



CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Boy Scout Troop 98 Volunteer Recognition
 - B. Fire Prevention Month Proclamation
 - C. Business Appreciation Week – Week of October 15th - Proclamation
7. Citizen Communication (5 minutes or less)

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

8. Consent Agenda
 - A. U.S. Mayor's Climate Protection Agreement
 - B. 2008 City Employee Health Insurance Renewals and Rates
 - C. Property Acquisition at 6851 Irving Street known as the Heitman Property
 - D. Utility System Wide Supervisory Control and Data Acquisition Enhancement Project
 - E. Sale of the 2.65 Acre Parcel on Church Ranch Boulevard West of US36 to Resolute Investments, Inc.
 - F. Bond and Disclosure Counsel for 2007 Sales Tax Refunding Bond Issue

9. Appointments and Resignations

10. Public Hearings and Other New Business

- A. 2008 Funding re Human Services Board Recommendations
- B. Councillor's Bill No. 55 re Amendment to the 2008 Adopted Budget
- C. Conservation Trust and POST 2006 Carryover Funds Transfer
- D. Councillor's Bill No. 56 re Economic Development Agreement with The Bedrin Organization
- E. Councillor's Bill No. 57 re Economic Redevelopment Agreement with Cadence Capital Investments, LLC
- F. Resolution No. 36 re 2008 Pay Plan
- G. Stipulation and Plan re Exclusion of Properties from North Metro Fire Rescue District
- H. Resolution No. 37 re Exclusion from North Metro Fire Rescue District
- I. Resolution No. 38 re 2003 Agreement to Reduce Sales Tax Allocation to WEDA re Mandalay Gardens URA

11. Old Business and Passage of Ordinances on Second Reading

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

- A. City Council
- B. Executive Session
 - Discussion of Personnel Matter (City Attorney's performance evaluation) pursuant to WMC section 1-11-3(C)(1) and CRS 24-6-402(4)(f)

13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)

WESTMINSTER HOUSING AUTHORITY MEETING (separate agenda)

CITY OF WESTMINSTER GENERAL IMPROVEMENT DISTRICTS MEETING (separate agenda)

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, OCTOBER 8, 2007 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Members of Boy Scout Troop 98 presented the colors and led the Mayor Council, Staff, and audience in the Pledge of Allegiance.

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Lindsey moved, seconded by Kaiser, to approve the minutes of the regular meeting of September 24, 2007, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall proudly announced the City's receipt of two awards in recent days. First, he reported that Stephen P. Smithers, Assistant City Manager, was in Pittsburgh attending the International City Managers Association (ICMA) Annual Conference where he accepted, on behalf of the City, the Certificate of Distinction for Performance Measurement on behalf of the City. Westminster was one of 24 municipalities throughout the United States to receive this recognition. Then at the National Recreation and Parks Association Annual Conference, Westminster's Parks, Recreation and Libraries Department was awarded the Gold Medal for the best program for a municipality in the 100,000 to 250,000 population category.

Council recently had authorized the refunding of a portion of the 1997 sales tax revenue bonds. The City had realized a \$621,000 savings as a result of the refunding. This was just one of several refunding actions Council had authorized at staff's recommendation in recent years. Total savings to the City was \$3.2 million.

At the conclusion of this Council meeting, the City Council would conduct meetings of the Westminster Economic Development Authority, the Westminster Housing Authority, and a series of General Improvement Districts. Council was the Board of Directors for each entity.

Mr. McFall also reported that City Council would conduct an executive session at the conclusion of the meeting to discuss a personnel matter, the City Attorney's annual performance evaluation.

CITY COUNCIL COMMENTS

Mayor McNally congratulated Councillor Price on having satisfied requirements of and receiving her 60-hour Leadership Certificate from the Colorado Municipal League.

Weekly activities and events attended included the Adams 12 School District Community Breakfast to support their Foundation; the open house at Covenant Village where the Mayor/Council breakfast would be held in the upcoming week; and the Tri City Baptist Church's recognition of Fire Department personnel and their families during National Fire Prevention Week. Additionally; the Mayor had been one of six women Metro Mayors that teamed together to give a presentation on transit-oriented development to the Commercial Real Estate Women (CREW) Network Convention and Marketplace. Mayor McNally also reported that the annual Holiday Arts and Crafts events at Covenant Village and the MAC Center would be held on November 3.

PRESENTATIONS

Mayor McNally called forward the members and sponsors of Boy Scout Troop 98 and presented certificates of recognition in appreciation of the Troop's past, present, and future volunteer service commitment to the community. The Council particularly appreciated Troop 98's expert advice, organization, teamwork, and manpower at the Westminster Faire Pancake Breakfast that had resulted in over \$1,900 for the Armed Forces Tribute Garden. Members of the Troop had participated in annual events sponsored by the City, such as Earth Day and Arbor Day, cleaning and replacing stickers on Citywide Recycle Program bins, and numerous other projects undertaken by individual Scouts in their quest for Eagle Scout rank.

Mayor McNally had proclaimed October to be Fire Prevention Month and Councillor Dittman presented the proclamation to Sherrie Olguin, Rob Martinez, and other members of the Westminster Fire Department. This year's theme was "Practice Your Escape Plan!" Department personnel would actively promote the campaign with fire safety presentations at schools, a coloring contest for third grade students, and a number of events with local businesses to increase awareness of good public safety practices.

Mayor Pro Tem Kauffman presented to members of the Business Advisory Group a proclamation declaring the week of October 15, 2007, to be Business Appreciation Week. The City would host the 16th annual Business Appreciation Event on October 19 in recognition of the vital role that local businesses play in the success of the City through the provision of employment, shopping, entertainment and recreational opportunities for all citizens. Businesses contributed to the City's operating funds through sales/use, accommodations, admissions, and property tax revenue collections. Local businesses also enriched the quality of life by supporting community organizations with financial and in-kind contributions. With approximately 1,700 commercial and 1,300 home occupation businesses in Westminster, public recognition of their contributions to the community's welfare was appropriate.

CITIZEN COMMUNICATION

Denis Emily, 10001 Ames Street, inquired about the process to establish wards so that City Councillors were elected from specific neighborhood wards rather than on an at-large basis. Mr. McFall responded that the City Charter would have to be amended accomplish that change and briefly described the process.

Leonard Holtzclaw, 10125 Sheridan Boulevard, spoke concerning Agenda Item 10B and requested deletion of the proposed amendment to the 2008 Adopted Budget that was listed as "New Development Participation" in the General Capital Improvement Fund. The proposed amendment was to fund one-half the estimated cost of the construction of 101st Avenue between Sheridan Boulevard and Benton Street and traffic signal modifications at the 101st Avenue/Sheridan Boulevard intersection. The Holtzclaws owned abutting property and were concerned that the extension of 101st Avenue would have the affect of placing a lien on their property, as well as the imposition of the City's cost recovery policies. He suggested other alternatives that would involve the improvement of existing access and would be more economical. He asked the City to delete the proposed amendment and to consider alternatives.

Elise Sisneros-Martin, 10561 Routt Way, told Council of a near accident she and her family had experienced while riding bikes at the intersection of 105th Avenue and Simms and asked that Council take action to install safety devices, such as a crosswalk, a flashing red light, or a stop sign. Traffic speed was excessive at the intersection and she feared a tragic accident would occur if measures were not taken to get the attention of drivers.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: authorize the Mayor to sign the U.S. Mayor's Climate Protection Agreement on behalf of the City Council; authorize the City Manager to renew contracts with Great-West Healthcare, Kaiser Permanente and Delta Dental, and authorize the continuation of a four-tier rate structure with the employer and employee premium rates shown in agenda documentation; authorize the City Manager to execute a contract for the purchase of the Heitman Property at 6851 Irving Street in an amount not to exceed \$560,000 (including relocation costs) and to retain the services of Infinity Real Estate Services to represent the City in finalizing a purchase agreement and closing on the transaction, with closing and other costs related to the land transaction on to exceed \$40,000; based on the recommendation of the City Manager, find that the public interest would best be served by accepting the proposal of Electrical System Consultants Inc. (ESC) for the engineering pre-design for the Supervisory Control and Data Acquisition systems and communication upgrades, authorize the City Manager to execute a contract with ESC in the amount of \$59,992, and authorize a contingency of \$6,000; authorize the sale of a near 2.65-acre parcel (less needed right-of-way) on Church Ranch Boulevard west of US 36 to Resolute Investments, Inc. for \$9 per square foot and authorize the City Manger to execute all documents necessary to complete the closing of the transaction; and authorize the City Manager to execute an agreement for bond counsel services with Sherman & Howard for a fee not to exceed \$13,000, plus actual expenses not to exceed \$1,500; and an agreement for disclosure counsel services with Kutak Rock for a total fee not to exceed \$10,000, plus actual expenses not to exceed \$500 in connection with the proposed issuance of \$11.38 million Sales and Use Tax Refunding Revenue Bonds, Series 2007C in a form acceptable to the City Attorney's Office.

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

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

HUMAN SERVICES BOARD RECOMMENMDATIONS FOR 2008 FUNDING ACCEPTED

It was moved by Councillor Price, seconded by Councillor Major, to accept the Human Services Board recommendations and authorize payment for 2008 funding as reflected on Attachment A to agenda memorandum 10 A-C, identifying the agencies that the City would provide financial support to during FY2008 and the associated dollar amounts. The motion passed unanimously.

COUNCILLOR'S BILL NO. 55 RE AMENDMENT TO THE 2008 ADOPTED BUDGET

It was moved by Councillor Price and seconded by Councillor Major to pass Councillor's Bill No. 55 on first reading amending the FY2008 budgets of the General, Utility, Utility Reserve, Stormwater Drainage, Golf Course, Fleet Maintenance, General Capital Outlay Replacement, Sales and Use Tax, Parks Open Space and Trails (POST), General Capital Improvement and Debt Service Funds.

At Mayor Pro Tem Kauffman's request, Mr. McFall responded to the concern raised by Mr. Holtzclaw and confirmed that cost recovery of the City's share of the cost of extending 101st Avenue, if and when development to the south ever occurred, would fall to the future developer of the property to the north. Regarding Ms. Sisneros-Martin's request for traffic control devices to enhance pedestrian access at 105th and Sims, there was sufficient funding in the budget to install appropriate improvements when traffic studies demonstrated a need for improvement.

At roll call, the motion passed unanimously.

TRANSFER OF CONSERVATION TRUST AND POST 2006 CARRYOVER FUNDS

Councillor Price moved to approve the transfer of Conservation Trust and POST 2006 carryover funds appropriated into the Parks and Recreation Capital Reserve account in the General Capital Improvement Fund to two new capital projects, City Park Recreation Center Ozone Replacement, \$175,000, and Armed Forces Tribute Garden Trail Bridge, \$225,000. The motion passed with all Council members voting yes.

COUNCILLOR'S BILL NO. 56 RE THE BEDRIN ORGANIZATION EDA

It was moved by Councillor Dittman, seconded by Councillor Price, to pass Councillor's Bill No. 56 on first reading authorizing the City Manager to execute and implement an Economic Development Agreement with The Bedrin Organization. At roll call, the motion passed unanimously.

COUNCILLOR'S BILL NO. 57 RE ERA WITH CADENCE CAPITAL INVESTMENTS, LLC

Councillor Major moved to pass Councillor's Bill No. 57 on first reading authorizing the City Manager to execute and implement the Economic Redevelopment Agreement between the City, the Westminster Economic Development Authority, and Cadence Capital Investment, LLC. Councillor Dittman seconded the motion and it passed unanimously at roll call.

RESOLUTION NO. 36 RE 2008 PAY PLAN

It was moved by Councillor Major and seconded by Councillor Price to adopt Resolution No. 36 amending the 2008 Pay Plan and benefit coverage previously approved by Council. The motion passed unanimously on roll call vote.

STIPULATION AND PLAN RE EXCLUSION OF PROPERTIES FROM NORTH METRO FIRE DISTRICT

Upon a motion by Councillor Dittman, seconded by Councillor Major, the Council voted unanimously to approve the Stipulation and Plan for exclusion of recently annexed territory from the North Metro Fire Rescue District.

RESOLUTION NO. 37 RE EXCLUSION FROM NORTH METRO FIRE RESCUE DISTRICT

It was moved by Councillor Major and seconded by Councillor Price to adopt Resolution No. 37 approving the exclusion of recently annexed properties from the North Metro Fire Rescue District. The motion passed unanimously with all Councillors voting yes at roll call.

RESOLUTION NO. 38 RE REDUCTION OF WEDA ALLOCATION OF SALES TAX COLLECTIONS

Mayor Pro Tem Kauffman moved to adopt Resolution No. 38 authorizing the Mayor, Mayor Pro Tem, and the City Clerk to execute the First Amendment to the Amended and Restated 2003 Cooperation Agreement to implement a reduction to the STX revenue the City allocates to the Westminster Economic Development Authority resulting from the reduction of the Pledged Sales Tax Revenue under the Indenture of Trust dated March, 2006. Councillor Dittman seconded the motion and it passed unanimously at roll call vote.

CITIZEN PRESENTATIONS

Susan Cunningham of Cadence Capital Investments, LLC, 5204 South Ironton Way, identified inconsistencies in the figures contained in the Economic Redevelopment Agreement attached to Councillor's Bill No. 57 and those contained in the previous agreement of January 2007. She requested that no further action be taken by City Council until the inconsistencies were addressed.

Elise Sisneros-Martin, 10516 Routt Way, reiterated her request that some type of traffic control device be installed to protect pedestrians crossing the intersection of 105th and Sims. Mr. McFall advised of the criteria used to determine when traffic control devices were warranted.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 7:59 p.m.

ATTEST:

Mayor

City Clerk



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Boy Scout Troop 98 Volunteer Recognition

Prepared By: Karen Layfield, Management Assistant

Recommended City Council Action

Mayor Nancy McNally is requested to present recognition certificates to members of Boy Scouts of America (BSA) Boy Scout Troop 98 for their 2007 volunteer service commitment to the City of Westminster including the City Council Pancake Breakfast, Westminster Faire, Earth Day and Arbor Day, and the Citywide Recycling Program.

Summary Statement

- Through the City of Westminster Volunteer Program, Boy Scout Troop 98 has provided volunteer help, enhancing many City services.
- At the Westminster Faire on August 18, 2007, Troop 98 took the lead in planning, organizing, equipping and administering the City Council Pancake Breakfast Fundraiser for the Armed Forces Tribute Garden at Westminster City Park.
- Troop 98 is to be commended for their expert advice, organization, teamwork, and manpower that resulted in the success of the Pancake Breakfast event feeding approximately 400 guests and raising over \$1,900 for the Armed Forces Tribute Garden.
- Pancake Breakfast volunteers included adults, Scoutmaster Phil Rowe, Assistant Scoutmaster Iver R. Osborn, Pancake Breakfast Chairman Trish Beichley, Committee Member Carolyn Crowley, Troop Committee Chairman Chris Crowley. Youth scout volunteers included Scout Bugler Geoffrey Crowley, Senior Patrol Leader Ben Simmons, Assistant Senior Patrol Leader James Beichley, Patrol Leader Thor Crowley, and Ryan Steinhour and Greg Emmen.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Through the Boy Scouts of America (BSA) program, young men can achieve the core objectives of strengthening character, personal fitness and good citizenship. The BSA is the largest youth organization in the United States. Boy Scouting is a year-round program for boys approximately ages 11 to 17.

At a planning meeting for the 2007 Westminster Faire, a plea went out for help to organize a new, untried fundraising event: a pancake breakfast. Volunteer Coordinator Pam Mayhew quickly responded with a referral for Boy Scout Troop 98. Pam explained they are highly-regarded and from her experience with the Troop, organization is their best asset. Troop 98 had hosted five pancake breakfasts in the past year and had extensive experience in how to plan and implement the process.

Troop Committee Chairman Chris Crowley eliminated Staff's anxiety of planning and equipping this City event and was not only a wealth of information and advice, he was also willing to allow the City the use of their entire collection of pancake breakfast provisions. Just as the Boy Scout Motto, "Be Prepared," the Troop was just that. Scout Troop 98 also came through with a hearty adult and scout volunteer force bright and early on August 18, holding true to the Scout slogan, "Do a Good Turn Daily."

Additional volunteer service provided by Boy Scout Troop 98 to the City of Westminster includes individual Eagle Scout projects and community projects, including helping at the Westminster Faire, the Earth Day and Arbor Day Volunteer Open House, and cleaning and replacing stickers on Citywide Recycle Program bins.

Through the City of Westminster Volunteer Program, Boy Scout Troop 98 has provided volunteer help, enhancing many City services and contributing to the Strategic Plan goals of Beautiful City, Vibrant Neighborhoods, and Financially Sustainable City Government.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment



WESTMINSTER

Certificate of Appreciation

For volunteer service to the community
is presented to

Boy Scout Troop 98

Your loyalty, dedication and service has truly made
Westminster a better place.

Presented by Westminster Mayor and City Council

October 8, 2007



Agenda Item 6 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Proclamation re Fire Prevention Month

Prepared By: Sherrie L. Leeka, Public Education Specialist
Diana M. Allen, Public Information Specialist

Recommended City Council Action

Present the proclamation designating October as Fire Prevention Month to Fire Department representatives.

Summary Statement

- Councillor Dittman will present the proclamation to Westminster Fire Department representatives.
- 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 9th, the anniversary of the Great Chicago Fire. This week is set aside to encourage efforts to educate the public about fire safety across the country.
- The City of Westminster will extend the celebration of Fire Prevention Week to span an entire month. The Westminster Fire Department will promote the campaign with 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 will be encouraged to participate in the NFPA Fire Prevention theme, "Practice Your Escape Plan!"
- Public Education Specialist Sherrie L. Olguin and Lt. Rob Martinez will be present to accept the Proclamation on behalf of the Fire Department.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Fire Service professionals throughout the United States will celebrate Fire Prevention Week, October 7-13, 2007. Fire Prevention Week was established to commemorate the Great Chicago Fire, the tragic 1871 conflagration that killed more than 250 people. 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.

During Fire Prevention Month, the Westminster Fire Department will promote the “Practice Your Escape Plan” theme throughout the community. This theme encourages families to think about what they would do in the case of a home fire; planning how to get out of the house and designating a meeting place, then sharing the information with all household members. The information will be shared at community activities like educational programs in local schools, the coloring contest for 3rd graders, safety events at Home Depot on October 6 and Wal-Mart on October 20, a booth at the City Halloween event, fire station tours, and while visiting older adults in their homes to conduct home safety checks.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

WHEREAS, in 2005 the United States had 3,675 fire fatalities, 17,925 injuries, and over 10.6 billion dollars in property loss due to structure fires; and,

WHEREAS, in 2006 the City of Westminster Fire Department responded to 8,277 emergency alarms, including 181 fire calls, and the City had over \$1.5 million in building and content loss was due to structure fires; and,

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

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

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

WHEREAS, the 2007 Fire Prevention Week theme, "Practice Your Escape Plan" 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 2007, and to support the many public safety activities and efforts of the City of Westminster's Fire Department.

Signed this 8th day of October, 2007.

Nancy McNally, Mayor



Agenda Item 6 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Proclamation re Business Appreciation Week – Week of October 15th

Prepared By: Rita Carrington, Business Services Coordinator

Recommended City Council Action

Present a proclamation to Business Advisory Group members proclaiming the week of October 15th as “Business Appreciation Week” in the City of Westminster.

Summary Statement

- Each year, the City hosts the Business Appreciation Event for local businesses to recognize their role as essential ingredients to the continued strength, well being, and high quality of life of Westminster. This year the event will be held on Friday, October 19th at the Westin Westminster Hotel.
- The Mayor, on behalf of City Council, is requested to proclaim the week of October 15th as “Business Appreciation Week” in the City of Westminster.
- Members from the Business Advisory Group will be present at Monday night’s meeting to accept this proclamation.
- Mayor Pro Tem Tim Kauffman will present the proclamation.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

On Friday, October 19, 2007 the City of Westminster will host the 16th annual Business Appreciation Event. This event recognizes the vital role that local businesses play in the success of the City. Local businesses provide employment, shopping, entertainment and recreational opportunities for all citizens. Businesses contribute to the City's operating funds through revenue generated from sales and use tax, accommodations and admissions tax, as well as property tax collections. Businesses also enrich the quality of life in Westminster by supporting community organizations with financial and in-kind contributions. The high caliber mix of retail, service, and corporate office establishments found in Westminster is virtually unparalleled in northwest metro Denver.

There are currently approximately 1,700 commercial businesses and 1,300 home occupation businesses located in the City. It is appropriate that they be publicly recognized for their contributions to the community by proclaiming the week of October 15 as "Business Appreciation Week" and encouraging all citizens to support their local businesses.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

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

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

WHEREAS, The success of local business in Westminster is critical to the City's financial stability; and

WHEREAS, The City of Westminster will be hosting the annual Business Appreciation Event on Friday, October 19, 2007 to honor the 3,000 businesses within the City; and

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

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 week of October 15, 2007 as

BUSINESS APPRECIATION WEEK

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

Signed this 8th day of October, 2007.

Nancy McNally, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Signing of the U.S. Mayor's Climate Protection Agreement

Prepared By: Lisa Bressler, Chair, Environmental Advisory Board
Rachel Harlow-Schalk, Environmental and Administrative Services Officer
Carey Rangel, Environmental Analyst

Recommended City Council Action

Authorize the Mayor to sign the U.S. Mayor's Climate Protection Agreement on behalf of the City Council.

Summary Statement

- At the June 18, 2007 Study Session the Environmental Advisory Board provided City Council with information related to the Board's recommendation to the sign the U.S. Mayor's Climate Protection Agreement. The Board's recommendation is in response to inquiries by citizens requesting information on what Westminster is doing to reduce global warming.
- The Climate Protection Agreement establishes commitments that Westminster will be asked to strive towards to reduce global warming gas emissions. Of these commitments, none are outside of current City practices, goals or views.
- By signing this agreement, the City will have access to the *Cool Mayors* website that provides technical assistance for the City's implementation efforts. The City Attorney's Office has reviewed this agreement and has determined that the City's support of it would not create any additional liability for the City.
- At the Study Session, City Council expressed strong support for the breadth of practices currently employed by Staff to reduce emissions of global warming gases. Council also noted the negligible impact signing the Agreement would have on current operations. Much of Council's discussion this meeting focused on whether there was a need to take a position on national issues and directed Staff to schedule this item for further consideration and formal action.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City take a position on this national initiative?

Alternative

Council could decide that it is not necessary to formally identify a global warming initiative to support. In the past, Westminster has not aligned itself with national issues and has focused on local impacts instead. If Council decides it is not necessary to sign the U.S. Climate Protection Agreement, the Environmental Advisory Board will still work with Staff to establish a page on the City's website that provides information on what Westminster is doing locally to reduce global warming.

Background Information

In response to inquiries by citizens on what Westminster is doing to reduce global warming, the Environmental Advisory Board (EAB) is recommending that City Council authorize the Mayor to sign the U.S. Mayors Climate Protection Agreement through *Cool Mayors for Climate Change* as supported by the U.S. Conference of Mayors. Currently, there are over 600 Mayors who have signed the Agreement including the cities of Arvada, Denver and Golden. By signing this agreement the City will:

- Urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, biofuels and through conservation efforts;
- Urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that includes 1) clear timetables and emissions limits and 2) a flexible, market-based system of tradable allowances among emitting industries; and
- Strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and community.

A list of the requested actions and the City's current practices is as follows:

- Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.
Current Practices at Westminster: The Regional Air Quality Council (RAQC) monitors the Front Range's compliance with air pollution standards. In addition to work with the RAQC, Staff already works to remove air pollution sources and have inventoried those locations with global warming emissions.
- Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities.
Current Practices at Westminster: The City has a very strong environmentally-oriented development program and has always been known for its leadership in preserving open space and creating trail systems.
- Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit.
Current Practices at Westminster: In addition to being members of the RAQC and US 36 Commuting Solutions both of which educate and create incentives for carpooling, Westminster supports the implementation of the commuter rail system and the expansion of US 36 to include a bus rapid transit and carpooling lane and has taken steps to assist in the implementation of multi-modal systems within the City.

- Increase the use of clean, alternative energy by advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology.
Current Practices at Westminster: Westminster supports citizen use of alternative energies and advocates ways in which citizens can tap into wind source through their current energy provider on the City's website.
- Make energy efficiency a priority through building code improvements, retrofitting City facilities with energy efficient lighting and urging employees to conserve energy and save money.
Current Practices at Westminster: Not only has the City completed the retrofit of lighting for all City buildings, it also installed low flow water systems in toilets, sinks and irrigation. As a result of this work, the City received Colorado Energy Champion Award from the Governor's Office of Energy Management and Conservation. The City has already adopted an advanced energy code (2006 International Energy Conservation Code) that the State is just now trying to adopt.
- Purchase only Energy Star equipment and appliances for City use.
Currently Practices at Westminster: The City's current practices for purchasing do not establish preference for Energy Star equipment. As with any purchase, the evaluation of environmental impact is taken into consideration along with the fiscal implications of any purchase.
- Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system.
Current Practices at Westminster: Westminster encourages businesses within the community to build green when possible.
- Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel.
Current Practices at Westminster: The City's Fleet Maintenance runs an aggressive preventive maintenance program on fleet vehicles resulting in increased fuel efficiency. Additionally, the Fleet Manager is the City's representative on the Denver Metro Coalition of the Department of Energy's Clean Cities Initiative whose mission is to improve air quality, reduce dependence on foreign oil, promote local economies and secure energy supplies. The City continues to evaluate the implementation of bio-diesel in Colorado. Currently, there are no vehicles that can accommodate this type of fuel and recent local use during the winter storm months indicates the material's viscosity increased significantly that can impact vehicle reliability.
- Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production.
Current Practices at Westminster: Westminster has used the methane from wastewater treatment as an energy source at the plant for twelve years. Additionally, the City operates nationally recognized water and wastewater systems known for their efficiency.
- Increase recycling rates in City operations and in the community.
Current Practices at Westminster: Westminster does not provide trash removal service to residents. Instead residents must contract directly with licensed trash haulers for removal. The City's Solid Waste Code requires that haulers provide recycling at the curb. For those residents who do not use the curbside service, Westminster provides drop off locations throughout the City for their materials. Annually, haulers are required to report on their residential recycling rates and consistently meet national averages. Staff continues to pursue education opportunities to increase recycling efforts of residents.
- Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO₂.
Current Practices at Westminster: Westminster is a leader in the Front Range for its landscaping requirements for all developments and actively pursues opportunities to protect established canopies of trees within new developments instead of planting new ones. The City has been a recipient of the Tree City USA Award for 22 consecutive years.

- Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

Current Practices in Westminster: The Environmental Services Program and the Environmental Advisory Board run an active education program on environmental sustainability including not only the impact of global warming pollution, but also the impact of pollution overall on the City.

Of the commitments the City will strive to meet, none are outside of current practices, goals or views. In fact, many of these commitments have already been met. Staff has reviewed this agreement with the City Attorney's Office and none of the commitments impose additional liability issues on the City. By signing this Agreement, the City will have access to the *Cool Mayors* website that provides technical assistance for the City's implementation efforts.

At the June 18, 2007 Study Session, Council expressed strong support for the breadth of practices currently employed by Staff to reduce emissions of global warming gases. Council also noted the minimal impact signing the Agreement would have on current operations.

By signing this Agreement Council will support their Strategic Plan goals of:

- Vibrant neighborhoods and commercial areas. Within this goal, City Council's objective of citizens taking responsibility for their neighborhoods is supported. By having the EAB provide this recommendation, citizens become directly involved in responses to citizen environmental inquiries.
- Beautiful City. Within this goal, City Council's objective of increased green spaces is supported since this Agreement supports Westminster's current land-use policies that preserve open space, reduce sprawl and create compact, walkable urban communities.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

ENDORISING THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT

WHEREAS, the U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take actions to reduce global warming pollution; and

WHEREAS, the Inter-Governmental Panel on Climate Change (IPCC), the international community's most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS, recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century; a 40 percent decline in Arctic sea-ice thickness; and nine of the ten hottest years on record occurring in the past decade; and

WHEREAS, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea-level rises that interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and extreme heat waves; more frequent and greater concentrations of smog; and

WHEREAS, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, went into effect in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

WHEREAS, the United States of America, with less than five percent of the world's population, is responsible for producing approximately 25 percent of the world's global warming pollutants; and

WHEREAS, the Kyoto Protocol emissions reduction target for the U.S. would have been 7 percent below 1990 levels by 2012; and

WHEREAS, many leading US companies that have adopted greenhouse gas reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the US to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

WHEREAS, state and local governments throughout the United States are adopting emission reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

WHEREAS, many cities throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS, mayors from around the nation have signed the U.S. Mayors Climate Protection Agreement which, as amended at the 73rd Annual U.S. Conference of Mayors meeting, reads:

The U.S. Mayors Climate Protection Agreement

- A. We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;

- B. We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that includes 1) clear timetables and emissions limits and 2) a flexible, market-based system of tradable allowances among emitting industries; and
- C. We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:
1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.
 2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
 3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
 4. Increase the use of clean, alternative energy by, for example, investing in “green tags,” advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;
 5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
 6. Purchase only Energy Star equipment and appliances for City use;
 7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
 8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
 9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
 10. Increase recycling rates in City operations and in the community;
 11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO₂; and
 12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

NOW, THEREFORE, BE IT RESOLVED that The U.S. Conference of Mayors endorses the U.S. Mayors Climate Protection Agreement as amended by the 73rd annual U.S. Conference of Mayors meeting and urges mayors from around the nation to join this effort.

BE IT FURTHER RESOLVED, The U.S. Conference of Mayors will work in conjunction with ICLEI Local Governments for Sustainability and other appropriate organizations to track progress and implementation of the U.S. Mayors Climate Protection Agreement as amended by the 73rd annual U.S. Conference of Mayors meeting.

US Conference of Mayors Climate Protection Agreement – Signature Page

You have my support for the US Mayors Climate Protection Agreement.

Date: _____

Mayor: _____

Signature: _____

Address: _____

City: _____ State: _____ Zip: _____

Mayor's Email:

Staff Contact Name:

Staff Contact Title:

Staff Phone:

Staff Email:

Please add my comments in support of the US Mayors Climate Protection Agreement.
We will add these to the Website (*optional*):

Please return completed form at your earliest convenience to:
US Mayors Climate Protection Agreement

By Mail:
c/o City of Seattle
Office of Sustainability and Environment
Seattle Municipal Tower
PO Box 94729
Seattle, WA 98124-4729

By Fax: (206) 684-3013
By Email: jeanie.boawn@seattle.gov
For more Information: (206) 615-0817



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: 2008 City Employee Health Insurance Renewals and Rates

Prepared By: Matt Lutkus, Deputy City Manager

Recommended City Council Action

Authorize the City Manager to renew contracts with Great-West Healthcare, Kaiser Permanente and Delta Dental; and, authorize the continuation of a four-tier rate structure with the employer and employee premium rates as shown on the attachments to this memorandum.

Summary Statement

- Staff is recommending the continuation of a three-option medical benefit package for employees: the Point of Service (POS) and Preferred Provider Organization (PPO) options provided through Great-West Healthcare, and Kaiser Permanente Health Maintenance Organization (HMO).
- The proposed health care benefit package will require increases of 3% in premiums for both the City and employees for all plan options effective January 1, 2008, as well as the continuation of a “blended” rate for all the plan options (see attachment). The relatively small increase is due to several factors including healthcare cost containment strategies previously implemented by the City, a proactive employee wellness program and the possible utilization of a small portion of current health plan reserve funds.
- The coverages offered in the self-funded plan will remain the same as they are currently. The Kaiser benefits will be modified to a limited degree in accordance with plan changes mandated by the HMO.
- The only adjustment in the plan structure is an increase in the self-funded specific stop loss limit from a \$110,000 attachment point per group member to a \$120,000 attachment point per member per year.
- The City’s cost for these benefits is within the amount included in the proposed 2008 Budget for employee benefits.

Expenditure Required: \$7,509,693

Source of Funds:	General Fund	\$6,163,993
	Water Fund	\$ 957,900
	Wastewater Fund	\$ 224,700
	Golf Course Funds	\$ 163,100

Policy Issue

Should the City maintain essentially the same level of medical and dental coverage with the present pro-rated sharing of premium costs between employee and employer?

Alternatives

1. Renew the health care plans at existing levels of coverage but shift the percentage of premiums paid by employees to a higher level, reducing the cost to the City for medical/dental benefits.
2. Reduce the level of coverage provided in the health care plans, thereby reducing the overall cost of the City medical/dental benefit budget.

The biennial benefit survey completed in 2006 demonstrated that the City of Westminster benefits were very competitive but not beyond the market. Staff therefore does not recommend either of these alternatives.

Background Information

The City currently provides all benefited employees with an excellent medical benefit package with coverage offered by Kaiser Permanente, a Health Maintenance Organization (HMO), and two self-insured options administered by Great-West Healthcare – a preferred provider organization plan (PPO) and point of service plan (POS). These plan options were put in place in 2003 when the City moved to Great-West Healthcare from Anthem Blue Cross Blue Shield. A summary of the plan benefits is attached.

The breakdown of enrollment in the three plans by the number of employees enrolled is as follows:

Great-West PPO Plan	84
Great-West POS Plan	485
Kaiser Permanente HMO	307
Number of employees opting out of plans	110

In addition to self insuring two of its medical plans, the City self-insures its dental benefit. The PPO plan is administered by Delta Dental and, from an employee’s perspective, operates very much like a fully insured plan. Diagnostic and preventative services are provided at 100% while basic and major services are covered at 80% after a \$50 deductible. The maximum benefit per patient per calendar year is \$1500. Orthodontics is covered at 50% up to a maximum lifetime benefit of \$1,500.

The City pays for approximately 80% of the total cost of the medical plans. These employer contribution levels are competitive with those provided by other entities included in the City’s every-other-year salary and benefit survey.

Similar to employers throughout the country, the City has felt the pressures of steadily increasing medical costs. These increases are largely caused by increasing hospitalization costs, increasing costs for prescription drugs, increasing costs of physicians, increasing utilization of the benefit by employees and their dependents and the fact that, industry wide, previous efforts at managed healthcare have likely run their course.

For 2008, Kaiser Permanente will be incorporating a number of relatively minor changes to its plan. These changes are as follows:

- Office administered drugs (excluding prevention immunizations) will be subject to a 20% co-insurance that will apply towards the annual out-of-pocket maximum. Prior to 1/1/08, these administered drugs were included in the office visit co-pay.

- Self-Administered injectables dispensed through the pharmacy, other than insulin, will be subject to a 20% coinsurance up to a maximum of \$250 per drug per fill. Prior to 1/1/08, these injectables fell under the pharmacy co-pay of \$20.
- Services related to infertility, self-administered injectables dispensed through the pharmacy and co-payments will not be applied to the annual out-of-pocket maximum. Prior to 1/1/08, they were covered under the annual out-of pocket maximum.
- Travel immunizations will no longer be a covered service. Prior to 1/1/08, these immunizations were a covered benefit.

As noted above, the City self insures a large portion of the non-Kaiser options of the medical benefit. The City has an “administrative services only” or ASO contract with Great-West Healthcare. This contract includes the fixed costs of the plan, that is, third party administrative services, claims management review, specific claim excess insurance beyond the threshold of \$110,000 and aggregate stop loss insurance for the claim payments in excess of 125% of estimated claims. Beginning in 2008, the specific stop loss coverage will be increased from \$110,000 to \$120,000 per claim. Although the change will increase the City’s financial exposure, based on a review of prior years’ claims experience, the costs to the Plan are anticipated to be more than offset by the savings in stop loss insurance premiums.

The recommended blended rates for the Kaiser Permanente, Great-West and Delta Dental represent an overall 3% increase over the 2007 budgeted medical costs. This premium and funding level sets the rates at an estimated 104% of expected claims. It also assumes the use of \$600,000 in Medical and Dental Fund reserves. The audited reserves for the self-funded Medical and Dental Fund were \$3,764,295 on December 31, 2006. Even with the proposed draw down of fund reserves, this fund balance in the self-funded Medical and Dental Fund is more than sufficient to cover claims run out (three months worth of claims) and the 21% over estimated claims the City would be responsible for covering if claims experience reached the aggregate stop loss threshold of 125% of expected claims.

There continue to be clear advantages to remaining with a self-insured plan. This is due to the fact that the City has the ability under self-insurance plan to retain any savings that occur above claims and administrative costs, the City has the protection of the stop loss coverage, and it can be much more proactive with regard to controlling losses by directing wellness efforts in those areas where they are most needed.

For 2008, with the relatively low increase for the blended rate of healthcare plans, the decision was made to recommend continuing the current self-insured plans at least through the 2008 plan year. Given that the factors driving medical cost increases are still prevalent nationwide, it is very likely that steps will need to be taken in the future to curb the impact healthcare costs have on the City’s budget.

Approval of this health benefits package supports the Council’s Strategic Plan Goals of a Safe and Secure Community and a Financial Sustainable City Government by allowing the organization to continue to recruit and retain quality employees.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments Rates Plans

**City of Westminster
2008 Medical/Dental Rates
Non-Exempt Employees
Effective 1/1/08**

If the employee is a participant in our Wellness Program & a non-smoker, increase the City portion & decrease the employee portion by the following: \$10.00 employee only, \$20.00 employee + child(ren) or spouse, \$30.00 employee + spouse + 1 or more child(ren).

FULL-TIME (1.0FTE) (40 Hours/week)	Total Monthly <u>Premium</u>	Employee <u>Portion</u>	City <u>Portion</u>
Employee only	\$418.08	\$41.46	376.62
Employee + child(ren)	\$883.12	\$161.56	721.56
Employee + spouse	\$907.20	\$166.02	741.18
Employee + spouse + 1 or more child(ren)	\$1,308.92	\$333.20	975.72
PART-TIME (.9FTE) (36 Hours/week)	Total Monthly <u>Premium</u>	Employee <u>Portion</u>	City <u>Portion</u>
Employee only	\$418.08	\$79.00	339.08
Employee + child(ren)	\$883.12	\$211.96	671.16
Employee + spouse	\$907.20	\$240.40	666.80
Employee + spouse + 1 or more child(ren)	\$1,308.92	\$360.26	948.66
PART-TIME (.8FTE) (32 Hours/week)	Total Monthly <u>Premium</u>	Employee <u>Portion</u>	City <u>Portion</u>
Employee only	\$418.08	\$117.06	301.02
Employee + child(ren)	\$883.12	\$300.26	582.86
Employee + spouse	\$907.20	\$308.44	598.76
Employee + spouse + 1 or more child(ren)	\$1,308.92	\$437.46	871.46
PART-TIME (.7FTE) (28 Hours/week)	Total Monthly <u>Premium</u>	Employee <u>Portion</u>	City <u>Portion</u>
Employee only	\$418.08	\$146.30	271.78
Employee + child(ren)	\$883.12	\$309.00	574.12
Employee + spouse	\$907.20	\$317.52	589.68
Employee + spouse + 1 or more child(ren)	\$1,308.92	\$450.32	858.60
PART-TIME (.6FTE) (24 Hours/week)	Total Monthly <u>Premium</u>	Employee <u>Portion</u>	City <u>Portion</u>
Employee only	\$418.08	\$163.00	255.08
Employee + child(ren)	\$883.12	\$344.46	538.66
Employee + spouse	\$907.20	\$353.82	553.38
Employee + spouse + 1 or more child(ren)	\$1,308.92	\$501.76	807.16
PART-TIME (.5FTE) (20 Hours/week)	Total Monthly <u>Premium</u>	Employee <u>Portion</u>	City <u>Portion</u>
Employee only	\$418.08	\$175.60	242.48
Employee + child(ren)	\$883.12	\$370.88	512.24
Employee + spouse	\$907.20	\$381.04	526.16
Employee + spouse + 1 or more child(ren)	\$1,308.92	\$540.44	768.48

City of Westminster
PPO/POS and HMO Plan Design
January 1, 2008

	Great West PPO Plan		Great West POS Plan		Kaiser HMO Plan
	In Network	Out of Network	In Network	Out of Network	410NP
Benefits					
Deductible					
- Individual	\$200	\$400	\$100	\$400	\$0
- Family	\$400	\$800	\$200	\$800	\$0
	Do not cross accumulate				
Out of Pocket Max.					
- Individual	\$1,600	\$3,200	\$1,600	\$6,400	\$2,000
- Family	\$3,200	\$6,400	\$3,200	\$12,800	\$4,500
	Includes Deductible	Includes Deductible		Includes Deductible	
Lifetime Max.	\$2,000,000 combined in and out of network		Unlimited	\$2,000,000	Unlimited
Coinsurance	80%	60% of allowable charges	90%	60% of allowable charges	N/A
Office Visit Copay	\$20 Copay	60% after Deductible	\$20 Copay	60% after Deductible	\$10 Routine/\$20 Specialist Copay \$0 Preventative Visits
Inpatient Hospital	80% after Deductible	60% after Deductible	90%	60% after Deductible	\$250 Copay/admission, 100% after
Outpatient Hospital	80% after Deductible	60% after Deductible	90%	60% after Deductible	\$100 Copay/visit
Emergency Room/Urgent Care Copay	80% after Deductible	60% after Deductible	\$100/visit (waived if admitted)	60% after Deductible	ER: \$100 Copay/visit Urgent Care: \$50 Copay/visit (ER: waived if admitted)
Well Baby (7 days - 24 months)	\$20 Copay	60% after Deductible	\$20 Copay	60% after Deductible	\$0 Preventative
Routine Physical (Adult Health Maintenance Visits)	\$20 Copay (No Max)	60% after Deductible	\$20 Copay (No Max)	60% after Deductible	\$0 Preventative
Rx					20% coinsurance for office or self administered drugs
- Retail	\$15/\$25/\$40	N/A	\$10/\$20/\$35	N/A	\$10/\$20 (for 60 day supply)
- Mail Order	2 x for 90 day supply		2 x for 90 day supply		\$10/\$20 (for 60 day supply)
Ambulance	80%, No Deductible		\$50 copay no deductible	60% after Deductible	20%, to max of \$500/trip
X-Ray & Lab	No Deductible, 80%	No Deductible, 60%	90%	No Deductible, 60%	100% (diagnostic) \$20 Therapeutic copay/visit \$100 copay for MRI,CT,PET or NMS per procedure
Mental Nervous & Substance Abuse Substance Abuse, and comined for both in/out of network) (5 day detox benefit-counts towards 45 day max)					
- Inpatient	50% after Deductible, 45	50% after Deductible	50%, 45 days/cal.yr.	50% after Deductible	\$250 Copay/visit, 45 day max.
- Outpatient	\$20 Copay for 30 visit max.	60% after Deductible	\$20 Copay for 30 visit max.	60% after Deductible	\$10 Copay/visit, 20 visit max.
Occupational, Speech, Hearing & Physical Therapy (combined visit max. for all therapy services per illness)					
- Inpatient	80% after Deductible	60% after Deductible	90%	60% after Deductible	\$250 Copay/adm./ind.
- Outpatient	\$20 Copay, 30 visit max./ condition	60% after Deductible	\$20 Copay, 30 visit max./condition	60% after Deductible	\$10 Copay/visit, 20 visit max.
Durable Medical Equipment	80% after Deductible	60% after Deductible	90%	60% after Deductible	20% coinsurance, \$2,000 max./yr. (oxygen 20% coinsurance not included in max)
Home Health Care	100%, 100 day max.	100%, 100 day max.	100%, 100 day max.	100%, 100 days	100%
Hospice	100%, 180 day max.	60%, 180 day max.	100%, 180 day max.	60%, 180 days	100%
Skilled Nursing	100%, 90 day max.	60%, 90 day max.	100%, 90 day max.	60%, 90 days	100%, 100 day max.
Chiropractic	\$20 Copay	60% after Deductible	\$20 Copay	60% after Deductible	\$10 Copay, 20 visit max.
	20 visit max. for both in/out of network		20 visit max. for both in/out of network		
Disclaimer:					
This summary is a brief overview of your benefits. In the event of a discrepancy between this summary and the contract, the contract will prevail.					
You can receive a detailed Summary Plan Description which describes your benefits in greater detail on line.					



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Acquisition of a Portion of Property at 6851 Irving Street commonly referred to as the Heitman Property

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract for the purchase of the Heitman Property at 6851 Irving Street in an amount not to exceed \$560,000 (including relocation costs), and to retain the services of Infinity Real Estate Services to represent the City in finalizing a purchase agreement and closing on the transaction, with closing and other costs related to the land transaction not to exceed \$40,000.

Summary Statement

- The City Council has previously authorized City Staff to actively pursue the cleanup and acquisition of property along Little Dry Creek, which included the acquisition of the Guildner parcel (4.7-acres) and the Heffley parcel (1.8 acres) which are contiguous to the Heitman parcel proposed for acquisition (See Attachment A).
- The Heitman 4.2 acre parcel is one of two remaining large, privately-held properties within the floodplain of Little Dry Creek between Lowell and Federal Boulevards that is required to implement the Little Dry Creek Park Master Plan presented to City Council on April 2, 2007.
- An appraisal prepared for the City by Rocky Mountain Valuation Specialists estimated the land value of the property at between \$450,000 and \$510,000.
- Staff hired Infinity Real Estate Services to assist in making inquiries relative to the availability of property along Little Dry Creek, leading to the Heitman’s agreement to sell the property.
- Following significant discussion, the Heitman’s have agreed to sell the property for \$530,000 along with an additional consideration of \$30,000 to cover costs related to relocation of business operations, a salvage operation (total cost @ \$3.06 per square foot). While the proposed value is higher than the appraised value, Staff feels it is a reasonable price given that a business currently operates from the property.
- The Urban Drainage and Flood Control District (UDFCD) has pledged up to \$200,000 towards acquisition of the Heitman property, with the balance proposed to be paid by the City.
- A Phase I environmental assessment on the site did not find significant problems. An additional environmental assessment will be conducted prior to closing on the land acquisition, and the City has the option to not proceed if significant problems are discovered.

Expenditure Required: \$600,000 includes \$530,000 for land, \$30,000 relocation reimbursement, and \$40,000 commissions, closing, and the environmental assessment.

Source of Funds:	General Fund-South Westminster Revitalization Account	\$200,000
	Westminster Open Space Fund	\$200,000
	Urban Drainage & Flood Control District	\$200,000

Policy Issue

Should the City continue to acquire property along Little Dry Creek in preparation for development of a park that is not funded at this time?

Alternative

The City Council could choose not to acquire the Heitman property at this time and look to acquire the property at such time as park funding is in place. Staff does not recommend this alternative, as the owner may change direction and choose not to sell the property. It is also possible that even if the property continues to be available, the cost would likely increase.

Background Information

The South Westminster Strategic Revitalization Plan, approved by City Council in 2000, promotes the creation of and improvements to parks and recreational facilities in the south Westminster neighborhood. The Strategic Plan identified the Little Dry Creek Corridor, between Raleigh Street and Federal Boulevard, as being an opportunity to improve storm water drainage for the larger area and to create park and recreational opportunities (i.e. bicycle/pedestrian trail, open space) along the creek. Given this direction from Council, City Staff proceeded to identify potential and desirable land acquisitions that could be made to facilitate such future improvements. As a result, four large, privately-held parcels along Little Dry Creek were identified as prospective candidates for acquisition. Those larger land holdings included the Guildner, Heffley, Hietman and Barnum parcels. With City Council concurrence, the City proceeded to acquire the Guildner and Heffley properties, and cleared the properties of environmental contamination and several dilapidated structures.

Following acquisition of the Guildner and Heffley properties, the City proceeded to evaluate the potential for development south of the railroad tracks that included the aforementioned properties. Based upon a thorough analysis it was determined that the area had no viable development opportunity given the 100-year floodplain. Accordingly, Staff proceeded to develop a plan for the area along Little Dry Creek to better accommodate storm drainage in conjunction with the development of a community park that could serve the adjacent transit development area. The Little Dry Creek Park Master Plan was presented to the City Council on April 2, 2007. The plan, as presented, would require that the Heitman property be acquired to provide the necessary storm drainage and proposed park improvements.

Accordingly, Staff proceeded to inquire into the availability of the Heitman property. From previous experience working with the Heitman's, Staff chose to utilize an outside party to make the initial inquiry and follow-up dialog. Accordingly, the City secured the services of Infinity Real Estate Services given their agent's extensive knowledge of the south Westminster area and business climate. An appraisal of the property was also prepared for the City by Rocky Mountain Valuation Specialists, Inc. which established the land value at between \$450,000 and \$510,000. The valuation did not take into consideration the value of the business currently operating on the site nor cost associated with relocation of such business.

Through Infinity's efforts and after several counteroffers, the Heitman's have agreed to a sale of their property for \$530,000 plus \$30,000 for relocation expenses. Other contractual considerations include the City paying all costs associated with subdividing the property, environmental assessments, real estate commissions and closing costs. Given these considerations the total acquisition cost is \$600,000. The involvement of Infinity Real Estate Services has been critical in getting the Heitman's to agree to a land sale. Staff believes that the continued involvement of Infinity in finalizing the purchase will ensure that the transaction will proceed in a productive and timely manner.

Funding for the acquisition is proposed to come from three sources: Urban Drainage Flood Control District grant; Westminster Open Space fund; and, the South Westminster Capital Improvement Program (CIP) account. The UDFCD has agreed to provide up to \$200,000 towards acquisition of the property. The actual contribution by UDFCD is established by a formula, whereby the District would contribute 50% of the land acquisition cost for that portion of the property located within the floodplain. Based on this formula and assuming a purchase price of \$600,000, Staff estimates the District contribution would be for the full \$200,000. Given the District's past working relationship with the City, City Staff is confident that the District will provide this level of funding.

The acquisition of the Heitman property is a critical step in being able to implement the Little Dry Creek Park Master Plan. With this acquisition, approximately 85% of the floodplain between Federal Boulevard and Lowell Boulevard will be in ownership of the City and Adams County collectively.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment: Parcel and Ownership Map

Attachment A

Heitman Property
Parcel and Ownership Map





WESTMINSTER

COLORADO

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Utility System Wide SCADA Enhancement Project

Prepared By: Stephanie Bleiker, PE, Senior Engineer
Abel Moreno, Capital Projects and Budget Manager

Recommended City Council Action

Based on the recommendation of the City Manager, find that the public interest would best be served by accepting the proposal of Electrical System Consultants Inc. (ESC) for the engineering pre-design for the Supervisory Control and Data Acquisition systems and communication upgrades, authorize the City Manager to execute a contract with ESC in the amount of \$59,992, and authorize a contingency of \$6,000.

Summary Statement

- The Supervisory Control and Data Acquisition (SCADA) system is the computerized system used in the operations at Semper and Northwest Water Treatment Plants and for the remote monitoring of water and wastewater utility facilities throughout the City.
- Staff has determined that the existing SCADA system is outdated and increasingly difficult to support and maintain. Accordingly, funding was included in the 2007 and 2008 City Budget for system-wide SCADA enhancements and communications upgrades.
- Due to the overall complexity of the project, as well as complexities associated with the existing SCADA system, Staff believes that the City would be best served if the project proceeded in two phases; the first phase involving pre-design and evaluations, and the second phase being the design and implementation of the project.
- The authorized budget is \$125,000 in 2007 and \$472,000 in 2008.
- The approach is to have the project designed for a phased implementation as funds become available and associated upgrades are made. As such, the unexpended portion of the 2007 funds would be rolled into the 2008 design and implementation portion of the project.
- Staff identified 26 facilities that the engineering firm will include in the design. Staff believes it is in the City's best interest to have all of the facilities operating under the same SCADA technology.

Expenditure Required: \$65,992

Source of Funds: Utility Fund – System Wide SCADA Enhancements Project

Policy Issue

Should the City proceed with upgrading the SCADA system using current technology by awarding this contract for engineering pre-design and design implementation services?

Alternatives

1. The City could choose not to approve the contract, and either place the project on hold or solicit other engineering proposals to execute the work. This is not recommended since it would result in delaying the SCADA and communications systems upgrades.
2. The City could award the contract to another firm, however this is not recommended as Staff believes that ESC provided the most qualified technical proposal.

Staff does not recommend either of these alternatives.

Background Information

The City’s SCADA system is the operating system for the Semper and Northwest Water Treatment Facilities and the eyes and ears of the remote field stations, including water storage tanks, pump stations, and lift stations. Without SCADA, operating and maintaining the City’s utility system facilities would be difficult. The City’s existing potable water treatment plants’ and utility field stations’ SCADA system has developed from technology of the early 1990’s. Over the years as the potable water treatment facilities were constructed and expanded, and as utility field stations, such as water tanks and pumps stations, increased in number, the SCADA technology in the outside world evolved in a new direction. While the City’s original SCADA system has been adapted to meet the requirements of newer generations of hardware technology, the newer developments in SCADA technology have been refined with capabilities better suited to keep pace with industry standard hardware improvements. The SCADA system the City currently operates falls in a category that was at one time state-of-the art, but has since been surpassed. The City’s present day SCADA system is no longer being supported by the original vendor. With a SCADA system that lies outside of the mainstream SCADA technology, it is becoming increasingly difficult to keep pace with the industry standard technology improvements used to operate the City’s facilities.

Staff identified 26 facilities that the engineering firm will include in the design. The facilities range in size from water treatment plants, to potable water tanks with pump stations, to pressure reducing valves. Some of the facilities are located in areas where fiber optic communications are established. Others are relatively remote. Staff believes it is in the City’s best interest to have all of the facilities operating under the same SCADA technology. However, not all of the facilities have a high priority of being upgraded so a phased approach to the implementation is being recommended for this project.

Staff sent out an RFP to six engineering firms that were selected through an earlier statement of qualification review process. The RFP required the firms to address both the pre-design and the design/implementation portions of the project. The fee proposal for the design/implementation portion of the work did not provide a fixed number since this second portion of the work will be based on the pre-design. Nevertheless, the firms submitted the design/implementation proposal based on their 2008 hourly rates and fixed material mark-up rates. Of the six firms receiving the RFP, four responded. The responding firms and their fees for pre-design are as follows:

Firm	Pre-Design Fee	Hours	Average Hourly Rate
Brown & Caldwell	\$52,796	363	\$145/hour
Electrical Systems Consultants (ESC)	\$59,992	623	\$96/hour
North Point Technology	\$84,570	890	\$95/hour
Westin	\$89,977	617	\$146/hour

After conducting pre-proposal meetings with each of the four firms, Staff conducted follow-up interviews with the three firms whom Staff believed were most qualified to complete the project within the scheduled budget. Staff is recommending the contract be awarded to ESC based upon their understanding of the project, the project team, and their hourly fee rates. While North Point Technology had a lower hourly rate, their inability to provide a local presence, and the overall substance of the proposal did not indicate that they would be as well suited to provide the City with the SCADA deliverables as ESC would be.

Initially it will be necessary for ESC to complete a pre-design of the System Wide SCADA Enhancements. The pre-design will include a phased cost opinion for initial and subsequent System Wide SCADA Improvements, Human Machine Interface (HMI) phased design, Programmable Logic Control (PLC) phased design, communications evaluation and phased design, and recommendations for standard field components.

The design/implementation phase will be negotiated after Staff reviews the pre-design deliverables. Due to the inherent uncertainties associated with this project, Staff believes that it would be more appropriate to negotiate the design/implementation services with ESC after the pre-design is completed, based upon the pre-design deliverables, the established rate structure, and submitted proposal. Staff will review the pricing provided by ESC for the final design work and if the pricing and scope of work are competitive, it is Staff's intent to return to City Council in the early part of 2008 with an agenda memo recommending ESC commence with the design/implementation work with the remaining SCADA budget.

This project helps achieve the City Council's Strategic Plan Goal of "Financially Sustainable City Government" by contributing to the objective of Well-maintained City Infrastructure and Facilities. It also contributes to the City achieving "Safe and Secure Community" by improving SCADA security functions at the City's remote field station sites.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



Agenda Item 8 E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Sale of the 2.65 acre parcel located at the southwest corner of Church Ranch Boulevard and US36 (former RTD Park-N- Ride)

Prepared By: Susan Grafton, Economic Development Manager

Recommended City Council Action

Authorize the sale of the approximately 2.65 acre parcel (less needed right-of-way) on Church Ranch Boulevard west of US36 to Resolute Investments, Inc. for \$9 per square foot, and authorize the City Manager to execute all documents necessary to complete the closing of this transaction.

Summary Statement

- The parcel being sold is the former RTD Park-N-Ride site that the City acquired from RTD in exchange for the property in the Shops at Walnut Creek Shopping Center.
- Resolute Investments, Inc. has also acquired the former Chamberlain property south of the City's parcel. They are planning to jointly develop the two properties.
- Resolute Investments, Inc. has negotiated a Purchase and Sale Agreement with City staff to acquire the property inclusive of closing costs, for \$9 per square foot.
- According to real estate brokers working in this area, \$9 per square foot is a favorable price for the City.
- Closing on the sale of the property is expected to occur by June 30, 2008.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City sell the 2.65 acre parcel (less the needed right-of-way) to Resolute Investments, Inc. for \$9 per square foot?

Alternatives

1. Do not sell the property. This action would preclude or make more difficult development in this area.
2. Request more money for the property. This is a very fair offer at \$9 per square foot.

Background Information

The City acquired the former Park-N-Ride from RTD in exchange for land provided for a new Park-N-Ride in the Shops at Walnut Creek Shopping Center on September 25, 2007.

City Staff has been promoting the sale of the former Park-N-Ride for several months. The hope has been that a developer could be attracted that is interested in developing both the former RTD site as well as the Chamberlain property. The two parcels together equate to only about 5 ½ acres. Resolute Investments, Inc. acquired the Chamberlain property in late 2006. They then approached the City about acquiring the former RTD site. Resolute Investments, Inc. submitted an offer to purchase the property from the City at \$9 a square foot for 2.65 acres. However, the parcel being sold will be net of right-of-way needed for the future widening of US36 and Church Ranch Boulevard and will likely be closer to 2.3 acres in size.

Closing on the property is anticipated to occur by June 30, 2008. The primary condition to closing is obtaining the necessary entitlements to develop the property. Discussions have already begun on how to jointly develop the Chamberlain and RTD sites. Uses being discussed include hotel, office, restaurant and retail uses.

Council authorization is needed to allow the City Manager to execute the Purchase and Sale Agreement as well as all other documents necessary to close this land transaction with Resolute Investments, Inc.

Respectfully submitted,

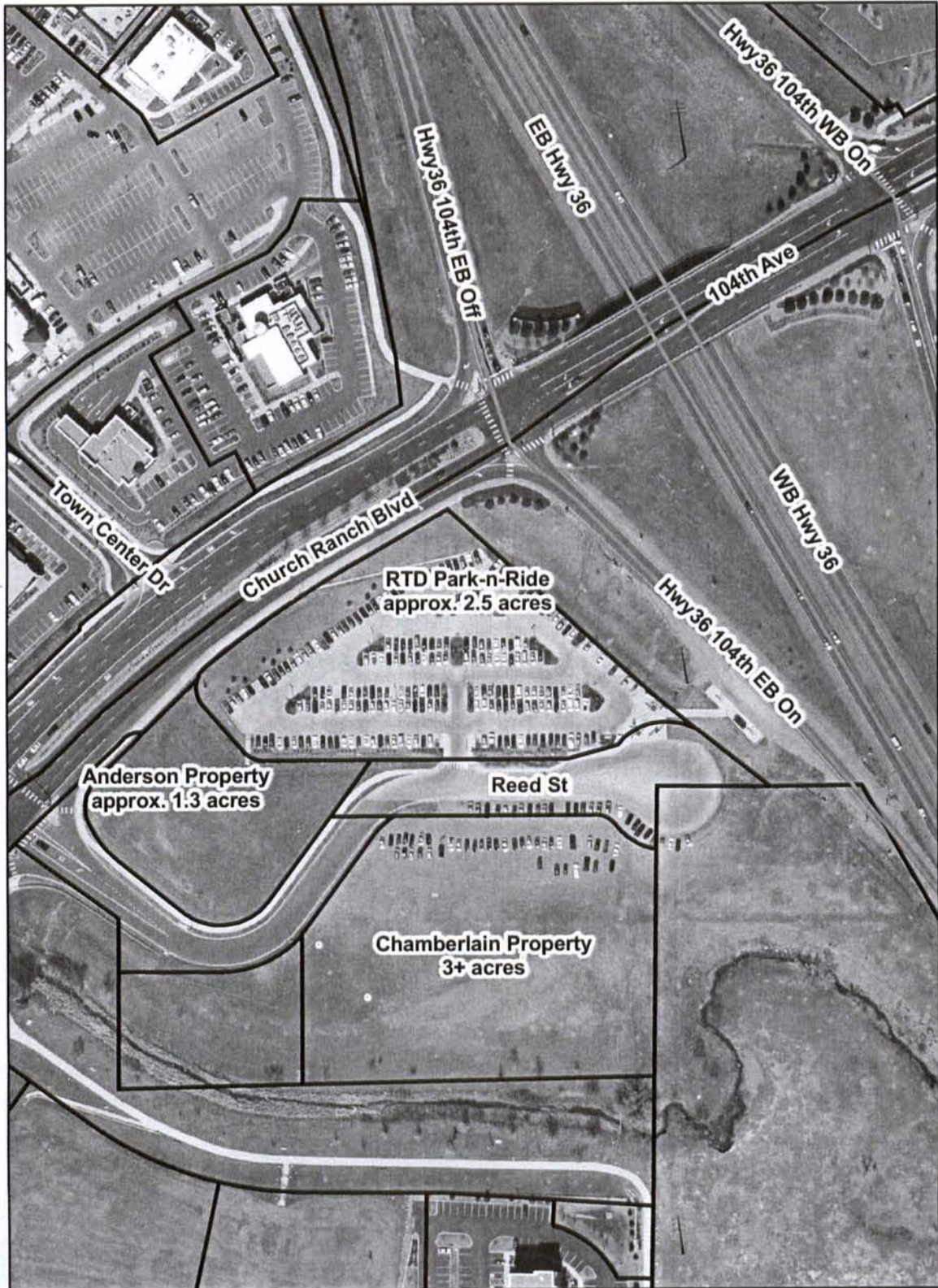
Stephen P. Smithers
Acting City Manager

Attachment:
Vicinity Map



WESTMINSTER

RTD/Chamberlain/Anderson Properties



0 125 250 500 Feet



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Bond and Disclosure Counsel for \$11.38 Million 2007C Sales Tax Refunding Bond Issue

Prepared By: Martin R. McCullough, City Attorney
Bob Smith, Treasury Manager

Recommended City Council Action

Authorize the City Manager to execute an agreement for bond counsel services with Sherman & Howard for a fee not to exceed \$13,000, plus actual expenses not to exceed \$1,500; and an agreement for disclosure counsel services with Kutak Rock for a total fee not to exceed \$10,000, plus actual expenses not to exceed \$500 in connection with the proposed issuance of \$11.38 million Sales and Use Tax Refunding Revenue Bonds, Series 2007C in a form acceptable to the City Attorney's Office:

Summary Statement

- All special counsel agreements are subject to approval by the City Council in accordance with City Charter requirements.
- Sherman & Howard has acted as bond and special counsel for the City on several past financings, including the recent Open Space Sales and Use Tax Revenue Bond issue, the Certificate of Participation (COP) issue for the City's Capital Facilities Financing, and the City's previous Park, Open Space, and Trails (POST) bond issue.
- Kutak Rock has also acted on several past financings as disclosure counsel for the City, including the recent Sales and Use Tax, POST, and COP refundings, Open Space Sales and Use Tax Revenue Bond issues, the City's Capital Facilities Financing, and the previous POST bond issue.
- The proposed fees are well within the range of fees experienced for similar financings in the past and are lower than those for the refunding issue completed earlier in 2007, and will be included as part of the issuance cost for this financing.

Expenditure Required: \$23,000, plus expenses not to exceed \$2,000

Source of Funds: Sales and Use Tax Refunding Revenue Bond proceeds

Policy Issue

Should the City retain bond and disclosure counsel on behalf of the City for the upcoming issuance of the City's \$11.38 million Sales and Use Tax Refunding Revenue Bonds?

Alternative

Do not retain special legal counsel for this transaction. This is not recommended because the bond issue cannot be closed without an opinion of bond counsel and an Official Statement prepared by disclosure counsel.

Background Information

This is a refunding of the remaining portion of Series of then 1997A Sales and Use Tax Revenue Refunding and Improvement Bonds – Series 1997A (various street widening projects and a refunding of the Series 1992 A Sales and Use Tax Revenue Bonds) that were not refunded in March 2007. The approximate size of this Series 2007C refunding is \$11.38 million. The refunding was undertaken as a way to reduce debt service related to the other two issues that are currently outstanding. Staff estimates that this refunding will save the City approximately \$600,000 in interest expense without extending the maturity date of this issue.

As with all public, tax-exempt financings, these financings will require an opinion from a nationally recognized law firm regarding certain tax-related matters. Mr. Dee Wisor of Sherman & Howard has served as the City's bond counsel on numerous other issues and is thoroughly familiar with the City's Charter, ordinances, and outstanding bond covenants.

In addition, federal securities laws require the City to issue an Official Statement in connection with these financings. Kutak Rock is a recognized expert in disclosure matters under the federal securities laws. This firm has acted in this capacity on numerous other bond issues and financings, and is familiar with the City's financial position, the general economic condition of the City, the City's detailed financial information, and other material facts related to the City preparation of a satisfactory Official Statement in connection with this bond issuance.

The fees quoted by the recommended firms are reasonable and in line with past financings, and the familiarity of these firms with the City and its financial and legal documents is very valuable. The efficiencies in retaining these firms are significant and will help assure an expeditious closing of these very important financings.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



Agenda Item10 A-C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Councillor's Bill No. 55 re Amendment to the 2008 Adopted Budget

Prepared By: Steve Smithers, Assistant City Manager
Barbara Opie, Budget & Special Projects Manager
Aric Otzelberger, Management Analyst
Phil Jones, Management Intern II

Recommended City Council Action:

1. Accept the Human Services Board recommendations and authorize payment for 2008 funding as outlined in Attachment A, which identifies the agencies that the City of Westminster will provide financial support to during FY2008 and the associated dollar amounts.
2. Pass Councillor's Bill No. 55 on first reading amending the FY2008 budgets of the General, Utility, Utility Reserve, Stormwater Drainage, Golf Course, Fleet Maintenance, General Capital Outlay Replacement, Sales & Use Tax, Parks Open Space & Trails (POST), General Capital Improvement and Debt Service Funds.
3. Approve the transfer of Conservation Trust and POST 2006 carryover funds appropriated into the Parks & Recreation Capital Reserve account in the General Capital Improvement Fund to two new capital projects, City Park Recreation Center Ozone Replacement (\$175,000) and Armed Forces Tribute Garden Trail Bridge (\$225,000).

Summary Statement

- At the September 17 Council Study Session, Staff reviewed with City Council recommended modifications to the Adopted 2008 Budget, new citizen requests, and miscellaneous financial issues that Staff or Council wished to raise.
- This Agenda Memorandum includes a summary of the items discussed at the budget review meeting and highlights the significant changes to the Adopted 2008 Budget. It also includes minor adjustments necessary in the final balancing of the Budget since the review with City Council. These adjustments are highlighted below.
- A public meeting on the 2008 Adopted Budget was held on Monday, September 10, providing the public an opportunity to receive a financial update and make any requests of Council for the 2008 budget year. At that meeting and through other communications, City Council received seven requests from citizens that are addressed in this document.

Expenditure Required: 2008: \$169,243,195, plus \$50,934,049 in reserves and \$5,114,990 in contingency accounts

Source of Funds: General, Utility, Utility Reserve, Stormwater Drainage, Golf Course, Fleet Maintenance, General Capital Outlay Replacement, Sales & Use Tax, Parks Open Space & Trails (POST), General Capital Improvement and Debt Service Funds

Policy Issue

Does City Council support the amendments recommended to the Adopted 2008 Budget as presented?

Alternative

Do not pass the attached Councillor's Bill amending the Adopted 2008 Budget. This is not recommended as modifications were necessary in order to balance the 2008 Budget based on revised projected revenues.

Background Information

The City Council is required by the City Charter to adopt the annual budget no later than the fourth Monday in October. However, this requirement does not apply to the 2008 Budget since City Council officially adopted a two-year budget (i.e., two 12-month budgets) for 2007 and 2008 in October 2006. A financial update/budget review was conducted to review recommended modifications to the Adopted 2008 Budget, review new citizen requests, and address miscellaneous financial issues that Staff or Council wished to raise at the September 17 Study Session.

The Adopted 2008 Budget and the proposed amendments highlighted in this Agenda Memorandum work to further achieve the City Council Strategic Plan goals and objectives. In April 2006, City Council identified the goals for 2007 and 2008. These goals were revisited and re-confirmed by City Council in April 2007. The City Council Goals are:

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

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

All five goals are addressed in the Adopted 2008 Budget and proposed amendments, including the following sampling of priorities:

- Continued focus on revitalization of the Westminster Mall
- Continued emphasis on north I-25 business development, with additional investments in roadway improvements
- Continued investment in South Westminster
- Increased investment in open space maintenance
- Enhanced Graffiti Abatement program
- Continued traffic enforcement efforts
- Enhanced program of maintaining existing infrastructure through Capital Improvement Program (CIP) funding
- Enhanced management and associated reduction of overtime costs
- Continuing the Westminster Faire as a key community event
- Maintaining the Large Item Clean-Up Program
- Maintaining a competitively paid workforce
- Continued efforts to manage health insurance costs

NEW POSITIONS INCLUDED IN THE ADOPTED 2008 CITY BUDGET

A total of 1.0 new FTE was authorized in the Adopted 2008 Budget. The Adopted 2008 Budget includes all salary and benefit expenses for this position in the General Fund and funded by the public safety tax.

Department	FTE	Title	Salary & Benefit Cost
GENERAL FUND			
Police Department – Patrol, Traffic and Special Operations Division	1.0	Police Officer (salary \$44,469; benefits \$7,560)	\$52,029

An additional 2.0 FTE are recommended with the 2008 Budget amendment process in the General Fund (Fire and Parks, Recreation and Libraries Departments) and are noted within the Proposed Modifications section below.

The September 17 budget review focused on modifications necessary to the Adopted 2008 Budget. Only two adjustments were necessary after the budget review as Staff refined projections. This change is described below under the Utility Reserve Fund and Debt Service Fund sections. A summary of recommended modifications follows.

PROPOSED MODIFICATIONS TO THE ADOPTED 2008 CITY BUDGET

Overall, the total City Budget including all funds for 2008 is proposed to be modified from the Adopted total of \$166,636,641, plus \$37,344,864 in reserves and \$4,872,590 in contingency accounts, to \$169,243,195, plus \$50,934,049 in reserves and \$5,114,990 in contingency accounts (an increase of 1.6% in the total City Budget). The most significant increase is in the Utility Reserve Fund, reflecting the 2006 carryover funds appropriated into 2007, which carry forward in the Utility Reserve. (City Council authorized an increase of \$12,439,065 in the Utility Reserve Fund in July 2007 as part of the carryover appropriation.)

The modifications proposed are summarized below by fund. City Council will note that some highlights included below are more of an accounting adjustment but are identified to keep City Council informed of the changes proposed and for better management and cost tracking.

General Fund

Increase in projected revenues: Staff revisited the General Fund projected revenues for 2008 and adjusted the projections based on actual collections in 2007. Projected revenues for the City Park Recreation Center and Swim & Fitness Center were adjusted downward by \$250,000 as a result of anticipated reduced attendance during the POST bond-funded renovation/expansion projects anticipated in late 2008. Other minor revisions are projected for property tax (-\$25,836), intergovernmental revenues (+\$84,000), interest income (+\$140,000), and miscellaneous revenues (-\$60,565). A significant adjustment was made in the transfer from the Sales and Use Tax Fund (+\$272,464). This increase is possible directly as a result of the focused efforts throughout the City and through the urban renewal areas to diversify the sales tax base and generate replacement revenues for the Westminster Mall. Staff anticipates that these positive results will continue to grow as the north I-25 area continues to develop. Finally, \$1,500,000 in surplus funds are anticipated to be available at year-end 2007 and are recommended to be included as carryover revenues allocated to the 2008 Budget. Rather than following the typical process of waiting for carryover to be appropriated in July next year, Staff is proposing that these funds be appropriated with the 2008 Budget amendment, thus making the funding available in January. Following past practice of using one time revenues for one time expenses, these funds are proposed to be transferred to the General Capital Improvement Fund to help address capital project needs. (Net change = +\$1,871,070)

All Departments:

- 2.5% across-the-board (ATB) adjustment to the City’s Pay Plan and modification to departments’ regular salary accounts based on actual salary adjustments made in 2007. Originally, a 1% ATB adjustment was approved in the Adopted 2008 Budget. The proposed increase in the ATB is

necessary to keep the City's Pay Plan within the market and keep wages competitive. An increase in the ATB now would also help mitigate market adjustments in future budget years. A total of \$1,070,728 for a 1% ATB, step and merit increases was budgeted in Central Charges as part of the Adopted 2008 Budget. The proposed 2.5% ATB for 2008 would increase funding for the ATB, step and merit increases by \$808,693. This proposed increase is funded by an increase in projected revenues and a decrease in certain expenditures, including a lower than anticipated increase in health insurance costs. (Net change = +\$808,693)

- Reclassifications of Existing Positions: With the mid-year budget review, a limited number of existing positions were reviewed and are recommended for reclassification due to the reorganization of certain departmental operations or internal alignment issues. Detailed information on these reclassifications is provided in the 2008 Pay Plan Agenda Memorandum scheduled later on this City Council agenda. Several of these requests were received and approved in 2007, but the Adopted 2008 Budget needs to be amended to reflect these changes. (Net change = +\$7,662)
- Budgeted attrition adjustment rate reduction from 10% to 8%: To address expenditure pressures without significant service reductions or additional revenue enhancements, the City budgeted for \$1 million in salary savings from attrition (i.e., staff turnover) in the Adopted 2008 Budget. This reduction was reflected in each regular salary account within the General Fund. This budgeted figure was based on employee turnover data from previous years. Based on attrition experience in 2007 and a current environment with stabilizing revenues and less than anticipated increases in certain expenditures, Staff recommends lowering the budgeted attrition adjustment rate from 10% to 8%. This proposed change would increase the total for regular salaries in the General Fund by \$200,000. (Net change = +\$200,000)

Individual Departments:

City Council:

- No changes proposed.

City Attorney's Office:

- Reallocation of budgeted funds, transferring \$4,200 from Training & Development account to Outside Computer Charges due to increasing contractual costs associated with the computer fees for legal research networks. (Net change = \$0)

City Manager's Office:

- No changes proposed.

Central Charges:

- Lower than anticipated increase for health insurance costs: Staff originally budgeted for an anticipated 6% increase in health insurance costs in the Adopted 2008 Budget based on continued health care cost pressures. However, Staff and the City's health insurance providers have revisited the City's experience history, reserves and renewal rates and recommends that health insurance costs for 2008 be increased by only 3% over the 2007 rates. This would result in an overall savings in the medical/dental accounts of \$719,248 in the General Fund. For all funds combined, medical/dental benefit costs would decrease by a total of \$885,648. In the General Fund, the City now pays approximately \$6.1 million annually in medical/dental benefits; for all funds, the City now pays approximately \$7.5 million annually. (Net change = -\$719,248)
- Retirement contribution: This expense is projected to be \$135,532 more than originally budgeted in 2008 if the proposed 2.5% across the board (ATB) Pay Plan adjustment is approved as a budget amendment. The ATB, along with step and merit increases, directly impact the Pension projections since they are based on a percentage of base salary. (Net change = +\$135,532)
- Life, long term disability, and life insurance rates: This reflects revised rates and projections for 2008 based on continued increases in benefit costs. (Net change = +\$28,204)

- Medicare contribution: Medicare rates are based on projected salaries and have been adjusted from the Adopted 2008 Budget reflecting updated information on employees' current wages and participation in Medicare. The City contributes 1.45% of salary into Medicare for all employees hired after March 31, 1986. (Net change = -\$5,000)
- PC Replacement Fees: An increase in the City's PC Replacement Fee in Central Charges of \$4,500 represents new computers added during 2007. As City Council will recall, the purchase of new and/or replacement computers is now centralized in the General Capital Outlay Replacement Fund (GCORF) and each department/division is charged an annual rental fee for use and future replacement of each laptop or desktop. The current annual PC Replacement Fee for a desktop is \$250 and the fee for a laptop is \$375. (Net change = +\$4,500)
- Funding for Human Service Board Agency (HSB) Awards: A total of \$68,000 in HSB funding is proposed to be shifted from Community Development Block Grant (CDBG) moneys to General Fund moneys to address HSB funding requests. Currently, a total of \$154,000 is included within the Adopted 2008 Budget for HSB funding, of which \$86,000 is General Fund moneys and \$68,000 is CDBG moneys. However, in light of additional reporting and tracking requirements from the federal government of both the granting agency (the City) and grantee (the agencies), Staff is recommending that all of the HSB recommended agencies be funded completely by General Fund moneys and that the CDBG funds no longer be utilized for HSB funding. To offset the CDBG moneys, Staff is recommending that the South Westminster capital improvement project (budgeted in the General Capital Improvement Fund (GCIF)) be reduced by \$68,000 of General Fund moneys and that those CDBG funds previously utilized for these HSB agencies be utilized in the South Westminster project instead. While this change would represent an additional \$68,000 in funding coming from the General Fund, it would be offset with a reduced transfer from the Sales and Use Tax Fund to the General Capital Improvement Fund for the South Westminster CIP (\$68,000). The CDBG funds would then be used directly for South Westminster Projects. While this has the appearance of increasing the HSB funding in the General Fund and reducing the South Westminster project in the GCIF, the net change to both programs is \$0. This is simply a change in where the money is coming from rather than the amount. (Net change to General Fund = +\$68,000)
- City Charter Commemorative Keepsake and Event: In honor of the 50th anniversary of the City of Westminster Charter, Staff is proposing to print new copies of the City Charter with all relevant amendments, updates, etc., included within one revised document. This will cover costs associated with publishing a revised commemorative document and a small reception to celebrate the anniversary in November 2008. (Net change = +\$5,000)
- Energy Performance Contract Measurement and Verification (M&V) cost: In December of 2005, the City entered into an Energy Performance Contract with Siemens for the construction and installation of water and energy saving assets at numerous City facilities. Funds for this component of the contract were not originally budgeted and simply absorbed within the Building Operations and Maintenance Division budget. The M&V cost is required per state law as a component of energy performance contracts for a minimum of three years; these funds represent the second year of M&V for the City. (Net change = +\$8,700)
- Lobbying contract for U.S. 36 Metropolitan Mayors and Commissioners Coalition (MMCC): In 2007, the City of Westminster's portion of the lobbying contract with the Dutko Firm was \$20,000. Due to increasing costs, the overall payment (including expenses incurred during the year) to Dutko from the U.S. 36 MMCC is anticipated to increase. (Net change = +\$5,000)
- Certificate of Participation (COP) Payment Reductions: The refinancings of the 1998 COP for Capital Facilities and the 1999 COP for the Westminster Boulevard Flyover result in a net savings to the General Fund. Savings from these COP refundings are proposed to be applied to the General Capital Improvement Fund (GCIF), particularly for the 144th Avenue widening project. (Net change = -\$480,681)
- 2005 Certificate of Participation (COP) for 144th Avenue Interchange (Westminster portion): Based on an Intergovernmental Agreement, out of the \$15.8 million cost of the project, \$1.2

million is attributable (7.59%) to the City of Westminster for capitalized interest, cost of COP issuance, and excess right-of-way costs, etc. For 2008, this amount is \$104,222. The City of Thornton reimbursement payment to Westminster is therefore reduced by this amount in 2008 and for future years. (Net change = +104,222)

- Transfer to the General Capital Outlay Replacement Fund (GCORF) for replacement vehicles: A \$9,200 increase is proposed from the originally Adopted 2008 Budget due to updated pricing estimates for vehicles that were approved for replacement in 2008. (Net change = +\$9,200)
- Transfer to General Capital Improvement Fund: Based on the refinancing of several debt issues and Certificates of Participation, along with reduced year-end expenditure projections in other General Fund accounts, Staff proposes budgeting for \$1,500,000 in 2007 carryover in the Amended 2008 Budget. Seeing that most of these cost savings are related to the refinancing of debt issues, which will provide short-term cost savings versus ongoing savings, Staff is proposing to transfer the \$1.5 million to the General Capital Improvement Fund to help address capital improvement needs, such as the widening of 144th Avenue between Huron and Zuni. (Net change = +\$1,500,000)
- Increased Transfer to Property/Liability Fund: A total increase of \$50,000 is proposed to be transferred to the Property/Liability Fund (\$30,000 from the General Fund and \$20,000 from the Utility Fund per a 60-40 split). The increase is based upon actual costs for CIRSA premiums and other contractual services experienced in 2006 and 2007. (Net change = +\$30,000)

General Services:

- Leadership Development Program: The proposed program consists of two components to address organizational succession needs. One component is intended to develop employees with supervisory potential, while the other focuses on developing mid- to executive-level managers. This would fund course development and commencement of program in 2008. (Net change = +\$30,000)
- Temporary Secretary for City Clerk's Office: This would fund the continuation of a temporary secretary hired in 2007 that assists with the City's passport services, focusing on passport processing and associated tasks. This temporary position was approved in 2007 through the appropriation of carryover. Revenue from the sale of passports would offset this proposed expenditure. (Net change = +\$15,654)
- Lobbying Travel for Deputy City Manager: In 2007, the Deputy City Manager assumed responsibilities for managing the City's legislative program. This amount would fund a federal lobbying trip to Washington, D.C., that coincides with the National League of Cities Conference or for lobbying activities related to U.S. 36 transportation issues. (Net change = +\$2,500)

Finance:

- Reallocation of budgeted funds, transferring \$5,000 from the Accounting Division's overtime account to the Accounting Division's temporary salaries (\$3,000) and to the postage account (\$2,000) based on current experience. (Net change = \$0)

Police Department:

- Two minor reorganizations are proposed within the Police Department, primarily resulting in a restructuring of accounts due to changes in management and oversight of these functions and no net change in overall Police Department budget. The first is associated with moving the Community Service Officer (CSO) program from the Investigation and Technical Services Division to the Patrol Division. The second is associated with separating one section into two. In 2007, a restructuring of the Police Department's Communications Center was implemented, which included the creation of a civilian Communications Administrator position. Previously, a PD Commander oversaw both Records and Communications operations. Separating Records from Communications will allow more efficient

management, budgeting and cost allocation. There is no net impact to the Adopted 2008 Budget for these operations. (Net change = \$0)

- Reduction in Patrol Services OT: With the adoption of a 4 day-10 hour schedule for sworn officers, the Police Department has realized significant savings in overtime costs year-to-date in 2007 and expected to continue into the future. The projected overtime cost savings projected for Patrol in 2008 will be utilized to offset unanticipated impacts to the Police Department's Adopted 2008 Budget (which are listed below). (Net change = -\$123,321)
- Graffiti Abatement Program Enhancements: To help address the growing issue of graffiti in the City of Westminster, an increase of \$40,905 is proposed to help support and improve graffiti abatement, eradication, and education. This includes a transfer of \$4,905 from the Street Division within the Public Works and Utilities Department's General Fund budget where graffiti removal was previously budgeted, along with \$36,000 in additional funding for the City's graffiti program (which will be offset by OT savings). The \$36,000 in additional funding will go towards a temporary staff position to assist with graffiti abatement during warmer months when graffiti levels have historically risen (\$16,000), a replacement airless paint sprayer (\$3,500), graffiti removal supplies (\$7,000), surveillance equipment (\$6,000), marketing materials (\$5,000), and a trial with graffiti repellant coatings (\$3,500). (Net change = +\$40,905)
- Additional Equipment/Start-up Costs for Northeast Police Office: This request includes an Identix Fingerprinting System (\$35,000), PC/monitor for I-Mug (\$1,267), Camera for I/Mug System (\$1,000). The Adopted 2008 Budget currently has a total of \$45,000 budgeted for initial start up costs associated with the northeast office, which includes \$14,500 for an Identix Fingerprinting System. Staff had anticipated that a "smaller" fingerprinting unit would be sufficient. However, due to technical and integration issues, a larger, standard unit is needed, which will cost an additional \$20,500. An I/Mug System was budgeted in 2008, but a PC and camera are needed to complete the system (an additional \$2,767). This equipment will allow officers stationed in the northeast area of the City to book suspects at the Northeast Police Office and allow officers to remain in the area, thus eliminating transports to the Public Safety Center. This will provide an efficiency and save time and fuel. (Net change = +\$22,767)
- I/Mug System, PC/monitor, and camera for Sex Offender Unit: This equipment is proposed for sex offender registration. Several legal and logistical difficulties exist with utilizing the I/Mug System in the Public Safety Center's (PSC) booking area and the Colorado Bureau of Investigation has raised concerns regarding the appearance and quality of current registration photos. This equipment will integrate with other systems, allow for the transfer for photos to sex offender databases, and allow for improved photos for court proceedings. This would also provide efficiencies as Colorado's forthcoming adoption of the federal Adam Walsh Law that will likely increase the number of registrations in the City of Westminster. (Net change = +\$12,267)
- Audio/Visual system Repair and Replacements for the Public Safety Center Training Room: Staff proposes to replace the audio/visual equipment to improve the a/v system in the training room at the Public Safety Center. This funding would correct current issues and make the system more "user friendly." Due to the size and features of the training room, it is used very heavily by both City Staff and outside agencies and Staff has experienced continual problems with the current a/v system. These funds would improve upon the existing system. (Net change = +\$12,000)
- HVAC Work for Uninterruptible Power Supply (UPS) in PSC: Currently, there are no vents into the small room that houses the UPS for the PSC. This condition has generated significant heat that is detrimental to the life of the UPS batteries, which must be purchased as a set and cost \$18,000. Staff proposes the purchase and installation of a small air conditioning unit for the UPS room, thereby preserving the life of the batteries and avoiding additional costs. (Net change = +\$3,000)
- North Metro Drug Task Force (NMDTF) Funding: Staff budgeted \$34,000 for NMDTF in the Adopted 2008 Budget; however, the total funding to NMDTF for 2008 is projected at \$63,660. Staff will apply for a Justice Assistance Grant (JAG) to cover the remaining amount

for Westminster's projected full contribution to the NMDTF. These funds would cover the unbudgeted amount if the JAG grant is not approved. Staff has successfully received JAG funds to cover the difference in recent years (2007 NMDTF cost \$53,401 total, of which \$30,705 was funded through a JAG grant) but, given uncertainty with grant funding levels, is proposing that the difference be budgeted for in 2008. It would also address an increase in rates from the NMDTF that could be driven by the outcome of grant requests that the NMDTF is making directly to JAG as well. If the City receives a JAG grant adequate to cover the amount requested here, these dollars would be moved to a budget hold account and not expended without City Manager's approval on an appropriate expense. (Net change = +\$29,660)

- 4 Vehicle Holdover for School Resource Officer (SRO) Program: With the change to a 4 day-10 hour shift deployment schedule, the Police Department has realized numerous benefits including substantial overtime savings, enhanced training, and improved supervision. One challenge has been having more Staff available during daytime hours but utilizing the same number of patrol vehicles. This request would "hold over" four patrol vehicles scheduled for replacement to be used by four of the Department's eight School Resource Officers (SROs) in the middle and high schools. These vehicles would be rotated out at the end of the year and a maintenance cap of \$500 would be placed on each vehicle (i.e., once the vehicle during the "hold over" period reaches the \$500 cap, it is sent to auction and no additional funds are invested in that vehicle). These hold over vehicles would only be used by SROs and would be outfitted with existing equipment. Per the Fleet Maintenance Division, the estimated cost of operation for these vehicles is \$0.27 per mile. This would provide improved street coverage and efficiency for Patrol while continuing to provide a marked Police vehicle in the parking lot of area middle and high schools. (Net change = +\$2,722)
- Traffic Motorcycles: This item would shift \$18,000 from funds that were originally budgeted for motorcycle emergency equipment to motorcycle purchases, lease payments, and maintenance costs. All emergency equipment was replaced in 2007 at a cost that was much less than anticipated. Harley-Davidson has upgraded its Police Motorcycle, which will bring with it some additional purchase and lease costs. Also, due to the shift from leasing motorcycles to purchasing motorcycles (purchases are being phased in over a 4-year period, thus some leases remain), "training" motorcycles are no longer available. Additional maintenance costs are anticipated as a result. This request would shift \$4,000 to lease costs, \$6,000 to purchase costs, and \$8,000 to maintenance costs. (Net change = \$0)

Fire Department:

- Convert the existing temporary Management Intern I position to a permanent 1.0 FTE Management Analyst: The Fire Department is proposing to convert the Department's existing Management Intern I position to a 1.0 FTE Management Analyst. Management Interns are benefited temporary two-year positions, but do not have an official FTE associated with them. The cost would be partially offset by the elimination of the Management Intern position. (Net change = +\$15,000)
- Reduction in Overtime: Due to a change in classification of Fire Captains from non-exempt to exempt, the Fire Department is projected to save \$10,000 in overtime costs associated. (Net change = -\$10,000)

Community Development:

- No changes proposed.

Public Works & Utilities:

- Reduction in funding for the Large Item Clean-up: Staff recommends reducing the budgeted amount for Large Item Clean-up for 2008 based on 2007 participation rates. Based on approximately 1,000 participants at a cost of \$70,000 in 2007, assuming Staff is successful at doubling the participation level in 2008 to 2,000 participants, the total cost is estimated to be \$140,000. Staff has also assumed that the City will continue to collect a fee of \$10 per

household participating in the program. A total of \$180,000 was budgeted for this program. Staff recommends freeing up the difference of \$40,000 to assist with other General Fund needs. (Net change = -\$40,000)

- Transfer Graffiti Removal funds from the Street Division to the Police Department: As previously noted in the Police Department section, Staff recommends transferring those funds associated with graffiti abatement from Public Works and Utilities to Police, as the Graffiti Program is now operated entirely by the Police Department. (Net change = -\$4,905)

Parks, Recreation & Libraries:

- Westminster Sports Center Operations including a proposed 1.0 FTE Recreation Aide: In 2007, the City started managing the operations of the Westminster Sports Center Indoor Soccer Complex. This request funds operating costs for the Center for 2008. The Sports Center is projected to produce \$265,000 in revenue, more than recovering the total cost of the program. The Recreation Programs Section proposes adding 1.0 FTE Recreation Aide for the operation of the Westminster Sports Center. This 1.0 FTE was approved in 2007 as part of a supplemental appropriation for operations of the Sports Center for the remainder of 2007. This FTE, along with other projected operational expenses, needs to be formally approved as amendments to the Adopted 2008 Budget. The 1.0 FTE Recreation Aide will assist with the operation of the Center; new staff costs (salary \$26,851 plus \$4,565 benefits) equal \$31,416. (Net change = +\$213,000)
- Increase in chemical costs for aquatics: For safety reasons, the City's pools switched from chlorine gas to liquid chlorine for pool treatment. The quantity of liquid chlorine necessary to adequately treat the pools is larger than anticipated and the cost of the liquid chlorine has increased. This chemical cost increase is also being experienced in water treatment operations. (Net change = +\$30,719)
- Westminster Faire: The budget was reduced for the Westminster Faire when the City considered combining the 4th of July celebration with the Westminster Faire during the development of the Adopted 2007/2008 Budget. After further review, it was decided not to combine these events, but previous funding levels were not restored. This increase would restore the funding for the Westminster Faire to its 2006 funding level. (Net change = +\$8,100)
- Parks Services activities related to Stormwater Maintenance: Per the recommendation of the 2007 Storm Drainage Master Plan and direction from Council at the Study Session on August 20, Staff is proposing to fund drainageway maintenance activities managed and performed by the Park Services Division from the Stormwater Drainage Fund. Historically, these activities, to the extent they have been performed, have been supported by General Fund dollars. Staff proposes a \$100,000 shift in funding from the General Fund to the Stormwater Fund for drainageway maintenance operations. Staff is also proposing \$100,000 in new funding for drainageway maintenance activities that will be reflected in the Stormwater Drainage Fund. While this has the appearance of decreasing the Park Services budget, the end result is actually an increase in the overall funding applied towards drainageway maintenance; it is simply a change from where the funding is coming. (Net change = -\$100,000)

Below is a summary chart of the net changes made to the General Fund Department budgets. These numbers include all salary, benefit and other adjustments. Please note since the September 17th budget review with City Council, minor adjustments have been made due to rounding (i.e., the numbers included below in the Net Change Proposed to Adopted Budget column have changed slightly in comparison to the September 17th Study Session materials; the bottom line total proposed expenditures have not changed).

General Fund Department	Net Change Proposed to Adopted Budget
City Council	\$0
City Attorney's Office	\$39,666
City Manager's Office	\$33,598
Central Charges (including transfer payments)	(\$460,502)
General Services	\$227,983
Finance	\$84,890
Police	\$844,751
Fire	\$620,200
Community Development	\$80,103
Public Works & Utilities	(\$39,347)
Parks, Recreation & Libraries	\$439,728
TOTAL	\$1,871,070

NOTE: The Net Change Proposed to Adopted Budget column will not necessarily match the items described under each department's summary above as a result of impacts of the adjustments discussed in the All Departments section (i.e., adjustments citywide to salaries, etc.).

Utility Fund

All Departments:

- 2.5% across-the-board (ATB) adjustment to the City's Pay Plan and modification to departments' regular salary accounts based on actual salary adjustments made in 2007: Originally, a 1% ATB adjustment was approved in the Adopted 2008 Budget. The proposed increase in the ATB will help keep the City's Pay Plan within the market and keep wages competitive. An increase in the ATB now would also help mitigate market adjustments in future budget years. A total of \$149,590 for a 1% ATB, step and merit increases was budgeted in Central Charges to be distributed to the departments' budgets as part of the Adopted 2008 Budget. The proposed 2.5% ATB for 2008 combined with other mid-year adjustments to the numbers would increase funding for the ATB, step and merit increases by \$161,964. This proposed increase is funded by an increase in projected revenues and a decrease in certain expenditures, including a less than anticipated increase in health insurance costs. (Net change = +\$161,964)
- Reclassifications of Existing Positions: With the mid-year budget review, a limited number of existing positions were reviewed and are recommended for reclassification due to the reorganization of certain departmental operations or internal alignment issues. More details on these reclassifications are provided in the 2008 Pay Plan Agenda Memorandum scheduled later on this City Council agenda. Several of these requests were received and approved in 2007, but the Adopted 2008 Budget needs to be amended to reflect these changes. (Net change = +\$8,529)

Central Charges:

- Lower than anticipated increase for health insurance costs: As noted previously, Staff originally budgeted for an anticipated 6% increase in health insurance costs in the Adopted 2008 Budget based on continued health care cost pressures. However, Staff and the City's health insurance providers have revisited the City's experience history, reserves and renewal rates and recommend that health insurance costs for 2008 be increased by only 3% over the 2007 rates. This would result in an overall savings in the medical/dental accounts of \$157,900 in the Utility Fund. (Net change = -\$157,900)
- Retirement contribution: This expense is projected to be \$92,698 more than originally budgeted in 2008 if the proposed 2.5% across the board (ATB) Pay Plan adjustment is approved as a budget amendment. The ATB, along with step and merit increases, directly

impact the Pension projections since the pension contributions are based on a percentage of base salary. (Net change = +\$92,698)

- Life, long term disability, and life insurance rates: This reflects revised rates and projections for 2008 based on continued increases in benefit costs. (Net change = +\$13,500)
- Medicare contribution: Medicare rates are based on projected salaries and have been adjusted from the Adopted 2008 Budget reflecting updated information on employees' current wages and participation in Medicare. The City contributes 1.45% of salary into Medicare for all employees hired after March 31, 1986. Increases in the Utility fund reflect an increase in employees participating in Medicare resulting in retirements or resignations of employees hired pre-March, 1986. (Net change = +\$12,000)
- Increased Transfer to Property/Liability Fund: A total increase of \$50,000 is proposed to be transferred to the Property/Liability Fund (\$30,000 from the General Fund and \$20,000 from the Utility Fund per a 60-40 split). The increase is based upon actual costs for CIRSA premiums and other contractual services experienced in 2006 and 2007. (Net change = +\$20,000)

Public Works and Utilities:

- Reallocation of funds from one section to another: Staff is proposing to move \$15,000 from the Water-Field Operations section to the Water-Plants section to cover overtime for electromechanics work. This is simply an accounting adjustment to better reflect operational costs. (Net change = \$0)
- Deferred Compensation Amount: An increase of \$8,000 is proposed for the Public Works & Utilities Administration Division regular salaries account as part of the negotiated compensation package for the new director. (Net change = +\$8,000)
- South Platte Water Related Activities Program Membership Fees: Water Resources and Treatment is requesting an additional \$53,738 for increased membership fees to the South Platte Water Related Activities Program. The increase in fees is based on number of participants, current costs, a per water unit usage fee. In 2007, this membership was funded through carryover and approved by City Council on May 14. No funds were included in the Adopted 2008 Budget as this association had not formalized at that time. (Net change = +\$53,738)
- Increased Chemical Costs: Due to increased use and cost of potable water treatment chemicals, the Water-Plants section is requesting an additional \$100,000 for the purchase of chemicals. (Net change = +\$100,000)
- Metropolitan Waste Water Reclamation District (MWWRD) fee increase: In mid-August, the MWWRD distributed its annual fee assessment for the following year. For 2008, the fee assessment (which is a complicated formula assessing final 2006, estimated 2007 and projected 2008 costs) results in a revised rate that is \$321,597 above what is currently included within the Adopted 2008 Budget (\$1,945,408) for a total cost of \$2,267,005 for 2008. (Net change = +\$321,597)
- State mandated fee increase: During the 2007 legislative session, House Bill No. 07-1329 was passed, setting higher state permit fees for water and wastewater treatment facilities in the State of Colorado. Due to the increase in fees and the increased capacity at the Big Dry Creek Waste Water Treatment Facility, fees are projected to be \$25,660 above what is budgeted for 2008. (Net change = +\$25,660)
- Proposed upgrade to a replacement vehicle: The Wastewater-Plants section is proposing to upgrade a scheduled replacement vehicle from a Chevrolet S-10 pickup to a Chevrolet Malibu and requests an additional \$2,150 for the upgrade. This upgrade will allow for a more efficient use of vehicles within the plants division. (Net change = +\$2,150)

Information Technology:

- No changes proposed.

Water and Wastewater Capital Improvement Program (CIP):

The 2007-2011 Capital Improvement Program Proposed Amendments document, which includes all funds, was attached to the September 17 Staff Report and included short descriptions of each project adopted and/or proposed; for full descriptions of each project, please see that document. However, for the purposes of this mid-year budget amendment, Staff focused on the proposed amendments to the Adopted 2008 Capital Improvement Program. Overall, the proposed changes to the Utility Fund CIP are able to be made without any net dollar changes to the 2008 adopted amounts.

Several changes are proposed in funding levels as part of the overall approach to aggressively address maintenance needs. Most of the changes proposed reflect priorities identified in the URS Infrastructure Study completed in late 2006 and work to maximize funding. The following list summarizes the proposed changes to the Utility Fund CIP; for more information, please see the project description document or the 5-Year CIP document provided with the September 17 Study Session Staff Report. Proposed revisions to the Utility Fund Capital Improvement Program are listed below. Projects that are newly proposed with this amendment for 2008 are noted with "NEW" in parenthesis.

- Sanitary Sewer Line Trenchless Rehabilitation: reflects reallocation of funding based on priorities identified in the URS Infrastructure Study completed in late 2006. (Net change = -\$650,000)
- Sewer Line Open-Cut Replacement: reflects reallocation of funding based on priorities identified in the URS Infrastructure Study completed in late 2006. (Net change = +\$300,000)
- Hyland Village Sewer Upsizing – McStain/98th & Sheridan: more refined cost estimates have been developed by Staff and this increase reflects the true cost of this project. (Net change = +\$250,000)
- Lift Station Improvements (NEW): increase the capacity and extend the useful life of various lift stations around the City and aide in the elimination of the 94th & Quitman lift station. (Net change = +\$100,000)
- Open-Cut Water Line Replacements: increase funding of open-cut water line replacement, used in cases of severe maintenance needs that cannot be repaired through trenchless lining. (Net change = +\$260,000)
- Reclaimed Water System Interconnection: original project was estimated to cost \$6.2 million however, after study of potential alignments has been completed, the revised cost is only \$4 million. (Net change = -\$2,200,000)
- 80th & Federal Water Line Improvements: this project has been completed ahead of schedule in 2007 and funds will be used to fund new projects in 2008. (Net change = -\$400,000)
- Reclaimed Water Project User Retrofits: funding is proposed in 2008 in order to capitalize on opportunities to assist potential reclaimed water customers to connect to the system. (Net change = +\$169,000)
- Semper Water Treatment Facility BIF SCADA computer system: this project is proposed to be fully funded in 2008 rather than being funded over two years (2008 and 2009) as originally approved due to the need to fully implement the project during 2008 rather than phasing it over two years. The total project cost is \$472,000. (Net change = +\$236,000)
- Semper Water Treatment Facility Access Control System: the security access system is proposed to be installed in 2009 rather than in 2008 as originally authorized based on other priority projects. (Net change = -\$345,000)
- Countryside Pump Station Improvements: these improvements to the pump stations will increase the pressure to the western edge of Zone 5 near Standley Lake, including the use of the potable water storage at the site; this pump station will also be constructed as an above ground pump site with landscaping. (Net change = +\$1,000,000)
- Gregory Hill Pump Station Improvements: due to the water pipe failure that the City experienced at the facility in late 2006, the pump station walls need to be re-built. (Net change = +\$150,000)
- Kershaw Ditch Non-Potable Water Pump Station Improvements: improvements to the Kershaw Ditch Non-Potable Water Pump Station located at 60th Avenue and Tennyson in unincorporated Adams County. (Net change = +\$130,000)

- Pressure Zone 15 Water System Improvements (NEW): reflects reallocation of funding based on priorities identified in the URS Infrastructure Study completed in late 2006, which recommends a new Zone 15 be created due to land elevations that are higher than the current Zone 5 (Countryside area). This includes a new pump station to increase the water pressure, which will assure that adequate fire flows are available. (Net change = +\$1,000,000)

Below is a summary chart of the net changes made to the Utility Fund department budgets. Note that the fund as a whole is proposed to increase as a result of increased operating costs. This increase is funded via a reduction in the amount of operating funds transferred to the Utility Fund Capital Improvement Program, thus increasing the amount of funds transferred from the Utility Capital Project Reserve pursuant to the Utility Fund Fiscal Policy adopted by City Council in October 2006. Please note since the September 17th budget review with City Council, minor adjustments have been made due to rounding (i.e., the numbers included below in the Net Change Proposed to Adopted Budget column have changed slightly in comparison to the September 17th Study Session materials; the bottom line total proposed expenditures have not changed).

Utility Fund Department	Net Change Proposed to Adopted Budget
(Water/Wastewater)	
Central Charges (including Transfer Payments)	(\$217,292)
Finance	(\$2,166)
Public Works & Utilities	\$806,215
Information Technology	\$87,332
Water/Wastewater Capital Improvements	\$0
TOTAL	\$674,089

NOTE: The Net Change Proposed to Adopted Budget column will not necessarily match the items described under each department’s summary above as a result of impacts of the adjustments discussed in the All Departments section (i.e., adjustments citywide to salaries, etc.).

Utility Reserve Fund

- Increase the transfer payment to the Utility Fund from the Capital Project Reserve Fund: An increase is proposed from \$5,893,222 to \$6,421,076 as a result of increased 2008 costs, which requires retaining more of the water and wastewater sales revenues for operations than originally budgeted. Pursuant to the Utility Fund Fiscal Policy adopted by City Council in 2006, water and wastewater sales first are applied towards operating costs and then an increasing amount each year is to be applied towards ongoing maintenance budgeted within the Capital Improvement Program (with the ultimate goal that all maintenance would be funded through water and wastewater rates). Pursuant to the Fiscal Policy, any shortfall between tap fee revenues and water/wastewater rate revenues being applied towards capital projects shall be made up from moneys in the Capital Reserve Fund. As a result, the net increase of \$527,854 is proposed to be appropriated from the Utility Capital Reserve Fund. (Net change to the Utility Capital Reserve Fund transfer payment to the Utility Fund = +\$527,854)
- **MODIFIED SINCE SEPTEMBER 17 STUDY SESSION:** Overall increase to Reserve Fund balance: The overall Reserve Fund balances for the Rate Stabilization Reserve and the Capital Project Reserve are proposed to increase based on the 2006 carryover appropriated into 2007 and projected interest earnings during 2007 and 2008. As previously noted, \$12,439,065 of carryover was appropriated by City Council in July 2007 as a result of expenditure savings and higher than anticipated revenue collections during 2006. These funds have already been appropriated but when looking at the entire citywide budget, the increase from carryover is visible in the beginning and ending balance to the Adopted 2008 Budget. As a result, the projected interest earnings for the Reserves were recalculated. In addition, how the transfer payment from the Utility Capital Reserve Fund to the Utility Fund

was reflected was modified to more accurately reflect the overall fund balance. The result from these two modifications is that the net change to the fund was reduced to +\$13,589,184 from +\$15,175,540 as originally included with the Study Session materials. (Net change = +\$13,589,184)

Utility Reserve Fund	Net Change Proposed to Adopted Budget
Central Charges	\$13,589,184
TOTAL	\$13,589,184

Stormwater Drainage Fund

- Park Services activities related to Stormwater maintenance: Per recommendation of the 2007 Storm Drainage Study and direction from City Council at Study Session on August 20, Staff is proposing funding from the Stormwater Drainage Fund for drainageway maintenance activities managed and performed by the Parks Services Division in the Parks, Recreation & Libraries Department. Historically, these activities have been supported by General Fund dollars. As noted previously, Staff proposes a \$100,000 shift in funding from the General Fund to the Stormwater Fund for drainageway maintenance operations performed and managed by Parks Services. Staff is also proposing an additional \$100,000 in new funding for drainageway maintenance activities be provided in the Stormwater Drainage Fund. The funding for this on-going maintenance expense is coming from stormwater fees allocated towards Stormwater capital improvement projects. (Net change = +\$200,000)
- Stormwater Drainage capital improvements: Proposed revisions to the Stormwater Capital Improvement Program are listed below and reflect the results of the recent Stormwater Master Plan developed by the City. The following list summarizes the proposed changes to the Stormwater Drainage Fund CIP; for more information, please see the project description document or the 5-Year CIP document provided with the September 17 Study Session Staff Report. Projects that are newly proposed with this amendment for 2008 are noted with “NEW” in parenthesis.
 - Quail Creek-Osage to Huron: additional funds are needed for the design and construction of Quail Creek channel improvements between Osage Street and Huron Street. This project intends to reconstruct Quail Creek to provide adequate slope and capacity to convey the 100-year flood safely downstream through the newly constructed box culvert at Huron Street. (Net change = +\$250,000)
 - McKay Lake Drainage (NEW): additional funds are needed to address the drainage way from Huron Street to I-25, which is currently undersized. The new channel from I-25 to Big Dry Creek is located in the City of Thornton; however, the City of Westminster is responsible for paying the construction costs of the channel. The City of Thornton will repay their portion of the construction costs at a later time. In addition, a stormwater recovery will be assessed on appropriate properties benefiting from these improvements. (Net change = +\$444,000)
 - Airport Creek-upstream of Sheridan Boulevard (NEW): this new project is proposed to address severe erosion that is progressing upstream from Big Dry Creek. This erosion has exposed a large sanitary sewer main line. The channel upstream of the sanitary sewer line is in a stable natural condition. (Net change = +\$300,000)
 - Miscellaneous Stormwater Drainage Capital Improvements: This funding is proposed to be reduced from \$625,000 to \$70,000 for 2008 in order to fund major storm drainage projects including Quail Creek, McKay Lake Drainage, and Airport Creek improvements. \$70,000 is proposed to remain in this project to address smaller stormwater drainage improvements throughout the City as necessary. (Net change = -\$555,000)
 - Stormwater Capital Reserve: the funds for this project are associated with the stormwater drainage fee increase in 2008 and were earmarked in 2006 for projects that would be identified as high priorities through the update to the City’s Stormwater Master Plan completed during 2007. As originally designed, Staff proposes that these funds be

distributed to the several high priority projects listed above, including Quail Creek, McKay Lake Drainage, and Airport Creek. (Net change = -\$639,000)

Stormwater Drainage Fund	Net Change Proposed to Adopted Budget
General Services	(\$8,140)
Community Development	\$8,140
Public Works & Utilities	\$0
Parks, Recreation and Libraries	\$200,000
Stormwater Drainage Capital Improvements	(\$200,000)
TOTAL	\$0

NOTE: The Net Change Proposed to Adopted Budget column will not necessarily match the items described under each department’s summary above as a result of impacts of the adjustments discussed in the All Departments section (i.e., adjustments citywide to salaries, etc.).

Fleet Fund

- Increased payment from Police Department for 4 vehicles for School Resource Officers (SRO): As stated above in the Police Department section, a cost increase of \$2,722 is being proposed to fund the fuel and maintenance costs for four hold-over police vehicles for School Resource Officers. These costs are proposed to be paid to the Fleet Fund from the Police Department’s budget. (Net change = +\$2,722)

Fleet Maintenance Fund	Net Change Proposed to Adopted Budget
Fleet Maintenance Division	\$2,722
TOTAL	\$2,722

Workers Compensation and Property Liability Funds

Workers Compensation:

- No changes proposed.

Property Liability:

- Increased costs for premium costs: An increase of \$50,000 is proposed based on estimated expenditures for Colorado Intergovernmental Risk Sharing Agency (CIRSA) premiums and other contractual services. This additional proposed amount would be transferred from the General Fund (\$30,000) and the Utility Fund (\$20,000) as previously noted. (Net change = +\$50,000)

Workers Compensation and Property Liability Funds	Net Change Proposed to Adopted Budget
Workers Compensation	\$0
Property Liability	\$50,000
TOTAL	\$50,000

General Capital Outlay Replacement Fund (GCORF)

- Increased costs for replacement vehicles: A \$9,200 increase is proposed from the originally Adopted 2008 Budget due to updated pricing estimates for vehicles that were originally approved for replacement in 2008. This amount is proposed to be transferred from Central Charges in the General Fund. (Net change = +\$9,200)
- Increased down payment for Fire replacement vehicle: Additional funding for the down payment for the replacement for the 1993 Pierce Lance Fire Truck is proposed. Staff recommends utilizing \$200,000 from the public safety tax (PST) GCORF reserves to fund

this larger down payment, thus offsetting out year repayment costs. Current reserves in the PST GCORF are approximately \$1.7 million and can cover this expense. This larger down payment will help the FD’s operating budget realize significant savings in interest that will help offset the larger lease payments for the replacement ladder truck that was approved by City Council in 2007. Since fund balance within the reserve is proposed to be utilized (i.e., previously appropriated funds), no change will appear in the appropriated amount. (Net change = \$0)

- Increased payment associated with new computers added during 2007: As noted previously, an increase in the City’s PC Replacement Fee in the General Fund Central Charges budget of \$4,500 represents new computers added during 2007. (Net change = +\$4,500)

General Capital Outlay Replacement Fund	Net Change Proposed to Adopted Budget
GCORF	\$13,700
TOTAL	\$13,700

Golf Course Fund

- 2.5% across-the-board (ATB) adjustment to the City’s Pay Plan and modification to departments’ regular salary accounts based on actual salary adjustments made in 2007: As noted above, a 1% ATB adjustment was approved in the Adopted 2008 Budget. A total of \$25,303 for a 1% ATB, step and merit increases was budgeted in Central Charges to be distributed to the departments’ budgets as part of Adopted 2008 Budget. The proposed 2.5% ATB combined with other adjustments to the numbers for 2008 would increase funding for the ATB, step and merit increases by \$72,212; funds for these salary adjustments can be absorbed within the Golf Course Fund total. (Net change = +\$72,212)
- Lower than anticipated increase for health insurance costs: Staff originally budgeted for a 6% increase in health insurance costs in the Adopted 2008 Budget based on continued health care cost pressures. However, Staff and the City’s health insurance providers have revisited these projected increases and recommends that health insurance costs for 2008 be increased by only 3% over the 2007 rates. (Net change = -\$8,500)
- Life, long term disability, and life insurance rates: This reflects revised rates and projections for 2008. (Net change = -\$1,800)
- Medicare contribution: Medicare rates are based on projected salaries and have been adjusted from the Adopted 2008 Budget reflecting updated information on employees’ current wages and participation in Medicare. The City contributes 1.45% of salary into Medicare for all employees hired after March 31, 1986. Increases reflect an increase in employees participating in Medicare resulting in retirements or resignations of employees hired pre-March, 1986. (Net change = +\$4,200)

Golf Course Fund	Net Change Proposed to Adopted Budget
Legacy Ridge	\$0
The Heritage	\$0
TOTAL	\$0

NOTE: The Net Change Proposed to Adopted Budget column will not necessarily match the items described under each department’s summary above as a result of impacts of the adjustments discussed in the All Departments section (i.e., adjustments citywide to salaries, etc.).

Parks, Open Space, and Trails (POST) Fund

- Reduction in projected revenues: Staff revisited the POST Sales & Use Tax projected revenues for 2008 and adjusted the projections downward for sales tax returns and auto use tax proceeds based on actual collections in 2007. As a result of this review, the overall POST

Fund is reduced by \$140,853 and expenditures have been adjusted accordingly. (Net change = -\$140,853)

- 2.5% cross-the-board (ATB) adjustment to the City’s Pay Plan and modification to departments’ regular salary accounts based on actual salary adjustments made in 2007: As noted above, a 1% ATB adjustment was approved in the Adopted 2008 Budget. A total of \$3,805 for a 1% ATB, step and merit increases were budgeted to be distributed to the departments’ budgets as part of the Adopted 2008 Budget. The proposed 2.5% ATB combined with other adjustments to the numbers for 2008 would increase funding for the ATB, step and merit increases by \$1,996, which can be absorbed within the POST Fund. (Net change = +\$1,996)
- Open Space Maintenance: With the extension of the POST sales and use tax by voters in November of 2006, Staff will be working on both acquiring new open space properties along with improving the maintenance of existing open space properties provided by the Park Services Division in the Parks, Recreation & Libraries Department. Included in the ballot measure was language that permits the funds to be utilized towards maintenance of open space lands. Due to bond proceeds that will available in 2008 for potential open space land purchases, Staff is proposing to shift \$102,000 that was originally budgeted in the POST land purchases account to open space maintenance. These dollars would fund open space pond maintenance (\$20,000), prairie dog management (\$25,000), temporary salaries for open space maintenance (\$20,000), general open space maintenance and the open space volunteer program (\$25,000), and an all-terrain weed sprayer (\$12,000). As part of these additional maintenance funds, a minor accounting reorganization is proposed as well, separating out the Park Services from the Community Development acquisition program budget for better management and oversight. (Net change = +\$102,000)
- Reduction in Land Acquisition Account: As stated above, a majority of anticipated upcoming open space land purchases will be funded through 2007 POST bond proceeds. In 2008, \$941,460 was approved for land purchases in the Adopted Budget. Staff proposes to reduce this figure to \$184,466 in 2008 in order to address debt service for the 2007 POST debt service, open space maintenance, and funding for capital improvements to Metzger Farm. (Net change = -\$756,994)
- Transfer to the General Capital Improvement Fund (GCIF) for Capital Improvements for Phase 1 of Metzger Farm: Staff proposes to transfer \$190,000 of funds to the General Capital Improvement Fund (GCIF) and create a Metzger Farm Improvements CIP account. These funds would be expended over a series of several years to contribute Westminster's share of funding for Phase 1 of Metzger Farm Improvements with the City and County of Broomfield. These dollars will be offset by a reduction in the land acquisition account. A majority of upcoming land purchases will be funded through 2007 POST bond proceeds. (Net change = +\$190,000)
- Transfer to Debt Service for 2007 POST Bond: A \$657,842 increase in debt service is projected due to the anticipated issuance of the 2007 POST bond. The total transfer to the Debt Service Fund includes additional moneys for the refunding of existing POST bonds and trust fees. (Net change = +\$657,842)

Parks, Open Space, and Trails (POST) Fund	Net Change Proposed to Adopted Budget
Community Development/Central Charges	(\$479,946)
Park Services	\$339,092
TOTAL	(\$140,854)

NOTE: The Net Change Proposed to Adopted Budget column will not necessarily match the items described under each department’s summary above as a result of impacts of the adjustments discussed in the All Departments section (i.e., adjustments citywide to salaries, etc.).

Sales and Use Tax Fund

As with most other municipalities in Colorado, sales and use tax provides the largest revenue source for the provision of services in the City of Westminster. In 2008, sales and use tax is projected to comprise 62% of total General Fund revenues. Over the last several years, multiple factors have put pressure on this revenue source, including an economic downturn, increased retail competition, instability in the economy, and the continued decline of the Westminster Mall. To address these challenges, the City has moved forward with efforts to stabilize and diversify sales and use tax revenues in order to provide replacement revenue and maintain high quality services. Recently completed and projects underway include the Shops at Walnut Creek, The Orchard, Westminster Crossing, and the development at 72nd Avenue and Sheridan.

Despite significant progress made, the City remains below total sales and use tax collections in 2001 (excluding the Public Safety Tax). In 2006, actual sales and use tax collections (excluding POST and Public Safety Taxes) totaled \$52.0 million, which was 2.7% less than the 2001 collection figure of \$53.4 million. Based on year-to-date figures, the year-end estimate for total sales and use tax collections (excluding POST and Public Safety Tax revenues) is projected to be approximately 1.2% less than actual collections in 2006 (the Adopted 2007 Budget was based on a projected 1.3% reduction from the 2006 Amended Budget). This reflects shifting economic trends, along with the fact that most new retail in the City of Westminster is located within urban renewal areas. The general sales and use tax in these areas is captured within the urban renewal area to be used for debt service for public improvements and for other specific purposes. With the exception of the City Center Urban Renewal Area (92nd/Sheridan), these revenues are just beginning to be realized in the General Fund. Staff had anticipated a decrease in general sales and use tax revenue in 2007, and has strategies in place to address the projected reduction in collections.

Looking forward to 2008, Staff is projecting higher-than-anticipated sales and use tax revenues. Thanks to the strong performance of retail centers such as Westminster City Center and the Shops at Walnut Creek, along with the plan to begin capturing a portion of the increased sales and use tax revenues coming from retail centers within urban renewal areas, Staff is projecting \$51.8 million in general sales and use tax revenue. This represents a change from the originally adopted figure of \$51.1 million in the 2008 Budget, which is a 1.2% increase over the originally adopted figure in the 2008 Budget and a 0.95% increase over total estimated general sales and use tax revenue in 2007. Including Public Safety Tax dollars, Staff is proposing a total budgeted revenue figure of \$63,601,433. This represents a 0.6% increase over the originally adopted 2008 sales and use tax total of \$63,228,968. The increased revenues are a result of the focused efforts throughout the City and through the urban renewal areas to diversify the sales tax base and generate replacement revenues for the Westminster Mall drop off. Staff anticipates that these positive results will continue to grow as the north I-25 area and 72nd/Sheridan continues to develop. (Net change = +\$372,464)

- Transfer to the General Capital Improvement Fund (GCIF): As a result of increased sales and use tax revenues, the transfer payment to the GCIF is proposed to increase by \$250,000 over the previously budgeted amount of \$500,000. This is the first step in anticipation of losing the approximately \$1 million from the Adams County road sales and use tax, effective 2009. These funds are proposed to assist with capital needs, such as the 144th Avenue widening project east of Huron. (Net change = +\$250,000)
- Transfer to the General Fund for Human Service Board Agency (HSB) Awards – As previously noted, \$68,000 is proposed to be shifted from Community Development Block Grant (CDBG) funding to the General Fund to address HSB funding requests. While this change would represent an additional \$68,000 in funding coming from the General Fund, it is proposed to be offset with a reduced transfer from the Sales and Use Tax Fund to the General Capital Improvement Fund for the South Westminster CIP (-\$68,000). The CDBG funds would then be used directly for South Westminster Projects. Overall, this change represents a net increase of \$0 to both the HSB and South Westminster project funding. (Net change = +\$68,000)
- Transfer to the Debt Service Fund for the 1997 Streets Sales Tax Bond Issue Refunding: In 2007, City Council approved the refinancing of the City's 1997 Streets sales tax bond issue. This provided a \$336,113 reduction in debt service payments in 2007, and it will provide a \$190,347

reduction in 2008. However, these savings are partially offset by increases in several other debt issues. The total net savings in the transfer to the Debt Service Fund in 2008 will amount to \$150,000. This item will be reflected through a reduction in the transfer payment from the Sales and Use Tax Fund to the Debt Service Fund. (Net change = -\$150,000)

Sales & Use Tax Fund	Net Change Proposed to Adopted Budget
Sales & Use Tax	\$372,464
TOTAL	\$372,464

NOTE: The Net Change Proposed to Adopted Budget column will not necessarily match the items described under each department’s summary above as a result of impacts of the adjustments discussed in the All Departments section (i.e., adjustments revenues, transfers, etc.).

General Capital Improvement Fund (GCIF)

The General Capital Improvement Fund is proposed to increase a total of \$1,737,000 as a result of increased funding from the Sales & Use Tax Fund and a transfer payment from the General Fund projected carryover moneys. Full project descriptions are included in the attachment as well as the proposed five year Capital Improvement Program (CIP) program. Please note that a Parks, Open Space, and Trails Bond (POST Bond) is anticipated to be issued in December of 2007. This bond was made possible by the extension of the POST sales and use tax that voters approved in November of 2006. POST bond proceeds will go toward open space acquisitions, along with parks, recreation, and golf course capital projects. Bond projects will be brought to Council later this fall and are therefore not included as part of this amendment process.

The following list summarizes the proposed changes to the General Capital Improvement Fund; for more information, please see the project description document or the 5-Year CIP document provided with the September 17 Study Session Staff Report. Projects that are newly proposed with this amendment for 2008 are noted with “NEW” in parenthesis.

- 144th Avenue, Huron to Zuni: design and construction to allow increased accessibility to the northeast section of the City, as well as increase traffic flows to The Orchard. Additional future funding will be required to construct this project. (Net change = +\$1,580,000)
- New Development Participation: in 2008, this proposed increase would fund City participation in the amount of \$163,500 for one-half of the estimated cost of the construction of 101st Avenue between Sheridan Boulevard and Benton Street, and traffic signal modifications at the 101st Avenue/Sheridan Boulevard intersection. All of these improvements would be installed by a developer of the property located on the west side of Sheridan Boulevard to the south of the 101st alignment with the City paying 50% of the cost at the time that the improvements are accepted for public ownership and maintenance. Cost recoveries would be collected at a later date from future developments benefiting from these improvements. (Net change = +\$123,000)
- 112th Avenue, Federal to Huron project: project funding for the final phase of this widening project is proposed to commence in 2009 rather than 2008 as originally budgeted (based on the current schedule, it will take until 2011 to fully fund this final segment of the project). Funds have been previously appropriated towards this project that should allow a phased approach. Staff anticipates that with funding currently available, the segment from the Ranch Reserve Parkway to the townhomes can be widened in 2008. (Net change = -\$292,000)
- 124th Avenue & Huron intersection improvements (NEW): includes sharing the cost for the intersection improvements near the new Adams County School District 12 Mountain Range/Silver Hills school campus. (Net change = +\$209,000)
- Railroad Quiet Zone study for Westminster at-grade crossings (NEW): includes funds proposed to conduct a quiet zone study associated with the FastTracks commuter rail project. (Net change = +\$50,000)

- Building Division Field Technology Implementation: This will accomplish the full upgrade needed for field inspectors' computer systems. Funds in the amount of \$80,000 were previously appropriated and are available for this project. (Net change = +\$40,000)
- South Westminster Revitalization Project: This funding source reallocation reflects a decrease in the GCIF funding but is held whole by utilizing CDBG money to be used in South Westminster. As previously noted, Staff recommends reallocating the CDBG to capital expenditures and General Fund monies to be used for Human Services Board. No actual net change to South Westminster Revitalization funding will be realized, only a change in funding sources. (Net change in GCIF = -\$68,000)
- Building Operations & Maintenance Major Maintenance: funding increase to allow the City to more adequately address existing facilities' repair. The current adopted 2008 budget is \$450,000 for this project; the proposed amended budget will increase it to \$675,000. (Net change = +\$225,000)
- Roof replacement at Fire Station #1 (NEW): Fire Station #1 has had numerous roof leaks over the past two years. The roof is nearly 22 years old with the original warranty having expired 12 years ago. When this roof is replaced it will meet today's roofing codes with regards to proper slope for drainage, which was not required 22 years ago. (Net change = +\$125,000)
- Roof replacement at Fire Station #5 (NEW): Fire Station #5 has two separate types of roofing materials with expired warranties. A partial roof replacement was completed in 2000 but carried no warranty. The original roof was installed in 1981, which carried a five year warranty. Continued leaks are causing interior damages in living quarters and apparatus bays. (Net change = +\$65,000)
- Public Safety Capital Reserve: proposed reduction to cover Fire Station 1 & 5 roof replacements. (Net change = -\$190,000)
- Recreation Facilities Improvements: provides for construction of an acid storage facility for liquid chlorine at the Swim & Fitness Center. (Net change = +\$50,000)
- Golf Course Improvements: additional funding proposed will provide for driving range mat replacement (\$30,000), Heritage HVAC repairs (\$14,000), and carpet replacement (\$50,000). These proposed additional funds will increase the budget from \$50,000 to \$144,000. (Net change = +\$94,000)
- Standley Lake Regional Parks Improvements: additional funding proposed will provide for the paving of roads and parking areas (\$50,000) and installation of a courtesy dock (\$20,000). The current adopted 2008 budget for this project is \$155,000; the proposed amended budget will be \$225,000. (Net change = +\$70,000)
- City Center Park: a proposed decrease in CIP funding, as the park located across from City Hall will now be funded using POST bond proceeds. The total bond project is projected at \$1.8 million, freeing up these GCIF moneys towards other priorities. (Net change = -\$820,000)
- Braugh Property Storage Facility Floor Improvements (NEW): allows for a new concrete floor to be installed, increasing the storage capacity and quality. (Net change = +\$30,000)
- Swim & Fitness Center – Walker House Removal (NEW): covers the costs for removal of the vacant, dilapidated home at the Swim & Fitness Center site and allow room for facility and/or parking expansion to better serve the citizens of Westminster. (Net change = +\$35,000)
- Recreation Facilities Major Maintenance (BO&M) (NEW): funds will allow for more timely repairs and maintenance of all recreation facilities, also providing more flexibility in funding non-recreational facility repairs by freeing up funds for those projects. (Net change = +\$530,000)
- Metzger Farm Improvements (NEW): cooperative project with the City and County of Broomfield will open the Metzger Farm Open Space to the public and allow for open space maintenance and improvements to the area. These funds are for Phase I of the project. (Net change = +\$190,000)
- Parks & Recreation Capital Reserve: these funds are proposed to be reallocated as these moneys were budgeted for 2008 in anticipation of a successful POST ballot measure. These funds were set aside in anticipation of debt service associated with park and recreation

facility projects that might be bond funded. Since the ballot measure was successful, these funds are needed to cover debt service and therefore the transfer from the POST fund into the GCIF is reduced by this amount and these funds are instead proposed to be transferred to the Debt Service Fund. (Net change = -\$309,000)

GCIF Parks & Recreation Capital Reserve Fund Account:

With the 2006 carryover appropriation to 2007 in July, \$363,198 of Conservation Trust Funds were appropriated into the Parks & Recreation Capital Reserve. In order to remain in compliance with the Conservation Trust, these funds must be appropriated to projects in a timely fashion that meet the parameters of Conservation Trust requirements. As such, two projects are proposed to be funded from the Parks & Recreation Capital Reserve Funds utilizing the Conservation Trust Funds. City Council may recall that \$1,153,952 was appropriated in carryover to the Parks & Recreation Capital Reserve Fund in July. While the amount of funds associated with the Conservation Trust totals only \$363,198 and the projects below total \$400,000, the difference is proposed to be funded through this account as well. City Council will find that this \$400,000 is excluded from the total in the 5-Year CIP document provided in the September 17 Study Session materials and in the amounts included within the proposed amendments since these funds have previously been appropriated and are physically cash on hand (versus the amendments proposed to the Adopted 2008 Budget, which are projected revenues to come).

- City Park Recreation Center Ozone Replacement (NEW): all three pools at City Park Recreation Center use the Ozone system to disinfect the pools. Ozone has worked very effectively and is much safer than other alternatives. The current system is nearly 25 years old and has become obsolete and no longer supported by the manufacturer. (Net change = +\$175,000)
- Armed Forces Tribute Garden Trail Bridge (NEW): will link the main parking areas for the garden with City Park parking areas. (Net change = +\$225,000)

General Capital Improvement Fund	Net Change Proposed to Adopted Budget
Streets & Traffic Improvements	+\$1,710,000
Other Capital Improvements	+\$157,000
Public Safety Capital Improvements	+\$0
Park Improvements	-\$130,000
TOTAL	+\$1,737,000

Debt Service Fund

- Reduction as a result of refunding the 1997 Streets Sales Tax Bond Issue: In 2007, City Council approved the refinancing of the City’s 1997 Streets sales tax bond issue. This provided a \$336,113 reduction in debt service payments in 2007, and it will provide a \$190,347 reduction in 2008. These savings are partially offset by increases in several other debt issues. The total net savings in the Debt Service Fund in 2008 will amount to \$150,000. This item will be reflected through a reduction in the transfer payment from the Sales and Use Tax Fund to the Debt Service Fund. (Net change = -\$150,000)
- Increased debt service for the new 2007 POST Bond: A \$657,842 increase in debt service is projected due to the anticipated issuance of the 2007 POST bond made possible by Westminster voters in November of 2006. It is anticipated that \$20 million will be issued in bonds, resulting in debt payment for 2008 of \$883,226. The total net change includes savings as a result of the refunding of existing POST bonds and trust fees. (Net change = +\$657,842)
- **MODIFIED SINCE SEPTEMBER 17 STUDY SESSION:** The overall revenue projections for the Debt Service Fund were updated based on the 136th Avenue General Improvement District (GID) being able to pay the Debt Service Fund for moneys to assist in the repayment of the 2002 sales and use tax bonds (up to \$11 million per the agreement with GID). As the budget for the 136th Avenue GID was being finalized, Staff calculated that there are more funds available to transfer from the GID, increasing from \$66,383 to \$195,000 (net increase of \$128,617). This revenue modification also resulted in an increase in the ending balance of the Debt Service Fund budget from \$92,100 to \$220,717. However, this

change to the revenues and resulting increase in ending balance did not modify the proposed expenditures and therefore does not change the total net change proposed to the expenditures (i.e., the total Net Change Proposed to Adopted Budget chart below did not change).

Debt Service Fund	Net Change Proposed to Adopted Budget
Debt Service	\$493,694
TOTAL	\$493,694

Summary of Modifications

The table below summarizes the proposed net changes to each of the funds discussed in this Agenda Memorandum. Please note since the September 17th budget review with City Council, minor adjustments have been made due to rounding (i.e., the numbers included below in the Net Change Proposed to Adopted Budget column have changed somewhat in comparison to the September 17th Study Session materials; the bottom line total proposed expenditures have not changed).

Fund	Adopted 2008 Budget	Revised 2008 Budget	Net Change
General	\$91,669,769	\$93,540,839	\$1,871,070
General Reserve	\$9,487,810	\$9,487,810	\$0
Utility	\$56,955,607	\$57,629,696	\$674,089
Utility Reserve	\$27,857,054	\$41,446,238	\$13,589,184
Stormwater Drainage Fund	\$1,840,000	\$1,840,000	\$0
Fleet Maintenance	\$2,286,195	\$2,288,917	\$2,722
General Capital Outlay Replacement	\$1,107,178	\$1,120,878	\$13,700
Golf Course	\$3,693,251	\$3,693,251	\$0
Property Liability/Workers Compensation	\$2,194,736	\$2,244,736	\$50,000
Sales & Use Tax	\$63,228,969	\$63,601,433	\$372,464
Parks, Open Space, and Trails (POST)	\$5,336,876	\$5,196,022	(\$140,854)
Conservation Trust	\$625,000	\$625,000	\$0
General Capital Improvement	\$8,434,000	\$10,171,000	\$1,737,000
Debt Service	\$7,806,660	\$8,300,354	\$493,694

HUMAN SERVICES BOARD RECOMMENDATIONS REVIEW

At the August 6 Study Session, City Council reviewed and concurred with the Human Service Board’s (HSB) agency funding recommendations for 2008. A total funding level for HSB agencies for 2008 is proposed at \$154,000. As noted previously under the General Fund Central Charges highlights, the funding source for \$68,000 of HSB agency funding is proposed to change from Community Development Block Grant (CDBG) funding to the General Fund. This is due in large part to the cumbersome nature of CDBG reporting requirements by the federal government for these agencies and the City as the administrator of the grants. As such, Staff is recommending that 100% of the HSB funding be provided through the General Fund and that this amount be offset through the South Westminster Projects account in the General Capital Improvement Fund. While City Council will see an increase to the HSB account in Central Charges and a reduction to the South Westminster Projects capital account in the proposed amendments, the net impact to both the HSB funding and South Westminster Projects is zero. The reduction to the South Westminster Project is proposed to be filled by the CDBG funds released from the HSB funding cycle.

At the September 17 Budget Review, City Council concurred with Staff’s recommendation to modify the funding source for the HSB agencies to be fully provided through the General Fund and reallocate the \$68,000 of CDBG previously earmarked for HSB agencies to be utilized for capital improvement projects in South Westminster as outlined.

CITIZEN REQUESTS REVIEW

The citizen requests received for the Adopted 2008 Budget are summarized below. City Council reviewed the Staff recommendations and provided direction on changes, if any, for inclusion in the final budget proposal to be acted on by City Council on October 8, 2007. City Council's direction for each citizen request is noted below.

1. Request: Construct an architectural (sound) wall along Sheridan Boulevard north of 72nd Avenue in front of Spanish Oaks

Staff Research: Kevin Michals of 5165 W. 73rd Ave wrote a letter dated July 15, 2007 to City Council requesting the consideration of the construction of a wall in front of Spanish Oaks to block the noise from passing automobiles. The cost of constructing a wall is currently estimated at \$214 per foot.

Staff Recommendation: In 2005, Special Projects Coordinator Aaron Gagne and Neighborhood Outreach Coordinator James Mabry met with the leadership of the Spanish Oaks Home Owners' Association. At that meeting, the leaders of the HOA told Mr. Gagne and Mr. Mabry that they were not interested in the construction of architectural walls along Sheridan Boulevard and as such, proceeded with the project south of Spanish Oaks excluding this area. The length of this segment is approximately 300 feet and includes a curve, thus increasing the cost slightly. The total cost for this length of wall is estimated to be \$65,000. The current budget for the architectural walls south of Spanish Oaks at 72nd and Sheridan is \$1.73 million and has been appropriated by the Westminster Economic Development Authority (WEDA). Due to the size and scope of the current project, this budget is anticipated to be completely utilized for the current project. If the Spanish Oaks component were to be added, funds outside of the current bond monies would have to be identified. Due to the costs and significant technical and aesthetic complications associated with extending the architectural wall north and the prior rejection of walls by the Spanish Oaks HOA, Staff does not recommend funding this request at this time. No funds are included within the proposed amendment to the Adopted 2008 Budget for this request.

Council Direction: City Council concurred with Staff's recommendation not to fund this request due to the costs and significant technical and aesthetic complications associated with extending the architectural wall north and due to the prior rejection of walls by the Spanish Oaks HOA.

2. Request: Approve the construction of traffic calming "speed humps" along 118th Avenue in the Torrey Peaks neighborhood

Staff Research: At the August 27th City Council meeting, Sean Hiller presented a petition signed by 22 residents of the Torrey Peaks neighborhood, requesting the approval of City Council to have speed humps installed along 118th Avenue at Torrey Peaks' Home Owners' Association's cost, with no financial burden to the City.

In January 2004, City Council placed a moratorium on the installation of City-funded traffic calming devices on public streets based upon Staff's research that demonstrated that traffic mitigation devices were generally ineffective in controlling the speed of traffic and also in reducing "cut through" traffic in neighborhoods. In addition, public safety personnel, particularly the Fire Department, had continued to express concern about the impacts of these devices on response times for police, fire and EMS calls. Based on Staff's recommendation, the City Council approved a measured move away from mitigation devices instead to increased residential traffic enforcement and education efforts in December 2004. Council authorized a dedicated residential enforcement program in the Police Department by re-directing some existing enforcement resources as well as adding staff, which included the addition of 2.0 FTE civilian Accident Investigators and transferring 1.0 FTE Traffic Technician administrative position (an existing position moved over from Community Development) to the Police Department phased in over a two-year period, beginning in 2005. These positions freed two enforcement officers for assignment to strictly residential enforcement activities and education as well as working with individual communities to develop partnerships toward alleviating residential

traffic complaints. Staff has continued this neighborhood enforcement and education program since 2005 rather than pursuing the installation of additional traffic calming devices.

Staff Recommendation: City Council placed a moratorium on the installation of any additional traffic calming devices that might impair public safety personnel and equipment from reaching a location in a timely and safe fashion. With the completion of those traffic calming projects in 2006, no traffic calming projects are being approved by Staff per City Council direction. Staff does not recommend funding the request nor permitting the HOA to install speed humps along 118th Avenue pursuant to City policy prohibiting the construction of new traffic calming devices. This is due to the fact that such devices are a threat to public safety, including emergency vehicle response and snow removal. No funds are included within the proposed amendment to the Adopted 2008 Budget for this request.

Council Direction: City Council directed Staff to continue to work with the Torrey Peaks HOA for a viable solution to their traffic concerns. Staff will also return to City Council at a future Study Session to review the City's traffic calming history. City Council concurred with Staff's recommendation to not fund this request since it does not have significant budget impact; as such, no funds are included within the proposed amendment to the Adopted 2008.

3. Request: Install a sidewalk along the east side of Lowell Boulevard from 80th Avenue north to either 82nd Avenue or 84th Avenue

Staff Research: This request was originally presented to City Council during the 2003/2004 Budget cycle by Michael and Cindy Jeffries. At that time, the City had received a small grant to assist with a larger area project, but due to insufficient funds, the grant was returned and the project was not pursued. Revisiting the request this year, the City Engineer has concluded that the sidewalk project would be very difficult and expensive to install. Furthermore, it would not tie into any sidewalk to the north. Constructing this sidewalk would only result in limited access to the south.

Staff Recommendation: Staff recommends that this project not be pursued due to higher funding priorities citywide. No funds are included within the proposed amendment to the Adopted 2008 Budget for this request.

Council Direction: City Council concurred with Staff's recommendation not to fund this request due to the costs and other priorities within the General Fund as adopted in 2008.

4. Request: Acquire and preserve the historic Shoenberg Farm property, located at 7225 Sheridan Boulevard

Staff Research: This request was made by five residents in separate requests. Evie Hudak submitted this request via e-mail (dated August 17, 2007); Maggie and Paul Freeburn submitted this request via e-mail (dated September 6, 2007); Gina Hegg submitted this request via e-mail (dated September 6, 2007); and Kaaren Hardy made this request in person at the September 10 public meeting on the budget. The 3.5 acre historic Shoenberg Farm parcel is subject to a purchase option agreement that requires land purchases to be complete by January 2009 to avoid demolition by the owner and developer. Building assessments have been underway in 2007 and will be completed this fall so that financial pro formas can be prepared for the building rehabilitation projects. Private donations and construction grants from the State Historical Fund cannot be solicited or obtained until the properties have been purchased. If acquisition is accomplished in early 2008, grant applications can be filed on the April 1st deadline for State Historical Fund grants. Due to the magnitude of the project, grants for one or two buildings at a time can be submitted and other restoration projects will need to wait until the highest priority buildings are finished. Total property acquisition costs, including public infrastructure improvements, would be between \$1.5 million and \$2.3 million dollars. This amount will also vary depending upon which building/land is purchased. Structure improvements or historic restoration/refurbishment to the buildings will require additional funding.

Staff Recommendations: Staff is continuing to pursue outside funding for this project, as there are currently no city funds available to acquire or preserve the property. No funds are included within the proposed amendment to the Adopted 2008 Budget for this request.

Council Direction: City Council concurred with Staff's recommendation not to fund this request due to the costs and other priorities within the General Fund as adopted in 2008. Staff will continue to work to identify and recruit private investors to acquire and preserve this property.

5. Request: Install additional traffic control devices on Simms Street at 105th Drive

Staff Research: On September 8, 2007, Elise Sisneros-Martin submitted a request via e-mail to City Council for the installation of additional traffic control devices on Simms Street at 105th Drive. Her specific request was for flashing lights at the crosswalk or a multi-way stop. Within the past year, the City has installed a crosswalk and appropriate signage on Simms Street to establish a crossing for users of the dog park and open space on the west side of Simms Street. Additional speed limit signs have also been installed on Simms Street. The Police Department does work to provide continuing enforcement as often as possible at this location but works to balance this area with the other 25 to 30 continuing daily requests for traffic enforcement throughout the City and the additional 28 school zones in the City that all want traffic enforcement each morning and afternoon.

Staff Recommendation: City Staff has evaluated the pedestrian crossing on Simms Street and has provided appropriate traffic control devices. The Police Department provides enforcement as often as possible. Staff believes that additional traffic control devices are not warranted. No funds are included within the proposed amendment to the Adopted 2008 Budget for this request.

Council Direction: City Council directed Staff to continue to work with Ms. Sisneros-Martin on her traffic concerns. As noted previously, Staff will also return to City Council at a future Study Session to review the City's traffic calming history. City Council concurred with Staff's recommendation to not fund this request since it does not have significant budget impact; as such, no funds are included within the proposed amendment to the Adopted 2008.

6. Request: Increased Code Enforcement personnel

Staff Research: At the September 10th public hearing, Janet Brockman at 10083 Lee Street (Countryside Subdivision) requested additional Code Enforcement Officers as a means to enforce City codes and to maintain the general upkeep of residential properties. A 1.0 FTE Code Enforcement Officer was added in 2005 and funded by the public safety tax. The City currently has six Code Enforcement Officers, a Code Enforcement Technician, and a Code Enforcement Supervisor. In the 2006 citizen survey, it was noted that Westminster residents consider weeds, parked vehicles and other code violations at least a minor problem; however, Westminster ranks "above the norm" when respondents were asked about the quality of code enforcement relative to neighboring Front Range cities. The cost of an additional Code Enforcement Officer is \$56,000 for salary and benefits plus another \$22,150 for vehicle and necessary field and office equipment. The total estimated cost amounts to approximately \$78,150.

Staff Recommendation: The 2008 Budget does not include additional personnel for Code Enforcement. Staff does not believe that the present caseload is significant enough to justify more personnel within this division. As a means to reduce the Municipal Court burden associated with Code Violations, Council adopted changes to the Municipal Code in 2006. One of the changes allows officers to issue penalty assessment citations to code violators. The revised Code also includes a graduated fee structure based on number of "like kind" violations with the intent to motivate violators to pay fines versus issuing a court summons. City Council approved this refined course of action to address code violations rather than adding staff. No funds are included within the proposed amendment to the Adopted 2008 Budget for this request.

Council Direction: City Council concurred with Staff’s recommendation not to fund this request due to the costs and other priorities within the General Fund as adopted in 2008

7. Request: Rehabilitate medians in the Countryside subdivision, including installation of irrigation

Staff Research: At the September 10th public hearing, Janet Brockman at 10083 Lee Street (Countryside Subdivision) requested that irrigation be installed in the city-owned and maintained medians in Countryside, particularly at the two entryways of 100th/Countryside and 108th/Oak. In addition, she requested that the rights of way along 108th Avenue and 100th Avenue across from the junior high school be irrigated. Ms. Brockman also requested that plantings similar to those at the West View Recreation Center be installed in the entryway medians. She noted that these medians were in poor condition with dead or dying trees and that she was working with the City’s Forester. Staff estimates that it would cost approximately \$200,000 to rehabilitate and enhance the medians and rights of way (construction, irrigation, planting, and tap fees), and approximately \$10,000 per year in ongoing maintenance and watering costs. The median along 100th Avenue was rehabilitated seven years ago. This rehabilitation included the replacement of concrete around the median, along with new rock and mulch. The plant material was not replaced at that time.

Staff Recommendation: Staff will add these medians to the cue for future median rehabilitation projects to be funded by the Community Enhancement Program funds. Current priorities for median rehabilitation include medians along 72nd Avenue west of Sheridan and 88th Avenue west of Wadsworth. No funds are included within the proposed amendment to the Adopted 2008 Budget for this request.

Council Direction: City Council directed Staff to continue to work within the comprehensive plan that includes funding for new and rehabilitation of existing medians throughout the City. City Council concurred with Staff’s recommendation to not fund this request at this time but to ensure that these medians are included within the cue for future median rehabilitation; as such, no funds are specifically included within the proposed amendment to the Adopted 2008.

These appropriations will amend General Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Prop Tax Jeffco	1000.40035.0020	\$1,975,836	\$(25,836)	\$1,950,000
Licenses	1000.40165.0000	72,000	3,000	75,000
Highways Users	1000.40330.0000	2,630,000	70,000	2,700,000
Auto Own Adco	1000.40350.0010	240,000	(5,000)	235,000
Veh Reg Jeffco	1000.40360.0020	158,000	(8,000)	150,000
Road & Bridge Ad	1000.40400.0010	396,000	4,000	400,000
Federal Grants	1000.40610.0000	23,000	23,000	46,000
Admis MAC	1000.40820.0017	204,033	5,967	210,000
Admis Sport Ctr	1000.40820.0035	0	265,000	265,000
Admis City Park	1000.40820.0860	975,000	(170,000)	805,000
Admis Swim&Fit	1000.40820.0963	445,000	(80,000)	365,000
Rentals Sports Ctr	1000.40900.0035	61,000	(61,000)	0
Ice Centre	1000.41010.0000	1,034,893	(1,960)	1,032,933
EMS Svc Fee	1000.41220.0000	2,062,693	81,000	2,143,693
Street Light Fee	1000.41245.0000	750,456	(50,456)	700,000
GID Service Fee	1000.41252.0000	52,650	(90)	52,560
Maint Prom	1000.41280.0106	356,048	7,480	363,528
Lg Item Cleanup	1000.41315.0000	70,000	(50,000)	20,000
SRO Adco	1000.41330.0010	32,088	32,088	64,176
Interest Earn	1000.42510.0000	360,000	140,000	500,000
Sale of Asset	1000.43040.0000	30,600	(600)	30,000

General	1000.43060.0000	321,013	38,988	360,001
Reimb Thornton	1000.43080.0850	1,372,250	(104,222)	1,268,028
Lease Misc Fac	1000.43170.0555	287,004	(14,753)	272,251
Trf Sales & Use Tax	1000.45000.0530	57,243,969	272,464	57,516,433
Carryover	1000.40020.0000	0	<u>1,500,000</u>	1,500,000
Total Change to Revenues			<u>\$1,871,070</u>	

EXPENSES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
City Attorney's Office				
Regular Salaries	10003120.60200.0000	\$635,375	\$22,283	\$657,658
Regular Salaries Prosecuting Atty	10003120.60200.0125	201,149	11,912	213,061
Regular Salaries PST	10003120.60200.0911	127,657	5,471	133,128
Outside Computer Charges	10003120.67000.0000	21,891	4,200	26,091
Train & Ref Materials	10003120.74100.0000	19,740	(4,200)	15,540
City Manager's Office				
Regular Salaries	10005050.60200.0000	691,429	17,574	709,003
Reg Salaries PIO	10005050.60200.0387	222,960	16,024	238,984
Central Charges				
Regular Salaries	10010900.60200.0000	1,090,728	(1,070,728)	20,000
Retire City Contrib	10010900.62600.0000	4,243,200	135,532	4,378,732
Non Med Ins ER	10010900.62800.0590	164,800	(12,800)	152,000
Non Med Ins ER	10010900.62800.0591	483,996	38,004	522,000
Med Ins ER SB	10010900.62800.0592	251,000	3,000	254,000
Med Ins ER Self	10010900.63000.0594	4,083,613	(207,609)	3,876,004
Med Ins ER Delta	10010900.63000.0595	316,400	39,065	355,465
Med Ins ER Kaiser	10010900.63000.0596	2,462,209	(529,685)	1,932,524
Medicare	10010900.63600.0000	545,000	(5,000)	540,000
Prof Services	10010900.65100.0000	82,500	5,000	87,500
Equip Rental	10010900.66000.0450	858,480	9,200	867,680
PC Replacement Fee	10010900.66950.0000	3,250	4,500	7,750
Lease Payments Capital Facilities	10010900.67700.0209	1,601,108	(507,855)	1,093,253
Lease Payments Westy Blvd	10010900.67700.0276	1,708,664	(1,344,164)	364,500
Lease Payments 2007 COPS	10010900.67700.0277	0	1,371,338	1,371,338
Contract Svcs	10010900.67800.0000	304,460	13,700	318,160
Con Svcs Human	10010900.67800.0706	86,000	68,000	154,000
Transfers Prop/Liab Self	10010900.79800.0460	703,908	30,000	733,908
Transfers GCIF	10010900.79800.0750	155,000	1,500,000	1,655,000
Gen Svcs - Admin				
Regular Salaries	10012050.60200.0000	244,096	10,790	254,886
Reg Sal Vol Prog	10012050.60200.0015	52,360	3,458	55,818

Reg Sal Envir Svc	10012050.60200.0552	116,103	11,564	127,667
Career Dev	10012050.61800.0000	6,620	2,500	9,120
Gen Svcs – Human Resources				
Regular Salaries	10012060.60200.0000	660,286	25,558	685,844
Reg Salaries Wellness	10012060.60200.0544	54,182	1,656	55,838
Reg Salaries Training	10012060.60200.0612	122,456	6,600	129,056
Reg Sal PST	10012060.60200.0911	48,939	3,487	52,426
Prof Svc Training	10012060.65100.0612	71,700	30,000	101,700
Gen Svcs – City Clerk				
Regular Salaries	10012070.60200.0000	280,239	16,861	297,100
Salaries Temp	10012070.60600.0000	2,500	15,654	18,154
Gen Svcs – Municipal Court				
Regular Salaries	10012130.60200.0000	795,957	34,335	830,292
Regular Salaries Probation	10012130.60200.0130	153,390	17,872	171,262
Regular Salaries PST	10012130.60200.0911	75,101	4,105	79,206
Gen Svcs – BO&M				
Regular Salaries	10012390.60200.0000	527,691	43,543	571,234
Finance – Admin				
Regular Salaries	10015050.60200.0000	282,863	16,274	299,137
Postage	10015050.667000.0000	10,610	2,000	12,610
Finance – Acctg				
Regular Salaries	10015220.60200.0000	466,834	28,535	495,369
Reg Sal PST	10015220.60200.0911	69,875	5,218	75,093
Salaries OT	10015220.60400.0000	9,000	(5,000)	4,000
Salaries Temp	10015220.60600.0000	0	3,000	3,000
Finance – Treasury				
Regular Salaries	10015240.60200.0000	278,022	17,611	295,633
Finance – Sales Tax				
Regular Salaries	10015250.60200.0000	454,304	16,295	470,599
Reg Sal PST	10015250.60200.0911	31,307	957	32,264
PD – Admin				
Regular Salaries	10020050.60200.0000	246,202	(13,875)	232,327
Police – Investigations & Tech Svcs				
Regular Salaries	10020300.60200.0000	221,558	7,142	228,700
Reg Sal – Prom	10020300.60200.0106	228,443	(228,443)	0
Reg Sal – Com Svcs	10020300.60200.0341	644,512	23,210	667,722
Reg Sal – Neigh Svcs	10020300.60200.0342	706,944	109,678	816,622
Reg Sal – Tech Svcs	10020300.60200.0343	2,012,653	(1,283,156)	729,497
Reg Sal – Inv Svcs	10020300.60200.0344	3,104,023	80,626	3,184,649
Reg Sal – Comm	10020300.60200.0345	0	1,398,732	1,398,732
Salaries OT-Prom	10020300.60400.0106	5,000	(5,000)	0
Salaries OT –Tech Services	10020300.60400.0343	150,000	(140,000)	10,000
Salaries OT- Comm	10020300.60400.0345	0	140,000	140,000

Salaries Temp NSS	10020300.60600.0342	0	16,000	16,000
Unif & Equip Promenade	10020300.61000.0106	13,100	(13,100)	0
Mileage Reimb Tech Svcs	10020300.61200.0343	1,300	(650)	650
Mileage Reimb Comm	10020300.61200.0345	0	650	650
Meeting Exp Tech Svcs	10020300.61400.0343	1,000	(500)	500
Meeting Exp Comm	10020300.61400.0345	0	500	500
Career Develop Promenade	10020300.61800.0106	1,100	(1,100)	0
Career Develop Tech Svcs	10020300.61800.0343	15,200	(8,400)	6,800
Career Develop Comm	10020300.61800.0345	0	8,400	8,400
Fleet Rental Charges Prom	10020300.65800.0106	6,034	(6,034)	0
Motor Fuel Charges – Prom	10020300.65900.0106	5,028	(5,028)	0
Maint/Rep Equip Neigh Svcs	10020300.66100.0342	600	3,000	3,600
Maint/Rep Equip Tech Svcs	10020300.66100.0343	186,680	(31,900)	154,780
Maint/Rep Equip Comm	10020300.66100.0345	0	31,900	31,900
Maint/Rep Radios Tech Svcs	10020300.66300.0343	88,732	(88,732)	0
Maint/Rep Radios Comm	10020300.66300.0345	0	88,732	88,732
Lease Pmts Inv Svcs	10020300.67700.0344	40,230	29,660	69,890
Contractual Svcs Prom	10020300.67800.0106	480	(480)	0
Contract Svcs Tech Svcs	10020300.67800.0343	81,835	(13,500)	68,335
Contract Svcs Comm	10020300.67800.0345	0	13,500	13,500
Supplies Prom	10020300.70200.0106	1,160	(1,160)	0
Supplies Neigh Svcs	10020300.70200.0342	6,750	15,405	22,155
Supplies Tech Svcs	10020300.70200.0343	33,750	(11,000)	22,750
Supplies Comm	10020300.70200.0345	0	11,000	11,000
Train & Ref Mat Tech Svcs	10020300.71400.0343	1,300	(325)	975
Train & Ref Mat Comm	10020300.71400.0345	0	325	325
Other Equip Neigh Svcs	10020300.76000.0342	0	9,500	9,500
Other Equip Tech Svcs	10020300.76000.0343	152,250	(92,216)	60,034
Other Equip Comm	10020300.76000.0345	0	127,250	127,250
Improvement Structures	10020300.76100.0342	18,657	12,000	30,657

Police – Patrol, Traffic & Special Operations				
Regular Salaries	10020500.60200.0000	147,093	(1,393)	145,700
Reg Sal Prom	10020500.60200.0106	0	243,507	243,507
Reg Sal Spec Ops	10020500.60200.0347	507,511	25,848	533,359
Reg Sal Traffic	10020500.60200.0348	1,675,356	(40,783)	1,634,573
Reg Sal Patrol	10020500.60200.0349	6,276,615	523,658	6,800,273
Sal OT Prom	10020500.60400.0106	0	5,000	5,000
Sal OT Patr Svcs	10020500.60400.0349	423,062	(123,321)	299,741
Unif & Equip Prom	10020500.61000.0106	0	13,100	13,100
Career Dev Prom	10020500.61800.0106	0	1,100	1,100
Fleet Rental Chgs Prom	10020500.65800.0106	0	6,034	6,034
Fleet Rental Chgs Spec Ops	10020500.65800.0347	315,582	2,722	318,304
Motor Fuel Chgs Prom	10020500.65900.0106	0	5,028	5,028
Lease Pay to Others Traffic	10020500.67700.0348	10,800	4,000	14,800
Cont Svcs Prom	10020500.67800.0106	0	480	480
Cont Svcs Traffic	10020500.67800.0348	10,666	8,000	18,666
Supplies – Prom	10020500.70200.0106	0	1,160	1,160
Vehicles – Traffic	10020500.75600.0348	42,000	6,000	48,000
Other Equip-Traff	10020500.76000.0348	45,000	(18,000)	27,000
Fire Department				
Regular Salaries	10025260.60200.0000	5,973,342	477,907	6,451,249
Reg Salaries EMS	10025260.60200.0546	2,196,167	170,944	2,367,111
Reg Salaries Prev	10025260.60200.0547	467,127	(38,651)	428,476
Salaries OT	10025260.60400.0000	187,212	(10,000)	177,212
Comm Svcs EM Grants	10025260.67800.0545	0	14,000	14,000
Supplies EM Grant	10025260.70200.0545	0	6,000	6,000
Comm Dev – Admin				
Regular Salaries	10030050.60200.0000	430,815	19,006	449,821
Comm Dev – Eco Devo				
Regular Salaries	10030340.60200.0000	247,248	10,323	257,571
Comm Dev – Planning				
Regular Salaries	10030360.60200.0000	866,577	26,416	892,993
Comm Dev – Building				
Regular Salaries	10030370.60200.0000	981,649	68,525	1,050,174
Reg Salaries PST	10030370.60200.0911	59,767	1,827	61,594
Comm Dev – Engineering				
Regular Salaries	10030380.60200.0000	1,043,418	(45,994)	997,424
PW&U – Streets				
Regular Salaries	10035450.60200.0000	1,271,167	5,558	1,276,725
Solid Waste Collection	10035450.67300.0000	182,780	(40,000)	142,780
Chemicals	10035450.73000.0000	9,745	(4,905)	4,840

PR&L – Admin				
Regular Salaries	10050050.60200.0000	561,736	19,286	581,022
PR&L – Park Svcs				
Regular Salaries	10050550.60200.0000	991,584	50,190	1,041,774
Reg Salaries – Prom	10050550.60200.0106	191,335	13,793	205,128
Maint/Rep Infra	10050550.66200.0000	456,560	(100,000)	356,560
PR&L – Library				
Regular Salaries	10050620.60200.0000	1,737,321	79,797	1,817,118
PR&L – Standley Lake				
Regular Salaries	10050660.60200.0000	175,003	10,522	185,525
PR&L – Design				
Regular Salaries	10050690.60200.0000	397,904	(12,354)	385,550
PR&L – Rec Fac				
Regular Salaries	10050720.60200.0000	43,598	2,866	46,464
Reg Salaries Fitness	10050720.60200.0505	66,097	1,704	67,801
Reg Salaries CP	10050720.60200.0860	943,887	46,796	990,683
Reg Salaries CP Fit	10050720.60200.0861	288,358	12,169	300,527
Reg Salaries Swim & Fit	10050720.60200.0963	501,287	38,464	539,751
Reg Salaries West View	10050720.60200.0967	349,740	494	350,234
Chemicals Aquatic	10050720.73000.0511	35,581	30,719	66,300
PR&L – Rec Programs				
Regular Salaries	10050760.60200.0000	392,743	38,689	431,432
Reg Salaries Senior	10050760.60200.0017	236,531	7,698	244,229
Reg Salaries Sports Center	10050760.60200.0035	0	20,139	20,139
Reg Salaries Arts	10050760.60200.0532	15,587	476	16,063
Salaries Temp Sports Center	10050760.60600.0035	0	62,000	62,000
Equip Rental Sports Center	10050760.66000.0035	0	1,020	1,020
Maint/Rep Equip Sports Center	10050760.66100.0035	0	1,500	1,500
Bank Charges Sports Center	10050760.66800.0035	0	3,240	3,240
Telephone Sports Center	10050760.66900.0035	0	3,420	3,420
Water & Sewer Sports Center	10050760.67100.0035	0	4,800	4,800
Electric & Gas Sports Center	10050760.67200.0035	0	25,000	25,000
Contract Svcs Sports Center	10050760.67800.0035	0	25,000	25,000
Contract Svcs Westy Faire	10050760.67800.0564	12,124	8,100	20,224
Rec Supplies Sports Center	10050760.71200.0035	0	40,700	40,700
Build & Grd Mtrls Sports Center	10050760.71800.0035	0	3,000	3,000

Merch for Resale Sports Center	10050760.73400.0035	0	<u>500</u>	500
Total Change to Expenses			<u>\$1,871,070</u>	

These appropriations will amend Utility Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Water Sales Recl	2000.40710.0023	\$605,220	\$(55,220)	\$550,000
Water Sales Comm	2000.40710.0028	11,496,185	(96,185)	11,400,000
Meter Service Fee	2000.40710.0031	2,553,666	(28,666)	2,525,000
Water Tap Res	2000.40720.0027	4,500,000	(800,000)	3,700,000
Water Tap Comm	2000.40720.0028	3,000,000	800,000	3,800,000
Interest Earn	2000.42510.0000	617,691	282,309	900,000
TRF Utility Res	2000.45000.0205	4,839,040	309,737	5,148,777
Interest Earn	2050.42510.0000	1,050,527	749,473	1,800,000
WW Taps Res	2100.40740.0027	1,389,040	(264,040)	1,125,000
WW Taps Comm	2100.40740.0028	1,033,455	266,545	1,300,000
Interest Earn	2100.42510.0000	538,193	111,807	650,000
TRF Utility Res	2100.45000.0205	1,054,182	218,117	1,272,299
Carryover	2000.40020.0000	(63,602)	(45,123)	(108,725)
Carryover	2100.40020.0000	(14,340)	(25,192)	(39,532)
Carryover	2050.40020.0000	0	<u>(221,619)</u>	(221,619)
Total Change to Revenues			<u>\$1,201,943</u>	

EXPENSES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Water Central Charges				
Regular Salaries	20010900.60200.0000	\$167,026	(\$165,026)	\$2,000
Retire City Contrib	20010900.62600.0000	608,920	57,648	666,568
Non Med Ins Life	20010900.62800.0590	24,500	16,600	41,100
Non Med Ins LTD	20010900.62800.0591	82,600	1,900	84,500
Med Ins ER SB	20010900.62800.0592	40,500	500	41,000
Med Ins ER SELF	20010900.63000.0594	598,900	3,600	602,500
Med Ins ER Delta	20010900.63000.0595	47,000	8,400	55,400
Med Ins ER Kaiser	20010900.63000.0596	360,000	(60,000)	300,000
Medicare	20010900.63600.0000	63,000	12,000	75,000
Transfers Prop/Liab Self	20010900.79800.0460	305,028	14,000	319,028
Finance – Utility Billing				
Regular Salaries	20015240.60200.0000	247,006	(2,166)	244,840
PW&U – Admin				
Regular Salaries	20035050.60200.0000	195,993	11,740	207,733
PW&U – Capital Proj & Budget				
Regular Salaries	20035430.60200.0000	600,477	39,288	639,765
PW&U – Field Ops				
Regular Salaries	20035470.60200.0000	900,043	52,721	952,764

Reg Salaries – meter shop	20035470.60200.0402	377,183	(2,784)	374,399
Reg Salaries – wtrline replace	20035470.60200.0497	471,824	24,061	495,885
Salaries OT	20035470.60400.0000	41,200	(15,000)	26,200
PW&U – Water Resources				
Regular Salaries	20035480.60200.0000	618,428	27,945	646,373
Reg Salaries – Wtr Quality	20035480.60200.0943	89,115	5,166	94,281
Contract Svcs	20035480.67800.0000	5,120	53,738	58,858
PW&U – Water Plants				
Regular Salaries	20035490.60200.0000	862,564	49,821	912,385
Reg Salaries- Rec Svc	20035490.60200.0023	37,739	3,773	41,512
Reg Salaries – Wtr Qual	20035490.60200.0943	260,773	13,765	274,538
Salaries OT	20035490.60400.0000	32,000	15,000	47,000
Contract Svcs	20035490.67800.0000	38,500	12,830	51,330
Chemicals	20035490.73000.0000	400,000	75,000	475,000
Chemicals NWTf	20035490.73000.0083	99,600	25,000	124,600
Information Technology				
Regular Salaries	20060230.60200.0000	1,837,120	82,387	1,919,507
Reg Sal PST	20060230.60200.0911	63,398	4,945	68,343
Comp Soft/Hardware	20060230.75400.0000	170,000	(9,110)	160,890
Lease Pymts to Other	20060230.67700.0000	0	9,110	9,110
Wastewater Central Charges				
Regular Salaries	21010900.60200.0000	36,564	(34,564)	2,000
Cafeteria Benefits	21010900.62200.0000	0	2,000	2,000
Retire City Contrib	21010900.62600.0000	126,000	35,050	161,050
Non Med Ins Life	21010900.62800.0590	5,500	(900)	4,600
Non Med Ins LTD	21010900.62800.0591	21,500	(2,500)	19,000
Med Ins ER SIB	21010900.62800.0592	11,000	(2,100)	8,900
Med Ins ER SELF	21010900.63000.0594	200,000	(58,700)	141,300
Med Ins ER Delta	21010900.63000.0595	14,600	(1,600)	13,000
Med Ins ER Kaiser	21010900.63000.0596	120,000	(49,600)	70,400
Transfers Prop/Liab Self	210010900.79800.0460	164,245	6,000	170,245
PW&U – Field Ops				
Regular Salaries	21035470.60200.0000	333,611	21,709	355,320
Vehicles	21035470.75600.0000	201,000	2,150	203,150
PW&U – Wastewater Plants				
Regular Salaries	21035490.60200.0000	658,003	34,938	692,941
Reg Salaries – Biosolids	21035490.60200.0401	158,467	4,362	162,829
Reg Salaries-Wtr Quality	21035490.60200.0943	224,220	16,565	240,785
Spec Assess MWRD	21035490.66500.0513	1,945,408	321,597	2,267,005

Contract Svcs	21035490.67800.0000	36,268	12,830	49,098
Utility Reserve Fund				
Transfers to Water	20510900.79800.0200	4,839,040	309,737	5,148,777
Transfers to Wastewater	20510900.79800.0210	1,054,182	218,117	1,272,299
Storm Drainage Org Support				
Prof Supp Svcs	25012110.65100.0552	100,000	(8,140)	91,860
Storm Drainage Engineering				
Regular Salaries	25030380.60200.0000	115,600	8,140	123,740
Storm Drainage Park Services				
Main/Rep Infra	25050550.66200.0000	0	200,000	200,000
PACP Sanitary Sewer	80721035749.80400.8888	2,000,000	(650,000)	1,350,000
PACP Sewer Line	80721035750.80400.8888	1,500,000	300,000	1,800,000
Hyland Village Sewer Upsizing	80721035752.80400.8888	0	250,000	250,000
Lift Station Improvements	80821035808.80400.8888	0	100,000	100,000
Open-cut water line	80720035754.80400.8888	4,355,000	260,000	4,615,000
Reclaimed Raw Water	80720035755.80400.8888	6,200,000	(2,200,000)	4,000,000
80 th Federal Water Line Improvements	80720035761.80400.8888	400,000	(400,000)	0
Reclaimed Water User Retrofits	80720035766.80400.8888	0	169,000	169,000
SWTF BIF SCADA	80820035775.80400.8888	236,000	236,000	472,000
SWTF Access Control	80820035783.80400.8888	345,000	(345,000)	0
Countyside Pumpstation	80820035809.80400.8888	0	1,000,000	1,000,000
Gregory Hill Pump Station	80820035810.80400.8888	0	150,000	150,000
Kershaw Ditch	80820035811.80400.8888	0	130,000	130,000
Pressure Zone	80820035812.80400.8888	0	1,000,000	1,000,000
Misc Storm Drainage Improv	80125030082.80400.8888	625,000	(555,000)	70,000
Quail Creek	80425030613.80400.8888	0	250,000	250,000
Storm Water Reserve	80525030424.80400.8888	639,000	(639,000)	0
McKay Lake Drainage	80825035813.80400.8888	0	444,000	444,000
Airport Creek	80825035814.80400.8888	0	<u>300,000</u>	300,000
Total Change to Expenses			<u>\$1,201,943</u>	

These appropriations will amend Golf Course Fund expense accounts as follows:

EXPENSES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Legacy Ridge- Central Charges				
Regular Salaries	22010900.60200.0000	\$12,715	\$(12,715)	\$0
Non Med Ins ER Life	22010900.62800.0590	2,700	(800)	1,900
Non Med Ins ER	22010900.62800.0592	3,400	(300)	3,100
Med Ins ER BCBS	22010900.63000.0594	46,000	6,300	52,300
Med Ins ER Dental	22010900.63000.0595	4,400	400	4,800
Med Ins ER Kaiser	22010900.63000.0596	33,000	(7,000)	26,000
Medicare	22010900.63600.0000	8,300	2,600	10,900
Legacy Ridge – Rec Facilities				
Regular Salaries	22050720.60200.0000	338,593	6,498	345,091
Reg Salaries – Club Operations	22050720.60200.0249	166,962	5,017	171,979
Heritage-Central Charges				
Regular Salaries	23010900.60200.0000	12,588	(12,588)	0
Cafeteria Benefits	23010900.62200.0000	900	800	1,700
Non Med Ins ER Life	23010900.62800.0590	1,900	(100)	1,800
Non Med Ins ER LTD	23010900.62800.0591	6,500	(300)	6,200
Non Med Ins ER SIB	23010900.62800.0592	3,400	(300)	3,100
Med Ins ER Self	23010900.63000.0594	52,000	(1,600)	50,400
Med Ins ER Dental	23010900.63000.0595	4,200	400	4,600
Med Ins ER Kaiser	23010900.63000.0596	32,000	(7,000)	25,000
Medicare	23010900.63600.0000	8,400	1,600	10,000
Heritage – Rec Facilities				
Regular Salaries	23050720.60200.0000	334,189	7,471	341,660
Reg Salaries – Club Operations	23050720.60200.0249	166,332	<u>11,617</u>	177,950
Total Change to Expenses			<u>\$0</u>	

These appropriations will amend Fleet Maintenance Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Internal Billing	3000.43140.0000	\$2,286,195	<u>\$2,722</u>	\$2,288,917
Total Change to Revenues			<u>\$2,722</u>	

EXPENSES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Regular Salaries	30012460.60200.0000	\$619,942	\$(15,095)	\$604,847
Reg Sal PST	30012460.60200.0911	48,579	3,728	52,307

Fuel & Lubricants	30012460.74000.0000	749,863	11,367	761,230
Fuel & Lub PST	30012460.74000.0911	292,674	<u>2,722</u>	295,396
Total Change to Expenses			<u>\$2,722</u>	

These appropriations will amend General Capital Outlay Replacement Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Internal Billings	4500.43140.0100	\$1,107,178	<u>\$13,700</u>	\$1,120,878
Total Change to Revenues			<u>\$13,700</u>	

EXPENSES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Vehicles	80645010900.80400.8888	\$397,450	\$9,050	\$406,500
PS Vehicles	80645010911.80400.8888	461,030	150	461,180
PC Replacement	80645010921.80400.8888	248,698	<u>4,500</u>	253,198
Total Change to Expenses			<u>\$13,700</u>	

These appropriations will amend Property/Liability Self Insurance Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
TRF Gen Fund	4600.45000.0100	\$703,908	\$30,000	\$733,908
TRF Water	4600.45000.0200	305,028	14,000	319,028
TRF Wastewater	4600.45000.0210	164,245	<u>6,000</u>	170,245
Total Change to Revenues			<u>\$50,000</u>	

EXPENSES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Regular Salaries	46010900.60200.0000	\$105,660	\$3,567	\$109,227
Reg Salaries PST	46010900.60200.0911	19,756	2,323	22,079
Contract Svcs	46010900.67800.0000	465,504	50,000	515,504
Self Ins Claims	46010900.68200.0000	555,414	<u>(5,890)</u>	549,524
Total Change to Expenses			<u>\$50,000</u>	

These appropriations will amend Sales and Use Tax Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Sales Tax Returns	5300.40070.0000	\$40,844,167	\$651,000	\$41,495,167
Sales Tax Ret PST	5300.40070.0911	10,038,215	(188,215)	9,850,000
Use Tax Rets PST	5300.40095.0911	418,043	6,957	425,000
Use Tax Auto	5300.40105.0000	5,099,341	(159,341)	4,940,000
Use Tax Auto PST	5300.40105.0911	1,039,936	(64,936)	975,000
Use Tax Audit PST	5300.40110.0911	51,510	(1)	51,509

Use Tax Refunds	5300.40115.0000	(105,000)	30,000	(75,000)
Use Tax Coll Fees	5300.40120.0000	(305,000)	55,000	(250,000)
Interest Earn PST	5300.42510.0911	45,000	(19,500)	25,500
Interest Earn	5300.42510.0000	63,000	61,500	124,500
Total Change to Revenues			<u>\$372,464</u>	

EXPENSES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Transfers General	53010900.79800.0100	\$57,243,969	\$272,464	\$57,516,433
Transfers GCIF	53010900.79800.0750	500,000	250,000	750,000
Transfers Debt Svc	53010900.79800.0800	5,200,000	(150,000)	5,050,000
Total Change to Expenses			<u>\$372,464</u>	

These appropriations will amend Parks, Open Space, and Trails Replacement Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Sales Tax Returns	5400.40070.0000	\$4,189,814	\$(139,814)	\$4,050,000
Use Tax Auto	5400.40105.0000	433,040	(13,040)	420,000
Interest Earn	5400.42510.0000	48,000	12,000	60,000
Total Change to Revenues			<u>\$(140,854)</u>	

EXPENSES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Central Charges				
Regular Salaries	54010900.60200.0000	\$98,249	\$(13,744)	\$84,505
Reg Salaries Vol Cord	54010900.60200.0531	56,870	(56,870)	0
Sal OT Vol Cord	54010900.60400.0531	480	(480)	0
Unif & Equip Vol Cord	54010900.61000.0531	200	(200)	0
Meeting Exp Vol Cord	54010900.61400.0531	200	(200)	0
Career Dev Vol Cord	54010900.61800.0531	600	(600)	0
Prof Services	54010900.65100.0000	50,000	(307)	49,693
Pro Svcs Vol Cord	54010900.65100.0531	4,000	(4,000)	0
Equip Vol Cord	54010900.66000.0531	3,000	(3,000)	0
PC Replace Fee	54010900.66950.0000	500	(250)	250
Contract Svcs Vol Cord	54010900.67800.0531	4,000	(4,000)	0
Supplies Vol Cord	54010900.70200.0531	5,000	(5,000)	0
Build & Grd Mtrls	54010900.71800.0000	20,000	(20,000)	0
Build & Grd Mtrls Vol cord	54010900.71800.0531	6,000	(6,000)	0
Maint & Const Materials	54010900.72400.0000	20,000	(20,000)	0

Maint & Const Mat Vol Cord	54010900.72400.0531	4,000	(4,000)	0
Signing Mtrls Vol Cord	54010900.72600.0531	2,500	(2,500)	0
Construction	54010900.76400.0000	110,000	(110,000)	0
Land Purchases	54010900.76600.0000	941,460	(756,994)	184,466
Transfers GCIF	54010900.79800.0750	838,643	(129,643)	709,000
Transfers Debt Svc	54010900.79800.0800	2,543,229	657,842	3,201,071
Park Services				
Regular Salaries	54050550.60200.0540	0	56,862	56,862
Salaries OT	54050550.60400.0540	0	480	480
Salaries Temp	54050550.60600.0540	0	20,000	20,000
Unif & Equip Allo	54050550.61000.0540	0	200	200
Meeting Expense	54050550.61400.0540	0	200	200
Career Develop	54050550.61800.0540	0	600	600
Prof Services	54050550.65100.0540	0	49,000	49,000
Equip Rental	54050550.66000.0540	0	3,000	3,000
PC Replacement	54050550.66950.0540	0	250	250
Contract Svcs	54050550.67800.0540	0	4,000	4,000
Supplies	54050550.70200.0540	0	5,000	5,000
Build & Grd Mtrls	54050550.71800.0540	0	51,000	51,000
Maint Const Mtrls	54050550.72400.0540	0	24,000	24,000
Signing Mtrls	54050550.72600.0540	0	2,500	2,500
Other Equip	54050550.76000.0540	0	12,000	12,000
Construction	54050550.76400.0540	0	<u>110,000</u>	110,000
Total Change to Expenses			<u>(\$140,854)</u>	

These appropriations will amend General Capital Improvement Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	2008 Adopted	Amendment	20046 Revised
Spec Assessments	7500.40255.0065	\$200,000	\$(100,000)	\$100,000
Transp Tax Adco	7500.40470.0010	2,133,000	(133,000)	2,000,000
Interest Earnings	7500.42510.0000	650,000	350,000	1,000,000
TRF Gen Fund	7500.45000.0100	0	1,500,000	1,500,000
TRF Sales & Use	7500.45000.0530	500,000	250,000	750,000
OS Attrib Shares	7501.40450.0010	244,375	(357)	244,018
TRF Open Space	7501.45000.0540	838,643	<u>(129,643)</u>	709,000
Total Change to Revenues			<u>\$1,737,000</u>	

EXPENSES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
New Development Participation	80175030011.80400.8888	\$200,000	\$123,000	\$323,000
112 th Avenue (Federal – Huron)	80275030535.80400.8888	292,000	(292,000)	0
144 th Avenue Huron-Zuni	80875030799.80400.8888	0	1,580,000	1,580,000

124 th & Huron Intersect Improvement	80875030800.80400.8888	0	209,000	209,000
Railroad Quiet Zone Study	80875030801.80400.8888	0	50,000	50,000
Field Technology	80275030508.80400.8888	0	40,000	40,000
South Westy Revitalization	80175030024.80400.8888	400,000	(68,000)	332,000
Building O&M	80375012312.80400.8888	450,000	225,000	675,000
PST Capital Reserve	80475020614.80400.8888	323,000	(190,000)	133,000
Fire Station #1 Roof	80875012802.80400.8888	0	125,000	125,000
Fire Station #5 Roof	80875012803.80400.8888	0	65,000	65,000
Recreation Facilities	80175050027.80400.8888	300,000	50,000	350,000
Golf Course Improvements	80675050045.80400.8888	50,000	94,000	144,000
Standley Lake Regional Park	80775050747.80400.8888	155,000	70,000	225,000
City Center Park	80875050748.80400.8888	820,000	(820,000)	0
PRL Capital Reserve	80175050186.80400.8888	309,000	(309,000)	0
Braugh Property Storage	80875050804.80400.8888	0	30,000	30,000
SFC Walker House Removal	80875050805.80400.8888	0	35,000	35,000
Rec Fac Major Mntc BO&M	80875012806.80400.8888	0	530,000	530,000
Metzger Farm Improvements	80875030807.80400.8888	0	<u>190,000</u>	190,000
Total Change to Expenses			<u>\$1,737,000</u>	

These appropriations will amend General Debt Service Fund revenue and expense accounts as follows:
REVENUES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Rapids Assessment	8000.40255.0231	\$59,563	\$(59,563)	\$0
TRF Sales & Use	8000.45000.0530	5,200,000	(150,000)	5,050,000
TRF Open Space	8000.45000.0540	2,520,729	680,342	3,201,071
TRF 136 th Ave GID	8000.45000.0630	0	195,000	195,000
Carryover	8000.40020.0000	(48,632)	<u>(172,085)</u>	(220,717)
Total Change to Revenues			<u>\$493,694</u>	

EXPENSES

Description	Account Number	2008 Adopted	Amendment	2008 Revised
Principal 2007 S&U Tax Bond	80010900.78200.0180	\$0	\$605,000	\$605,000
Principal 2007 POST Bond	80010900.78200.0204	0	1,140,000	1,140,000
Principal 1997 POST	80010900.78200.0206	1,240,000	(1,240,000)	0
Principal 1997 Streets	80010900.78200.0207	1,460,000	(720,000)	740,000

Interest Pay 2007C POST	80010900.78400.0175	0	883,225	883,225
Interest Pay 2007 S&U Tax Bond	80010900.78400.0180	0	510,688	510,688
Interest Pay 2007 POST Bond	80010900.78400.0204	0	608,775	608,775
Interest Pay 1997 POST Bond	80010900.78400.0206	708,709	(708,709)	0
Interest Pay 1997 Streets	80010900.78400.0207	1,189,810	(586,035)	603,775
Paying Agent Fees	80010900.78600.0000	900	750	1,650
Total Change to Expenses			<u>\$493,694</u>	

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments -
Recommendations
Descriptions

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **55**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

A BILL

**FOR AN ORDINANCE AMENDING THE 2008 BUDGETS OF THE GENERAL FUND;
UTILITY ENTERPRISE FUNDS; UTILITY RESERVE FUND; GOLF COURSE FUND; FLEET
MAINTENANCE FUND; GENERAL CAPITAL OUTLAY REPLACEMENT FUND; SALES
AND USE TAX FUND; PARKS, OPEN SPACE, AND TRAILS FUND; GENERAL CAPITAL
IMPROVEMENT FUND AND DEBT SERVICE FUND AND AUTHORIZING A
SUPPLEMENTAL APPROPRIATION OR UN-APPROPRIATION FROM THE 2008
ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2008 appropriation for the General; Utility Enterprise Funds; Utility Reserve Fund; Golf Course Fund; Fleet Maintenance Fund; General Capital Outlay Replacement; Sales and Use Tax; Parks, Open Space, and Trails Fund; General Capital Improvement Fund and Debt Service Fund, initially appropriated by Ordinance No. 3316 are hereby increased in aggregate by \$5,551,739. This appropriation is due a budget amendment for revised revenue projections and expenditure estimates for 2008.

Section 2. The net amount of increases or (decreases) of \$5,551,739 shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 A-C dated October 8, 2007 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$1,871,070
Utility Enterprise Funds	674,089
Utility Reserve Fund	527,854
Golf Course Fund	2,722
Fleet Maintenance Fund	0
General Capital Outlay Replacement Fund	13,700
Sales and Use Tax Fund	372,464
Parks, Open Space, and Trails Fund	(140,854)
General Capital Improvement Fund	1,737,000
Debt Service Fund	493,694
Total	<u>\$5,551,739</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 8th day of October, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of October, 2007.

ATTEST:

City Clerk

Mayor

Human Services Board Recommended 2008 Funding

Agency	2007 Actual	2008 HSB Recommend
Community Health Services (Adams School District 50)*	\$12,000	\$12,000
Adams County Housing Authority*	\$12,000	\$11,000
Alternatives to Family Violence	\$11,000	\$11,000
Arvada Child Advocacy Center	\$3,000	\$4,000
CAAT	\$500	\$500
CASA of Adams County	\$1,500	\$1,000
CASA of Jefferson & Gilpin Counties	\$500	\$500
Catholic Charities	\$4,000	\$4,000
Center for People with Disabilities	\$1,500	\$1,000
Children's Outreach Project	\$2,500	\$2,500
Children's Advocacy Program	\$2,000	\$2,000
Clinica Campesina*	\$11,000	\$11,000
Colorado Homeless Families*	\$11,000	\$11,000
Colorado Rural Housing Development Corp.	\$1,500	\$1,500
Community Housing Services	\$500	\$1,000
Community Reach Center	\$15,000	\$12,000
FACES	\$2,500	\$2,000
Family Tree*	\$12,000	\$11,000
FISH of Westminster	\$5,500	\$5,500
Food Bank of the Rockies	\$3,500	\$3,500
Growing Home	\$8,500	\$7,500
Have a Heart Project	\$3,500	\$4,000
The Denver Hospice (Hospice of Metro Denver)	\$5,000	\$4,000
Inter-Church ARMS	\$2,500	\$2,500
Jefferson Center for Mental Health	\$7,000	\$7,000
Kempe Children's Foundation	\$1,000	\$1,000
RAAP	\$2,500	\$2,000
Radio Reading Service	\$1,500	\$1,500
Senior Hub*	\$12,000	\$12,000
Seniors Resources Center	\$1,000	\$1,000
Wilderness on Wheels	\$1,500	\$1,500
Yellow Ribbon	\$1,000	\$1,000
Arvada Community Food Bank - New 2008	\$0	\$1,000
TOTAL	\$160,000	\$154,000

*These were agencies previously recommended to be funded through the City's Community Development Block Grant (CDBG) program. However, in light of additional reporting and tracking requirements from the federal government of both the granting agency (the City) and grantee (the agencies), Staff is recommending that all of the HSB recommended agencies be funded completely by General Fund moneys and that the CDBG funds no longer be utilized for HSB funding. As noted in the Staff Report, Staff is recommending that the South Westminster capital improvement project (budgeted in the General Capital Improvement Fund (GCIF)) be reduced by \$68,000 of General Fund moneys and that those CDBG funds previously utilized for these HSB agencies be utilized in the South Westminster project instead. This is simply a change in where the money is coming from rather than the amount.

– 2008 HSB AGENCY DESCRIPTIONS –

Community Health Services (Adams 50 School District) – Provides extended health care services to students and families receiving free or reduced lunch within the Adams 50 School District.

ADCO Housing Authority – Offers programs for families in Adams County, which provide housing, personal development opportunities, counseling, financial assistance and educational services through networking and collaboration. ACHA creates an environment conducive for growth and development in order to promote self-sufficiency.

Alternatives to Family Violence – Provides safety and empowerment to those affected by domestic violence, while promoting non-violence as a social value. We strive to be the first resource for families affected by domestic violence in Adams County.

Arvada Child Advocacy Center – Offers a child-friendly, safe place for young children to come during the investigative process of their outcries of sexual abuse.

Catholic Charities of Denver – Provides emergency services that meet the human needs existing within the broader community. Services provided include: limited financial assistance for rent, medical prescriptions, job-related transportation costs, temporary shelter, and a 2-3 day supply of emergency food with a referral to a larger food bank.

Center for People with Disabilities (CPWD) – Provides resources, information and advocacy to assist people with disabilities in overcoming barriers to independent living and community integration.

Children’s Outreach Project – Offers an integrated, quality, early childhood and kindergarten education to typical, accelerated and developmentally delayed children.

Children’s Advocacy Program – Provides services that pay for forensic and medical exams related to child abuse. Services include an assigned volunteer liaison for each child that is paid for by other agencies.

Clinica Campesina – Provides medical care and health promotion services to the medically underserved, low-income households, and minority people on a sliding fee scale basis.

Colorado Homeless Families – Provides transitional housing and supportive services for homeless families with children, helping them become self-sufficient within eighteen months to two years.

Colorado Rural Housing Development Corp. – Provides housing counseling, credit counseling and repair, foreclosure prevention, financial education and home maintenance courses to our community.

Community Awareness Action Team (C. A. A. T.) – Serves as a catalyst for facilitating programs that will be effective in the prevention of the use of alcohol, tobacco and other drugs by children and teens.

Community Housing Services - Provides assistance to seniors who are in need of subsidized housing; information to tenants on their rights and responsibilities as a tenant; general housing information to the public.

Community Reach Center – Provides mental health care to residents of Adams County including outpatient counseling, a 24-hour crisis line, treatment programs and programs designed to provide education and training to prepare individuals for employment and independent living.

Court Appointed Special Advocates (CASA of Adams County) – Provides advocacy services to abused and neglected children who are involved in the court system through no fault of their own.

Court Appointed Special Advocates (CASA of Jefferson & Gilpin Counties) – Provides advocacy services to abused and neglected children who are involved in the court system through no fault of their own.

Family Advocacy, Care, Education, Support, Inc. (FACES) – Assists families at risk for abuse or neglect, but not yet involved with Child Protective Services.

Family Tree, Inc. – Offers services to help people be safe, strong, and self-reliant. Services provided include: emergency shelter and support services for victims of domestic abuse, comprehensive supportive housing assistance for homeless families and individuals, emergency shelter and outreach services for youth in crisis, and out-client services for families experiencing abuse, divorce, or separation.

FISH of Westminster – Provides area residents with short term, emergency staple foods.

Food Bank of the Rockies – Creates an efficient means of channeling food to participating agencies (food banks) that assist the needs of the hungry. Food is provided to shelters, emergency assistance programs, child welfare centers, senior citizen nutrition programs, churches, synagogues, community centers and halfway houses.

Growing Home – Provides shelter, meals and comprehensive assistance to homeless families and increase community involvement in direct service and advocacy.

Have a Heart Project, Inc. – Provides for the basic needs of food and clothing for elementary age children and their families in the Westminster School District 50 area.

The Denver Hospice (Hospice of Metro Denver) – Provides specialized care and support for terminally ill individuals and their families while increasing community awareness of death and grief as a natural part of life

Inter-Church ARMS (Arvada Resources for Ministry and Service) – Helps people who are striving to create and maintain their independence through this non-profit coalition of twelve Arvada-area churches that combines volunteer and financial resources. Services include: financial aid to help

Jefferson Center for Mental Health – Promotes mental health and provides quality mental health services to persons with emotional problems and/or serious mental illness.

Kempe Children's Fund – Provides an on-call physician and social worker 24 hours a day, seven days a week to evaluate and treat approximately 1,000 children who are suspected victims of sexual, physical or emotional abuse each year through the Kempe Child Protection Team

Rape Assistance and Awareness Program (RAAP) – Assists victims of sexual violence while educating the public about preventing sexual violence. Services provided include: rape crisis hotline, victim advocacy, counseling services, community outreach, and abuse prevention training program, and personal safety skills for women.

Radio Reading Service of the Rockies – Provides audio reading of newspapers, magazines and other reading materials through a series of radio and televised broadcasts for the blind and hearing impaired community of Colorado.

The Senior Hub – Provides funding to Meals on Wheels and the Respite and In-Home Support Services programs hosted by the Senior Hub. Meals on Wheels delivers hot or frozen meals to homebound residents that are unable to prepare nutritious meals themselves, are unable to travel independently to a senior center or restaurant to obtain a balance meal and unable to afford the purchase of meals. Respite and In-Home Supportive Services assists those living at home alone with simple, non-medical assistance.

Seniors' Resource Center – Works in partnership with older persons and the community to provide centralized and coordinated service, information, education, and leadership to assist seniors in maximizing their independence and personal dignity.

Wilderness On Wheels – Provides, builds and maintains wilderness access to the handicapped, seniors and other through a series of platform trails built by volunteers in the south west metro area.

Yellow Ribbon – Focuses on suicide prevention training through educational outreach. Group provides educational materials and hotline to assist in addressing and preventing suicides.

– New Agency Requesting Funds –

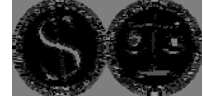
Arvada Community Food Bank – Provides a well-balanced, three day food supply to families or individuals who qualify for limited emergency assistance.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Councillor's Bill No. 56 re Economic Development Agreement with The Bedrin Organization

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 an Economic Development Agreement with The Bedrin Organization.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill that authorizes the execution of the attached Economic Development Agreement (EDA) with The Bedrin Organization to assist with the redevelopment of the Brookhill V retail center and with the attraction of Steve and Barry's, a clothing store. Brookhill V is located at the southeast corner of 92nd Avenue and Wadsworth Parkway.
- The \$883,920 EDA will be funded with rebates of the sales tax resulting from the new store, as well as from permit fees and use tax on construction.
- This Economic Development Agreement will assist in filling vacancies in the Brookhill V Shopping Center; one of City Council's strategic plan objectives.
- The EDA rebate shall terminate after five years.
- If Steve and Barry's ceases business operations in the City within five years of when new operations commence, any payments made to The Bedrin Organization under this agreement shall be reimbursed to the City unless a replacement tenant is found.

Expenditure Required: Approximately \$883,920 (Rebates)

Source of Funds: The EDA with The Bedrin Organization will be funded through revenue received from permit fees, construction use tax, and sales tax revenues directly generated from the remodeling and operation of Steve and Barry's.

Policy Issue

Does Council desire to provide assistance to The Bedrin Organization to aid in the redevelopment of the Brookhill V Shopping Center?

Alternatives

Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. The City may lose the project if assistance is not provided, the result would be that the City's goal of encouraging the redevelopment of this center would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is less than what the developer requested to provide the upgrades to the retail center. A lower assistance package may result in losing this retail opportunity.

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 The Bedrin Organization of New Jersey, owners of the Brookhill V Shopping Center regarding strategies for filling the vacancies in this shopping center. Ever since the closure of the Builders Square, this particular shopping center has struggled with high vacancy rates. These vacancies have not occurred because of lack of market but because of decisions being made nationally that affect this center. For example, these former Brookhill tenants all closed nationally: Sears Home Life, Discovery Zone, Builders Square, and Media Play. The Bedrin Organization is actively pursuing users for the shopping center with the most recent tenant being Bicycle Village's new store. The latest tenant attracted to Brookhill V by The Bedrin Organization is Steve and Barry's, a soft goods store.

Steve and Barry's started initially in Pennsylvania and is one of the most exciting new retailers coming into the Denver market. They have new stores in Colorado Springs, Littleton, Longmont and Pueblo. The store's marketing focus is primarily on the young active adult and is considered to compete with retailers like Old Navy and Kohl's. They currently operate 200 stores in 33 states and "offer casual wear for the whole family."

The competition to get Steve and Barry's in the north area was significant. Every retail center between Boulder and Denver was competing to get this new retailer. To get the store to sign at Brookhill V, The Bedrin Organization had to be very aggressive in their negotiations with the new retailer. The company was willing to make this investment, anticipating the increased traffic generation to the entire center as a result of the new Steve and Barry's store.

Steve and Barry's anticipates being open for business by November 1, 2007, just in time for the Christmas shopping season. Once stabilized, the store is expected to generate approximately \$12 million in annual sales. The renovation of the former Media Play space is expected to generate approximately \$49,800 in permit fees and construction use tax as well as \$60,000 in equipment use tax. The 5 year sales tax collection, not including public safety or open space sales tax, is estimated to be \$1,728,000.

Revitalization of and filling the vacancies in the Brookhill V Shopping Center has long been a City Council priority. The Bedrin Organization asked the City to assist them in covering some of the costs of attracting Steve and Barry's to the shopping center. Therefore, to aid with the filling of vacant space at Brookhill V Shopping Center, Staff is recommending the following business assistance package:

Proposed Assistance	Approximate Value
<u>Building Permit-Fee Rebate</u> 40% of the building related fees for the tenant finish for Steve and Barry's (excluding water & sewer tap fees) will be rebated (estimated at \$19,800 x 40% = \$7,920)	\$7,920
<u>Building Use Tax Rebate</u> 40% of the General Use Tax (excluding the City's .25% Open Space Tax and .6% Public Safety Tax) on construction materials will be rebated (estimated at \$30,000 x 40% = \$12,000)	\$12,000
<u>Sales Tax Rebate – 5 years</u> 50% of the Sales Tax collected in the first five years of operation of the Steve and Barry's store will be rebated (excludes the City's .25% Open Space Tax and .6% Public Safety Tax). (Based on an estimated \$57.6 million in sales over 5 years x 3% sales tax = \$1,728,000 x 50% = \$864,000).	\$864,000
Total Proposed Assistance Package	\$883,920

As Council will note, the assistance being proposed is for a 5 year period of time instead of the usual 3 years. Because of the up-front costs and the lower lease rates The Bedrin Organization needed in order to attract Steve and Barry's, Staff thought a longer than usual assistance package was warranted. The rebates will only be paid from dollars generated by the new Steve and Barry's store.

This assistance package is based upon the City's goals to attract additional sales tax revenue and support the upgrading and renovation of existing retail center space. Staff believes that this investment in the redevelopment of the Brookhill V retail center will aid The Bedrin Organization in its overall goal to revitalize the Brookhill V Shopping Center, which is one of the objectives identified in the City Council's Strategic Plan.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **56**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT
WITH THE BEDRIN ORGANIZATION
FOR THE ATTRACTION OF "STEVE AND BARRY'S" TO THE BROOKHILL V SHOPPING
CENTER 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, The Bedrin Organization plans to redevelop and fill a portion of the vacant space in the Brookhill V Shopping Center with a Steve and Barry's store; and

WHEREAS, a proposed Economic Development Agreement between the City and The Bedrin Organization is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of October, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of October, 2007.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT A

ECONOMIC DEVELOPMENT AGREEMENT WITH THE BEDRIN ORGANIZATION FOR A "STEVE AND BARRY'S" STORE

THIS AGREEMENT is made and entered into this _____ day of _____, 2007, between the CITY OF WESTMINSTER (the "City"), and THE BEDRIN ORGANIZATION; a New Jersey LLC.

WHEREAS, the City wishes to provide certain assistance to The Bedrin Organization to encourage the location of a Steve and Barry's store in the Brookhill V Shopping Center; 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 The Bedrin Organization agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to The Bedrin Organization 40% of the building related permit fees for the Steve and Barry's tenant finish required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees. The rebate is estimated to be \$7,290.

2. Use Tax Rebate- Construction. The City shall rebate to The Bedrin Organization 40% of the building use tax on the construction materials (excluding the City's .25% open space tax and .6% public safety tax), resulting from the Steve and Barry's tenant finish, required under W.M.C. sections 4-2-9 and 4-2-3. The rebate is estimated to be \$12,000.

3. Sales Tax Rebate. The City shall rebate to The Bedrin Organization 50% of the sales tax collected from Steve and Barry's for the first five years (60 months) of operation of the new Steve and Barry's store. Such rebate shall be payable exclusively from sales tax revenue collected by the City from Steve and Barry's and attributable to the imposition of the City's 3.0% general sales tax (excluding the City's .25% open space tax and .6% public safety tax). The sales tax rebate shall not continue past five years (60 months) of operation and shall be administered as follows:

- (a) Sales Tax Rebate Amount. Any rebates provided by the City to The Bedrin Organization pursuant to this agreement will be from the sales tax generated by Steve and Barry's. The City shall rebate to The Bedrin Organization 50% of the sales tax generated.
- (b) Payment. The sales tax rebate amount will be paid to The Bedrin Organization in quarterly payments, made within 20 days after the end of each quarter. The sales tax rebate payment will be submitted electronically to The Bedrin Organization designated financial institution.
- (c) End of Sales Tax Rebate. The sales tax rebate shall commence on issuance of the Certificate of Occupancy for Steve and Barry's and end on the fifth (5th) anniversary there of, or when the total rebate amount (as outlined in paragraphs 1, 2, and 3) reaches \$900,000.

4. Entire Agreement. This instrument shall constitute the entire agreement between the City and The Bedrin Organization concerning the Steve and Barry's retail store 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.

5. Termination. This Economic Development Agreement shall terminate and become void and of no force or effect upon the City if Steve and Barry's has not moved into their new space in Brookhill V

on or before March, 2008; or, should The Bedrin Organization or Steve and Barry's fail to comply with any City code and/or approval process.

6. Business Termination. In the event that Steve and Barry's ceases business operations in the City within five years after the new operations commence, The Bedrin Organization shall reimburse the City for any amounts rebated to or otherwise provided to The Bedrin Organization pursuant to this Agreement, unless the City approves a successor to the initial approved user within 12 months of the closing of Steve and Barry's, which is substantially similar in quality and sales tax production as the approved user.

7. 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.

8. 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.

9. 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.

THE BEDRIN ORGANIZATION,
A NEW JERSEY LLC

CITY OF WESTMINSTER

Gerald Bedrin,
Managing Member

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Linda Yeager
City Clerk

Adopted by Ordinance No.



WESTMINSTER
COLORADO

Agenda Item 10 E

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Councillor's Bill No. 57 re Economic Redevelopment Agreement with Cadence Capital Investments, LLC

Prepared By: Susan Grafton, Economic Development Manager

Recommend City Council Action

Pass Councillor's Bill No. 57 on first reading authorizing the City Manager to execute and implement the Economic Redevelopment Agreement between the City of Westminster, the Westminster Economic Development Authority and Cadence Capital Investment, LLC.

Summary Statement

- Cadence Capital Investment, LLC (Cadence) desires to construct a 61,800 square foot retail center at the northwest corner of 72nd Avenue and Sheridan Boulevard on the former Shoenberg dairy farm property.
- Cadence needs to move the farm garage to allow improved access to the retail center that they are constructing.
- In the Option to Purchase Agreement, between the Teppers, Cadence and the City, executed on January 11, 2007, Cadence agreed to move certain buildings, and the City agreed to reimburse costs relative to the building relocation.
- An Economic Redevelopment Agreement (ERA is necessary to facilitate the reimbursement of costs relative to relocation of the Shoenberg farm garage.
- Staff is requesting that the City and Westminster Economic Development Authority's (WEDA) approve the proposed \$130,000 ERA for Cadence.
- It is estimated that the City's portion will be \$81,862 and WEDA's portion will be \$48,138.

Expenditure Required: \$81,862 (estimated) City expense

Source of Funds: The ERA with Cadence will be funded through the rebate of buildings permit fees, construction use tax, and sales tax generated from the new Shoenberg retail center.

Policy Issue

Should Council provide funding to Cadence to compensate them for moving the historic garage building at Shoenberg farm?

Alternatives

Do Nothing: One alternative to offering the ERA is to not reimburse Cadence. Failure to reimburse Cadence for the relocation of the garage will result in the building being demolished.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended ERA is the amount agreed to in the Option to Purchase Agreement.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. It is City Staff’s opinion that additional assistance is not needed.

Background Information

The Economic Redevelopment Agreement is needed to facilitate the reimbursement of costs relative to the farm garage relocation. In the Option Agreement with Cadence, the City agreed to reimburse Cadence up to \$30,000 for structural assessment of the garage and other historic farm buildings. Subsequently, it has been agreed that the City would pay 50% of the cost of moving the garage up to a maximum of \$100,000. The garage, which was built in 1911, is 2-stories tall with an apartment on the 2nd floor. At this time, it is estimated that the building fees and construction use tax will only generate approximately \$81,862. To pay the remaining \$48,138 ($\$130,000 - \$81,862 = \$48,138$) due to Cadence, Staff recommends that WEDA rebate sales tax generated from the Shoenberg retail center project. The following is a review of the projected revenue from the new retail center project.

Estimated Revenue

The revenue estimate for the City and WEDA from this project is as follows:

Building Permit Fees (to City)	\$23,972
(Based on 61,800 s.f. of new retail space)	
Construction Use Tax (to City)	\$57,890
(Based on 61,800 s.f. new retail space)	
Sales Tax (to WEDA)	\$1,854,000
(Based on sales of \$200/s.f. for 61,800 s.f. = \$12,360,000 in sales x 3% sales tax = \$370,800/year x 5 years = \$1,854,000)	
Total Permit Fee and Tax Revenue over 5 Years	\$1,935,862

Proposed Assistance

Staff recommends providing the following assistance to reimburse Cadence for a portion of the cost to relocate the garage:

	<u>Approximate Value</u>
<u>Building Permit Fee Rebate (by City)</u>	\$23,972
100% of the building related fees paid (excluding water and sewer tap fees) will be rebated	
<u>Construction Use Tax Rebate (by City)</u>	\$57,890
100% of the Use Tax paid on construction materials for this project will be Rebated (Estimated Use Tax \$13,500 x 50% = \$6,250)	

Sales Tax Rebate (by WEDA)

\$48,138

WEDA will rebate 50% of the General Sales Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected from the Shoenberg Farm Retail Center to complete the payment of \$30,000 plus the cost, up to a maximum of \$100,000, of relocating the garage (\$130,000 - \$23,972 Building Permit Fee Rebate - \$57,890 Construction Use Tax Rebate = \$48,138) The rebate is estimated to total \$48,138.

Total Proposed Assistance Package (City and WEDA)

Not to Exceed - \$130,000

This ERA is based upon WEDA's and the City's goals to preserve historic structures in the City and to encourage development and redevelopment in the southern portion of the City. This ERA is truly a partnership between Cadence, WEDA and the City to accomplish these goals.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. **57**

COUNCILLOR'S BILL NO.

SERIES OF 2007

INTRODUCED BY COUNCILLORS

**A BILL
FOR THE ORDINANCE AUTHORIZING AN ECONOMIC REDEVELOPMENT AGREEMENT
WITH CADENCE CAPITAL INVESTMENTS TO AID IN THE PRESERVATION OF THE
HISTORIC SHOENBERG FARM AT THE NORTHWEST CORNER OF 72ND AVENUE AND
SHERIDAN BOULEVARD IN WESTMINSTER.**

WHEREAS, THE City of Westminster has indicated its desire to improve and redevelop the northwest corner of 72nd Avenue and Sheridan Boulevard, within the South Sheridan Urban Renewal Area; and

WHEREAS, Cadence Capital Investment has agreed to assist the City in preserving the historic Shoenberg Dairy Farm buildings; and

WHEREAS, a proposed three party Economic Redevelopment Agreement between the City of Westminster, Westminster Economic Development Authority, and Cadence Capital Investment 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 three party Economic Redevelopment Agreement with the Westminster Economic Development Authority and Cadence Capital Investment in substantially the same form as the one attached as Exhibit "A," and upon execution of the Agreement to fund and implement said Agreement.

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of October, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of October, 2007.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT A

ECONOMIC REDEVELOPMENT AGREEMENT BETWEEN THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY, THE CITY OF WESTMINSTER AND CADENCE CAPITAL INVESTMENTS

This Agreement is made this ____ day of _____, 2007, by and between the **CITY OF WESTMINSTER**, a Colorado home rule city (“City”), the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY (WEDA)**, an urban renewal authority organized and existing pursuant to provisions of Part 1, Article 25, Title 31, C.R.S. (“WEDA”), and **CADENCE CAPITAL INVESTMENTS (“Cadence”)**.

In consideration of the mutual promises set forth below, the City, WEDA and Cadence agree as follows:

1. Cadence Responsibilities and Conditions of Rebates

- a. Upon written request by the City, Cadence shall advance \$30,000 to the City for performing a Historic Structures Assessment (HSA) pursuant to Colorado Historical Fund Standards.
- b. Cadence agrees to complete the following requirement for moving the Shoenberg Farm garage:
 1. Design and engineer a foundation pursuant to the professional engineer’s recommendations in a soils report, which foundation must be approved by the City’s Chief Building Official. The location shall be as approved on the ODP, with the garage door facing west.
 2. The garage must be transferred to the foundation in a manner and by a contractor to be approved by the City, which may include moving or rebuilding with original materials as follows:
 - a. If the garage is moved, the Developer shall retain Rocky Mountain Structural Movers or comparable contractor to be pre-approved by the City’s Community Development Programs Coordinator. A tie-down system connecting the building to the foundation must be utilized.
 - b. If the garage is rebuilt, the contractor shall be pre-approved by the City’s Community Development Programs Coordinator. The original bricks shall be salvaged. Proposed mortar products and any proposed masonry or wood replacement materials shall be submitted for prior written approval of the Programs Coordinator prior to starting disassembly of the building.
 - c. The second story shall be preserved as is and transferred to the building at the new location. The second story shall be completed in a structurally sound condition to be approved by the City’s building inspectors.
 3. The move or reconstruction shall be completed within 90 days after the move or reconstruction is physically started. Reasonable extensions of time shall be granted by the City for good cause. Lack of diligence or time to pursue the project shall not be considered good cause.
 4. No interior finish or exterior paint is required. Existing access stairs to the second floor may be reused rather than replaced.
 5. The existing garage door shall be removed and preserved in its existing condition and re-secured in the garage door opening after garage is relocated.
 6. All required building permits shall be obtained prior to building the foundation or transferring the garage from the existing to the new foundation.
- c. Upon Cadence’s submittal of receipts evidencing the cost of moving the farm garage, Cadence shall be paid 50% of the cost of moving the farm garage, up to \$100,000, in the form of the rebates as described in this Agreement.

2. Rebate Amount

The “Rebate Amount” is \$30,000 plus the cost, up to a maximum of \$100,000, of relocating the garage. The actual dollar amount to be rebated will be dependant on the actual costs incurred by Cadence to relocate the garage. However, in no case shall the total rebate amount exceed \$130,000.

3. Building Permit Fee Rebate

The City shall rebate to Cadence 100% of the building related fees paid (excluding water and sewer tap fees) for the Shoenberg Farm retail center required under W.M.C. Section 11-10-3 (E).

4. Use Tax Rebate – Construction

The City shall rebate to Cadence 100% of the building use tax paid on the construction materials, resulting from construction of the new Shoenberg Farm retail center, required under W.M.C. Section 4-2-9 and 4-2-3 (excludes the City's .25% Open Space Tax and .6% Public Safety Tax).

5. Sales Tax Rebate

WEDA shall rebate 50% of the Sales Tax increment collected from the Shoenberg Farm retail center per year. The Sales Tax Rebate shall equal the Rebate Amount, less the actual amount rebated per Paragraphs 3 and 4 above. Such rebate shall be payable exclusively from sales tax increment from the Shoenberg Farm retail center and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax).

6. Payment of Rebates

- a. The City shall rebate the Building Permit Fees and Construction Use Tax. The rebates will be paid to Cadence by the city in quarterly installments from revenue actually collected and received by the City from development of the Shoenberg Farm retail center. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically.
- b. WEDA shall pay the Sales Tax Rebate in annual installments from incremental sales tax revenue actually collected and received by the City and transferred to WEDA from the City. The payment of each annual installment shall be made on or before March 31st. Payments will be submitted electronically to Cadence's designated financial institution.

7. Entire Agreement

This instrument shall constitute the entire agreement between the City, WEDA and Cadence and supersedes any prior agreements concerning the funding of the Historic Structures Assessment and the moving of the farm garage 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. In the event of sale, staff may assign the business assistance package to Cadence's successor.

8. Subordination.

WEDA's and the City's obligations pursuant to this Agreement are subordinate to the City's and WEDA's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and property tax revenues in excess of the sales and property tax revenues necessary to meet such existing or future bond indebtedness. The City and WEDA shall meet obligations under this Agreement only after the City and WEDA have 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 or WEDA.

9. 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 and Urban Renewal Statutes. 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.

CADENCE CAPITAL INVESTMENT, LLC

WESTMINSTER ECONOMIC
DEVELOPMENT AUTHORITY

By _____

J. Brent McFall
Executive Director

ATTEST:

ATTEST:

Title

Linda Yeager
City Clerk

CITY OF WESTMINSTER

J. Brent McFall
City Manager

ATTEST:

Linda Yeager
City Clerk

Approved as to Legal Form:

City Attorney's Office



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Resolution No. 36 re 2008 Pay Plan

Prepared By: Debbie Mitchell, Human Resources Manager
Matt Lutkus, Deputy City Manager

Recommended City Council Action

Adopt Resolution No. 36 amending the 2008 Pay Plan and benefit coverage previously approved by Council.

Summary Statement

- Based on a comprehensive review of benchmark and special survey positions in 2006, City Staff recommended and City Council approved a resolution adopting the 2007 and 2008 Pay Plans.
- On September 17, 2007, City Staff reviewed with Council the changes being recommended to the 2008 amended Budget. Among these changes were modifications to the 2008 Pay Plan.
- Staff is amending the 1% across-the-board pay increase recommendation for 2008 to 2.5%. The across-the-board range increases are reflected in all three recommended amended pay plans and would be reflected in wage adjustments for all incumbent full and part time non-exempt employees. Employees in the Exempt and Administrative Officer pay plans are eligible for merit-based increases in January of each year. No change to the instructor hourly or seasonal pay plans is recommended.
- The additional cost for a larger across-the-board increase is offset in part by reductions in medical/dental premiums budget reductions. The recommended changes are intended to ensure that the City's compensation package is competitive with other progressive cities along Colorado's northern Front Range.
- Other changes recommended for the 2008 Pay Plan include title and grade adjustments impacting 26.9 full time equivalent positions. The funds needed to implement these recommended classification adjustments are minimal and have been included in the proposed 2008 Amended City Budget.
- Staff is recommending adjusting the attrition savings from 10% to 8% attrition level resulting in a \$200,000 increase in salary recommendations.
- No changes in benefit coverage are being recommended for 2008.

Expenditure Required: \$1,366,933

Source of Funds: Distributed throughout the General, Water, Wastewater, Legacy, Heritage, Stormwater, Fleet, Risk, Parks, Open Space & Trails (POST), Community Development Block Grant, Capital Projects, Property and Liability, and Community Enhancement Funds

Policy Issue

Should City Council approve revisions to the previously approved 2008 Pay Plan described in this report?

Alternative

Approve a Pay Plan that does not incorporate the changes requested for 2008. Staff does not recommend this as an alternative since the recommended actions will continue to keep the City's compensation package at a level that is competitive in the City's labor markets.

Background Information

Staff completed the biennial review of the pay and classification system in 2006 for the 2007/2008 Budget. The pay and classification adjustment recommendations were based on the following:

- An extensive salary survey process of eight metro cities (Arvada, Aurora, Boulder, Englewood, Fort Collins, Lakewood, Littleton and Thornton), special districts and private sector information;
- Data collected from the Colorado Municipal League (CML) survey on 70 benchmarks;
- A special City survey of 24 benchmarks not included in CML;
- Direct contacts with other municipalities to verify or clarify survey data;
- Mountain States Employers Council private and public sector data; and
- Special surveys and audits of 12 department-requested positions.

Staff continues to use a benchmark system whereby those City positions that are relatively similar among other Denver Metro area cities are surveyed. Examples of these positions include: Secretary, Police Officer/Senior Police Officer, Firefighter I/II, Parkworker I/II, Planner III and Accounting Manager. The salaries for non-benchmark positions are linked to the salaries of specific benchmark positions based on their relationship to a job group and relative value to the organization. An in-depth survey was conducted of all 88 City benchmarks in 2004. Recommended range adjustments were based on a review of each benchmark position's minimum and maximum range value in comparison to the market. Generally, an adjustment is recommended when a position is more than 7.5% outside the market.

Based on the 2006 review, the 2007 and 2008 pay plans included 102 classification changes impacting a total of 244 full time equivalents (FTE) by these Council-approved changes. A 2.5% across-the-board increase was implemented for all full and part-time classifications in 2007. Based on revenue availability and a desire to maintain a market competitiveness, Staff recommends a 2.5% across-the-board increase for 2008 amended budget, increasing the adopted 2008 pay plan across-the-board range adjustment from the original 1% increase.

As part of the 2006 Budget review process, 19 additional classifications changes are being recommended, affecting 26.95 full time equivalents (FTE). The total cost of these changes is \$16,191. Changes recommended by Staff consist of:

- Re-titling Landscape Architect to Landscape Planner
- Reclassifying .20 FTE Public Information Specialist to Senior Public Information Specialist
- Reclassifying Revenue and Banking Administrator and creating new title of Senior Financial Analyst
- Reclassifying EMS Coordinator from Non Exempt to Exempt
- Reclassifying Fire Captain from Non Exempt to Exempt
- Reclassifying Training Captain and creating new title of Fire Training Coordinator
- Re-titling Fire Captain / Field Training Officer to Fire Field Training Officer
- Upgrading Emergency Management Coordinator
- Reclassifying Sergeant and creating new title of Public Safety Communications Administrator
- Downgrading Neighborhood Services Administrator
- Reclassifying Landscape Architect I/II to Official Development Plan Inspector
- Upgrading 1.0 FTE Recreation Supervisor Assistant
- Reclassifying .5 FTE Recreation Supervisor Assistant to Facility Assistant
- Reclassifying .5 FTE Recreation Supervisor Assistant to Recreation Specialist

- Reclassifying Financial Analyst and creating new title of Utility Billing Supervisor
- Reclassifying Systems Analyst I to Software Engineer II
- Reclassifying Systems Analyst I/II/III and re-titling to System Analyst/Sr. System Analyst
- Reclassifying (I) Rocky Flats Coordinator and re-titling to (I) Special Projects Coordinator
- Dropping index status of 1.0 FTE (I) Landscape Architect I/II
- Adding Park Ranger (Hourly) classification to Hourly pay plan

In 2006, Council authorized a full-time equivalent (FTE) staffing level of 980.124 for 2008. The amended 2008 pay plan reflects an increase of 1 (FTE) bringing the total for 2008 to 981.124.

As Council is aware, General Services Department Staff conducts a survey of the benefits provided in selected cities and special districts on an every other year basis. Such a survey was conducted in 2006 on the following benefits: pension contributions, medical and dental benefits, life insurance coverage, retiree medical benefits, prescription benefits, dental and orthodontic maximum benefits, leave benefits, special pay and education reimbursement programs. Several design changes in the medical insurance program were made in the 2005/2006 benefits package to control costs. No additional changes in the health plan benefit are being recommended for 2008.

This amended pay plan action impacts all of our strategic goals by facilitating the attraction and retention of quality employees charged with the achievement of these goals.

Funding for all the proposed pay plan and benefit changes has been included in the recommended 2008 Amended Budget.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments -

Changes
New and Eliminated Positions
Proposed Pay Plan

RESOLUTION

RESOLUTION NO. **36**

INTRODUCED BY COUNCILLORS

SERIES OF 2007

2008 PAY PLAN

WHEREAS, Section 1-24-1 and 1-24-4 of the Official Code of the City of Westminster provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the salary schedule for all position classifications in the municipal service; and

WHEREAS, City Council previously approved the 2008 salary schedule as part of the 2007/2008 City Budget approval process; and

WHEREAS, the City Manager is recommending a 2.5% across-the-board salary increase for regular, Non-exempt employees as well as the non-exempt pay ranges and adjustments of approximately 2.5% to the top of the ranges for Exempt and Administrative Officer positions on January 1, 2008; and

WHEREAS, a number of reclassifications, new classifications, and title adjustments are also recommended as a result of organizational changes;

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that the attached new salary schedule, the authorized personnel schedule described above are hereby adopted and approved and shall be put into effect on January 1, 2008.

PASSED AND ADOPTED this 8th day of October, 2007.

ATTEST:

Mayor

City Clerk

2008 Proposed Change Sheet

Pay Plan	Fund	Dept.	Div.	Original Business Unit	Classification	Current Grade	FTE	Changes	New Grade	Justification	Cost per FTE	Estimated Cost	Ending BU (if changes made to BU)	Total FTEs impacted per BU
Exempt	General	CD	Planning	10030360	Landscape Architect I/II	E5	1.00	Re-title to Landscape Planner; do not eliminate Landscape Architect I/II; no change to pay	E5	Department Request	\$0	\$0	10030360	1.00
Exempt	General	CMO	Public Information	100050500387	Public Information Specialist	E5	0.20	Reclassify, upgrade to E6 (7.5%) Senior Public Information Specialist	E6	Department Request	\$3,040	\$608	100050500387	0.20
Exempt	General	Finance	Treasury	20015240	Revenue and Banking Administrator	E7	1.00	Reclassify, no grade change, and create new title of Senior Financial Analyst; account change to 10015240	E7	Department Re-organization	\$0	\$0	10015240	1.00
Non Exempt	General	Fire	EMS Section	100252600546	EMS Coordinator	N18	1.00	Reclassify EMS Coordinator (Non Exempt, N18) to EMS Coordinator (Exempt, E10)	E10	Change in FLSA exemption	\$5,000	\$5,000	100252600546	1.00
Non Exempt	General	Fire	Emergency Services	10025260	Fire Captain	NF18	6.00	Reclassify Fire Captain (Non Exempt, NF18) to Fire Captain (Exempt, E10)	E10	Change in FLSA exemption	\$5,000	\$30,000	10025260	6.00
Non Exempt	General	Fire	Emergency Services	10025260	Training Captain	N19	1.00	Reclassify and change title from Training Captain (Non Exempt, N19) to Fire Training Coordinator (Exempt, E10)	E10	Change in FLSA exemption	\$5,000	\$5,000	10025260	1.00
Non Exempt	General	Fire	Emergency Services	10025260	Fire Captain / Field Training Officer	N18	1.00	Title Change to Fire Field Training Officer (N18); no change to grade	N18	Department Request	\$0	\$0	10025260	1.00
Exempt	General	Fire	Fire Prevention Division	100252600547	Emergency Management Coordinator	E9	1.00	Upgrade (7.5%) to E10	E10	Internal Alignment	\$5,000	\$5,000	100252600547	1.00
Non Exempt	General	PD	ITS/Admin	10020300	Sergeant	N19	1.00	Reclassify, upgrade to E11 (12.62%), and create new title of Public Safety Communications Administrator; account change to 100203000343	E11	Department Re-organization	\$5,445	\$5,445	10020300	1.00
Exempt	General	PD	ITS/Neighborhood Services Section	100203000342	Neighborhood Services Administrator	E12	1.00	Downgrade to E11 (7.5%)	E11	Internal Alignment	-\$13,914	-\$13,914	100203000342	1.00
Exempt	General	PRL	Design/Development Section	10050690	Landscape Architect I/II	E7	1.00	Reclassify, downgrade to N13 (66.59%), and re-title to Official Development Plan Inspector	N13	Re-Org	-\$28,238	-\$28,238	10050690	1.00
Exempt	General	PRL	Recreation Facilities	100507200860	Recreation Supervisor Assistant	E5	1.00	Reclassify, upgrade (7.5%) to E6	E6	Re-Org	\$2,761	\$2,761	100507200860	1.00
Exempt	General	PRL	Recreation Facilities	100507200861	Recreation Supervisor Assistant	E5	0.50	Reclassify, downgrade (18%) to Facility Assistant	N12	Re-Org	-\$5,000	-\$2,500	100507200861	0.50
Exempt	General	PRL	Recreation Facilities	100507200861	Recreation Supervisor Assistant	E5	0.50	Reclassify, downgrade (7.5%) to Recreation Specialist	E4	Re-Org	-\$3,000	-\$1,500	100507200861	0.50

2008 Proposed Change Sheet

Pay Plan	Fund	Dept.	Div.	Original Business Unit	Classification	Current Grade	FTE	Changes	New Grade	Justification	Cost per FTE	Estimated Cost	Ending BU (if changes made to BU)	Total FTEs impacted per BU
Hourly	General - Temp	PRL	Regional Parks and Golf		Park Ranger (Hourly)			Add Park Ranger (Hourly) classification to Hourly payplan - H9; \$11.25-\$12.93				\$0		
General Fund Subtotal:												\$7,662		
Exempt	Utility	Finance	Treasury	10015240	Financial Analyst	E6	1.00	Reclassify, no grade change, and create new title of Utility Billing Supervisor; account change to 20015240	E6	Department Re-organization	\$0	\$0	20015240	1.00
Exempt	Utility	IT	IT	20060230	Systems Analyst I	E4	1.00	Reclassify, upgrade (7.5%) to Software Engineer II	E9	Department Request	\$8,529	\$8,529	20060230	1.00
Exempt	Utility	IT	IT	20060230	Systems Analyst I/II/III	E4, E5, E6	6.50	Reclassify and retitle to System Analyst/Sr. System Analyst from E4-E6 to E5/E6; Eliminate System Analyst I/II/III classification; both positions remain exempt		Department Request	\$0	\$0	20060230	6.50
Utility Fund Subtotal:												\$8,529		
Exempt	Other	PWU	Water Administration	20035050	(I) Rocky Flats Coordinator	E8	0.25	Reclassify, and retitle to (I) Special Projects Coordinator; no change to grade; eliminate classification	E8	Department Request	\$0	\$0	20035050	0.25
Exempt	Other	PRL	Parks Services - Capital Projects	80175050037	(I) Landscape Architect I/II	E5/E7	1.00	Drop indexed classification and create Landscape Architect I/II	E5/E7	CMO Request	\$0	\$0	80175050037	1.00
Other Fund Subtotal:												\$0		
General Fund Subtotal:												\$7,662		
Utility Fund Subtotal:												\$8,529		
Other Fund Subtotal:												\$0		
2008 Proposed Change Sheet Total:												\$16,191		

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030		
Population	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	
...



2008 Proposed Hourly (Non-benefited) Pay Plan

Class Code	Grade	Position	Step 1	Step 2	Step 3
9101	H19	After Hours Facility Supervisor	19.24	20.63	22.12
9102	H13	After School Program Coordinator	13.67	14.66	15.72
9103	H6	Arts Instructor I	9.25	9.92	10.64
9104	H11	Arts Instructor II	12.40	13.30	14.26
9105	H5	Assistant Sport Coach	8.81	9.45	10.13
9106	H13	Bus Driver	13.67	14.66	15.72
9107	H2	Child Care Attendant	7.25	7.78	8.34
9108	H6	Child/Teen Activities Instructor I	9.25	9.92	10.64
9109	H10	Child/Teen Activities Instructor II	11.81	12.67	13.58
9110	H6	Climbing Wall Attendant	9.25	9.92	10.64
9111	H9	Climbing Wall Instructor	11.25	12.06	12.93
9112	H13	Dance Instructor	13.67	14.66	15.72
9113	H17	Dance Program Director	17.45	18.71	20.07
9114	H21	Dietitian	27.07	29.03	31.13
9115	H6	Dog Obedience Instructor	9.25	9.92	10.64
9116	H6	Field Trip Chaperone	9.25	9.92	10.64
9117	H15	Fitness Instructor I	15.07	16.16	17.33
9118	H16	Fitness Instructor II	15.83	16.97	18.20
9119	H5	Lifeguard (Hourly)	8.81	9.45	10.13
9120	H6	Martial Arts Instructor I	9.25	9.92	10.64
9121	H9	Martial Arts Instructor II	11.25	12.06	12.93
9122	H21	Massage Therapist	27.07	29.03	31.13
9123	H11	Outdoor Program Coordinator	12.40	13.30	14.26
9157	H9	Park Ranger (Hourly)	11.25	12.06	12.93
9124	H18	Personal Trainer	18.32	19.65	21.07
9125	H20	Pilates Instructor	25.78	27.65	29.65
9126	H21	Pilates Reformer Trainer	27.07	29.03	31.13
9127	H5	Preschool Program Aide	8.81	9.45	10.13
9128	H12	Preschool Program Director (Licensed-Large)	13.02	13.96	14.97
9129	H11	Preschool Program Director (Licensed-Small)	12.40	13.30	14.26
9130	H8	Preschool Program Leader	10.20	10.94	11.73
9131	H16	Private Swim Lesson Instructor	15.83	16.97	18.20
9132	H3	Program Aide	7.61	8.16	8.75
9133	H3	Program Aide Aquatics	7.61	8.16	8.75
9134	H3	Program Aide Art Studio	7.61	8.16	8.75

2008 Proposed Hourly (Non-benefited) Pay Plan

Class Code	Grade	Position	Step 1	Step 2	Step 3
9135	H3	Program Aide Child/Teen Activities	7.61	8.16	8.75
9136	H3	Program Aide Child/Teen Field Trips	7.61	8.16	8.75
9137	H3	Program Aide Dance	7.61	8.16	8.75
9138	H3	Program Aide Senior Trips	7.61	8.16	8.75
9139	H3	Program Aide Special Events	7.61	8.16	8.75
9140	H11	Program Coordinator	12.40	13.30	14.26
9141	H6	Program Instructor I	9.25	9.92	10.64
9140	H11	Program Coordinator	12.40	13.30	14.26
9142	H9	Program Instructor II	11.25	12.06	12.93
9143	H12	Safety Certification Instructor	13.02	13.96	14.97
9144	H2	Scorekeeper	7.25	7.78	8.34
9145	H18	Sign Language Interpreter	18.32	19.65	21.07
9146	H11	Sport Coach	12.40	13.30	14.26
9147	H17	Sport Official (Adult)	17.45	18.71	20.07
9148	H8	Sport Referee I (Youth)	10.20	10.94	11.73
9149	H15	Sport Referee II (Youth)	15.07	16.16	17.33
9150	H9	Sport Supervisor	11.25	12.06	12.93
9151	H7	Tot Activities Instructor (Non-licensed)	9.72	10.42	11.17
9150	H9	Sport Supervisor	11.25	12.06	12.93
9152	H11	Tournament Director	12.40	13.30	14.26
9153	H4	Van Driver	8.39	9.00	9.65
9154	H9	Water Fitness Instructor I	11.25	12.06	12.93
9155	H13	Water Fitness Instructor II	13.67	14.66	15.72
9156	H20	Yoga Instructor	25.78	27.65	29.65



Agenda Item 10 G

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Stipulation and Plan re Exclusion of Properties from North Metro Fire Rescue District

Prepared by: Tami Cannon, Legal Administrator

Recommended City Council Action

Approve the Stipulation and Plan for exclusion of recently annexed territory from the North Metro Fire Rescue District.

Summary Statement

- The City has been negotiating with the District regarding the exclusion of recently annexed properties from the District. The District is scheduled to consider the Stipulation on first reading on October 16 and adopt the Stipulation following second reading on November 6.
- This Stipulation (copy attached) will allow the City to proceed in an uncontested manner in Adams County District Court for the purpose of obtaining an Order excluding the six (6) parcels of property recently annexed by the City covered under the Stipulation. All of the parcels are within Jefferson County.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City approve the Stipulation agreeing to provide fire protection services to properties recently annexed to the City and proposed to be excluded from the District?

Alternative

Do not approve the Stipulation and Plan for exclusion of properties from the North Metro Fire Rescue District. This is not recommended, since it would result in double taxation and duplicative fire protection services to the properties.

Background Information

The important components of the Stipulation are as follows: (1) An agreement that the quality of fire protection service to be provided by the City will be comparable and not inferior to the fire protection service now provided by the District; (2) Existing indebtedness of the District for which the excluded properties would remain liable; (3) An agreement that the District shall have the right to levy a mill levy not to exceed 0.5 mill against the excluded properties for five consecutive years for the District's Volunteer Firemen's Pension Fund; and (4) Transfer of fire protection service responsibilities to be effective January 1, 2008. Vicinity maps showing the areas to be excluded are also attached.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

District Court, Adams County, Colorado Adams County Justice Center 1100 Judicial Center Drive Brighton, CO 80601 303-659-1161	▲ COURT USE ONLY ▲
<p>Petitioners:</p> <p>THE CITY OF WESTMINSTER, COLORADO, a home-rule City, and THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER</p> <p>Defendant:</p> <p>THE BOARD OF DIRECTORS OF THE NORTH METRO FIRE RESCUE DISTRICT, and All Taxpaying Electors of the NORTH METRO FIRE RESCUE DISTRICT, as a class.</p>	
City of Westminster Eugene Mei, #33442 Assistant City Attorney 4800 West 92 nd Avenue Westminster, CO 80031 Phone: 303-430-2400 Fax: 303-650-0158 E-mail: emei@ci.westminster.co.us	Case Number: 4825 Division: A Courtroom:
STIPULATION AND PLAN FOR EXCLUSION OF CERTAIN TERRITORY FROM THE NORTH METRO FIRE RESCUE DISTRICT	

COME NOW the parties hereto, by their respective counsel, and stipulate as follows:

PREAMBLE

1. This action is based upon the Petition of the City of Westminster pursuant to section 32-1-502, et seq., C.R.S., as amended, to exclude certain territory from the North Metro Fire Rescue District (hereinafter "District") because that territory is located within the City of Westminster which also provides fire protection service. The territory sought to be excluded is described in Exhibit "A" attached hereto and incorporated herein by reference.

2. This Stipulation and Plan is submitted pursuant to and in satisfaction of the requirements of section 32-1-502(2)(c) which provides that as a condition to the exclusion of the property which is the subject of this petition, the governing body of the City and the board of directors of the District shall each submit a plan for the disposition of assets and continuation of services to all areas of the District, and that said plans shall include, if applicable, provisions for the maintenance and continuity of facilities to be utilized by the territories both within and without the municipal boundaries and of services to all territories served or previously served by the special district, and further, that if the City and the District agree upon a single plan and enter into a contract incorporating its provisions, the court shall review such contract, and if it finds the contract to be fair and equitable, the court shall approve the contract and incorporate its provisions into its exclusion order.

3. The City Council of the City of Westminster, as its governing body, has met, considered and approved all of the terms of this Stipulation and Plan.

4. The Board of Directors of the District, as its governing body, has met, considered and approved all of the terms of this Stipulation and Plan.

STIPULATION AND PLAN

5. All notice requirements of the statute and of the Colorado Rules of Civil Procedure have been fully, completely and properly complied with. No objection to the exclusion has been made by any taxing elector, individually or on behalf of the class designated Taxpaying Electors. The District and the City consent to the exclusion of the property described in Exhibit "A," subject to the provisions of this Stipulation and Plan.

6. The parties further stipulate that:

A. The City of Westminster has provided and is now providing comparable fire protection services that the District provided in or to the territory proposed for exclusion.

B. The governing body of the City of Westminster agrees, and has agreed, by resolution, to provide the service provided by the District to the area described in the exclusion petition effective immediately upon entry of the exclusion order regardless of its later effective date.

C. The quality of fire protection service to be provided by the City of Westminster will not be inferior to the fire protection service now provided by the District in the territory proposed for exclusion and described in the Petition for Exclusion.

D. No election has been held or is required to be held pursuant to subsection (5) of section 32-1-502, C.R.S., as amended, and it is stipulated that the quality of service including, but not limited to, the fire insurance costs for the improvements within the excluded area will not be adversely affected by this exclusion.

E. The District owns no facilities or assets located within the territory that is proposed for exclusion.

F. The District has a current outstanding bonded indebtedness of \$25,250.00.

7. Commencing the taxable year 2008, the District, for a period of five (5) years, shall have the right to assess and collect the proceeds of a mill levy of one-half (1/2) mill against the assessed value of the applicable excluded property, which proceeds shall be paid to and for the exclusive benefit of the District's Firemen's Pension Fund.

8. Pursuant to section 32-1-502, C.R.S., as amended, District and City agree to the following plan for disposition of assets and contribution of services to all areas of the District:

A. The District owns no real property or improvements within the territory described in the Petition for Exclusion and the City does not seek ownership of any such assets located in any other part of the District.

B. The City does not seek ownership of any firefighting equipment or other personal property now owned by the District and the Order of Exclusion may so state.

C. The City shall provide fire protection to the territory described in the Petition and shall continue to honor any mutual aid agreement with the District applicable to any District territory not excluded.

D. All other resources of the City Fire Department will be available to respond as the circumstances of any emergency or other situation may require.

E. City officers will also be responsible for safety inspections and other fire code enforcement within the territory described in the Petition.

F. Primary responsibility for fire protection in all territory of the District not proposed for exclusion shall remain with the District.

9. The City of Westminster shall assume fire protection service responsibility to the excluded area from the District effective January 1, 2008. Nothing in this Stipulation and Plan shall impair or negate the validity or effectiveness of any existing mutual aid agreement between the parties.

10. The District and its firefighters, including those residing in the excluded area, shall continue to have the right to operate District and personal vehicles and equipment as authorized emergency vehicles within said excluded area and the City of Westminster, for bona fide emergency purposes, as the District may deem necessary in fulfilling District obligations. Authorized emergency vehicles shall be those as defined by section 42-1-102, C.R.S., as amended, and shall include the right of District firefighters who reside in the excluded area to respond to emergency calls in personal vehicles and District vehicles which are operated as emergency vehicles.

11. Pursuant to section 32-1-503, C.R.S., as amended:

A. The change of boundaries of the District, which is accomplished by the Court Order, shall not impair nor affect its organizations, nor shall it affect, impair or discharge any contract, obligation, lien, or charge on which it might be liable or chargeable had such change of boundaries not been made.

B. For the taxable year 2008 and thereafter, the excluded property shall not be subject to any property tax levied by the District for operating costs.

C. For the purpose of retiring the District's outstanding indebtedness and the interest thereon existing at the effective date of the exclusion order, the applicable excluded territory shall be obligated only for that proportion of the District's outstanding indebtedness and the interest thereon existing immediately prior to January 1, 2008.

D. The excluded territory shall in no event become obligated for the payment of any bonded indebtedness created after the date of the Court's exclusion order.

12. This Court may, immediately upon presentation of this Stipulation and Plan, enter an Order consistent herewith excluding the territory described in Exhibit "A" from the District. The Order shall become effective, as provided by statute, on January 1, 2008. The form of the Order is attached hereto as Exhibit "B" and all of the terms of said Order are hereby incorporated by reference in this Stipulation and Plan.

13. The Court's Exclusion Order shall become effective January 1, 2008.

Respectfully submitted,

IRELAND, STAPLETON, PRYOR
& PASCOE, PC

CITY OF WESTMINSTER

By: _____
Richard L. Shearer #8792
Attorney for Respondent
1675 Broadway, Suite 2600
Denver, CO 80202
303-623-2700

By: _____
Eugene Mei #33442
Attorney for Petitioners
4800 W. 92nd Avenue
Westminster, CO 80031
303-430-2400

APPROVED:

NORTH METRO FIRE
RESCUE DISTRICT

CITY OF WESTMINSTER, a
home-rule City

By _____
Robert Kammerzell, President

By _____
Nancy McNally, Mayor

By _____
John J. O'Hayre, Chief

By _____
J. Brent McFall
City Manager

ATTEST:

ATTEST:

Chrystine Kelley, Secretary

Linda Yeager, City Clerk

Exhibit A

MY Business Park Annexation:

A parcel of land situated in the west half of Section 11, Township 2 South, Range 69 West of the Sixth Principal Meridian, Jefferson County, State of Colorado, being more particularly described as follows:

Beginning at the center of said Section 11;

Thence along the east-west center line of said Section 11, south 88 degrees 56 minutes 07 seconds west 342.63 feet to a point on the southerly extension of the east line of the SW ¼, SE ¼, SE ¼, NW ¼ of said Section 11;

Thence north 0 degrees 31 minutes 52 seconds west 339.12 feet to a point on the boundary lines of Green Knolls Subdivision, Filing 2, as shown on the plat recorded at Book 74, P. 2, Reception No. 83070863, Jefferson County Records, thence along said boundary line south 88 degrees 53 minutes 24 seconds west 684.20 feet;

Thence continuing along said boundary line and its prolongation thereof south 0 degrees 20 minutes 59 seconds east 368.59 feet to a point on southerly ROW of 108th Avenue as shown on the plat of Mandalay Gardens Amended No. 1, said line also being 30' south of and parallel with the said east-west centerline;

Thence along said southerly ROW north 88 degrees 56 minutes 07 seconds east 197.61 feet to a point on the westerly line of said Mandalay Gardens amended No. 1;

Thence along said line south 0 degrees 08 minutes 07 seconds east 20.00 feet;

Thence N 88 degrees 56 minutes 07 seconds east 519.97 feet to the easterly line of said subdivision;

Thence north 1 degree 02 minutes 53 seconds west 20.00 feet to a point on a line that is 30 south of and parallel with the east-west centerline of said section;

Thence north 88 degrees 56 minutes 07 seconds east 310.34 feet to the east line of the SW ¼ of said section;

Thence along said east line of said SW ¼, north 0 degrees 12 minutes 24 seconds east 30.00 feet to the point of beginning.

Kerr #1 Annexation:

A parcel of land being a portion of Tract 65 B, Mandalay Gardens, a subdivision recorded at Reception No. 194693, Jefferson County Public Records and all of Lot 20, Wadsworth Acres, a subdivision recorded at Reception No. 62919166 and in Book 23, Page 22 said Jefferson County Public Records located in the west one-half of Section 14, Township 2 South, Range 69 West of the 6th Principal Meridian, more particularly described as follows:

Commencing at the west one-quarter of said Section 14;

Thence N89°52'19" E along the southerly line of the northwest one-quarter of said Section 14 a distance of 95.92 feet to the point of beginning;

Thence N 40°08'18" E along the westerly line of the Colorado & Southern Railroad, a distance of 26.21 feet;

Thence N 89°52'19" E, a distance of 196.52 feet to a point on the easterly line of said Colorado & Southern Railroad;

Thence N 40°02'12" E along said easterly line a distance of 351.75 feet;

Thence S 49°57'48" E, a distance of 20.00 feet;

Thence S 40°02'12" W, a distance of 361.04 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence S 89°52'19" W along said southerly line a distance of 222.79 feet to the point of beginning

Kerr #2 Annexation:

A parcel of land being a portion of Tract 65 B, Mandalay Gardens, a subdivision recorded at Reception No. 194693, Jefferson county Public Records and all of Lot 20, Wadsworth Acres, a subdivision recorded at Reception No. 62919166 and in Book 23, Page 22 said Jefferson County Public Records located in the west one-half of Section 14, Township 2 South, Range 69 West of the 6th Principal Meridian, more particularly described as follows;

Commencing at the west one-quarter of said Section 14;

Thence N 89°52'19" E, along the south line of the northwest one-quarter a distance of 318.67 feet to the point of beginning;

Thence along the westerly line of a parcel of land annexed to the City of Westminster as Kerr Annexation #1 the following two (2) courses;

1. N 40°02'12" E, a distance 361.04 feet;
2. N 49°57'48" W, a distance of 20.00 feet to a point on the easterly line of the Colorado & Southern Railroad;

Thence N 40°02'12" E along said southerly line a distance of 50.50 feet to the southwesterly corner of a parcel of land being a portion of said Tract 65B, Mandalay Gardens, described by deed at Reception No. F0933466 said Jefferson County Public Records;

Thence N 89°52'19" E along the southerly of said Parcel A distance of 122.47 feet to the northwesterly corner of a parcel of land being said portion of Tract 65B, Mandalay Gardens, described by deed at Reception No. F1073651 Jefferson County Public Records;

Thence S 00°07'41" E along the westerly line of said parcel of land a distance of 327.40 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence N 89°52'19" E along said southerly line a distance of 63.70 feet to the northwesterly corner of Lot 19, said Wadsworth Acres;

Thence S 00°01'20" W along the westerly line of said Lot 19 a distance of 149.31 feet to the northerly right-of-way line of West Ammons Circle;

Thence along said northerly right-of-way line the following two (2) courses;

1. N 89°58'41" W, a distance of 232.00 feet;
2. Along the arc of a curve to the left whose chord bears S 83°10'04" W, a distance of 44.92 feet, having a radius of 188.20 feet, a delta angle of 13°42'30", and an arc length of 45.03 feet to the southeasterly corner of Lot 21; said Wadsworth Acres;

Thence N 12°13'34" W along the easterly line of said Lot 21 a distance of 157.44 feet to point on said southerly line of the northwest one-quarter of Section 14;

Thence S 89°52'19" W along said southerly line a distance of 129.33 feet to the point of beginning

Richter and Catt Annexation:

A PORTION OF THE NW 1/4, SECTION 14, T. 2 S., R. 69 W., 6TH P.M., JEFFERSON COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST 1/4 CORNER, SECTION 14;

THENCE N0°17'00"W ALONG THE WEST LINE, SAID NW 1/4, A DISTANCE OF 581.78 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CHURCH RANCH BOULEVARD;

THENCE N39°54'53"E ALONG SAID SOUTH LINE, 155.64 FEET TO THE CENTERLINE OF THE MEANDERING DITCH AS RECORDED AT SAID COUNTY IN BOOK 1060, PAGE 380;

THENCE ALONG SAID CENTERLINE THROUGH THE FOLLOWING FOUR COURSES:

1) S83°17'00"E, 24.91 FEET;

2) S72°08'00"E, 88.80 FEET;

3) S87°36'00"E, 295.50 FEET;

4) N74°43'00"E, 108.84 FEET TO THE WEST RIGHT-OF-WAY LINE OF BRENTWOOD WAY;

THENCE N40°35'37"E ALONG SAID WEST LINE, 185.81 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BRENTWOOD WAY;

THENCE S87°22'49"E ALONG SAID NORTH LINE, 38.06 FEET TO THE WEST RIGHT-OF-WAY LINE OF ZEPHYR STREET;

THENCE N40°35'37"E ALONG LAST SAID WEST LINE, 258.10 FEET;

THENCE S49°11'37"E, 180.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD RIGHT-OF-WAY;

THENCE S40°35'37"W ALONG SAID EAST LINE, 1168.56 FEET;

THENCE N89°34'16"W, 196.29 FEET TO THE EAST RIGHT-OF-WAY LINE OF BRENTWOOD WAY;

THENCE S40°35'37"W ALONG LAST SAID EAST LINE, 26.17 FEET TO THE SOUTH LINE.

NW 1/4, SECTION 14;

THENCE N89°34'16"W ALONG LAST SAID SOUTH LINE, 95.92 FEET TO THE POINT OF BEGINNING.

Consisting of approximately 10.57 acres.

Ganzhorn #1 Annexation:

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

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

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

Ganzhorn #2 Annexation:

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

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

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

District Court, Adams County, Colorado Adams County Justice Center 1100 Judicial Center Drive Brighton, CO 80601 303-659-1161	▲ COURT USE ONLY ▲
<p>Petitioners:</p> <p>THE CITY OF WESTMINSTER, COLORADO, a home-rule City, and THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER</p> <p>Defendant:</p> <p>THE BOARD OF DIRECTORS OF THE NORTH METRO FIRE RESCUE DISTRICT, and All Taxpaying Electors of the NORTH METRO FIRE RESCUE DISTRICT, as a class.</p>	
City of Westminster Eugene Mei, #33442 Assistant City Attorney 4800 West 92 nd Avenue Westminster, CO 80031 Phone: 303-430-2400 Fax: 303-650-0158 E-mail: emei@ci.westminster.co.us	Case Number: 4825 Division: A Courtroom:
ORDER FOR EXCLUSION OF CERTAIN TERRITORY FROM NORTH METRO FIRE RESCUE DISTRICT	

THIS MATTER comes before the Court this ____ day of _____, 2007, upon the Stipulation and Plan of the parties to this action for entry of an Order excluding certain territory from the North Metro Fire Rescue District, upon terms and conditions set forth in the Stipulation and Plan and hereinafter approved and adopted.

The parties appear by Eugene Mei, Assistant City Attorney, counsel of record for Petitioners, and Richard Shearer, counsel for Respondents, the Board of Directors of the North Metro Fire Rescue District. No other parties or counsel have appeared in this action.

The Court, having reviewed the Stipulation, heard statements of counsel, and being fully advised of the facts and circumstances surrounding this action,

Exhibit "B"

DOTH ORDER, ADJUDGE AND DECREE:

1. The Stipulation and Plan for Exclusion of Certain Territory from the North Metro Fire Rescue District presented to the Court this date, which Stipulation and Plan was approved by counsel for both parties to the action and by the governing bodies of the City of Westminster, Colorado, and the North Metro Fire Rescue District, as evidenced by the signatures of the appropriate officers of each governing body, hereby finds that the Stipulation and Plan for Exclusion constitutes a contract which is fair and

equitable. The provisions of said Stipulation and Plan are hereby approved and incorporated in the remaining paragraphs of this Order.

2. All notice requirements of the statute and of the Colorado Rules of Civil Procedure have been duly, completely and properly complied with. No objection to the exclusion has been made by any taxpaying elector, individually or on behalf of the class designated Taxpaying Electors.

3. The Court has jurisdiction of all necessary parties and of the subject matter of this action.

4. The Court finds:

A. The City of Westminster has provided and is now providing comparable fire protection services which the North Metro Fire Rescue District has provided in or to the territory proposed for exclusion.

B. The governing body of the City of Westminster agrees, and has agreed, by resolution, to provide the service provided by the North Metro Fire Rescue District to the area described in the exclusion petition effective immediately upon entry of the exclusion order regardless of its later effective date.

C. The quality of fire protection service to be provided by the City of Westminster will not be inferior to the fire protection service now provided by the North Metro Fire Rescue District in the territory proposed for exclusion and described in the Petition for Exclusion.

D. No election has been held or is required to be held pursuant to subsection (5) of section 32-1-502, C.R.S., as amended, and the quality of service including, but not limited to, the fire insurance costs for the improvements within the excluded area will not be adversely affected by this exclusion.

E. The District owns no facilities or assets located within the territory which is proposed for exclusion.

F. The District has a current outstanding bonded indebtedness of \$25,250.00.

G. The District owns no real property or improvements within the territory described in the Petition for Exclusion and the City does not seek ownership of any such assets located in any other part of the District.

H. The City does not seek ownership of any firefighting equipment or other personal property now owned by the District and the Order of Exclusion may so state.

I. The City shall provide fire protection to the territory described in the Petition and shall continue to honor any mutual aid agreement with the District applicable to any District territory not excluded.

J. City officers will also be responsible for safety inspections and other fire code enforcement within the territory described in the Petition.

K. Primary responsibility for fire protection in all territory of the District not proposed for exclusion shall remain with the District.

5. The Court orders:

A. The District shall have the right to levy, collect, and pay the proceeds of a mill levy not to exceed one-half (1/2) mill against the applicable excluded property to the District's Firemen's Pension Fund for five (5) consecutive years, commencing taxable year 2008.

B. The City of Westminster shall assume fire protection service responsibility to the excluded area from the District effective January 1, 2008.

Nothing in the Stipulation and Plan shall impair or negate the validity or effectiveness of any existing mutual aid agreement between the parties.

C. The North Metro Fire Rescue District and its firefighters, including those residing in the excluded area, shall continue to have the right to operate District and personal vehicles and equipment as authorized emergency vehicles within said excluded area and the City of Westminster, for bona fide emergency purposes, as the District may deem necessary in fulfilling District obligations.

Authorized emergency vehicles shall be those as defined by section 42-1-102, C.R.S., as amended, with privileges as provided by section 42-4-108, C.R.S., as amended, and shall include the right of District firefighters who reside in the excluded area to respond to emergency calls in personal vehicles and District vehicles which are operated as emergency vehicles.

D. The change of boundaries of the District, which is accomplished by this Court Order shall not impair nor affect its organization, nor shall it affect, impair or discharge any contract, obligation, lien or charge on which it might be liable or chargeable had such change of boundaries not been made.

E. For the taxable year 2008, and thereafter, the excluded property shall not be subject to any property tax levied by the District for operating costs.

F. For the purpose of retiring the District's outstanding indebtedness and the interest thereon existing on January 1, 2008, the applicable excluded property shall be subject only for that proportion of the District's outstanding indebtedness and the interest thereon existing immediately prior to January 1, 2008.

G. The excluded territory shall in no event become obligated for the payment of any bonded indebtedness created after the effective date of this Exclusion Order.

H. This Order shall become effective January 1, 2008.

DONE AND SIGNED in Open Court this _____ day of _____, 2007.

BY THE COURT:

District Court Judge

APPROVED AS TO FORM:

CITY OF WESTMINSTER

By _____
Eugene Mei #33442
City Attorney for Petitioners
4800 W. 92nd Avenue
Westminster, CO 80031
(303) 430-2400

By _____
Richard L. Shearer #8792
Attorney for Respondent District
Ireland, Stapleton, Pryor & Pascoe, PC
1675 Broadway, Suite 2600
Denver, CO 80202
(303) 623-2700

My Business Park - Vicinity Map



Legend

Not in City Limits

City Boundary



Kerr Annexation Vicinity Map



Church Ranch Crossing Vicinity Map aka Richter & Catt



Ganzhorn Vicinity Map



Ganzhorn 1

Ganzhorn 2

Legend

- City Boundary
- ▨ Ganzhorn Property
- Not in City Limits



Agenda Item 10 H

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Resolution No. 37 re Exclusion from North Metro Fire Rescue District

Prepared By: Tami Cannon, Legal Administrator

Recommended City Council Action

Adopt Resolution No. 37 approving the exclusion of recently annexed properties from the North Metro Fire Rescue District.

Summary Statement

- This item is related to the approval of the Stipulation and Plan for exclusion appearing previously on this October 8 City Council agenda. All six of the parcels to be excluded are within Jefferson County.
- City Council has acted on these annexations (listed in Exhibit A) over the last several months. This action is necessary to complete the technical requirements for exclusion from the North Metro Fire Rescue District.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City approve the exclusion of recently annexed properties from the District in order to avoid double taxation and duplicative fire protection services?

Alternative

Do not approve the exclusion of recently annexed properties from the District. This is not recommended, since it would result in double taxation and duplicative fire protection services to the properties.

Background Information

In order for the City Attorney's Office to proceed with the filing of the exclusion documents, the exclusion statutes require that City Council adopt the attached Resolution indicating the City's agreement to provide the fire protection services provided by the District to the area described in the Stipulation and Plan within one year from the effective date of the exclusion order as required by statute.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO. **37**

INTRODUCED BY COUNCILLORS

SERIES OF 2007

EXCLUSION OF TERRITORY FROM THE NORTH METRO FIRE RESCUE DISTRICT

WHEREAS, it is in the public interest and a policy of the City of Westminster to eliminate the overlapping of services provided by local governments and the double taxation that may occur because of annexation when all or part of the territory lies within the boundaries of both the City of Westminster and a special district; and

WHEREAS, Colorado statutes provide an orderly procedure to eliminate such overlapping of services and double taxation, which procedure is found in section 32-1-502, et seq., C.R.S., as amended; and

WHEREAS, the City Council of the City of Westminster has been informed by City Staff and now finds that such a situation exists in the area described on Exhibit "A" attached hereto and incorporated herein by reference and that there is an overlapping of fire protection services by the City of Westminster and the North Metro Fire Rescue District (hereinafter "District") and double taxation resulting from the territory described in Exhibit "A" being within the boundaries of both the City and the District; and

WHEREAS, the City Council, based upon information provided by its Staff, has found that the quality of service to be provided by the City of Westminster will not be inferior to the service provided by the District in the territory described in Exhibit "A" attached hereto, based upon the Westminster Fire Department's service capability, which includes operations out of six (6) existing fire stations that are strategically located throughout the City; an extensive fleet of sophisticated firefighting and emergency medical vehicles including five (5) fire engines, two (2) aerial trucks, three (3) reserve fire engines, four (4) ambulances, two (2) reserve ambulances, two (2) attack units, and other support apparatus, operated by an authorized full-time career staff of one hundred and forty (140) personnel, one hundred and twenty-four (124) of which are highly trained front-line firefighters and paramedics; and

WHEREAS, evidence gathered in previous proceedings for exclusion from other Districts, and applicable to this proceeding also, establishes that fire insurance costs for the improvements within the excluded area will not be adversely affected by such exclusion.

WHEREAS, City officials and representatives of the District are negotiating the City's proposal to exclude from the Fire District, and are working towards a mutually acceptable exclusion agreement; and

WHEREAS, the City Council of the City of Westminster is willing to agree by this Resolution to provide the service provided by the District to the area described in Exhibit "A" within one year from the effective date of the exclusion order as required by statute, and more specifically, immediately upon the effective date of the exclusion order;

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

1. That the City proceed at once to exclude the territory described in Exhibit "A" from the District by filing its Petition in the District Court of Adams County, pursuant to the provisions of section 32-1-502, et seq., C.R.S., as amended.

2. That the City Council of the City of Westminster agrees, by this Resolution, to provide the service provided by the District to the area described in Exhibit "A" within one year from the effective date of the exclusion order as required by statute, and specifically, immediately upon the effective date of the exclusion order.

3. That the quality of service to be provided by the City of Westminster will not be inferior to the service provided by the District in the territory described in Exhibit "A" and the fire insurance costs for the improvements within the excluded area will not be adversely affected by such exclusion.

4. That the City Attorney is instructed to petition the Court and carry out all notification requirements as contained in applicable state statutes.

PASSED AND ADOPTED this 8th day of October, 2007.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney's Office

Exhibit A

MY Business Park Annexation:

A parcel of land situated in the west half of Section 11, Township 2 South, Range 69 West of the Sixth Principal Meridian, Jefferson County, State of Colorado, being more particularly described as follows:

Beginning at the center of said Section 11;

Thence along the east-west center line of said Section 11, south 88 degrees 56 minutes 07 seconds west 342.63 feet to a point on the southerly extension of the east line of the SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ of said Section 11;

Thence north 0 degrees 31 minutes 52 seconds west 339.12 feet to a point on the boundary lines of Green Knolls Subdivision, Filing 2, as shown on the plat recorded at Book 74, P. 2, Reception No. 83070863, Jefferson County Records, thence along said boundary line south 88 degrees 53 minutes 24 seconds west 684.20 feet;

Thence continuing along said boundary line and its prolongation thereof south 0 degrees 20 minutes 59 seconds east 368.59 feet to a point on southerly ROW of 108th Avenue as shown on the plat of Mandalay Gardens Amended No. 1, said line also being 30' south of and parallel with the said east-west centerline;

Thence along said southerly ROW north 88 degrees 56 minutes 07 seconds east 197.61 feet to a point on the westerly line of said Mandalay Gardens amended No. 1;

Thence along said line south 0 degrees 08 minutes 07 seconds east 20.00 feet;

Thence N 88 degrees 56 minutes 07 seconds east 519.97 feet to the easterly line of said subdivision;

Thence north 1 degree 02 minutes 53 seconds west 20.00 feet to a point on a line that is 30 south of and parallel with the east-west centerline of said section;

Thence north 88 degrees 56 minutes 07 seconds east 310.34 feet to the east line of the SW $\frac{1}{4}$ of said section;

Thence along said east line of said SW $\frac{1}{4}$, north 0 degrees 12 minutes 24 seconds east 30.00 feet to the point of beginning.

Kerr #1 Annexation:

A parcel of land being a portion of Tract 65 B, Mandalay Gardens, a subdivision recorded at Reception No. 194693, Jefferson County Public Records and all of Lot 20, Wadsworth Acres, a subdivision recorded at Reception No. 62919166 and in Book 23, Page 22 said Jefferson County Public Records located in the west one-half of Section 14, Township 2 South, Range 69 West of the 6th Principal Meridian, more particularly described as follows:

Commencing at the west one-quarter of said Section 14;

Thence N89°52'19" E along the southerly line of the northwest one-quarter of said Section 14 a distance of 95.92 feet to the point of beginning;

Thence N 40°08'18" E along the westerly line of the Colorado & Southern Railroad, a distance of 26.21 feet;

Thence N 89°52'19" E, a distance of 196.52 feet to a point on the easterly line of said Colorado & Southern Railroad;

Thence N 40°02'12" E along said easterly line a distance of 351.75 feet;

Thence S 49°57'48" E, a distance of 20.00 feet;

Thence S 40°02'12" W, a distance of 361.04 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence S 89°52'19" W along said southerly line a distance of 222.79 feet to the point of beginning

Kerr #2 Annexation:

A parcel of land being a portion of Tract 65 B, Mandalay Gardens, a subdivision recorded at Reception No. 194693, Jefferson county Public Records and all of Lot 20, Wadsworth Acres, a subdivision recorded at Reception No. 62919166 and in Book 23, Page 22 said Jefferson County Public Records located in the west one-half of Section 14, Township 2 South, Range 69 West of the 6th Principal Meridian, more particularly described as follows;

Commencing at the west one-quarter of said Section 14;

Thence N 89°52'19" E, along the south line of the northwest one-quarter a distance of 318.67 feet to the point of beginning;

Thence along the westerly line of a parcel of land annexed to the City of Westminster as Kerr Annexation #1 the following two (2) courses;

1. N 40°02'12" E, a distance 361.04 feet;
2. N 49°57'48" W, a distance of 20.00 feet to a point on the easterly line of the Colorado & Southern Railroad;

Thence N 40°02'12" E along said southerly line a distance of 50.50 feet to the southwesterly corner of a parcel of land being a portion of said Tract 65B, Mandalay Gardens, described by deed at Reception No. F0933466 said Jefferson County Public Records;

Thence N 89°52'19" E along the southerly of said Parcel A distance of 122.47 feet to the northwesterly corner of a parcel of land being said portion of Tract 65B, Mandalay Gardens, described by deed at Reception No. F1073651 Jefferson County Public Records;

Thence S 00°07'41" E along the westerly line of said parcel of land a distance of 327.40 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence N 89°52'19" E along said southerly line a distance of 63.70 feet to the northwesterly corner of Lot 19, said Wadsworth Acres;

Thence S 00°01'20" W along the westerly line of said Lot 19 a distance of 149.31 feet to the northerly right-of-way line of West Ammons Circle;

Thence along said northerly right-of-way line the following two (2) courses;

1. N 89°58'41" W, a distance of 232.00 feet;
2. Along the arc of a curve to the left whose chord bears S 83°10'04" W, a distance of 44.92 feet, having a radius of 188.20 feet, a delta angle of 13°42'30", and an arc length of 45.03 feet to the southeasterly corner of Lot 21; said Wadsworth Acres;

Thence N 12°13'34" W along the easterly line of said Lot 21 a distance of 157.44 feet to point on said southerly line of the northwest one-quarter of Section 14;

Thence S 89°52'19" W along said southerly line a distance of 129.33 feet to the point of beginning

Richter and Catt Annexation:

A PORTION OF THE NW 1/4, SECTION 14, T. 2 S., R. 69 W., 6TH P.M., JEFFERSON COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST 1/4 CORNER, SECTION 14;

THENCE N0°17'00"W ALONG THE WEST LINE, SAID NW 1/4, A DISTANCE OF 581.78 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CHURCH RANCH BOULEVARD;

THENCE N39°54'53"E ALONG SAID SOUTH LINE, 155.64 FEET TO THE CENTERLINE OF THE MEANDERING DITCH AS RECORDED AT SAID COUNTY IN BOOK 1060, PAGE 380;

THENCE ALONG SAID CENTERLINE THROUGH THE FOLLOWING FOUR COURSES:

1) S83°17'00"E, 24.91 FEET;

2) S72°08'00"E, 88.80 FEET;

3) S87°36'00"E, 295.50 FEET;

4) N74°43'00"E, 108.84 FEET TO THE WEST RIGHT-OF-WAY LINE OF BRENTWOOD WAY;

THENCE N40°35'37"E ALONG SAID WEST LINE, 185.81 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BRENTWOOD WAY;

THENCE S87°22'49"E ALONG SAID NORTH LINE, 38.06 FEET TO THE WEST RIGHT-OF-WAY LINE OF ZEPHYR STREET;

THENCE N40°35'37"E ALONG LAST SAID WEST LINE, 258.10 FEET;

THENCE S49°11'37"E, 180.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD RIGHT-OF-WAY;

THENCE S40°35'37"W ALONG SAID EAST LINE, 1168.56 FEET;

THENCE N89°34'16"W, 196.29 FEET TO THE EAST RIGHT-OF-WAY LINE OF BRENTWOOD WAY;

THENCE S40°35'37"W ALONG LAST SAID EAST LINE, 26.17 FEET TO THE SOUTH LINE.

NW 1/4, SECTION 14;

THENCE N89°34'16"W ALONG LAST SAID SOUTH LINE, 95.92 FEET TO THE POINT OF BEGINNING.

Consisting of approximately 10.57 acres.

Ganzhorn #1 Annexation:

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

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

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

Ganzhorn #2 Annexation:

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

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

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



WESTMINSTER
COLORADO

Agenda Item 10 I

Agenda Memorandum

City Council Meeting
October 8, 2007



SUBJECT: Resolution No. 38 re Amending the Amended and Restated 2003 Cooperation Agreement to Reduce the Allocation to WEDA of Sales Tax the City Collects from Businesses Operating In The Mandalay Gardens Urban Renewal Area

Prepared By: Tammy Hitchens, Finance Director
Robert Smith, Treasury Manager
Robert Byerhof, Senior Financial Analyst

Recommended City Council Action

Adopt Resolution No. 38 authorizing the Mayor, Mayor Pro-Tem, and the City Clerk to execute the First Amendment to the Amended and Restated 2003 Cooperation Agreement to implement a reduction to the STX revenue the City allocates to the Westminster Economic Development Authority resulting from the reduction of the Pledged Sales Tax Revenue under the Indenture of Trust dated March 1, 2006.

Summary Statement

- In August 2003 Westminster Economic Development Authority (WEDA) issued \$38,525,000 of Taxable Tax Increment Adjustable Rate Revenue Bonds to finance public improvements in the Mandalay Gardens Urban Renewal Area (Mandalay).
- In March 2006 WEDA refinanced the Series 2003 taxable bond issue with \$38,455,000 of Tax-Exempt Tax Increment Adjustable Rate Revenue Bonds.
- In both of these bond issues WEDA pledged the entire amount of the 3.00% sales tax increment collected from retail businesses at the Shops At Walnut Creek that are within the urban renewal area. Initially a full pledge of the 3.00% sales tax increment was necessary to provide adequate coverage to make debt service obligations.
- Since 2004 commercial development in Mandalay has steadily grown and has reached a point where tax increment is in excess of that needed to make debt service. After analyzing what a safe level of expected annual tax increment might be to make debt service for the WEDA Series 2006 Bonds staff approached DEPHA PLC, the letter of credit bank, to obtain their consent to a reduction of the sales tax pledge to 1.75%.
- The Bank, as the representative of Bond holders, has given its consent to the change in the sales tax pledge. To execute the change it is necessary to amend the Indenture of Trust to change the definition of "Sales Tax" or Sales Taxes" to read 1.75% and Cooperation Agreement between WEDA and the City to implement the change.
- Pursuant to this change the City and WEDA must amend the Amended and Restated Cooperation Agreement to have the City allocate 1.75% of the total City Sales tax rate of 3.85%.
- The impact of this change is that about \$1.2 million of sales taxes collected by the City will remain in the Sales Tax Fund and can be used for other governmental purposes throughout the City.
- The agreements will be effective immediately upon adoption and will apply to all sales taxes collected beginning October 1, 2007, and remitted to the City in November, 2007.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does Council agree to reduce the sales tax allocation to WEDA from 3.00% to 1.75% as a revenue pledge for the WEDA 2006 Bonds?

Alternatives

1. Do not agree to reduce the allocation of sales tax to WEDA. This is not recommended. Based on Staff's forecasts of tax increment revenue and debt service, revenues will be in excess of that needed to make debt service. Excess increment must be retained by WEDA and cannot be used to fund the City's operational or capital needs outside of the Urban Renewal Area.
2. Delay the reduction of the allocation of sales tax revenues to WEDA. This is not recommended. Currently WEDA has adequate balances in the Reserve Fund and the Revenue Fund to make up any shortfall should annual tax increment not exceed annual debt service.

Background Information

The commercial development in Mandalay, The Shops At Walnut Creek, was completed over a several year period. As the Super Target, other retailers and the restaurants in the area have opened and become established enterprises, the taxable sales they generated have grown. As a "mature" development annual tax increment has reached a point where it reasonably can be expected to exceed the amount required to service the WEDA Series 2006 debt.

The pledged tax increment attributable to sales in an urban renewal area that the City collects and allocates to the Authority must be retained by WEDA and can only be spent on public projects within that particular urban renewal area. The WEDA bonds that were issued to finance public improvements in the Mandalay Gardens Urban Renewal Area were issued with a pledge of 100 percent of the 3.00% sales tax collected on sales from businesses within the urban renewal area. Projecting that future tax increments in the Mandalay Gardens URA would be in excess of that needed for debt service, Staff evaluated the impact on debt coverage ratios of reducing the sales tax pledge to lower levels.

The analysis concluded that a coverage ratio of slightly over 1.00x annual tax increment revenue to annual debt service would be adequate. If annual revenues were below that required for debt service then the shortfall could be made up by using the remaining balance in the Revenue Fund, expected to be about \$1,200,000 at year end 2007, or if necessary by tapping into cash in the Bond Reserve Fund. The Bond Reserve Fund must be maintained at minimum level of \$3,160,000 and if used for debt service triggers the "Moral Obligation" pledge of the City to replenish the reserve fund to the minimum level.

Staff's analysis concluded that reducing the sales tax pledge from the 3.00% level to 1.75% would result in a coverage ratio of slightly over 1.0 based on current projections for tax increment. In July 2007, Staff approached DEPHA Bank with a proposal to reduce the sales tax pledge to 1.75%. The Bank's consent to this change is required since, as the liquidity facility provider for the WEDA 2006 Bonds, they represent the interests of the bond holders. The Bank has given its written consent to the change.

Staff estimates that the reduction to the sales tax pledge will reduce the sales tax that the City must allocate to WEDA by about \$1.2 million. The City can use this money for other public purposes anywhere within the City.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments: Resolution No. 38
First Amendment to Amended and Restated 2003 Cooperation Agreement

RESOLUTION

RESOLUTION NO. 38

INTRODUCED BY COUNCILLORS

SERIES OF 2007

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WESTMINSTER, COLORADO, AUTHORIZING, APPROVING
AND DIRECTING THE EXECUTION OF THE FIRST
AMENDMENT TO AMENDED AND RESTATED 2003
COOPERATION AGREEMENT BETWEEN THE CITY AND
THE WESTMINSTER ECONOMIC DEVELOPMENT
AUTHORITY AND PROVIDING FOR DETAILS RELATED
THERE TO**

WHEREAS, the City Council (the “Council”) of the City of Westminster, Colorado (the “City”), by Resolution No. 40 adopted September 14, 1987 (the “Authority Resolution”), created the Westminster Economic Development Authority (the “Authority”); and

WHEREAS, the Westminster Economic Development Authority (the “Authority”) is a public body corporate and politic, and has been duly created, organized, established and authorized by the City to transact business and exercise its powers as an urban renewal authority, all under and pursuant to the Colorado Urban Renewal Law, constituting part 1 of article 25 of title 31, Colorado Revised Statutes, as amended (the “Act”); and

WHEREAS, an urban renewal plan, known as the “Mandalay Gardens Urban Renewal Plan” (the “Urban Renewal Plan”), was duly and regularly approved by the Council for an urban renewal project under the Act (the “Project”); and

WHEREAS, in order to accomplish the Project, the Authority has previously issued its Taxable Tax Increment Adjustable Rate Revenue Bonds (Mandalay Gardens Urban Renewal Project) Series 2003 (the “2003 Bonds”); and

WHEREAS, the 2003 Bonds were refunded by the Authority by the issuance of its Tax Increment Adjustable Rate Revenue Refunding Bonds (Mandalay Gardens Urban Renewal Project) Series 2006 (the “Bonds”); and

WHEREAS, the Bonds were issued pursuant to an Indenture of Trust dated as of March 1, 2006 between the Authority and the Trustee, as amended by the First Amendment to Indenture of Trust dated as of September 1, 2006 (as amended, the “Indenture”); and

WHEREAS, in connection with the issuance of the 2003 Bonds, the City previously adopted a resolution declaring its non-binding intent and expectation that it will appropriate any funds requested, within the limits of available funds and revenues, in a sufficient amount to replenish the Reserve Fund as defined in the Indenture (the “Replenishment Resolution”); and

WHEREAS, in order to provide for the repayment by the Authority to the City any funds so appropriated under the Replenishment Resolution, the City and the Authority executed and delivered an Amended and Restated 2003 Cooperation Agreement dated as of March 1, 2006 (the “Cooperation Agreement”); and

WHEREAS, the Board of Commissioners of the Authority (the “Board”) has determined that it is in the best interests of the Authority to make certain changes to the Indenture relating to the pledge of sales tax revenue to the payment of the Bonds and to amend the Cooperation Agreement to implement such changes; and

WHEREAS, in order to provide for certain matters necessary in connection with the foregoing and to change, the Authority and the City have determined to amend and supplement the

Cooperation Agreement through the execution of the First Amendment to Amended and Restated 2003 Cooperation Agreement (the "First Amendment"); and

WHEREAS, capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto by the Cooperation Agreement; and

WHEREAS, there has been presented to this meeting of the Council the form of First Amendment.

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

Ratification. All actions (not inconsistent with the provisions of this Resolution) heretofore taken by the Council and the officers of the City directed toward the First Amendment are hereby are ratified, approved and confirmed.

Approval of First Amendment. The First Amendment is incorporated herein by reference and is hereby approved. The City shall enter into and perform its obligations under the First Amendment in the form of such document presented at this meeting, with only such changes as are not inconsistent herewith. The Mayor or Mayor Pro-Tem, and the City Clerk are hereby authorized and directed to execute the First Amendment, to affix the seal of the City thereto, and further to execute and authenticate such other documents, instruments, or certificates as are deemed necessary or desirable in connection therewith. Such documents are to be executed in substantially the forms presented at this meeting of the Council, provided that such documents may be completed, corrected, or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Resolution. Copy of the First Amendment shall be delivered, filed, and recorded as provided therein.

Upon execution of the First Amendment, the covenants, agreements, recitals, and representations of the City therein shall be effective with the same force and effect as if specifically set forth herein, and such covenants, agreements, recitals, and representations are hereby adopted and incorporated herein by reference.

The proper officers of the City are hereby authorized and directed to prepare and furnish to any interested person certified copies of all proceedings and records of the City and such other affidavits and certificates as may be required to show the facts relating to the matters contemplated by the First Amendment.

The execution of any instrument by the Mayor, Mayor Pro-Tem or City Clerk in connection with the matters referred to herein not inconsistent herewith shall be conclusive evidence of the approval by the City of such instrument in accordance with the terms thereof and hereof.

Repealer. All orders, bylaws, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed to the extent only of such inconsistency or conflict.

Severability. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.

Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this October 8, 2007.

(S E A L)

Mayor Pro Tem

ATTESTED:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

STATE OF COLORADO)
) SS.
 CITY OF WESTMINSTER)

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

1. The foregoing pages are a true and correct copy of a resolution (the “Resolution”) passed and adopted by the City Council (the “Council”) at a regular meeting held on October 8, 2007.

2 The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of October 8, 2007, by an affirmative vote of a majority of the members of the Council as follows:

Name	“Yes”	”No”	Absent	Abstain
Nancy McNally	x			
Tim Kauffman	x			
Chris Dittman	x			
Mark L. Kaiser	x			
Mary Lindsey	x			
Scott Major	x			
Jo Ann Price	x			

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

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

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

6. Notice of the meeting of October 8, 2007, in the form attached hereto as Exhibit A was posted in at the Westminster City Hall, 4800 W. 92nd Street, in the City of Westminster, not less than twenty-four hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of the City affixed this October __, 2007.

 City Clerk

(SEAL)

Exhibit A
(Form of Notice of Meeting)



WESTMINSTER
COLORADO

October 8, 2007
7:00 P.M.

CITY COUNCIL AGENDA

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

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

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Report of City Officials**
 - A. City Manager's Report
5. **City Council Comments**
6. **Presentations**
 - A. Boy Scout Troop 98 Volunteer Recognition
 - B. Fire Prevention Month Proclamation
 - C. Business Appreciation Week – Week of October 15th - Proclamation
7. **Citizen Communication (5 minutes or less)**

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

Consent Agenda

- A. U.S. Mayor's Climate Protection Agreement
- B. 2008 City Employee Health Insurance Renewals and Rates
- C. Property Acquisition at 6851 Irving Street known as the Heitman Property
- D. Utility System Wide Supervisory Control and Data Acquisition Enhancement Project
- E. Sale of the 2.65 Acre Parcel on Church Ranch Boulevard West of US36 to Resolute Investments, Inc.
- F. Bond and Disclosure Counsel for 2007 Sales Tax Refunding Bond Issue
8. **Appointments and Resignations**
9. **Public Hearings and Other New Business**
 - A. 2008 Funding re Human Services Board Recommendations
 - B. Councillor's Bill No. 55 re Amendment to the 2008 Adopted Budget
 - C. Conservation Trust and POST 2006 Carryover Funds Transfer
 - D. Councillor's Bill No. 56 re Economic Development Agreement with The Bedrin Organization
 - E. Councillor's Bill No. 57 re Economic Redevelopment Agreement with Cadence Capital Investments, LLC
 - F. Resolution No. 36 re 2008 Pay Plan
 - G. Stipulation and Plan re Exclusion of Properties from North Metro Fire Rescue District
 - H. Resolution No. 37 re Exclusion from North Metro Fire Rescue District
 - I. Resolution No. 38 re 2003 Agreement to Reduce Sales Tax Allocation to WEDA re Mandalay Gardens URA
10. **Old Business and Passage of Ordinances on Second Reading**
11. **Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session**
 - A. City Council
 - B. Executive Session
 - Discussion of Personnel Matter (City Attorney's performance evaluation) pursuant to WMC section 1-11-3(C)(1) and CRS 24-6-402(4)(f)
12. **Adjournment**

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)

WESTMINSTER HOUSING AUTHORITY MEETING (separate agenda)

CITY OF WESTMINSTER GENERAL IMPROVEMENT DISTRICTS MEETING (separate agenda)

**FIRST AMENDMENT TO
AMENDED AND RESTATED 2003 COOPERATION AGREEMENT
BETWEEN THE CITY OF WESTMINSTER AND
THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY**

THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED COOPERATION AGREEMENT (this “First Amendment”) is dated as of October 1, 2007, between **THE CITY OF WESTMINSTER** (the “City”) and the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY** (the “Authority”) and amends the Amended and Restated 2003 Cooperation Agreement made and entered into as of March 1, 2006 by the City and the Authority (the “2006 Agreement”).

WHEREAS, the City is a Colorado home rule municipality with all the powers and authority granted pursuant to Article XX of the Colorado Constitution and its City Charter; and

WHEREAS, the Authority is a Colorado Urban Renewal Authority, with all the powers and authority granted to it pursuant to Title 31, Article 25, Part 1, Colorado Revised Statutes (“C.R.S.”) (the “Urban Renewal Law”); and

WHEREAS, pursuant to Article XIV of the Colorado Constitution, and Title 29, Article 1, Part 2, C.R.S., the City and the Authority are authorized to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each governmental entity; and

WHEREAS, the City has heretofore approved the Westminster Economic Development Authority Mandalay Gardens Urban Renewal Plan (the “Plan”) and the urban renewal project described therein (the “Project”); and

WHEREAS, the Project is being undertaken for the public purpose of enhancing employment opportunities, eliminating existing conditions of blight, and improving the tax base of the City; and

WHEREAS, pursuant to section 31-25-112, C.R.S., the City is specifically authorized to do all things necessary to aid and cooperate with the Authority in connection with the planning or undertaking of any urban renewal plans, projects, programs, works, operations, or activities of the Authority, to enter into agreements with the Authority respecting such actions to be taken by the City, and appropriating funds and making such expenditures of its funds to aid and cooperate with the Authority in undertaking the Project and carrying out the Plan; and

WHEREAS, the Plan provides that the Authority and the City may, by cooperation agreement or other agreement, provide for the method by which sales tax increments shall be allocated and paid to the Authority; and

WHEREAS, the Authority has previously issued its Taxable Tax Increment Adjustable Rate Revenue Bonds (Mandalay Gardens Urban Renewal Project) Series 2003 (the “2003 Bonds”), in the original aggregate principal amount of \$38,525,000 for the purpose of financing the acquisition, construction and equipping of the Project, which 2003 Bonds were refunded by the Authority’s Tax Increment Adjustable Rate Revenue Refunding Bonds (Mandalay Gardens Urban Renewal Project) Series 2006, in the original aggregate principal amount of \$38,455,000 (the “2006 Bonds”); and

WHEREAS, the 2006 Bonds were issued pursuant to that certain Indenture of Trust dated as of March 1, 2006, between the Authority and U.S. Bank National Association, as trustee thereunder, as amended September 1, 2006 (the “Indenture”); and

WHEREAS, the payment of principal and interest on the 2006 Bonds is secured by a direct pay letter of credit issued by DEPFA BANK plc, acting through its New York Branch (the “Bank”); and

WHEREAS, the City and the Authority have previously entered into a cooperation agreement in connection with the 2003 Bonds and the Project, which agreement was amended and restated by the 2006 Agreement; and

WHEREAS, the Authority and the City have determined that it is necessary to amend the 2006 Agreement to provide for the allocation of the Sales Tax revenue (as such term is defined in the Indenture) as authorized by the Plan; and

WHEREAS, the Indenture provides that the 2006 Agreement may be amended in order to accomplish the objectives of the Plan in accordance with the Urban Renewal Law, without notice to or consent of the owners of the 2006 Bonds but with consent of the Bank; and

NOW, THEREFORE, in consideration of the mutual promises set forth below, the City and the Authority agree as follows:

Section 1. Definitions. Unless the context indicates otherwise, as used herein, capitalized terms shall have the meanings ascribed by the preambles hereto and the Indenture.

Section 2. Amendment to 2006 Agreement. A new Section 6 entitled "ALLOCATION OF SALES TAX REVENUE" shall be added and shall read as follows:

6. **ALLOCATION OF SALES TAX REVENUE.** The City currently imposes a municipal sales tax at a rate of 3.85%, pertaining to, including without limitation, the sale, lease, rental, purchase or consumption of tangible personal property and taxable services. Pursuant to the terms of the Plan, the City and the Authority may provide for the method by which sales tax increments shall be allocated and paid to the Authority. The City and the Authority hereby agree that the revenues derived from the City sales tax at a rate of 1.75% of the total City sales tax rate of 3.85% (but excluding the City sales tax collected for open space purposes at a rate of .25%, excluding the City sales tax collected at a rate of .60% for public safety purposes, excluding 1.25% of the balance of the City's 3.85% sales tax, and excluding any additional sales taxes which may be approved by the electors of the City subsequent to the date of issuance of the 2006 Bonds) shall be allocated to the Authority. Pursuant to Section 31-25-107, C.R.S., the balance of the City's sales tax revenues shall be retained by the City.

Section 3. Repealer. All orders, bylaws, and ordinances of the Authority, or parts thereof, inconsistent or in conflict with this Second Amendment, are hereby repealed to the extent only of such inconsistency or conflict.

Section 4. Severability. If any section, paragraph, clause, or provision of this First Amendment shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this First Amendment, the intent being that the same are severable.

Section 5. Ratification. Except as amended hereby, the provisions of the 2006 Agreement are hereby ratified, approved and confirmed.

Section 6. Effective Date. This First Amendment shall be effective immediately upon adoption.

IN WITNESS HEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on the date above.

**WESTMINSTER ECONOMIC
DEVELOPMENT AUTHORITY**

CITY OF WESTMINSTER

BY _____
Executive Director

BY _____
City Manager

ATTEST:

ATTEST:

Secretary

City Clerk

APPROVED AS TO LEGAL FORM

APPROVED AS TO LEGAL FORM

BY _____
Authority Attorney

BY _____
City Attorney

CONSENT OF LETTER OF CREDIT BANK

As evidenced by the signature below, **DEPFA BANK plc**, acting through its New York Branch, as the issuer of the Letter of Credit, hereby consents to this First Amendment to Cooperation Agreement dated as of October ____, 2007.

**DEPFA BANK plc, acting through its
New York Branch**

By: _____

Title: _____

By: _____

Title: _____

Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, October 8, 2007. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the September 24, 2007 regular meeting were approved.

Council recognized Boy Scout Troop 98 and thanked them for their volunteer contributions to the City and its citizens.

The Mayor proclaimed October to be Fire Prevention Month and the week of October 15 to be Business Appreciation Week.

Council approved the following: U.S. Mayor's Climate Protection Agreement; 2008 City Employee health insurance renewals and rates; property acquisition at 6851 Irving Street known as the Heitman property; utility system-wide supervisory control and data acquisition enhancement project; sale of the 2.65-acre parcel on Church Ranch Boulevard west of US36 to Resolute Investments, Inc.; bond and disclosure counsel for 2007 Sales Tax Refunding Bond Issue; 2008 funding per Human Services Board recommendations; Conservation Trust and POST 2006 carryover funds transfer; and stipulation and plan re exclusion of properties from North Metro Fire Rescue District.

Council adopted the following Resolutions: Resolution No. 36 adopting the 2008 Pay Plan; Resolution No. 37 re exclusion from North Metro Fire Rescue District; and Resolution No. 38 re 2003 agreement to reduce sales tax allocation to WEDA re Mandalay Gardens URA.

Council passed the following Councillors' Bills on first reading:

A BILL FOR AN ORDINANCE AMENDING THE 2008 BUDGETS OF THE GENERAL FUND; UTILITY ENTERPRISE FUNDS; UTILITY RESERVE FUND; GOLF COURSE FUND; FLEET MAINTENANCE FUND; GENERAL CAPITAL OUTLAY REPLACEMENT FUND; SALES AND USE TAX FUND; PARKS, OPEN SPACE, AND TRAILS FUND; GENERAL CAPITAL IMPROVEMENT FUND AND DEBT SERVICE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION OR UN-APPROPRIATION FROM THE 2008 ESTIMATED REVENUES IN THE FUNDS.
Purpose: To amend the 2008 Adopted Budget.

A BILL FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH THE BEDRIN ORGANIZATION FOR THE ATTRACTION OF "STEVE AND BARRY'S" TO THE BROOKHILL V SHOPPING CENTER WESTMINSTER, COLORADO. Purpose: Approving an Economic Development Agreement with The Bedrin Organization.

A BILL FOR AN ORDINANCE AUTHORIZING AN ECONOMIC REDEVELOPMENT AGREEMENT WITH CADENCE CAPITAL INVESTMENTS TO AID IN THE PRESERVATION OF THE HISTORIC SHOENBERG FARM AT THE NORTHWEST CORNER OF 72ND AVENUE AND SHERIDAN BOULEVARD IN WESTMINSTER.
Purpose: Approving an Economic

The meeting adjourned at 7:59 p.m.

By Order of the Westminster City Council

Linda Yeager, City Clerk

Published in the Westminster Window on October 18, 2007