in order to permit the City to proceed with the annexation of the entire property at this location.

The property is subject to the provisions of the Northeast Comprehensive Development Plan that permits the use of the property as proposed.

The City is currently in negotiations with Jefferson Academy, the property to the west, to possibly sell a portion of the Family in Christ property to the school for additional parking. If this is accomplished, the CLUP would have to be amended again to reflect the change in use.

Location

The site is located at the northwest corner of Wadsworth Boulevard and 99th Avenue. (Please see attached vicinity map).

Comprehensive Land Use Plan Amendment

The Westminster Municipal Code requires the owner of the property requesting an amendment to the Comprehensive Land Use Plan (CLUP) to prove the amendment is in the public good and in overall compliance with the purpose and intent of the CLUP. Further, the CLUP provides four criteria to be used when considering a CLUP amendment. Staff has reviewed these criteria and has provided the following comments on each.

1. The proposed amendment must, "Demonstrate that there is justification for the proposed change, and that the Plan is in need of revision as proposed." The proposed change is justified by purchase of the

property with open space funds. As such the CLUP should reflect the change in the status of the property.

- 2. The proposed amendment must, “Be in conformance with the overall purpose, intent, goals, and policies of the Plan.” Applicable goals are stated in Section III of the Community Goals and Policies section of the Plan. They include:
 - Goal H4 – Enhance the City’s open space system to preserve and protect natural areas, vistas, and view corridors, and to complete the open space and trail system.
 - Policy H4b – Continue to develop Big Dry Creek and tributary streams as the spine of a comprehensive network of trails linking parks, major open spaces, recreational facilities, and other focal points throughout the City.

Based upon these goals and policies, Staff has found this proposed amendment to be in conformance with the overall purpose, intent, goals, and policies of the Plan.

- 3. The proposal must, “Be compatible with existing and surrounding land uses.” The property is bordered on the south and east by open space and in the other areas by low density development. It’s location along the Big Dry Creek drainage makes it an important link in the open space system.
- 4. The proposal must, “Not result in detrimental impacts to the City’s existing or planned infrastructure or provide measures to mitigate such impacts to the satisfaction of the City.” While there may be increased traffic to the site from users of the Big Dry Creek trail, its location along Wadsworth Boulevard will provide good access to the site, and there are no residences adjacent to the property.

Public Notification

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

- Published Notice: Notice of public hearings scheduled before City Council are required to be published and posted at least 10 days prior to such hearing and at least four days prior to City Council public hearings. Notice was published in the Westminster Window on September 1, 2005.
- Property Posting: Notice of public hearings are required to be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. Two signs were posted on the property on September 2, 2005.
- Written Notice: At least 10 days prior to the date of the public hearing, the applicant is required to mail individual notices by first-class mail to property owners and homeowner’s associations registered with the City within 300 feet of the subject property. The applicant has provided the Planning Manager with a certification that the required notices were mailed on September 2, 2005.

Applicant/Property Owner

Family in Christ Church and the City of Westminster

Surrounding Land Use and Comprehensive Land Use Plan Designations

Development Name	Zoning	CLUP Designation	Use
Church and American Legion Hall; North	Unincorporated	Northeast Comprehensive Development Plan	Institutional Uses
Jefferson Academy; West	Unincorporated	Northeast Comprehensive Development Plan	Public School
Big Dry Creek Open Space; East Across Wadsworth Boulevard	O-1	City Owned Open Space	Open space
Big Dry Creek Open Space, South	O-1	City Owned Open Space	Open space

Site Plan Information

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

- Traffic and Transportation: The property is currently bordered on all four sides with public right-of-way. In the future, some of these rights-of-way may be reconfigured to provide better access by future trail users.
- Site Design: NA
- Landscape Design: NA
- Public Land Dedication/School Land Dedication: None
- Parks/Trails/Open Space: The property will be used to further enhance the Big Dry Creek open space corridor.
- Architecture/Building Materials: NA
- Signage: NA
- Lighting: NA

Service Commitment Category

None

Referral Agency Responses

A copy of the proposed plans was sent to the following agencies: Jefferson County, who responded to the referral with no concerns.

Neighborhood Meeting(s) and Public Comments

No comments were received from residents in the area.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **38**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, ALSO KNOWN AS THE FAMILY IN CHRIST PROPERTY.

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

WHEREAS, City Council has previously adopted Resolution No. 33 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:
 - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
 - b. A community of interest exists between the area proposed to be annexed and the City;
 - c. The area is urban or will be urbanized in the near future; and
 - d. The area is integrated with or is capable of being integrated with the City.
2. The City Council further finds:
 - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
 - b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the

written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 26th day of September, 2005.

ATTEST:

Mayor

City Clerk

Family in Christ Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **47**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 38 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A tract of land in the south half of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the County of Jefferson in the State of Colorado more particularly described as follows:

Commencing at the monument at the center quarter corner of said section as described on the City of Westminster GIS Survey Plat as deposited in Book 29 at Page 37 of the Land Survey Plat Records of the County of Jefferson, from whence the monument at the south quarter corner of said section as described in said records bears S00°46'17"W, 2568.69 feet the bearing of which all bearings hereon are based; thence along the east line of the southwest quarter of said section S00°46'17"W, 296.05 feet; thence N89°49'34"E, 30.00 feet to a point on the east line of Wadsworth Boulevard, a point on the west line of that annexation recorded at Reception Number 78088769 of the records of the Jefferson County Clerk and Recorder, the point of beginning;

Thence along said west line S00°46'17"W, 321.03 feet to the northeast corner of the former Lange Property annexation recorded at Reception Number F1444645 of said records; thence along the north line of said annexation S89°46'42"W, 30.00 feet to a point on the east line of said southwest quarter; thence continuing along said north line S89°46'42"W, 698.38 feet to the northwest corner of said annexation, a point on the west line of north Yarrow Street; thence along said west line N00°26'45"E, 321.61 feet to a point on the west projection of the north line of 99th Place; thence along said north line N89°49'34"EM 70021 feet to the point of beginning.

Containing 234316 square feet or 5.3792 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of October, 2005.

ATTEST:

Mayor

City Clerk

Family in Christ Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **48**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Family in Christ annexation property, legally described as follows:

A tract of land in the south half of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the County of Jefferson in the State of Colorado more particularly described as follows:

Commencing at the monument at the center quarter corner of said section as described on the City of Westminster GIS Survey Plat as deposited in Book 29 at Page 37 of the Land Survey Plat Records of the County of Jefferson, from whence the monument at the south quarter corner of said section as described in said records bears S00°46'17"W, 2568.69 feet the bearing of which all bearings hereon are based; thence along the east line of the southwest quarter of said section S00°46'17"W, 296.05 feet; thence N89°49'34"E, 30.00 feet to a point on the east line of Wadsworth Boulevard, a point on the west line of that annexation recorded at Reception Number 78088769 of the records of the Jefferson County Clerk and Recorder, the point of beginning;

Thence along said west line S00°46'17"W, 321.03 feet to the northeast corner of the former Lange Property annexation recorded at Reception Number F1444645 of said records; thence along the north line of said annexation S89°46'42"W, 30.00 feet to a point on the east line of said southwest quarter;

thence continuing along said north line S89°46'42"W, 698.38 feet to the northwest corner of said annexation, a point on the west line of north Yarrow Street; thence along said west line N00°26'45"E, 321.61 feet to a point on the west projection of the north line of 99th Place; thence along said north line N89°49'34"EM 70021 feet to the point of beginning.

Containing 234,316 square feet or 5.3792 acres more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to City Owned Open Space, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of October, 2005.

ATTEST:

Mayor

City Clerk

Family in Christ Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **49**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-1 and C-1 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-1 and C-1 to City of Westminster O-1. A parcel of land located in Section 14, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A tract of land in the south half of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the County of Jefferson in the State of Colorado more particularly described as follows:

Commencing at the monument at the center quarter corner of said section as described on the City of Westminster GIS Survey Plat as deposited in Book 29 at Page 37 of the Land Survey Plat Records of the County of Jefferson, from whence the monument at the south quarter corner of said section as described in said records bears S00°46'17"W, 2568.69 feet the bearing of which all bearings hereon are based; thence along the east line of the southwest quarter of said section S00°46'17"W, 296.05 feet; thence N89°49'34"E, 30.00 feet to a point on the east line of Wadsworth Boulevard, a point on the west line of that annexation recorded at Reception Number 78088769 of the records of the Jefferson County Clerk and Recorder, the point of beginning;

Thence along said west line S00°46'17"W, 321.03 feet to the northeast corner of the former Lange Property annexation recorded at Reception Number F1444645 of said records; thence along the north line of said annexation S89°46'42"W, 30.00 feet to a point on the east line of said southwest quarter; thence continuing along said north line S89°46'42"W, 698.38 feet to the northwest corner of said annexation, a point on the west line of north Yarrow Street; thence along said west line N00°26'45"E, 321.61 feet to a point on the west projection of the north line of 99th Place; thence along said north line N89°49'34"EM 70021 feet to the point of beginning.

Containing 234316 square feet or 5.3792 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of October, 2005.

ATTEST:

Mayor

City Clerk

Family in Christ Zoning

Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

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

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

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

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

1. The Planned Unit Development (P.U.D.) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The P.U.D. exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The P.U.D. is compatible and harmonious with existing public and private development in the surrounding area.
5. The P.U.D. provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The P.U.D. has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.

9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

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

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

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

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

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

City Initiated Rezoning

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

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

Official Development Plan (ODP) Application

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

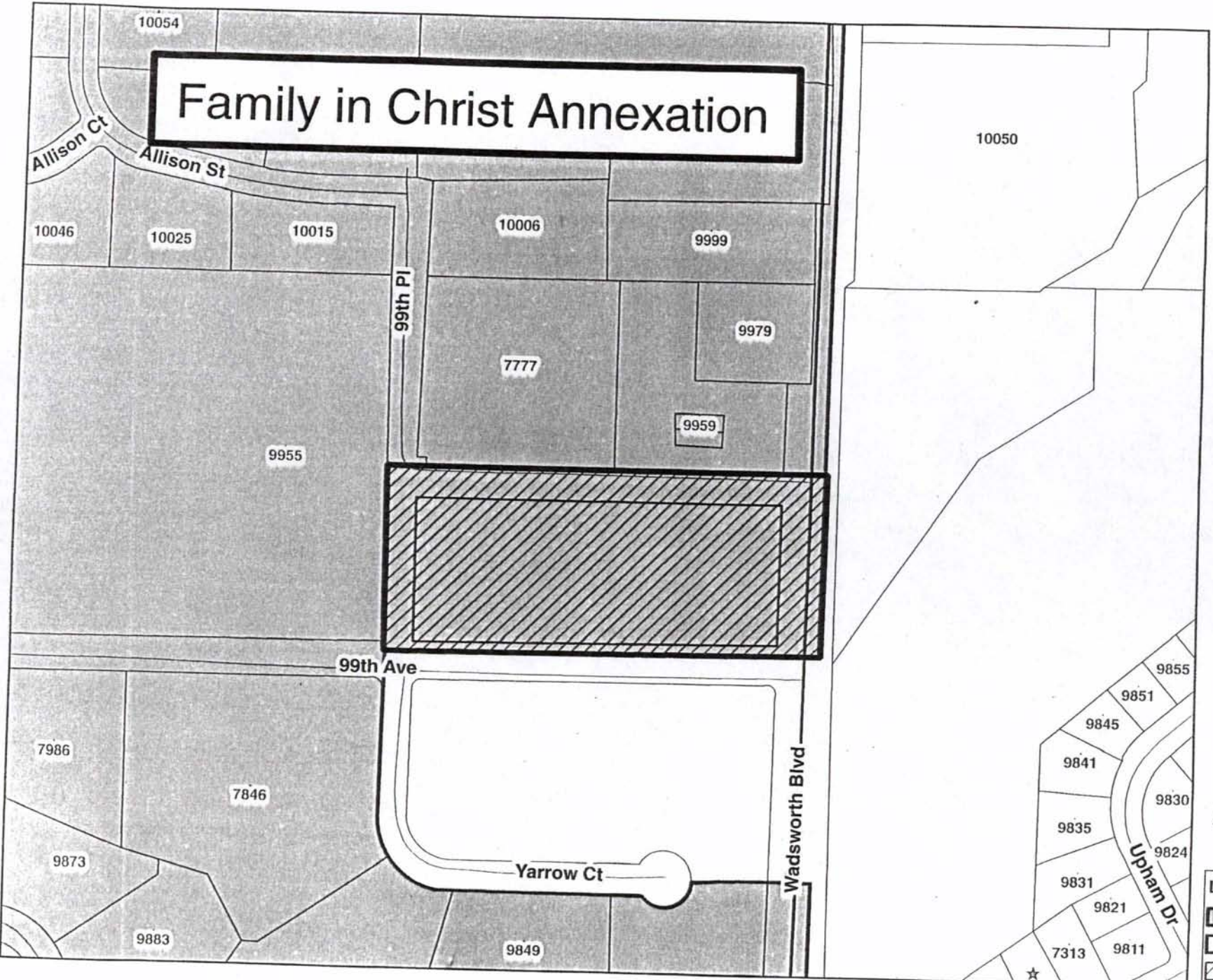
(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. The plan is in conformance with all City Codes, ordinances, and policies.

2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

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

Family in Christ Annexation

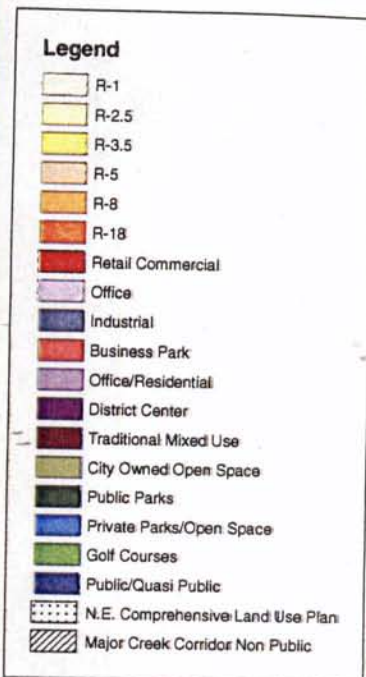
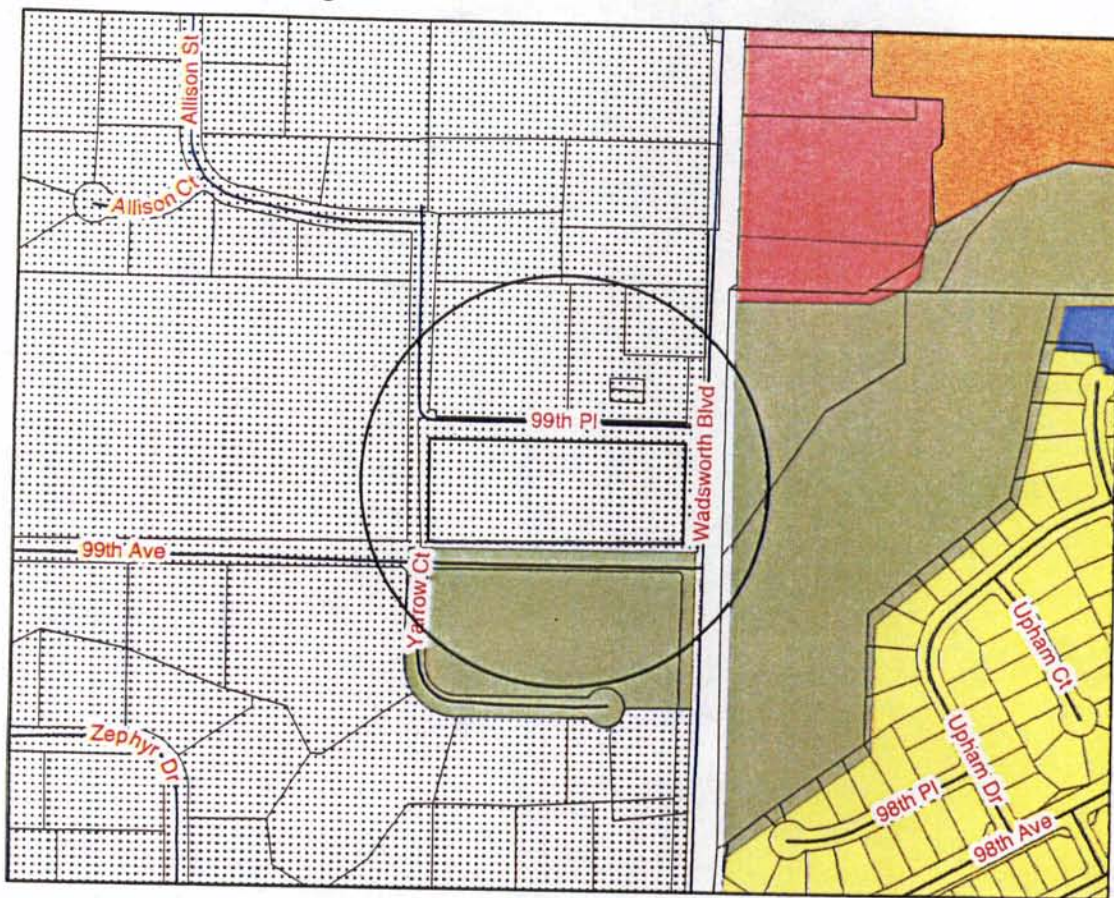


Legend	
	Outside COW
	Inside COW
	Annexation

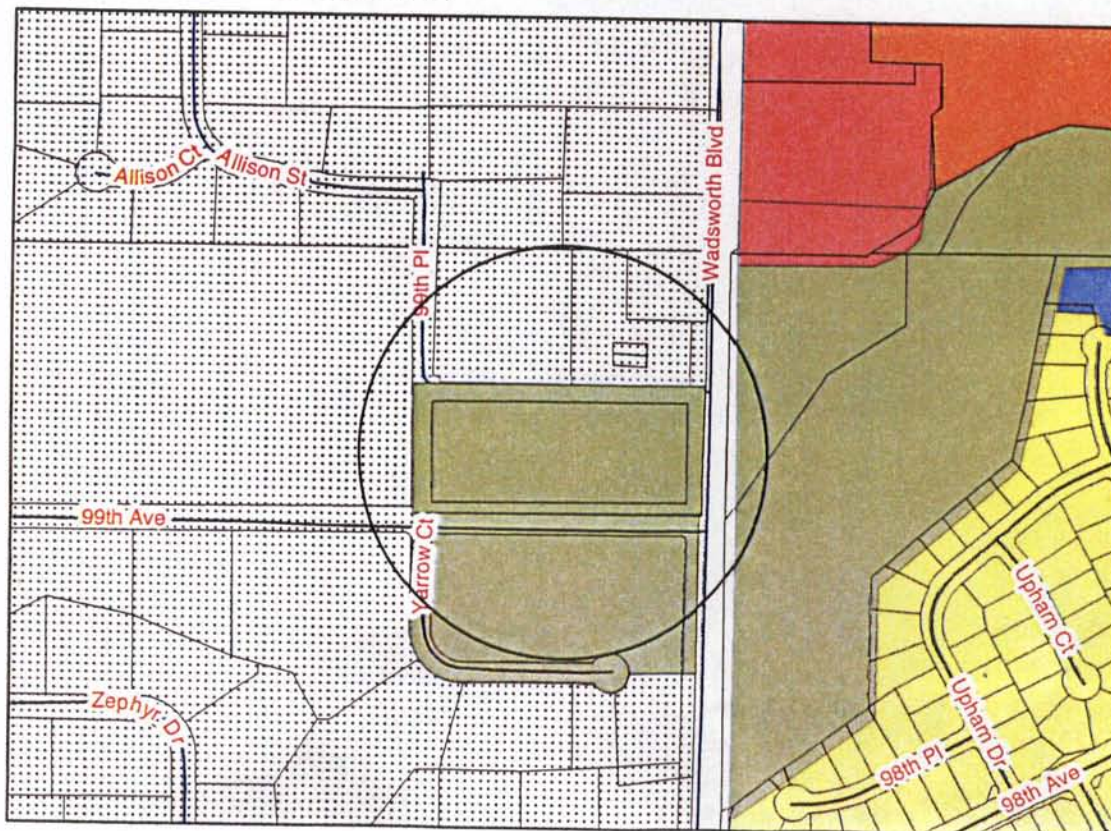


Family In Christ Annexation CLUP Amendment

Original CLUP Designation



Proposed CLUP Designation



Description of Change:
 Property was designated
 Northeast Comprehensive
 Land Use Plan.
 Proposed designation is
 City Owned Open Space.



Family In Christ Annexation Rezoning

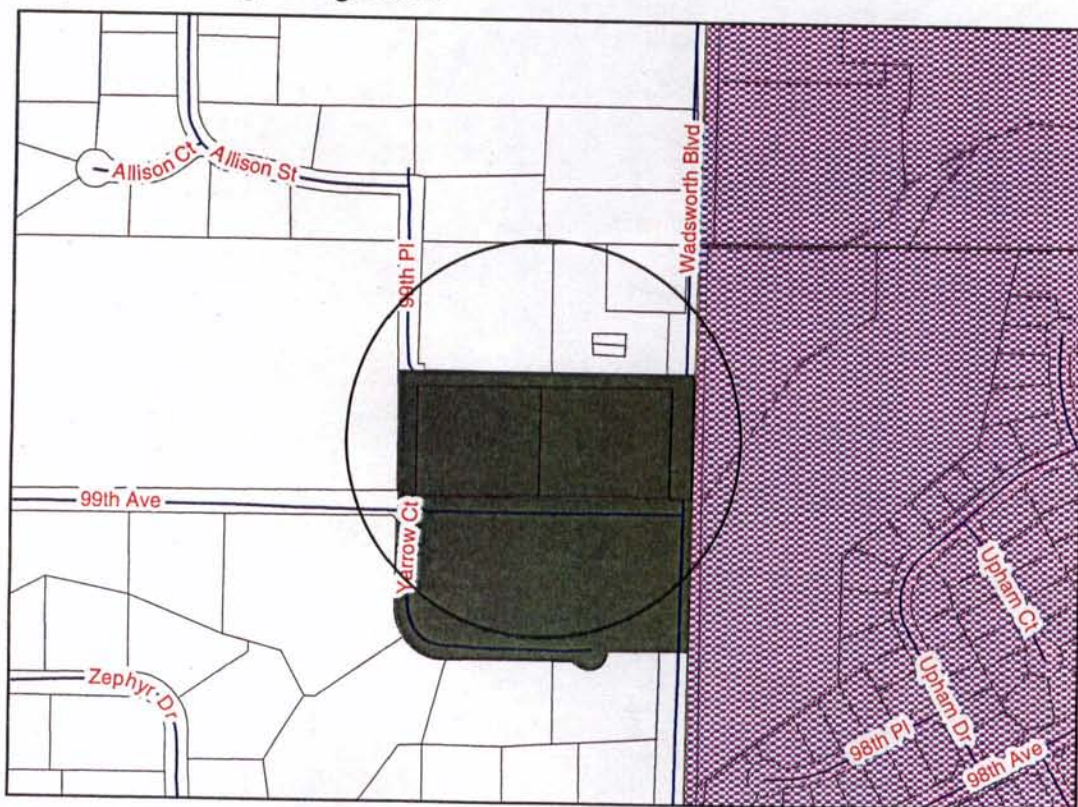
Original Zoning Designation



Legend

- B-1
- C-1
- M-1
- O-1
- PUD
- R-1
- R-2
- R-3
- R-4
- R-5
- R-A
- R-E
- T-1

Proposed Zoning Designation



Description of Change:
 Property was not in the City of Westminster.
 Proposed designation is O-1 (Open District).



Not to Scale



City Council Meeting
September 26, 2005



SUBJECT: Public Hearing and Action on the DeCroce Annexation, Comprehensive Land Use Plan Amendment, Zoning and Combined Preliminary and Official Development Plan

Prepared By: David Falconieri, Planner III

Recommended City Council Action

1. Hold a public hearing.
2. Adopt Resolution No. 39 making certain findings of fact as required under Section 31-12-110 C.R.S.
3. Pass Councillor's Bill No. 50 on first reading annexing the DeCroce property to the City.
4. Pass Councillor's Bill No. 51 on first reading amending the Comprehensive Land Use Plan for the DeCroce property changing the designation from Northeast Comprehensive Development Plan to R-2.5 Residential. This action is based on a finding that the proposed amendment will be in the public good and that:
 - a. There is justification for the proposed change and the Plan is in need of revision as proposed; and
 - b. The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
5. Pass Councillor's Bill No. 52 on first reading rezoning of the DeCroce property from A-1 (Jefferson County) to Planned Unit Development (PUD). This recommendation is based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met.
6. Approve the combined Preliminary and Official Development Plan (PDP/ODP) for the DeCroce subdivision as submitted. This action is based on the finding that the criteria set forth in Section 11-5-15 of the Westminster Municipal Code (WMC) have been met.

Summary Statement

- The DeCroce property is located at the southwest corner of Church Ranch Boulevard and 101st Avenue, and is approximately 12,100 square feet in size.
- Mr. DeCroce is requesting annexation and approval of one single-family residence on the property. Due to the constrained nature of the site, the applicant is requesting zoning to Planned Unit Development (PUD) in order to make adjustments to the required setbacks.

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

Planning Commission Recommendation

The Planning Commission reviewed this proposal on September 13, 2005, and voted unanimously (7-0) to recommend the City Council approve the annexation, the CLUP amendment to R-2.5 Residential, the zoning of the DeCroce property to PUD, and the combined PDP/ODP for the DeCroce property.

No one spoke in favor of or in opposition to this proposal.

Policy Issues

Should the City annex the DeCroce property?

Should the City approve a Comprehensive Land Use Plan amendment for the DeCroce property changing the designation from Northeast Comprehensive Development Plan to R-2.5 Residential?

Should the City approve the rezoning of the DeCroce property from A-1 to PUD?

Should the City approve the combined Preliminary and Official Development Plan within the DeCroce Planned Unit Development?

Should the reduced setbacks be approved?

Alternatives

1. Make a finding that there is no community of interest with the DeCroce property and take no further action. If this action is taken, the property will remain unincorporated and Mr. DeCroce may proceed with the project through Jefferson County with City water and sewer service.
2. Approve the annexation but deny approval of the combined PDP/ODP, or approve the PDP/ODP with conditions. If this action is taken, Mr. DeCroce may choose to withdraw his request for annexation.

Background Information

Nature of Request

The applicant wishes to construct a single family home on an existing lot. The lot is a triangular parcel created as a remainder of the construction of Church Ranch Boulevard.

The Northeast Comprehensive Development Plan permits single family residential on this property.

Location

The site is located at the southwest corner of Church Ranch Boulevard and 101st Avenue. (Please see attached vicinity map).

Comprehensive Land Use Plan Amendment

The Westminster Municipal Code requires the owner of the property requesting an amendment to the Comprehensive Land Use Plan (CLUP) to prove that the amendment is in the public good and in overall compliance with the purpose and intent of the CLUP. Further, the CLUP provides four criteria to be used when considering a CLUP amendment. Staff has reviewed these criteria and has provided the following comments on each.

1. The proposed amendment must, “Demonstrates that there is justification for the proposed change, and that the Plan is in need of revision as proposed.” The Northeast Comprehensive Development Plan (NECDP) was adopted in the City’s Comprehensive Land Use Plan (CLUP). The NECDP was adopted in 1996 as part of an intergovernmental agreement. When that agreement was adopted, the City Council agreed that it was in the best interests of the City to annex parcels within the enclave

when application was made. The NECDP contemplated the proposed use as there are other residential uses adjacent to this property.

- 2. The proposed amendment must, “Be in conformance with the overall purpose, intent, goals, and policies of the Plan.” Applicable goals are stated in Section III of the Community Goals and Policies section of the Plan. They include:
 - Goal A1 – Growth will occur in a manner that balances the pace of development with the City’s ability to provide quality services.
 - Policy A1c- Annexation of County enclaves will be considered on a case by case basis, taking into consideration fiscal, social and land use factors. There is already City water and sewer facilities in this area and any new home can be accommodated within that system. The proposed uses are compatible with the existing uses and with the goals of the NECDP.

Based upon these goals and policies, staff has found this proposed amendment to be in conformance with the overall purpose, intent, goals, and policies of the Plan.

- 3. The proposal must, “Be compatible with existing and surrounding land uses.” As stated above, the existing uses south of Church Ranch Boulevard in this area are all residential. The proposed residence will merely add another residence to the area.
- 4. The proposal must, “Not result in detrimental impacts to the City’s existing or planned infrastructure or provide measures to mitigate such impacts to the satisfaction of the City.” While the development will have impacts, all have been mitigated to the satisfaction of City Staff as shown on the proposed Official Development Plan (ODP). The proposed single family home will not create any noticeable impacts on the area.

Public Notification

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

- Published Notice: Notice of public hearings scheduled before City Council are required to be published and posted at least 10 days prior to such hearing and at least four days prior to City Council public hearings. Notice was published in the Westminster Window on September 1, 2005.
- Property Posting: Notice of public hearings are required to be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. One sign was posted on the property on September 2, 2005.
- Written Notice: At least 10 days prior to the date of the public hearing, the applicant is required to mail individual notices by first-class mail to property owners and homeowner’s associations registered with the City within 300 feet of the subject property. The applicant has provided the Planning Manager with a certification that the required notices were mailed on September 2, 2005.

Applicant/Property Owner

Raymond DeCroce/Marjorie Goings

Surrounding Land Use and Comprehensive Land Use Plan Designations

Development Name	Zoning	CLUP Designation	Use
Mandalay Business Park; North Across Church Ranch Boulevard	PUD	Northeast Comprehensive Development Plan and Office	Retail and Office
Unincorporated Jefferson County; West	A-1	Northeast Comprehensive Development Plan	Residential
Right-of-Way; East	NA	NA	NA
Unincorporated Jefferson County; South	NA	Northeast Comprehensive Development Plan	Residential and Agricultural

Site Plan Information

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

- Traffic and Transportation: The property will be accessed off of 101st Avenue. The addition of a single residence will have negligible impacts of the streets in the area.
- Site Design: The applicant is proposing a setback from Church Ranch Boulevard of 25 feet instead of the required 40 feet, and 15 feet from 101st Avenue instead of the required 25 feet. If the required setbacks were mandated for this site, nothing could be built due to the size and shape. Given that fact, staff is supportive of these variances.
- Landscape Design: NA
- Public Land Dedication/School Land Dedication: There is no Public Land Dedication for this site since no subdivision of property is proposed.
- Parks/Trails/Open Space: There are no trails or open space adjacent to this property.
- Architecture/Building Materials: The proposed residence will be built in conformance with the Single Family Detached Design Guidelines.
- Signage: None
- Lighting: None

Service Commitment Category

One Service Commitment will be allocated to this property out of Category D.

Referral Agency Responses

A copy of the proposed plans was sent to the following agency: Jefferson County. Staff received no responses.

Neighborhood Meeting and Public Comments

Staff received no comments from area residents.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **39**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO ALSO KNOWN AS THE DECROCE PROPERTY.

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

WHEREAS, City Council has previously adopted Resolution No. 32 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

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

2. The City Council further finds:

- a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
- b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 26th day of September, 2005.

ATTEST:

Mayor

City Clerk

DeCroce Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **50**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 39 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A portion of Tract 61 of Mandalay Gardens Subdivision, located in the northwest ¼, Section 14, Township 2 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

Beginning at the southwest corner of said Tract 61, which point also lies on the northerly right-of-way of West 101st Avenue; thence N01°08'07"E, 97.65 feet to the southerly right-of-way of 101st/100th Avenue extension; thence S70°55'27"E, along the southerly right-of-way of 101st/100th Avenue extension 198.07 feet to the intersection of the westerly right-of-way of West 101st Avenue; thence S02°18'08"W, along the right-of-way of West 101st Avenue 30.85 feet; thence S89°21'57"W, continuing along what is now the northerly right-of-way of West 101st Avenue 187.90 feet to the point of beginning.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of October, 2005.

ATTEST:

Mayor

City Clerk

DeCroce Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **51**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the DeCroce annexation property, legally described as follows:

A portion of Tract 61 of Mandalay Gardens Subdivision, located in the northwest ¼, Section 14, Township 2 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

Beginning at the southwest corner of said Tract 61, which point also lies on the northerly right-of-way of West 101st Avenue; thence N01°08'07"E, 97.65 feet to the southerly right-of-way of 101st/100th Avenue extension; thence S70°55'27"E, along the southerly right-of-way of 101st/100th Avenue extension 198.07 feet to the intersection of the westerly right-of-way of West 101st Avenue; thence S02°18'08"W, along the right-of-way of West 101st Avenue 30.85 feet; thence S89°21'57"W, continuing along what is now the northerly right-of-way of West 101st Avenue 187.90 feet to the point of beginning.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to R-2.5 Residential, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of October, 2005.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **52**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-1 to City of Westminster Planned Unit Development (PUD) zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-1 to City of Westminster Planned Unit Development (PUD). A parcel of land located in Section 14, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A portion of Tract 61 of Mandalay Gardens Subdivision, located in the northwest ¼, Section 14, Township 2 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

Beginning at the southwest corner of said Tract 61, which point also lies on the northerly right-of-way of West 101st Avenue; thence N01°08'07"E, 97.65 feet to the southerly right-of-way of 101st/100th Avenue extension; thence S70°55'27"E, along the southerly right-of-way of 101st/100th Avenue extension 198.07 feet to the intersection of the westerly right-of-way of West 101st Avenue; thence S02°18'08"W, along the right-of-way of West 101st Avenue 30.85 feet; thence S89°21'57"W, continuing along what is now the northerly right-of-way of West 101st Avenue 187.90 feet to the point of beginning.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of October, 2005.

ATTEST:

Mayor

City Clerk

DeCroce Zoning

Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

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

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

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

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

1. The Planned Unit Development (P.U.D.) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The P.U.D. exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The P.U.D. is compatible and harmonious with existing public and private development in the surrounding area.
5. The P.U.D. provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The P.U.D. has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.

9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

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

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

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

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

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

City Initiated Rezoning

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

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

Official Development Plan (ODP) Application

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

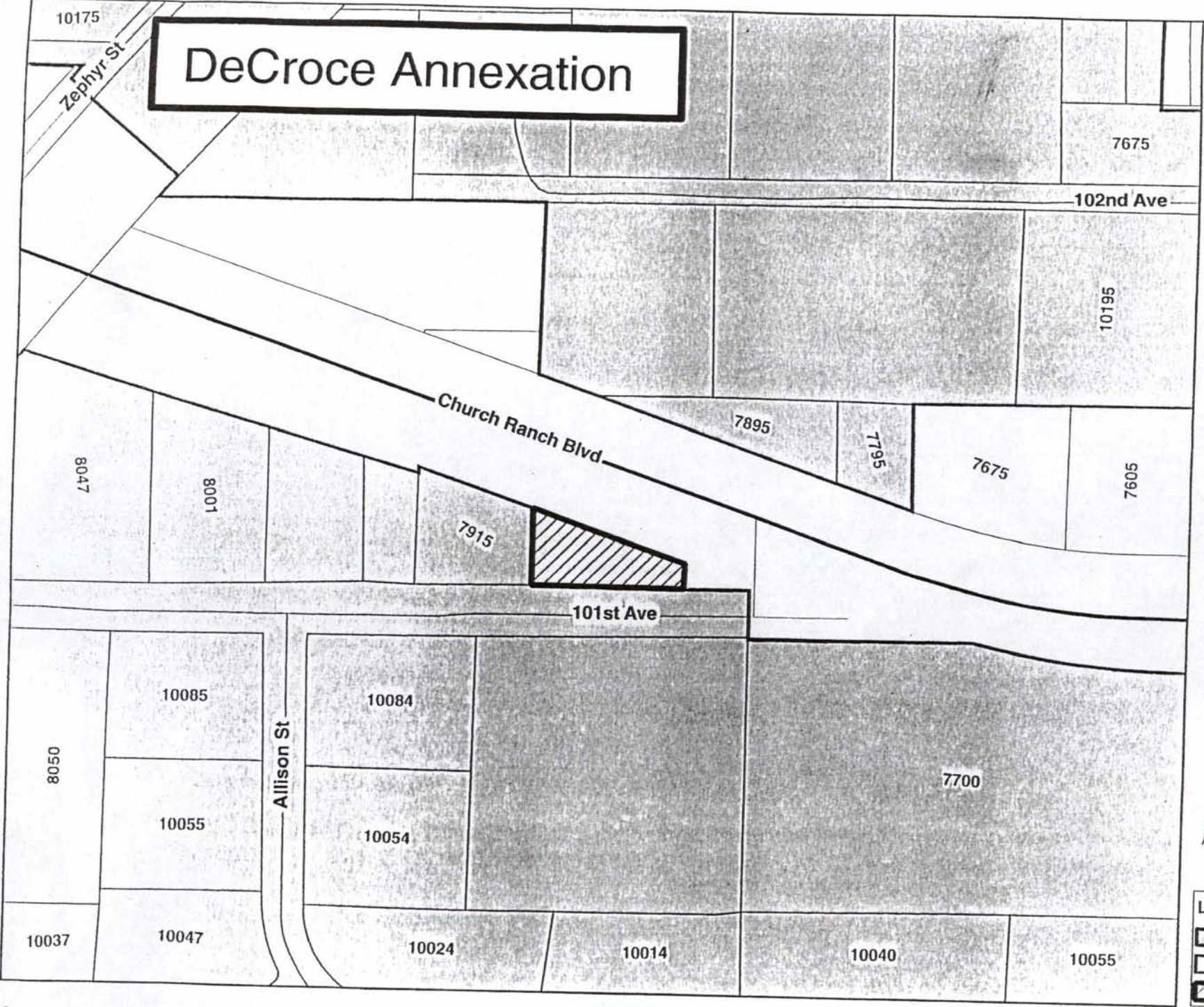
(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. The plan is in conformance with all City Codes, ordinances, and policies.
2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.

4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

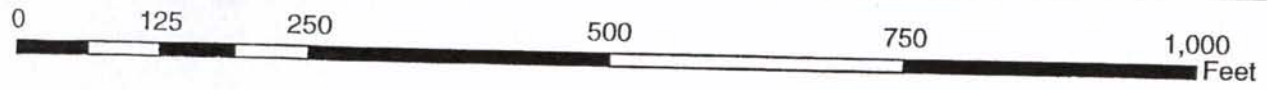
(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.

DeCroce Annexation



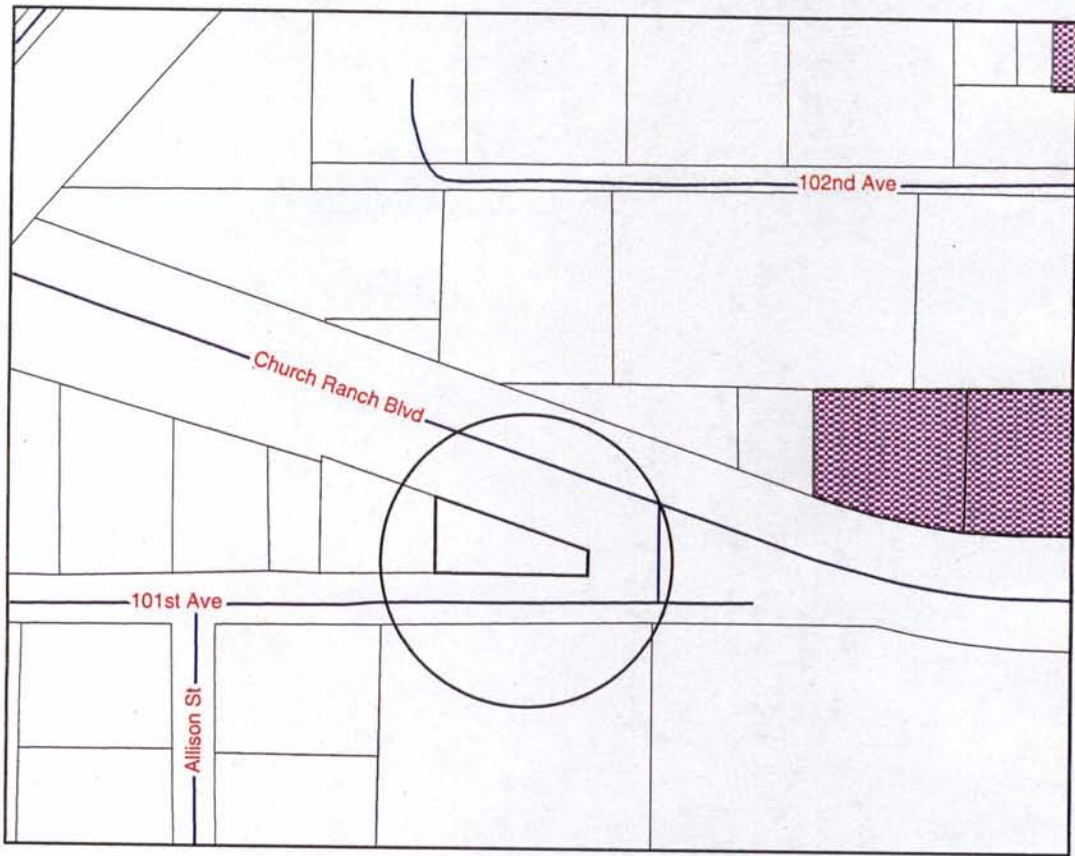
Legend














- Outside COW
- Inside COW
- Annexation



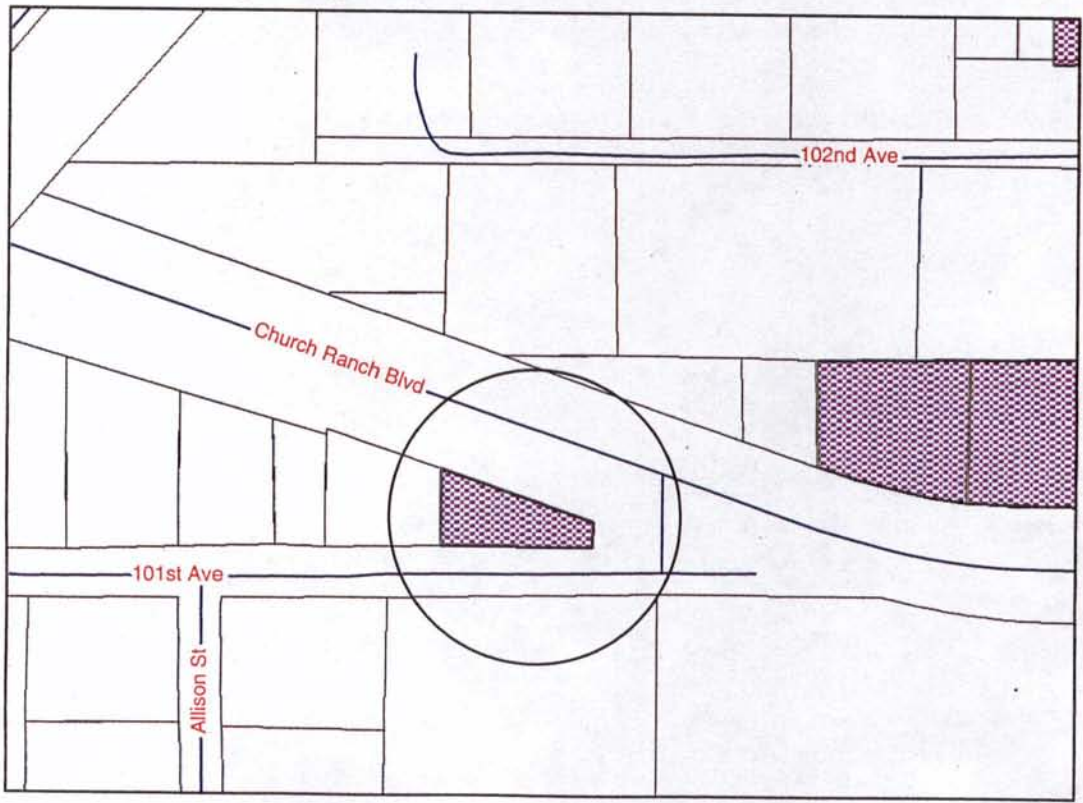
DeCroce Annexation Rezoning

Original Zoning Designation



Legend	
	B-1
	C-1
	M-1
	O-1
	PUD
	R-1
	R-2
	R-3
	R-4
	R-5
	R-A
	R-E
	T-1

Proposed Zoning Designation

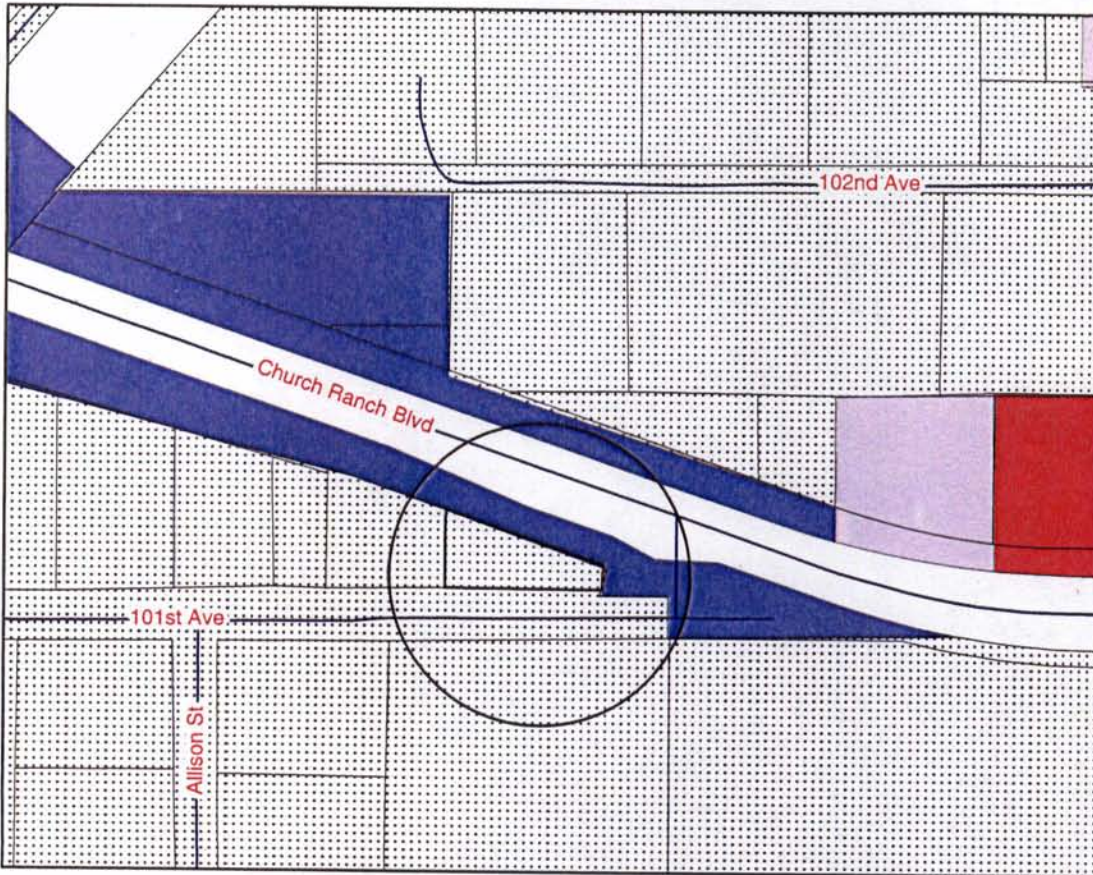


Description of Change:
Property was not in the
City of Westminster.
Proposed designation is
PUD (Planned Unit
Development).

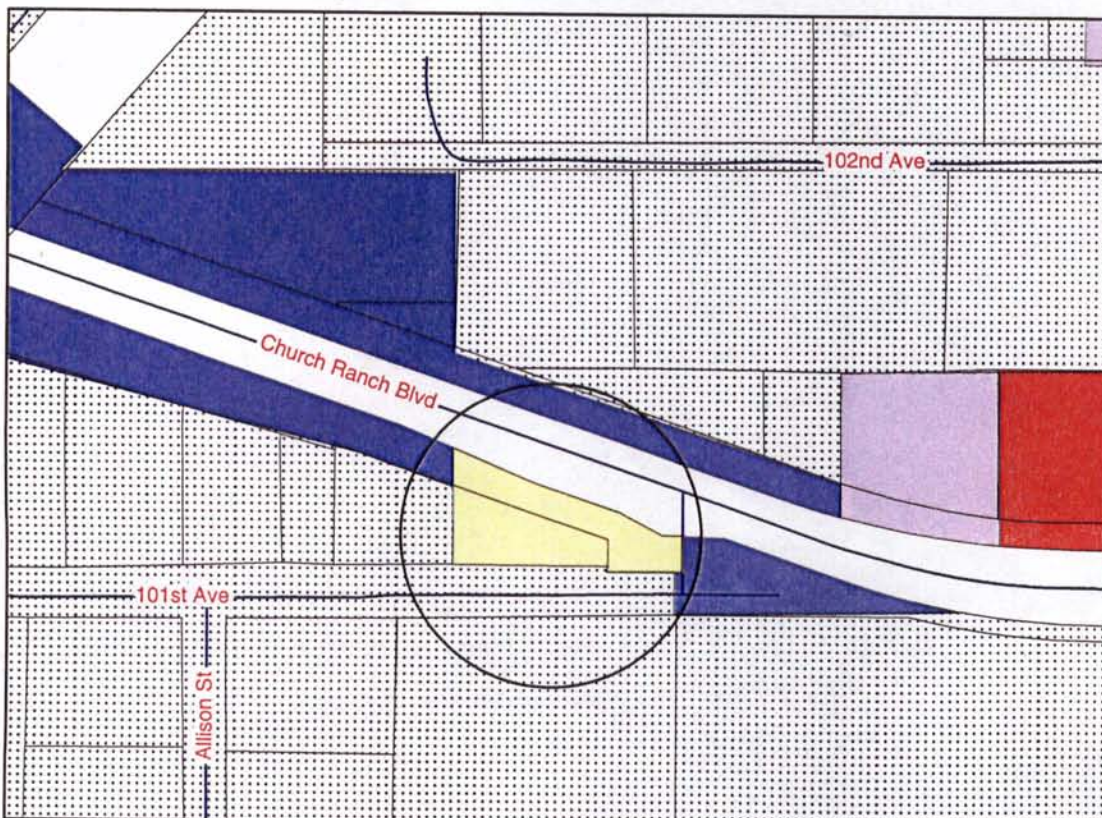


DeCroce Annexation CLUP Amendment

Original CLUP Designation



Proposed CLUP Designation



Description of Change:
 Property was designated
 Northeast Comprehensive
 Land Use Plan.
 Proposed designation is
 R-2.5 (Residential: Up to
 2.5 Dwelling Units per Acre).



Not to Scale



SUBJECT: Public Hearing and Action on the Jaidinger Property Annexation, Comprehensive Land Use Plan Amendment, Zoning, and Combined Preliminary and Official Development Plan

Prepared By: David Falconieri, Planner III

Recommended City Council Action

1. Hold a public hearing.
2. Adopt Resolution No. 40 making certain findings regarding the Jaidinger annexation as required under Section 31-12-110 C.R.S.
3. Pass Councillor’s Bill No. 53 on first reading annexing the Jaidinger property to the City.
4. Pass Councillor’s Bill No. 54 on first reading approving the amendment to the Comprehensive Land Use Plan for the Jaidinger property changing the designation from Northeast Comprehensive Development Plan to R-1 Residential. This recommendation is based on a finding that the proposed amendment will be in the public good and that:
 - a. There is justification for the proposed change and the Plan is in need of revision as proposed; and
 - b. The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.
5. Pass Councillor’s Bill No. 55 on first reading rezoning the Jaidinger property from A-1 (Jefferson County) to Planned Unit Development (PUD). This recommendation is based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met.
6. Approve the combined Preliminary and Official Development Plan for the Jaidinger Planned Unit Development as submitted. This recommendation is based on the findings that the conditions set forth in Section 11-5-15 of the Westminster Municipal Code (WMC) have been met.

Summary Statement

- The Jaidinger property is located at the southeast corner of 106th Avenue and Balsam Street, and is 8 acres in size. The owners wish to annex the property in order to subdivide into two lots, and provide City services to both new parcels.
- The property is governed by the provisions of the Northeast Comprehensive Development Plan that would permit the contemplated division. A portion of the property is also impacted by the Jefferson County Airport Critical Zone. However, the proposed location for the new house would be located outside of the critical zone.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed this proposal on September 13, 2005, and voted unanimously (7-0) to recommend the City Council approve the annexation, the CLUP amendment, the zoning of the Jaidinger property from A-1 to PUD, and the combined PDP/ODP for the Jaidinger property as submitted.

No one spoke in favor of or in opposition to this proposal.

Policy Issues

Should the City annex the Jaidinger property?

Should the City approve a Comprehensive Land Use Plan amendment for the Jaidinger property changing the designation from Northeast Comprehensive Development Plan to R-1 Residential?

Should the City approve the rezoning of the Jaidinger property from A-1 to PUD?

Should the City approve the combined PDP/ODP for the Jaidinger Property?

Alternatives

Make a finding that there is no community of interest with the Jaidinger property and take no further action. If this action is taken, the Jaidingers may proceed with the lot split in the County and, under the provisions of the Standley Lake Water and Sewer District Dissolution Agreement, the City would still be required to provide water and sewer services to the property.

Approve the annexation but deny the PDP/ODP. If this action is taken an alternative zoning must be adopted or revisions made to the conditions of the PDP/ODP.

Background Information

Nature of Request

The applicant is requesting annexation to the City in order to subdivide the lot into two parcels and obtain City water and sewer service. There is an existing residence that is located in the northeast portion of the property and the new parcel would be located at the southern end, a lot of approximately 2.5 acres.

Not included in the annexation is 96th Avenue since Staff does not consider annexation of a portion of a right-of-way to be prudent when none of the remainder of the street is located within the City. At such a time as more property in the area is annexed, this portion can be included at that time. The State Statutes do not require annexation of intervening right-of-way to acquire contiguity.

Location

The site is located at the southeast corner of 96th Avenue and Balsam Street. (Please see attached vicinity map).

Comprehensive Land Use Plan Amendment

The Westminster Municipal Code requires the owner of the property requesting an amendment to the Comprehensive Land Use Plan (CLUP) to prove the amendment is in the public good and in overall compliance with the purpose and intent of the CLUP. Further, the CLUP provides four criteria to be used when considering a CLUP amendment. Staff has reviewed these criteria and has provided the following comments on each.

1. The proposed amendment must, “Demonstrate that there is justification for the proposed change, and that the Plan is in need of revision as proposed.” The Northeast Comprehensive Development Plan (NECDP) has been adopted into the City’s Comprehensive Land Use Plan (CLUP). The NECDP states that Sub-area “D” be maintained as a low density residential area where uses are permitted to remain. Curb, gutter and sidewalk construction is discouraged in order to maintain the rural character

of the area. The proposed ODP permits agricultural uses to continue, while creating one additional large lot for new construction.

- 2. The proposed amendment must, “Be in conformance with the overall purpose, intent, goals, and policies of the Plan.” Applicable goals are stated in Section III of the Community Goals and Policies section of the Plan. They include:
 - Goal A1 – Growth will occur in a manner that balances the pace of development with the City’s ability to provide quality services.
 - Policy A1c- Annexation of County enclaves will be considered on a case by case basis, taking into consideration fiscal, social and land use factors. There is already City water and sewer facilities in this area and any new home can be accommodated within that system. The proposed uses are compatible with the existing uses and with the goals of the NECDP.

Based upon these goals and policies, Staff has found this proposed amendment to be in conformance with the overall purpose, intent, goals, and policies of the Plan.

- 3. The proposal must, “Be compatible with existing and surrounding land uses.” As stated above, the proposed uses as specified on the ODP will be compatible with the rural nature of the surrounding properties.
- 4. The proposal must, “Not result in detrimental impacts to the City’s existing or planned infrastructure or provide measures to mitigate such impacts to the satisfaction of the City.” While the development will have impacts, all have been mitigated to the satisfaction of City Staff as shown on the proposed ODP. The proposed new lot will have access to existing streets (Balsam Street) and to existing utilities. The new residence will have minimal impact on traffic, schools and other infrastructure. The permitted uses on the ODP will continue uses that are already permitted in the area.

Public Notification

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

- Published Notice: Notice of public hearings scheduled before City Council are required to be published and posted at least 10 days prior to such hearing and at least four days prior to City Council public hearings. Notice was published in the Westminster Window on August 25, 2005.
- Property Posting: Notice of public hearings are required to be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. Two signs were posted on the property on September 2, 2005.
- Written Notice: At least 10 days prior to the date of the public hearing, the applicant is required to mail individual notices by first-class mail to property owners and homeowner’s associations registered with the City within 300 feet of the subject property. The applicant has provided the Planning Manager with a certification that the required notices were mailed on September 2, 2005.

Applicant/Property Owner

Sidney and Janna Jaidinger

Surrounding Land Use and Comprehensive Land Use Plan Designations

Development Name	Zoning	CLUP Designation	Use
Jamestown Subdivision; North	PUD	R-1 Residential	Agricultural and Residential
Unincorporated Jefferson County; West	A-1	Northeast Comprehensive Development Plan	Residential and Agricultural
Unincorporated Jefferson County; East	A-1	Northeast Comprehensive Development Plan	Residential and Agricultural
Unincorporated Jefferson County, South	A-1	Northeast Comprehensive Development Plan	Residential and Agricultural

Site Plan Information

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

- Traffic and Transportation: One additional dwelling unit will typically generate 10 extra vehicular trips per day, a minimal impact on the area.
- Site Design: The new lot will be located on the south side of the property so that the new residence can be built outside the Jefferson County Airport Critical Zone.
- Landscape Design: NA
- Public Land Dedication/School Land Dedication: A cash-in-lieu of dedication for 1,568 square feet will be required.
- Parks/Trails/Open Space: There are no facilities adjacent to this property.
- Architecture/Building Materials: Any new home will be required to conform to the requirements of the Single Family Design Guidelines.
- Signage: None
- Lighting: None.

Service Commitment Category

One Service Commitment would be allocated to this property out of Category D.

Referral Agency Responses

A copy of the proposed plans was sent to the following agencies: Jefferson County, and the Jefferson County Airport. Staff received responses from the County, and they had no concerns regarding the development. They did however request that the City annex the adjacent portion of 106th Avenue that was addressed above.

Neighborhood Meeting(s) and Public Comments

No public comments were received regarding this case.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO **40**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, ALSO KNOWN AS THE JAIDINGER PROPERTY.

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

WHEREAS, City Council has previously adopted Resolution No. 34 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

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

2. The City Council further finds:

- a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
- b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;

b. That the annexation will not result in the attachment of area from a school district;

c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;

d. That the City of Westminster has in place a plan for the area proposed to be annexed; and

e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

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

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

PASSED AND ADOPTED this 26th day of September, 2005.

ATTEST:

Mayor

City Clerk

Jaidinger Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **53**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 40 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

Beginning at the southwest corner of the southeast one quarter of the southwest one quarter of Section 11, Township 2 South, Range 69 West of the 6th P.M., thence N00°45'12"E a distance of 897.29 feet, thence N89°45'32"W a distance of 20.00 feet to the point of beginning;

Thence N00°45'12"E a distance of 392.23 feet;

Thence N89°52'02"W a distance of 635.25 feet

Along the south line of 106th Avenue;

Thence S00°56'05"W a distance of 631.06 feet

Along the east line of Balsam Street;

Thence S89°45'29"E a distance of 417.24 feet;

Thence N00°45'04"E a distance of 240.01 feet;

Thence S89°45'32"E a distance of 220.01 feet

To the point of beginning containing 8.01 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of October, 2005.

ATTEST:

Mayor

City Clerk

Jaidinger Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **54**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Jaidinger annexation property, legally described as follows:

Beginning at the southwest corner of the southeast one quarter of the southwest one quarter of Section 11, Township 2 South, Range 69 West of the 6th P.M., thence N00°45'12"E a distance of 897.29 feet, thence N89°45'32"W a distance of 20.00 feet to the point of beginning;

Thence N00°45'12"E a distance of 392.23 feet;

Thence N89°52'02"W a distance of 635.25 feet

Along the south line of 106th Avenue;

Thence S00°56'05"W a distance of 631.06 feet

Along the east line of Balsam Street;

Thence S89°45'29"E a distance of 417.24 feet;

Thence N00°45'04"E a distance of 240.01 feet;

Thence S89°45'32"E a distance of 220.01 feet

To the point of beginning containing 8.01 acres, more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to R-1, Residential, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of October, 2005.

ATTEST:

Mayor

City Clerk

Jaidinger Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **55**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

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

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-1 to City of Westminster Planned Unit Development (PUD). A parcel of land located in Section 11, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

Beginning at the southwest corner of the southeast one quarter of the southwest one quarter of Section 11, Township 2 South, Range 69 West of the 6th P.M., thence N00°45'12"E a distance of 897.29 feet, thence N89°45'32"W a distance of 20.00 feet to the point of beginning;

Thence N00°45'12"E a distance of 392.23 feet;

Thence N89°52'02"W a distance of 635.25 feet

Along the south line of 106th Avenue;

Thence S00°56'05"W a distance of 631.06 feet

Along the east line of Balsam Street;

Thence S89°45'29"E a distance of 417.24 feet;

Thence N00°45'04"E a distance of 240.01 feet;

Thence S89°45'32"E a distance of 220.01 feet

To the point of beginning containing 8.01 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of October, 2005.

ATTEST:

Mayor

City Clerk

Jaidinger Zoning

Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

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

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

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

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

1. The Planned Unit Development (P.U.D.) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The P.U.D. exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The P.U.D. is compatible and harmonious with existing public and private development in the surrounding area.
5. The P.U.D. provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The P.U.D. has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.

9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

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

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

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

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

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

City Initiated Rezoning

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

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

Official Development Plan (ODP) Application

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

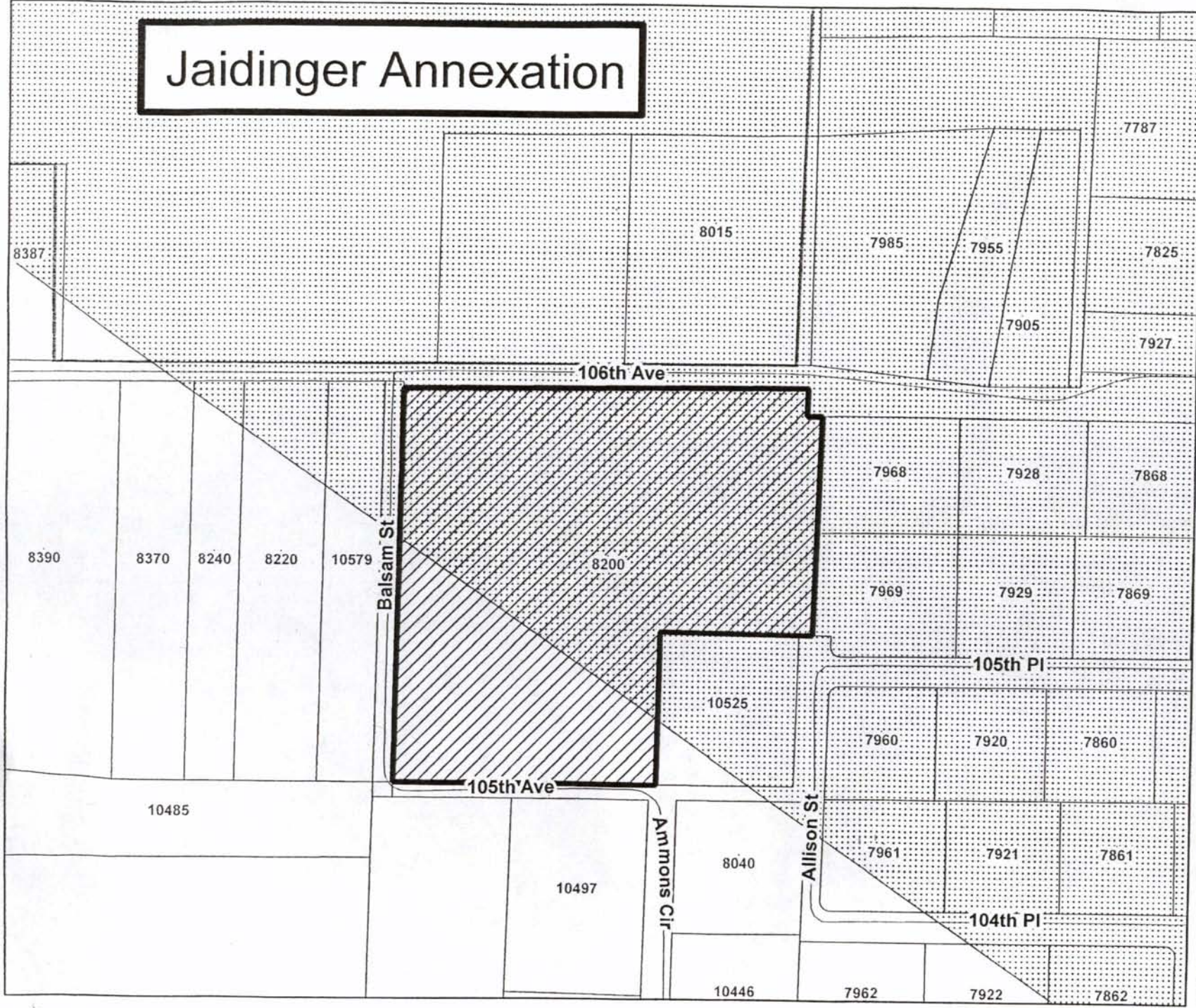
(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. The plan is in conformance with all City Codes, ordinances, and policies.
2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).

3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

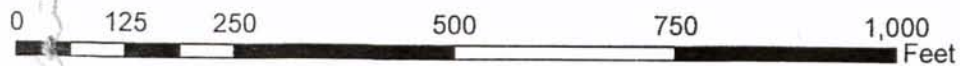
(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.

Jaidinger Annexation



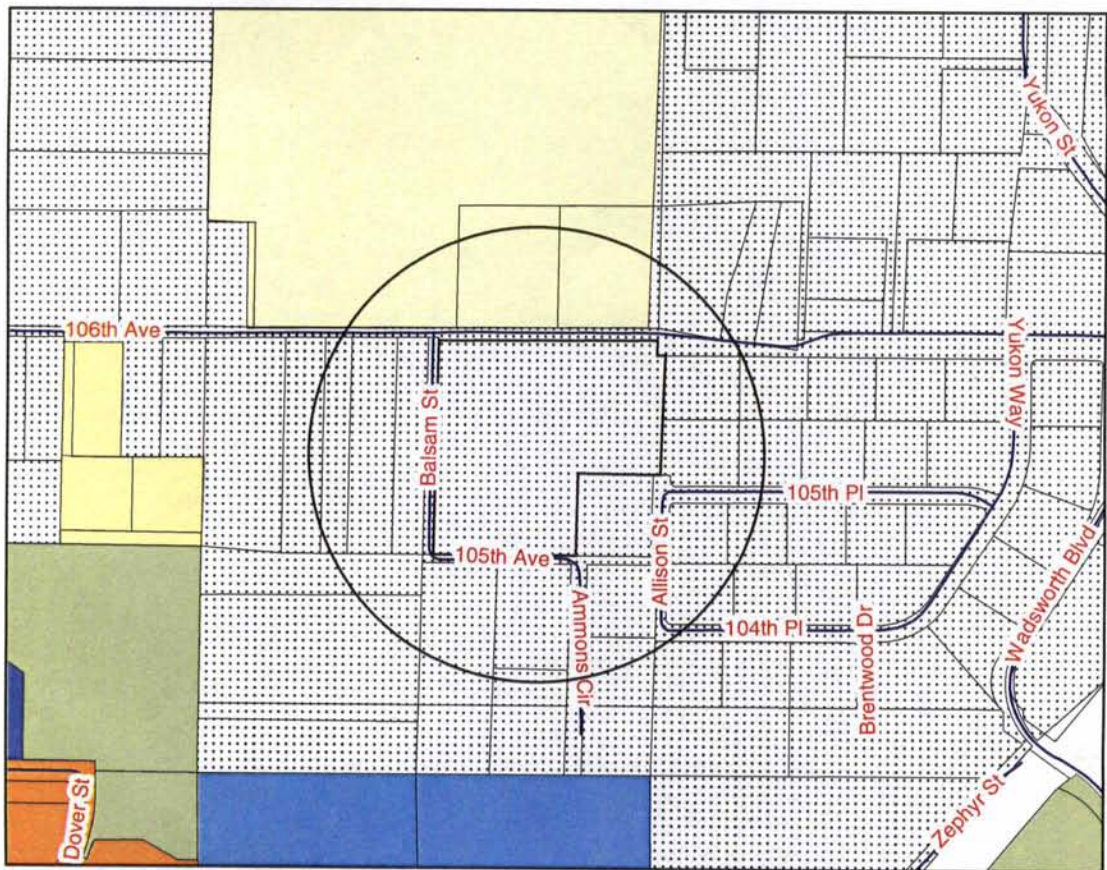
Legend

- Outside COW
- Inside COW
- ▨ Annexation
- ▤ Airport Critical Zone

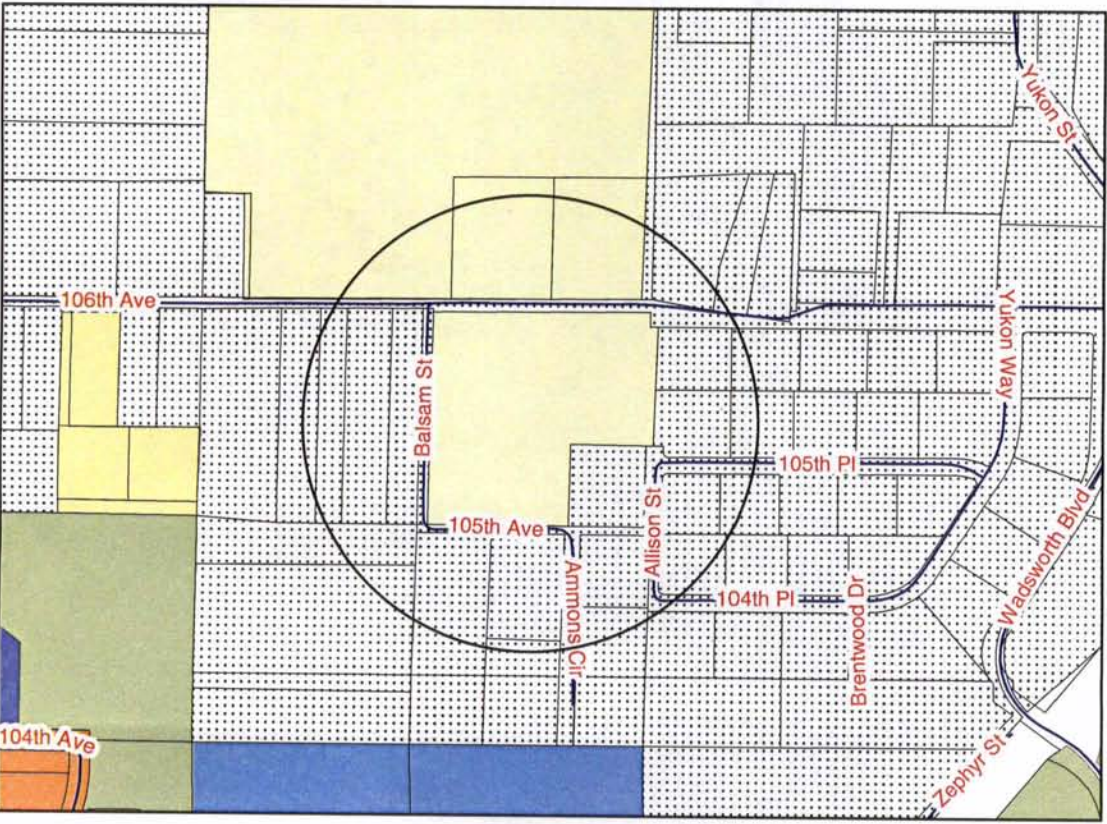


Jaidinger Annexation CLUP Amendment

Original CLUP Designation



Proposed CLUP Designation

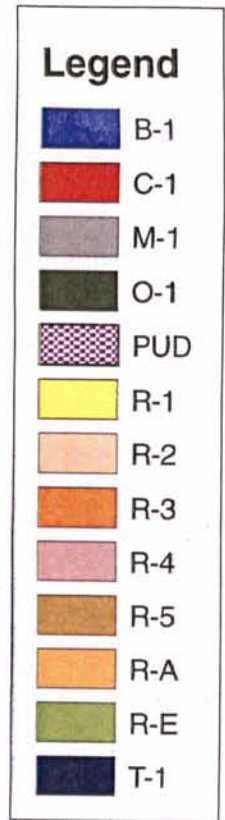
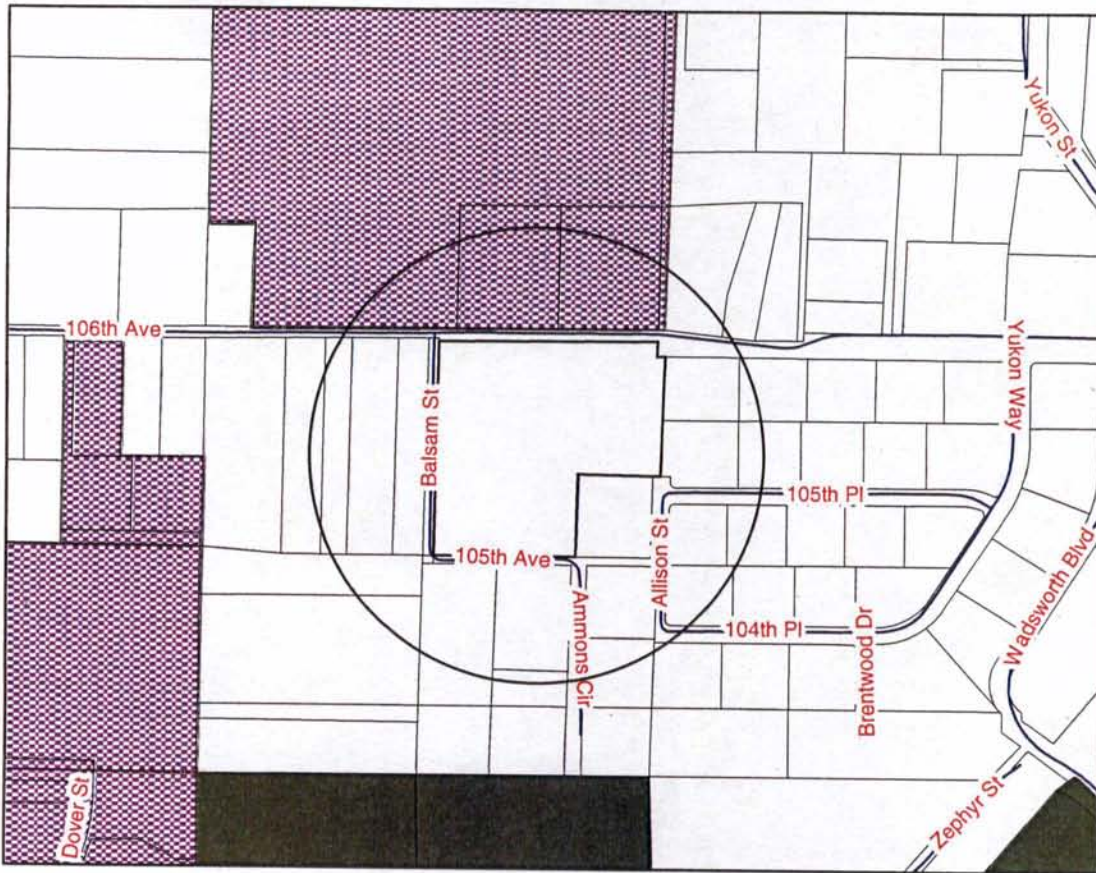


Description of Change:
 Property was designated
 Northeast Comprehensive
 Land Use Plan.
 Proposed designation is
 R-1 (Residential: Up to
 1 Dwelling Unit per Acre).

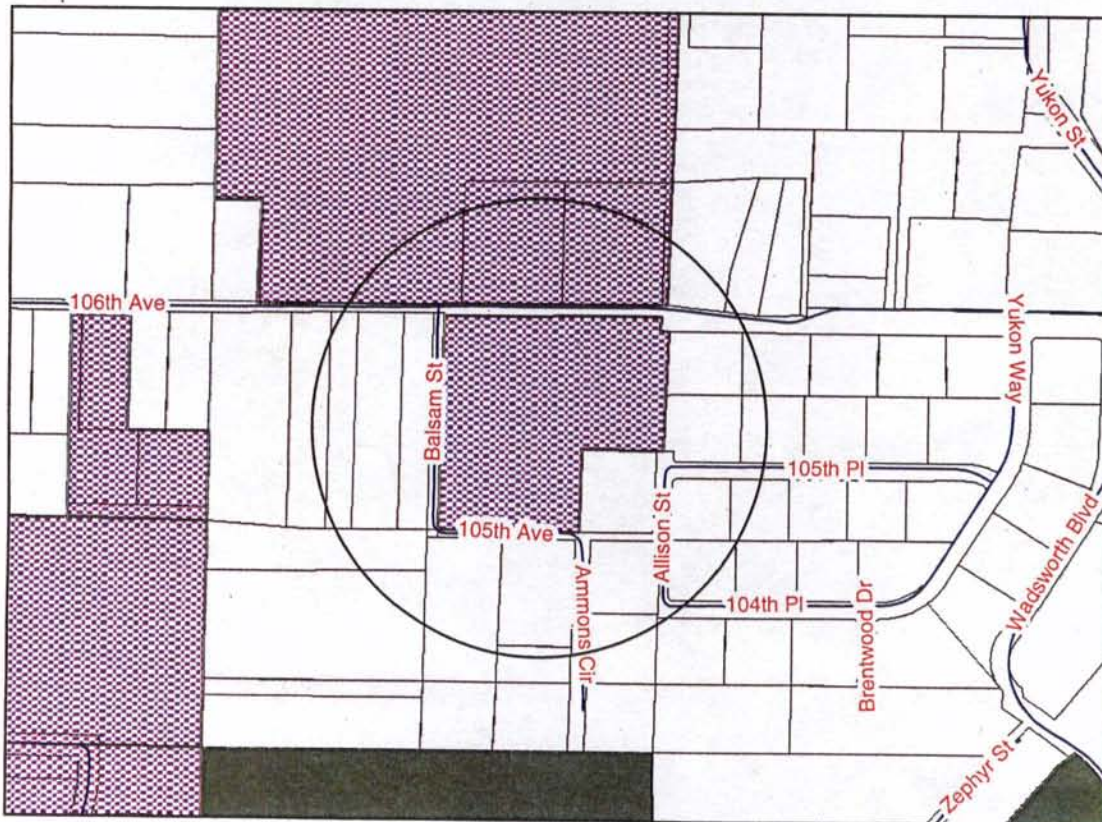


Jaidinger Annexation Rezoning

Original Zoning Designation



Proposed Zoning Designation



Description of Change:
 Property was not in the
 City of Westminster.
 Proposed designation is
 PUD (Planned Unit
 Development).



Not to Scale



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: Councillor's Bill No. 56 re Village at Standley Lake Business Assistance Package

Prepared By: Susan Grafton, Economic Development Manager

Recommended City Council Action

Pass Councillor's Bill No. 56 on first reading authorizing the City Manager to execute and implement the business assistance package (BAP) with JWD Company, LLC, a Colorado limited liability company.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill that authorizes the execution of the attached business assistance package with JWD Company, LLC to assist with the funding of architectural upgrades and public art.
- JWD Company, LLC is constructing the 21 acre Village at Standley Lake at the northwest corner of 100th Avenue and Wadsworth Parkway.
- Assistance will not apply to any existing user in the City that closes another facility in Westminster and reopens at this location.

Expenditure Required: \$174,000 (Rebates)

Source of Funds: The business assistance package with JWD Company, LLC will be funded through revenue received from permit fees, construction use tax, and sales tax directly generated from the construction and operation of the Village at Standley Lake.

Policy Issue

Does Council desire to provide assistance to JWD Company, LLC to aid in the funding of architectural upgrades and public art at the Village at Standley Lake project?

Alternatives

Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City's goal of encouraging a center with architectural upgrades and public art enhancements would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is what the developer needs to provide the upgrades to the retail center.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. It is staff's opinion that additional assistance is not needed.

Background Information

Staff has been working with Patrick Hill of Hill Associates LTD since September 2004. Patrick Hill developed an approximately 21 acre site known as Crown Point. He sold 13.5 acres to a church and retained approximately 8 acres for neighborhood retail development. In June 2004, Council approved an Official Development Plan for this site under the name of Village at Standley Lake. The developers have now attracted tenants to the project and are ready to pursue construction of the retail center.

In an effort to attract quality tenants, Patrick Hill has provided a number of architectural upgrades as well as coordinated the public art between the Village at Standley Lake and Standley Lake Marketplace (the Safeway anchored center to the east). The upgrades to the center cost in excess of \$365,000. Assistance was requested for the architectural upgrades and public art components.

It is anticipated that the Village at Standley Lake will generate over \$1.1 million in new revenue directly to the City in the first five years of operation, based on the construction of 38,093 square feet of speculative retail with a total building valuation of \$5,592,550 (based on 48,474 s.f.) and averages sales per square foot of \$185 (sales tax projections were based upon similar size of buildings and types of retail).

Based upon these figures, Staff recommends the following business assistance package:

Proposed Assistance	Approximate <u>Value</u>
<u>Building Permit-Fee Rebate</u> 50% of the Building Permit Fees on the construction of the 48,472 s.f. of retail space (excluding water & sewer tap fees) will be rebated.	\$27,000.00
<u>Building Use Tax Rebate</u> 50% of the General Use Tax (excludes the City's .25% open space tax and .6% public safety tax) on the construction materials for the 48,472 s.f. retail space will be rebated.	\$42,000.00
<u>Sales Tax Rebate for the First 12 Months of Operation</u> For the first 12 months of business operations, 50% of the Sales Tax generated by the retail center will be rebated up to a maximum of \$105,000 (excludes the City's .25% open space tax and .6% public safety tax). <u>The rebate will be limited to 12 months or \$105,000, whichever comes first.</u>	\$105,000.00
Total Proposed Assistance Package Not To Exceed	\$174,000.00

This assistance package is based upon the City's desire to achieve upgraded architecture and public art at the Village at Standley Lake in Westminster. It is comparable to what was offered to Standley Lake Marketplace for similar upgrades to that shopping center.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **56**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE
WITH JWD COMPANY, LLC
FOR THE CONSTRUCTION OF THE VILLAGE AT STANDLEY LAKE RETAIL PROJECT IN
WESTMINSTER, COLORADO**

WHEREAS, the successful attraction and retention of high quality retail 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 generate additional sales tax revenue and remain competitive with other local governments in offering assistance for occupancy of existing retail space in the City; and

WHEREAS, JWD Company, LLC plans to construct a 20 acre upscale retail center at the northwest corner of 100th Avenue and Wadsworth Parkway, and

WHEREAS, a proposed Business Assistance Package between the City and JWD Company, LLC 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 a Business Assistance Package with JWD Company, LLC 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 26th day of September 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of October 2005.

ATTEST:

Mayor

City Clerk

EXHIBIT A

BUSINESS ASSISTANCE PACKAGE FOR JWD COMPANY, LLC IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 2005, between the CITY OF WESTMINSTER (the "City"), and JWD Company, LLC, a Colorado limited liability company;

WHEREAS, the City wishes to provide certain assistance to JWD Company, LLC contingent upon the provision of upgraded architecture and public art for The Village at Standley Lake Shopping Center; and

WHEREAS, JWD Company, LLC plans to construct a 21 acre retail development at the northwest corner of 100th Avenue and Wadsworth Parkway, consisting of approximately 37,793 square feet of retail space; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below the City and JWD Company, LLC agree as follows:

1. Limitations. The terms of this agreement are subject to the following limitations. There will be no obligation on the City to carry out the terms of this agreement outlined in paragraphs 2, 3, and 4 outside of the bounds of these limitations:

- No assistance will be applied to any existing retailer in the City that closes another facility in Westminster and reopens at this location.
- The assistance is capped at a total of \$174,000. Once this amount is reached, no further assistance will be provided.
- Receipt of the rebates must occur within 12 months of the issuance of the first Certificate of Occupancy.

2. Building Permit Fee Rebates. The City shall rebate to JWD Company, LLC 50% of the building related permit fees for the construction of the Village at Standley Lake required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees.

3. Use Tax Rebate- Construction. The City shall rebate to JWD Company, LLC 50% of the Building Use Tax on the construction materials, resulting from the construction of the Village at Standley Lake, required under W.M.C. sections 4-2-9 and 4-2-3.

4. Sales Tax Rebate. The City shall rebate to JWD Company, LLC 50% of the amount of the sales tax collected for the first twelve (12) months of operation of the retail uses in Village at Standley Lake. Such rebate shall be payable exclusively from sales tax revenue collected by the City attributable to the imposition of the City's 3.0% general sales tax (exclusive of the City's .25% Open Space Tax and the .6% Public Safety Tax). The total sales tax rebate shall not exceed \$174,000 less the amount previously rebated in permit fees (reference paragraph 2) and construction use tax (reference paragraph 3), and shall not exceed 1 year of duration.

The rebate shall be paid by the City in quarterly installments from the revenue actually collected and received by the City. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter. Payments will be submitted electronically to a Village at Standley Lake LLC designated financial institution.

5. Entire Agreement. This instrument shall constitute the entire agreement between the City and JWD Company, LLC and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Termination. This Business Assistance Package shall terminate and become void and of no force or effect upon the City if JWD Company, LLC has not completed construction of the Village at Standley Lake on or before December 31, 2007; or, should JWD Company, LLC fail to comply with any City code and/or approval process.

7. Business Termination. In the event that an approved user ceases business operations in the City within five years after the new operations commence, JWD Company, LLC shall reimburse the City for any amounts rebated to or otherwise provided to JWD Company, LLC pursuant to this Agreement, unless the City approves a successor to the initial approved user, which is substantially similar in quality and sales tax production as the approved user.

8. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

9. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

10. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Jefferson County, Colorado.

JDW Company, LLC
A Colorado Limited Liability Company

CITY OF WESTMINSTER

Patrick Hills

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Linda Yeager
City Clerk

Adopted by Ordinance No.



WESTMINSTER
COLORADO

Agenda Item 10 V

Agenda Memorandum

City Council Meeting
September 26, 2005



SUBJECT: Councillor's Bill No. 57 re Lease of Bott House on Open Space

Prepared By: Ruth C. Becker, Open Space Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 57 as an emergency ordinance authorizing the execution of a ten-month lease in substantially the same form as the attached agreement for the Bott house at 10395 Wadsworth Boulevard.

Summary Statement

- The City acquired the Bott property for open space on March 19, 2004. The property is located in the Walnut Creek floodplain and was acquired as a potential location for an underpass under Wadsworth Boulevard and under the Burlington Northern Santa Fe railroad tracks for the Walnut Creek Trail. The property has been vacant since acquisition and the City has continued to pay utilities to maintain the property.
- At a study session on June 22, 2005, the City Council considered rental of the Bott House as a temporary use to generate income and maintain the property until a permanent use for the property is determined. The City entered into a property management agreement with Proformance Properties Inc. on July 13, 2005 to market and manage the property.
- Proformance Properties has identified a qualified tenant. The tenant has signed a lease for ten months at \$1,100 per month. The rent is less than the predicted range of \$1,200 to \$1,250 per month because the garage is not included in the rental. The request for an emergency ordinance is to finalize the lease and rent the Bott house as soon as possible so the tenant can take possession and begin paying rent to the City.

Expenditure Required: Rental Income of \$1,100/ month, less management expenses, to the Open Space Fund

Source of Funds: Income to Open Space Fund

Policy Issue

Does City Council wish to authorize the execution of a ten month lease for rental of the Bott House?

Alternative

City Council could reject this lease approval request and direct Staff to locate another tenant or change the lease terms. This alternative is not recommended as Staff believes the property manager has located a tenant who will be suitable for the property and the rent is appropriate.

Background Information

Proformance Properties, the property manager, has presented a lease to the City for \$1,100 per month for rental of the Bott property. The tenant has been screened by Proformance Properties and satisfies all of their requirements for leasing. Proformance Properties has been showing the house for the past two months and was unable to rent the property for the projected rate of \$1,200 to \$1,250 per month because the garage was excluded from the rental. The garage is currently used by the Rotary Club to store used computers for their Computers for Kids program. Lack of a garage became a significant drawback for the property and required the rent reduction to \$1,100 per month. The property manager's fee is 8% of the gross rental plus an initial fee of one-half of the monthly rental for location of a new tenant.

Under the lease, the Tenant is responsible for utility payments and for maintenance of the grounds. Placing a tenant in the property will generate income for the City's Open Space Fund and provide residents on site to maintain the property. Once the City determines a permanent use for the house, the residence could be converted to a City use or potentially torn down to make way for the trail. In the meantime, the residence will be in a productive use that will provide income to be applied to future open space purchases.

The City Charter requires that leases be approved by City Council by ordinance. Staff is recommending approval by emergency ordinance so that the tenant may begin occupancy as soon as possible and begin paying rent to the City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3232**

COUNCILLOR'S BILL NO. **57**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING A LEASE AGREEMENT FOR THE LEASE OF THE PROPERTY LOCATED AT 10395 WADSWORTH BOULEVARD, WESTMINSTER, CO.

WHEREAS, the City of Westminster has a house available for rent at 10395 Wadsworth Boulevard; and

WHEREAS, it is in the City's best interest to lease the house as quickly as possible so that a tenant will be on the premises and an income stream will be generated for the property; and

WHEREAS, the tenant has been screened and determined to be suitable for the property; and

WHEREAS, the final form of the lease agreement has been agreed to by the parties; and

WHEREAS, the City Charter requires such lease be approved by ordinance,

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease Agreement between Proformance Properties Inc., as agent for the City, and the tenant for the lease of the property located at 10395 Wadsworth Boulevard, Westminster, CO, in substantially the form attached to this Ordinance, is approved.

Section 2. Because it is in the best interest of the City of Westminster to lease the property at 10395 Wadsworth Boulevard, as quickly as possible, an emergency is declared to exist, and this ordinance is declared to be necessary. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on September 26, 2005, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 26th day of September, 2005.

ATTEST:

Mayor

City Clerk

05L PROformance Properties Inc.

THIS IS A LEGAL DOCUMENT. IF NOT UNDERSTOOD, LEGAL COUNSEL SHOULD BE CONSULTED BEFORE SIGNING. Broker is a limited agent of the Seller/Owner and represents only the Seller/Owner

This lease agreement, made and entered into on this 21 day of September, 2005 by and between PROFORMANCE Properties Inc., as agent for the owner, hereinafter referred to as Agent, and Greg Duff and Heather Duff hereinafter referred to as Tenant, WITNESSES:

In consideration of the covenants and agreements set forth, to be kept and performed by the respective parties. Agent does hereby rent to tenant and tenant does hereby take and hire from Agent the following described real property situated in the city of Westminster, County of Jefferson, State of Colorado, Legal Description Block 58 and Block 57A Mandalay Gardens also known as street address number 10395 Wadsworth Blvd. Westminster, Colorado 80021-4034.

I. TERM OF LEASE. This lease agreement shall commence on the 1st day of October, 2005, and shall continue for a period of ten months thereafter, expiring on the 31 day of July, 2006. The property is not to be used as temporary quarters. A period of the aforementioned term of occupancy is expressly agreed upon.

II. COVENANTS OF LEASE. In consideration of the letting of the above-mentioned property, Tenant agrees to abide by the following covenants:

- (1) Tenant shall comply with all terms, conditions, and provisions of these covenants as set forth, the same being made expressly part of this agreement.
- (2) Tenant shall keep the premises in clean and sanitary condition, and will at the expiration of this agreement surrender and deliver up said premises in as good an order and repair as when the same was entered upon, loss by fire and ordinary wear and tear excepted.
- (3) Tenant shall be responsible for any damage to the premises arising from Tenant neglect or abuse, at the discretion of agent, and tenant shall remedy such damage at Tenants expense.
- (4) Tenant shall not make any alteration or change upon (including decorating) the premises without first obtaining the expressed written consent of Agent. If such alterations or changes are made without said approval, Tenant shall bear the total expense of the same.
- (5) **ALL MAINTENANCE, REPAIRS, OR OTHER WORK TO BE DONE ON THE PREMISES SHALL BE THE AGENT'S RESPONSIBILITY TO CONTRACT.** Tenant agrees to notify agent in a timely manner of all maintenance or repairs that need to be contracted. Any work done on the property without Agent's prior knowledge shall be at the expense of Tenant, no mechanic's liens shall be filed by Tenant or those contracted by Tenant, and Tenant shall bear the expense to remove or remedy the same. Agent reserves the right to allow a reasonable period of time before work is completed, at Agent's discretion. Tenant may be responsible for all minor maintenance of the property up to fifty dollars (\$50.00). This provision does not include major repairs such as furnace or water heater repairs that are not caused by tenant.
- (6) Tenant agrees that the premises, its appliances, and appurtenances have been thoroughly inspected and hereby accepts these items in as-is condition. No warranty, neither expressed nor implied, has been given by Agent regarding the condition of these items, nor has any promise been made by agent to repair or replace the same. Agent shall use its best efforts exercised under the authority of its agency agreement with the owner of the property, to maintain, repair, or replace those items that Agent deems advisable and in the best interest of owner and tenant.
- (7) Tenant agrees to properly irrigate and care for all trees, shrubbery, and lawn areas, if such items are tenant responsibility. The cost to remedy any neglect shall be at the full expense of tenant.
- (8) Tenant agrees to not sublease any part of the premises, nor assign this agreement or any interest herein granted.
- (9) Tenant agrees to use the premises for the purpose of a private residence only. Tenant shall not use the premises as a place to conduct business, including day care or baby-sitting of more than three (3) children. No more than 3 adults and 1 child. (under 18 years of age) shall occupy the premises.
- (10) Tenant agrees to not use the premises for any purpose prohibited by the laws of the United States, The State of Colorado, or any city ordinance either in effect or to be enacted during the term of tenancy, nor to use the premises for any improper or questionable purpose whatsoever which shall be at the discretion of Agent.

(05)

PROformance Properties Inc.

- (11) Tenant agrees to keep sidewalks and areas in and around the premises clear of all obstructions, including toys, snow, litter, debris, feces.
- (12) Tenant shall allow Agent or a duly appointed representative of agent to enter into and upon the premises at any reasonable hour for the purpose deemed advisable by Agent. Agent shall give Tenant reasonable notice before entering property for the purpose of inspection.
- (13) Tenant shall allow the posting of FOR RENT or FOR SALE signs as deemed necessary by Agent, and agrees to cooperate fully in the showing of said premises, at reasonable times.
- (14) If the subject property is presently for sale, or shall be put on the sale market during the term of occupancy, the following covenants shall apply(a) Agent shall give Tenant reasonable notice in the event Agent is made aware that the property is to be put on the sale market.
- (a) Tenant agrees to vacate the premises within thirty (30) days upon written notification by Agent. The term of rental agreed upon under Section I shall be honored by Agent.
 - (b) Tenant agrees to keep the premises clean, sanitary, and "showable" at all times, and shall allow the property to be shown at any reasonable hour. Tenant will be contacted, or the attempt of such contact shall be made and thoroughly documented prior to showings. Tenant agrees to not change and/or disconnect Tenants phone for the purpose of avoiding or resisting showings
 - (c) Tenant understands that a lock box may be used for the purpose of showing the property. Under no circumstance is the agent or the real estate broker obliged to disclose the lock box combination to Tenant. Tenant agrees not to tamper damage or remove the keys from said lock box at any time.
 - (d) It is understood by Tenant that failure to comply with the above covenants shall be considered a breach of this agreement, and shall grant Agent the right to exercise its remedies of eviction and /or forcible removal with or without due process of law.
- (15) Tenant shall not remove any items affixed to the walls, ceilings, or floors of the property, such as hangers, hooks, etc. because of resulting damage to these surfaces. Additionally, any item belonging to Tenant that is affixed or adhered to any surface of the property shall become a permanent fixture, and may not be removed by Tenant upon vacancy.
- (16) Tenant agrees to use only commercially available picture hangers, 10 lb. weight maximum, on any walls of the premises. Use of glue or any other type of adhesive-type substance is strictly prohibited unless written permission is granted by agent.
- (17) Tenant shall maintain sufficient heat in the property to prevent freezing of plumbing. Tenant also agrees to clean or replace furnace filters at least once each month during the winter months.
- (18) Tenant agrees not to place any damaging foods or excessive amounts of foods or materials to damage garbage disposal that could obstruct the drain. Additionally, Tenant shall refrain from any foreign objects down toilets or drains (i.e. sanitary napkins, tampons, diapers, toys, etc.). Any item discovered in plumbing, sewer, or disposal causing blockage or damage shall be removed or repaired at Tenant's expense.
- (19) Water beds are not permitted unless Tenant or the owner of the property maintains adequate insurance coverage to compensate for any damage caused by said water bed. If insufficient coverage exist, Tenant shall be held monetarily responsible for repair of all damage caused by said water bed.
- (20) Tenant agrees to vacate property within three (3) days after notification in writing of non-payment of rent or any other breach of this agreement. If the premises are not vacated within said three (3) day period, Tenant shall remain liable for rent at the rate reserved hereunder, as well as all applicable fees and charges as set forth in this agreement.

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PROformance Properties Inc.

(21) It is expressly understood and agreed by Tenant that Agent, the owner of the subject property, and/or any person working under the authority of Agent or owner shall not be held liable for any damage, injury, or loss to Tenant, or to any invites or licensees of Tenant, from whatever causes arising from the occupancy of the said property by Tenant, or to any invites or licensees of Tenant, from whatever causes arising from the occupancy of the said property by tenant. Additionally, both Agent and owner shall be held harmless in the event of voluntary sale, condemnation, or foreclosure of the property, or in the event bankruptcy proceedings are commenced against either party.

(22) Tenant shall pay for all utilities on the property.

It is expressly understood that payment of rent does not include any of the above-mentioned utilities.

(23) Tenant hereby grants to Agent and the owner of the subject property, in addition to the lien granted by law, a lien upon all personal property situated or to become situated in or upon the premises, including but not limited to all furniture and household goods, whether said property is exempt from execution or not, for court cost and attorney's fees incurred under the terms hereof. Additionally, Tenant shall pay all attorneys' fees and court cost in the event litigation arises as a result of the tenancy of the subject property.

III. PAYMENT OF RENT. Tenant agrees to pay Agent as rent for the subject property the total sum of \$11,000.00, which shall be payable in equal monthly installments of \$1,100, to be paid in advance on or before the first day of each and every month throughout the term of this agreement. Payments may be mailed to the address of Agent as described herein, or may be delivered in person to office.

(1) A late fee of Fifty dollars (\$50.00) shall be assessed for any rent payment received in the office of Agent after the Third Day of each month, and an additional charge of (\$10.00) ten dollars will be assessed for every day that full amount of rent or unpaid balance of rent payment is not received in the office of agent.

(2) Under no circumstances will any partial payment of rent or post-dated checks be accepted by Agent as payment of rent, without prior arrangements being made in writing. Payments may be made by personal check, cashier's check or money order.

(3) Late fees and other Tenant charges assessed shall be posted against Tenants account and payable within ten (10) days of notification by agent. If said charges are not paid within this period, they may be deducted from Tenant's damage deposit without prior notification. Agent may also pay such tenant's charges from rent payments received to either pay such charges or to reimburse amount of agreed upon security deposit.

(4) Rent that is delinquent for a period of longer then (3) days shall constitute tenancy on a day-to-day basis.

(5) Tenant understands that there will be a fifty dollar (\$50.00) charge assessed for each check returned to Agent for ANY REASON. This Charge includes any third-party checks submitted as rent, deposit or Tenant charge payment by tenant. In the event any check is written on a closed or false account, or if the above-mentioned fine is assessed a total of two (2) times, only money orders or certified funds will be deemed acceptable forms of payment for the duration of the tenancy. Tenant also understands that all late fees shall remain applicable in the event payment of rent is delayed due to returned check(s).

(6) Tenant acknowledges having received one (1) set of keys. Tenant hereby assumes full responsibility and expense for furnishing extra sets of keys. In the event Agent must let tenant into the property at any time during tenancy or if Agent must furnish Tenant with an extra set of keys, there will be a fifty dollar (\$50.00) charge assessed against Tenants account for each occurrence.

IV. SECURITY DEPOSIT. Tenant agrees to pay Agents a security deposit in the TOTAL amount (INCLUDING PET DEPOSIT, if applicable) of \$1,450.00. to be used for the following purposes:

(1) To guarantee full performance on the part of Tenant of the terms of this agreement. Tenant understands that a breach of any part of this agreement may constitute full forfeiture of deposit.

(2) For remedy or repair of any damage incurred as a result of Tenant's occupancy of the premises, and or payment of unpaid tenant utilities.

(3) For payment of attorney's fees, court cost, collection cost, unpaid management fees, late charges, and any other tenant charges and fees.

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PROformance Properties Inc.

SECURITY DEPOSIT SHALL BE PAID AS FOLLOWS: (includes pet deposit).

amount of \$1,000.00 is hereby received for as of September 21, 2005 .

*installment #2 in the amount of \$350.00 due on or before November 1, 2005

Tenant understands that failure to pay the amounts due on the dates specified above shall constitute a breach of this agreement and shall subject Tenant to the rights of Agent for collection and/or removal from the premises with or without due process of law.

Agent agrees to furnish Tenant within sixty (60) days after vacation of the premises written notification of any charges levied against Tenant's security deposit, if any, and shall include the balance of the deposit not withheld in the form of a check, or a billing if the amount of the charges levied exceeds the total deposit held by agent. Said notification and/or check shall be mailed via Certification of Mailing to the last known address of Tenant. If for any reason said notification and/or check is not delivered to Tenant within said sixty (60) day period, Tenant agrees to hold Agent harmless upon Agent's presentation of the receipt for Certification of Mailing, which shall witness the date said items were mailed, as well as a copy of said items. If said items are to be delivered in person to Tenant, Tenant agrees to sign a receipt form which shall evidence the date and time of Tenant's acceptance of said items. Tenant agrees to furnish Agent with a forwarding address immediately upon vacating the premises.

Tenant understands that all sums for security deposit purposes may be deposited in Agent's interest-bearing account, and all interest accrued therefrom shall become the income of Agent.

V. PETS. A Total of two pet(s) shall be permissible upon the premises. List number, size and breed of each animal (Dalmatian and Healer mix).

Under no circumstance are visiting pets allowed on the premises at any time. If any unauthorized animal is on the premises, tenant will be subject to a fine of \$500.00 and \$50.00 per day until the pet is removed. In addition if the pet is on the property for a period of longer then five (5) days shall be considered to be a permanent pet of the Tenant, and shall subject Tenant to additional deposits and/or fees as Agent shall deem to be applicable under this agreement, and may subject Tenant to forcible removal from the property with or without due process of law.

(1) In consideration of allowing the above-described pet(s) upon the premises, Tenant agrees to pay an additional deposit of \$350.00 as accounted for in section IV, Damage Deposit. Tenant further agrees to pay for all cost incurred in the correcting or repairing of any damage to the dwelling, shrubs, trees, lawn area, and all other property and/or landscape items that have been, in the opinion of Agent damaged .

(2) Suitable provision must be made by Tenant for the proper housing of the pet(s), as well as a fenced area or stake and chain at the rear of the property for the purpose of containing and restraining the animal(s). Any alteration to the building or the construction of a dog run must be approved in writing by agent.

(3) Pet(s) must be contained or restrained at all times. Any animal reported wandering loose outside the boundaries of the property shall be apprehended in accordance with city ordinances. Additionally, any reported pet abuse shall be grounds for immediate termination of tenancy without recourse on the part of the Tenant.

(4) Tenant agrees to pick up and dispose of all pet feces at least on a weekly basis or as deemed necessary by Agent.

(5) Tenant agrees to hold Agent, the owner of the property, Agent's or owner's employees, contractors, or agents harmless from any and all, liability, attorney's fees and court fees in the event litigation is brought by any person or persons so affected by the pet(s) of the tenant and does bring suit or liable charges against Tenant, Agent, owner, employee or contractor, agent or the pets of tenant.

(6) In the event any covenant or association law should prohibit the allowing of pets upon the premises, whether these laws are now in existence or shall be enacted during the term of tenancy, Tenant agrees to immediately dispose of pets in accordance with these laws, or vacate the property within 30 days after proper notice has been given to Agent by Tenant. **IT IS THE RESPONSIBILITY OF THE TENANT TO BECOME KNOWLEDGEABLE OF ALL COVENANTS AND/OR ASSOCIATION LAWS OF THE AREA.** Agent is not responsible for providing such information and shall not be held liable for any misinformation, misunderstanding, or tenants' failure to become fully aware of any applicable covenants or laws.

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PROformance Properties Inc.

(7) If the pet(s) of Tenant shall become a nuisance or objectionable in the opinion of Agent, Agent may at its discretion give Tenant written notice to permanently remove the pet(s) from the premises within ten (10) days. Failure to comply with such notice shall permit Agent to exercise all legal remedies available, including but not limited to termination of tenancy and assessment of all damages resulting therefrom.

VI. TERMINATION OF TENANCY. The tenancy granted hereunder may be terminated by either Agent or Tenant with thirty (30) days written notice, made prior to the first day of the month, subject to the provisions contained in Section IV.

(1) Tenant agrees to pay rent for the entirety of the term of tenancy as set forth in Section I TERM OF RENTAL

(2) If Tenant holds possession of the premises after the expiration date of the term of rental as set forth in this agreement, tenancy shall be on a month-to-month basis, and tenant shall remain in full effect and subject to all terms and provisions contained in this agreement.

(3) Upon receipt of written notice, Agent shall make every reasonable attempt to re-rent the premises. **TENANT AGREES TO COOPERATE FULLY IN THE SHOWING OF THE PREMISES, AND SHALL ALLOW POSTING OF SIGNS AS DEEMED NECESSARY BY AGENT.** Tenant also acknowledges that a lock box may be used on the property for the purpose of showings. Tenant shall not tamper with said lock box, nor shall Tenant make any Attempt to change or disconnect Tenants phone for the purpose of avoiding or resisting showings.

(4) Tenant shall be responsible for paying rent and utilities while still occupying the premises or if tenant personal possessions are kept or stored on premises.

(5) If Tenant shall vacate the property mid-month, Tenant shall be responsible for payment of rent and utilities through the end of the month.

(6) Tenant agrees to return to Agent all sets of keys to the property within four (4) hours of vacating the property. Failure to do so will result in a charge of (\$80.00) eighty dollars against tenant's damage deposit.

(7) Tenant agrees to pay the cost of professionally cleaning all carpets upon termination of tenancy by company of management or owners choice.

(8) Tenant is responsible for all glass breakage and screen door repair.

VII. BREACH OF AGREEMENT AND ABANDONMENT OF THE PREMISES. It is expressly agreed that if the rent or any part thereof shall be in arrears or if Tenant defaults in any of the covenants herein set forth, Agent may, at its option, declare said tenancy ended and enter into said premises to expel or put out Tenant without liability for damages resulting from the same. Tenant hereby covenants and agrees to surrender and deliver up said premises peaceably to Agent immediately upon the termination of tenancy, and if Tenant remains in possession of the premises after such termination, Tenant shall be termed guilty of a "forcible detainer" of said premises under the statute, and shall be subject to eviction and or forcible removal as stated above, and shall remain liable for rent at the rate reserved hereunder until Tenant vacates the premises. If, in the opinion of Agent, it appears the premises were abandoned, Agent may, at its option, enter into the premises and re-rented the same or any part thereof, as it may seem fit, without thereby avoiding or terminating this agreement. For the purpose of such re-renting, Agent may make any repairs, alterations, or changes in or to the said premises as may, in the opinion of Agent, be necessary or desirable for the purpose of such re-renting. If Tenant fails to remove all effects from the premises, Agent may, at its option, remove the same in any manner it may choose and/or store the said effect without liability for the loss thereof. Tenant agrees to pay Agent on demand any and all expenses incurred in the removal or storage of said effects, including but not limited to court costs, attorneys fees, and storage charges. Agent reserves the right to sell said effects without public notice and shall apply any proceeds realized against any amounts due under this agreement, for any expense incurred in the removal, storage, and sale of said effects, and for Agent's personal time and expense in the same. Tenant shall be responsible for all expenses incurred in re-renting the property, including but not limited to, cleaning, advertising, repairs, rental screening costs and fees, rental processing fees, etc.

VIII. GENERAL PROVISIONS. This agreement shall be binding on all heirs, assigns, and executors of the parties. It is agreed that Tenant shall be responsible for any attorney's fees and court cost incurred pursuant to the collection of delinquent rent or to enforce any obligation of the Tenant created hereunder. It is expressly understood that Agent is a duly appointed agent for the owner of the subject property. This agreement shall not be construed as creating in Agent any interest in and to the property.

PROformance Properties Inc.

ADDITIONAL PROVISIONS

This lease is contingent upon approval and ratification by ordinance by the Westminster City Council. Tenant must file a signed copy of this lease with the City Clerk prior to adoption of the ordinance by City Council.

The following sums are hereby received for:

Rent : From _____, 200__ to _____, 200__ \$ _____

Security Deposit (from Section IV)..... \$ _____

OTHER _____ \$ _____

TOTAL AMOUNT RECEIVED..... \$ _____

THE UNDERSIGNED PARTIES CERTIFY THAT ALL OF THE INFORMATION HEREIN IS CORRECT, AND THAT THIS RENTAL AGREEMENT HAS BEEN THOROUGHLY READ AND UNDERSTOOD. THE UNDERSIGNED PARTIES AGREE TO PERFORM ALL COVENANTS SET FORTH IN THIS AGREEMENT.

BY SIGNING THIS LEASE AGREEMENT TENANT ACKNOWLEDGES HAVING RECEIVED A UNIT CONDITION CHECKSHEET AND UNDERSTANDS THAT THIS CHECKSHEET MUST BE COMPLETED AND RETURNED TO OUR OFFICE WITHIN THREE (3) DAYS FROM THE SIGNING OF THIS LEASE CONTRACT OR OCCUPANCY.

By: _____ PROformance Properties, Inc.
Mark A. Glenn Broker

Tenant/Date _____ Tenant/Date

Tenant/Date _____ Tenant/Date

**Proformance Properties Inc.
9035 Wadsworth Parkway #2000
Westminster, CO 80021**

**(OFFICE) 303-420-4472
(FAX) 720-898-0890
24 HOUR EMERGENCY ONLY PAGER
303-634-0203**

E-Mail info@proformancere.com

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, September 23, 2005. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Davia, Dittman, Dixon, Hicks, and Price were present at roll call.

The minutes of the September 12, 2005 regular meeting were approved.

Council proclaimed October to be Fire Prevention Month and Physical Therapy Month.

Council approved the following: August 2005 financial report; Change Order Number 3 to BT Construction for the Reclaimed Waterline Extension Project; purchase of a Biosolids Tanker Trailer; application for Fire Prevention and Safety Grant; donation of surplus Fire Department self-contained breathing apparatus masks; Fire Department Performance and Resource Study; renewal of Property and Liability Excess Insurance; 144th Avenue and I-25 Interchange Project contract with Bigfoot Turf; Big Dry Creek Wastewater Treatment Facility contract amendment with Camp, Dresser & McKee, Inc.; Big Dry Creek Wastewater Treatment Facility contract amendment with Sorenson Engineering, Inc.; final passage of Councillor's Bill No. 45 re Wolff Street Extension (114th Ave. to 116th Ave.) supplemental appropriation; combined Preliminary and Official Development Plan for the DeCroce subdivision; and combined Preliminary and Official Development Plan for the Jaidinger PUD.

Council tabled final passage of Councillor's Bill No. 46 re cellular tower leases for Countryside Recreation Center and the Hydropillar.

Council conducted public hearings to consider the following: Country Club Village Metropolitan Districts No. 1 and 2; Family in Christ property annexation, CLUP Amendment, and zoning; DeCroce property annexation, CLUP Amendment, and zoning; and Jaidinger property annexation, CLUP Amendment, and zoning.

Council adopted the following resolutions: Resolution No. 36 re resubmitting the repeal of Ordinances Nos. 3216 and 3217 to the voters; Resolution No. 37 re service plan for Country Club Village Metropolitan Districts No. 1 and 2; Resolution No. 38 re findings concerning the Family in Christ property annexation; Resolution No. 39 re findings concerning the DeCroce property annexation; and Resolution No. 40 re findings concerning the Jaidinger property annexation.

The following Councillors' Bills were passed on first reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: annex Family in Christ property.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: change the land use designation of the Family in Christ property from Northeast Comprehensive Development Plan to City Owned Open Space.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: rezone Family in Christ property from A-1 and C-1 (Jefferson County) to O-1.

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: annex the DeCroce property.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: change DeCroce property designated land use from Northeast Comprehensive Development Plan to R-2.5 Residential.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: rezone DeCroce property from A-1 (Jefferson County) to PUD.

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: annex Jaidinger property.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: change Jaidinger property land use designation from Northeast Comprehensive Development Plan to R-2.5 Residential.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: rezone Jaidinger property from A-1 (Jefferson County) to PUD.

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH JWD COMPANY, LLC FOR THE CONSTRUCTION OF THE VILLAGE AT STANDLEY LAKE RETAIL PROJECT IN WESTMINSTER, COLORADO. Purpose: authorize business assistance package with JWD Company, LLC to assist funding of architectural upgrades and public art.

The following Councillor's Bill was passed as an emergency ordinance:

A BILL FOR AN ORDINANCE APPROVING A LEASE AGREEMENT FOR THE LEASE OF THE PROPERTY LOCATED AT 10395 WADSWORTH BOULEVARD, WESTMINSTER. Authorizing 10-month lease of Bott House.

At 8:02 p.m., the meeting was adjourned.

By order of the Westminster City Council
Linda Yeager, MMC, City Clerk
Published in the Westminster Window on October 6, 2005

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,587,000 is hereby increased by \$19,574 which, when added to the fund balance as of the City Council action on September 12, 2005 will equal \$32,356,518. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This is an appropriation of cash-in-lieu funds received for the offsite drainage improvements for the Wolff Street extension.

Section 2. The \$19,574 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Cash-in-lieu	7500.40210.0455	\$0	<u>\$19,574</u>	\$19,574
Total Change to Revenues			<u>\$19,574</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Wolff Street Ext	80375030301.80400.8888	\$490,000	<u>\$19,574</u>	\$509,574
Total Change to Expenses			<u>\$19,574</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of September, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of September, 2005.

A BILL FOR AN ORDINANCE APPROVING A LEASE AGREEMENT FOR THE LEASE OF THE PROPERTY LOCATED AT 10395 WADSWORTH BOULEVARD, WESTMINSTER, CO.

WHEREAS, the City of Westminster has a house available for rent at 10395 Wadsworth Boulevard; and

WHEREAS, it is in the City's best interest to lease the house as quickly as possible so that a tenant will be on the premises and an income stream will be generated for the property; and

WHEREAS, the tenant has been screened and determined to be suitable for the property; and

WHEREAS, the final form of the lease agreement has been agreed to by the parties; and

WHEREAS, the City Charter requires such lease be approved by ordinance,

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease Agreement between Proformance Properties Inc., as agent for the City, and the tenant for the lease of the property located at 10395 Wadsworth Boulevard, Westminster, CO, in substantially the form attached to this Ordinance, is approved.

Section 2. Because it is in the best interest of the City of Westminster to lease the property at 10395 Wadsworth Boulevard, as quickly as possible, an emergency is declared to exist, and this ordinance is declared to be necessary. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on September 26, 2005, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 26th day of September, 2005.