



**WESTMINSTER
COLORADO**

**OCTOBER 11, 1999
7:00 P.M.**

AGENDA

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

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

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
 - A. Meritorious Citizen Service Award to Kevin St. Clair
- 5. Citizen Communication (5 minutes or Less in Length)**
- 6. Report of City Officials**
 - A. City Manager's Report
- 7. City Council Comments**

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

- 8. Consent Agenda**
 - A. Westminster Promenade Bronze Sculpture
 - B. Westminster Center Lighting Improvements of \$300,000
 - C. Councillor's Bill No. 59 on second reading Growth Management Program Amendments (Allen-Merkel)
 - D. Councillor's Bill No. 60 on second reading Appropriation of \$250,000 from Urban Drainage for Little Dry Creek Trail Underpass project at 76th Avenue and Sheridan Boulevard (Dixion-Smith)
 - E. Councillor's Bill No. 62 on second reading Appropriation of 1998 Carryover Funds for Clearwell and Other Capital Improvement Projects (Allen-Merkel)
- 9. Appointments and Resignations**
 - A. Resolution No. 72 re Appointments to Environmental Advisory Board, Library Board and Planning Commission
- 10. Public Hearings and Other New Business**
 - A. TABLED Amendment to Purchase and Sale Agreement with Catellus Development Corporation for Westminster Promenade Project
 - B. Councillor's Bill No. 63 re Willow Run Shopping Center Business Assistance Package
 - C. Resolution No. 73 re Adams County Open Space Tax Ballot Issue
 - D. Councillor's Bill No. 64 re Issuance of \$2.65 Million of Special Purpose Sales and Use Tax Revenue Bonds (POST Project)
 - E. Public Hearing re The Ranch PDP Amendment and Westmere PDP Amendment
 - F. 13th Amendment to The Ranch Preliminary Development Plan for The Ranch and 2nd Amended Westmere Preliminary Development Plan

10. Public Hearings and Other New Business (continued)

- G. Resolution No. 74 awarding 3 Service Commitments to The Ranch PDP
- H. Approval of exchange of 2.29 acres of vacant publicly owned land in The Ranch PDP for 2.29 acres of land in the Ranch Reserve Official Development Plan
- I. Resolution No. 75 authorizing 4.8 FTE new positions with contingency transfer of \$153,688 for Enhanced Traffic Enforcement
- J. Resolution No. 76 Adopting 2000 City Budget and setting Mill Levy
- K. Resolution No. 77 re 2000 Pay Plan
- L. Changes to City's Benefit Package for employees for Medical Reimbursement, Dental Coverage and Tuition Reimbursement Program
- M. Councillor's Bill No. 65 re Appropriation of \$230,000 for construction of Westminster T-Ball Complex project
- N. Resolution No. 78 re GOCO Grant financial obligation of matching funds for Westminster T-Ball Complex project
- O. Resolution No. 79 re Rockies contract financial obligation of matching funds for Westminster T-Ball Complex project
- P. Sovereign Design and Development Contract for \$41,691.60 for design and construction management fee for Westminster T-Ball Complex project and Northglenn Little League Baseball conveyance of land for ballfields
- Q. Councillor's Bill No. 66 re Appropriating \$100,000 Brownfields Grant from EPA
- R. Intergovernmental Agreement with City of Thornton re 136th Avenue/I-25 Interchange
- S. Stipulation and Plan for Exclusion of Properties from West Adams County Fire Protection District for areas recently annexed into the City
- T. Resolution No. 80 re Exclusion from West Adams County Fire Protection District Development
- U. Resolution No. 81 re Colorado Water Resources and Power Development Authority authorized officers
- V. Revised Employment Contract with William Christopher, City Manager
- W. Resolution No. 82 supporting Adams County School District 12 Ballot Issues

11 Business and Passage of Ordinances on Second Reading

None

12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business

- A. City Council
- B. Request for Executive Session

13 Adjournment

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 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 11, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Dixon, Hicks and Smith. Also present were William Christopher, City Manager; Sharon Widener, Assistant City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Dixon to accept the minutes of the meeting of September 27, 1999 with no additions or corrections. Councillor Atchison requested to abstain as he was not present at the meeting. The motion carried with 6 aye votes and Councillor Atchison abstaining.

PRESENTATIONS:

Mayor Heil and Fire Chief Jim Cloud presented the Meritorious Citizen Service Award to Kevin St. Clair for his act of heroism in saving the lives of ten month old Lyric Jennings, six year old Doyle Fanciulli and Mr. John Lane.

CITIZEN COMMUNICATION:

President of the Mile High Figure Skating Association Joe Armstrong, 4765 West 101st Place, advised Council of the US Figure Skating Association 2001 competition to be held at the Sun Microsystem Ice Centre, December 12-19, 2000.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher announced that the Westminster City Council Candidates Forum will be held on Friday, October 15 at 6:30 P.M. at the Community Senior Center.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Purchase of Bronze Sculpture for the Westminster Promenade – Authorize City Manager to sign an agreement with Marie Barbera of Sculpture Studio to sculpt a 7 to 8 foot high bronze Native American Chief for an amount not to exceed \$60,000, authorize a \$6,000 contingency and charge the expense to the appropriate Westminster Promenade project account; Westminster Center Lighting Improvements – Authorize City Manager to execute a contract with Public Service Company in the amount of \$300,000 for the first phase of lighting, and future phases, to the Westminster City Center master lighting plan and charge the expense to the Community Enhancement Project account in the 1999 General Capital Improvement Fund; Councillor's Bill No. 59 re Growth Management Program Amendments; Councillor's Bill No. 60 re Urban Drainage Appropriation; and Councillor's Bill No. 62 re 1998 Carryover Funds appropriation. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

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

RESOLUTION NO. 72 – BOARDS & COMMISSIONS APPOINTMENTS:

A motion was made by Atchison and seconded by Hicks to Table Resolution No. 72 making appointments to the Environmental Advisory Board, Library Board and Planning Commission. The motion carried unanimously.

ORDINANCE NO. 2720 – WILLOW RUN BUSINESS ASSISTANCE PACKAGE:

A motion was made by Allen and seconded by Dixon to adopt Councillor's Bill No. 63 as an emergency ordinance approving the Willow Run Business Assistance Agreement. Mark Campbell, representing Southwestern Investment Group, was present to address Council. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 73 – ADAMS COUNTY "SAVE OPEN SPACE" TAX PROPOSAL:

A motion was made by Hicks and seconded by Atchison to adopt Resolution No. 73 which formally states the City's support for the proposed "Save Open Space-Adams County" Sales and Use Tax. Campaign Manager David Gosner, was present to address Council. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2721 – SPECIAL PURPOSE SALES AND USE TAX REVENUE BONDS ISSUANCE:

A motion was made by Dixon and seconded by Merkel to adopt Councillor's Bill No. 64 as an emergency ordinance approving the sale of \$2.65 million of Sales and Use Tax Revenue Bonds for parks, open space and trails at a net interest cost of 5.50%, and direct the Mayor and City Clerk to sign necessary documents on behalf of the City. Finance Director Mary Ann Parrot addressed Council. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ON THE RANCH AND WESTMERE PDP AMENDMENTS:

At 7:25 P.M. the meeting was opened to a public hearing on the 13th amendment to The Ranch PDP, and the 2nd amended PDP of the Westmere Planned Unit Development. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Mike Byrne, 11840 Bryant Circle, President of Western Properties gave a brief presentation. Jim Ellis, 1640 W. 116th Court, Ranch Country Club Board President, spoke in favor of this development. No one spoke in opposition. At 7:55 P.M. the public hearing was declared closed.

THE RANCH 13TH AMENDED PDP AND 2ND AMENDED PDP FOR WESTMERE:

A motion was made by Atchison and seconded by Merkel to approve the 13th amendment to The Ranch PDP and the 2nd amended Westmere PDP based upon the finding that the plans are in conformance with Section 11-5-14 of the Westminster Municipal Code pertaining to PDP amendments. The motion carried unanimously.

RESOLUTION NO. 74 – SERVICE COMMITMENTS FOR THE RANCH PDP:

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 74 awarding 3 Service Commitments to The Ranch Reserve according to Section 11-3-5 of the City Code. Upon roll call vote, the motion carried unanimously.

EXCHANGE OF VACANT PUBLICLY OWNED LAND:

A motion was made by Atchison and seconded by Merkel to authorize the City Manager to administratively approve the exchange of 2.29 acres of vacant publicly owned land in The Ranch PDP for 2.29 acres of land in the Ranch Reserve Official Development Plan. The motion carried unanimously.

RESOLUTION NO. 75 – ENHANCED TRAFFIC ENFORCEMENT & MIDYEAR STAFFING CHANGES:

A motion was made by Merkel and seconded by Allen to adopt Resolution No. 75 which authorizes 4.8 FTE new positions in the City Pay and Staffing Plan and authorizes a General Fund Contingency account transfer of \$153,688 to the appropriate Police, City Attorney's Office, Municipal Court and Central Charges budget accounts. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 76 – ADOPTION OF 2000 CITY BUDGET:

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 76 which sets the mill levy at 3.65 mills and formally adopts the total 2000 City budget including the staffing levels and the Five Year Capital Improvement Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 77 – 2000 PAY PLAN:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 77 which establishes the 2000 pay ranges for City employees. Upon roll call vote, the motion carried unanimously.

CHANGES TO CITY'S BENEFIT PACKAGE FOR EMPLOYEES:

A motion was made by Allen and seconded by Atchison to approve changes to the City's benefit package to implement an employee-funded medical reimbursement account, increase the dental coverage annual maximum to \$1,500 per participant, and increase the funding available from the Tuition Reimbursement Program to \$800 per year. The motion carried unanimously.

WESTMINSTER T-BALL COMPLEX:

A motion was made by Merkel and seconded by Allen to pass Councillor's Bill No. 65 on first reading appropriating \$230,000 into the General Capital Improvement Fund for construction of the Westminster T-Ball Complex project; Adopt Resolution No. 78 authorizing the City Manager to sign a contract with GOCO authorizing the City's financial obligation of matching funds for the Westminster T-Ball Complex project; and, adopt Resolution No. 79 authorizing the City Manager to sign a contract with the Colorado Rockies authorizing the City's financial obligation of matching funds for the Westminster T-Ball Complex project. Upon roll call vote, the motion carried unanimously.

DESIGN AND CONSTRUCTION MANAGEMENT FEE FOR WESTMINSTER T-BALL COMPLEX:

A motion was made by Merkel and seconded by Allen to authorize the City Manager to sign a contract with Sovereign Design and Development for \$41,691.60 authorizing the design and construction management fee to complete the Westminster T-Ball Complex project; and a contract with Northglenn Little League Baseball for the conveyance of approximately 2.8 acres to the City and terms regarding the use of the fields. The motion carried unanimously.

COUNCILLOR'S BILL NO. 66 – BROWNFIELDS GRANT APPROPRIATION FROM EPA:

A motion was made by Dixon and seconded by Merkel to pass Councillor's Bill No. 66 on first reading appropriating \$100,000 to the Community Development Department 1999 Budget from the EPA Brownfields Site Assessment Pilot Grant. Upon roll call vote, the motion carried unanimously.

IGA WITH CITY OF THORNTON FOR 136TH AVENUE/I-25 INTERCHANGE:

A motion was made by Smith and seconded by Allen to authorize the Mayor to execute an Intergovernmental Agreement with the City of Thornton regarding the funding, phasing and contract administration for the preparation of an environmental assessment, preliminary design and final design for a new interchange on I-25 at 136th Avenue. The motion carried unanimously.

EXCLUSION OF PROPERTIES FROM WEST ADAMS COUNTY FIRE PROTECTION DISTRICT:

A motion was made by Allen and seconded by Atchison to approve the Stipulation and Plan for exclusion of properties from the West Adams County Fire Protection District and authorize its execution by the Mayor and City Manager on behalf of the City. The motion carried unanimously.

RESOLUTION NO. 80 – EXCLUSION FROM WEST ADAMS COUNTY FIRE PROTECTION DISTRICT:

A motion was made by Allen and seconded by Hicks to adopt Resolution No. 80 approving the exclusion of recently annexed properties from the West Adams County Fire Protection District. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 81 – COLORADO WATER RESOURCES & POWER DEVELOPMENT AUTHORITY:

A motion was made by Atchison and seconded by Dixon to adopt Resolution No. 81 authorizing additional persons to act as Authorized Officers of the City of Westminster with respect to the Loan Agreement Between Colorado Water Resources and Power Development Authority and City of Westminster, Colorado, acting by and through the City of Westminster, Colorado, Water and Wastewater Utility Enterprise. Upon roll call vote, the motion carried unanimously.

REVISED EMPLOYMENT CONTRACT WITH WILLIAM CHRISTOPHER:

A motion was made by Allen and seconded by Merkel to approve an employment agreement with William Christopher serving in the position of City Manager for calendar years 2000 and 2001 and authorize the appropriate City Officials to execute said agreement. The motion carried unanimously.

RESOLUTION NO. 82 – ADAMS COUNTY SCHOOL DISTRICT 12 BALLOT ISSUES:

A motion was made by Hicks and seconded by Merkel to adopt Resolution No. 82 which formally supports Adams County School District 12 ballot issues pertaining to their \$180 million bond issue, mill levy override and “deBrucing” proposals. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 8:20 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO
Agenda Memorandum

Date: October 11, 1999
Subject: Meritorious Citizen Service Award to Kevin St. Clair
Prepared by: Bill Work, Deputy Chief of Technical Services

Introduction

The Mayor, on behalf of City Council, and with the assistance of members of the Westminster Fire Department, is requested to present the Meritorious Citizen Service Award to Kevin St. Clair.

Summary

On August 31, 1999, Mr. St. Clair was delivering pizzas to the Glendale apartment complex at 5325 W. 79th Ave. After making his delivery, Kevin St. Clair overheard smoke detector alarms and children's cries down the hallway of the apartment complex and followed the sounds to the third floor apartment. After knocking on the apartment door and not receiving a response, Mr. St. Clair opened the unlocked door, woke the adult male occupant and removed the ten-month old girl and six year-old boy, from the smoke filled apartment bedroom. Mr. St. Clair then dialed 911 on his cell phone to report the incident.

The Fire Department credits Mr. St. Clair for quick thinking and calm presence in the face of an emergency that resulted in saving the two small children and one adult from eminent danger as a result of the smoke and fire.

Staff Recommendation

The Mayor is requested to present the Meritorious Citizen Service Award to Kevin St. Clair for his act of heroism in saving the lives of ten-month old Lyric Jennings, six year old Doyle Fanciulli and Mr. John Lane.

Background Information

The Meritorious Citizen Service Award recognizes action by a citizen which result in the saving of a life, or the attempted saving of a life, in which extraordinary efforts were used. Kevin St. Clair remained calm, acted responsibly in a life-threatening situation, as well as risked his own safety to assist the three occupants of the apartment.

According to excerpts from the investigation reports, Mr. St. Clair entered the smoke-filled apartment, woke the adult male, forced himself past the bathroom where the fire was burning, and entered the crying children's bedroom. He was able to safely remove the children from the apartment. Mr. St. Clair was the first person on-scene to contact 911 for emergency response. The fire is believed to have been caused by an unattended, lit candle. Kevin's mother, Mary St. Clair is a Lifeguard at the City Park Recreation Center.

Respectfully submitted,

William M. Christopher, City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: Purchase of Bronze Sculpture for the Westminster Promenade

Prepared by: Alan Miller, Assistant City Manager

Introduction

City Council action is requested to authorize the City Manager to enter in to an agreement with Marie Barbera of Sculpture Studio in Escondido, California to make a seven to eight foot high bronze sculpture of an Arapahoe or Northern Cheyenne Chief with full war bonnet, fully detailed and patina delivered to the Westminster Promenade at a cost of \$60,000 with a \$6,000 contingency to be used for installation and construction of the base. Funds for this expense have been anticipated and are available in the Westminster Promenade budget.

Summary

The design of the Westminster Promenade project has provided for the installation of a sculpture of a Native American at the entry to the Promenade between the Westin Hotel and office building on Promenade East (see attached drawings). The intent was to further carry out the Colorado High Plains theme that is the design concept for the Westminster Promenade.

City Staff located an artist at the Loveland Art Fair who has done a number of very detailed Native American sculptures in bronze that are fully detailed with enamel paint making them very colorful and interesting for the public. This artist, however, has not gained wide national attention as yet and therefore her sculptures are of more reasonable cost. She is interested in giving the City a very reasonably priced sculpture in order to receive the publicity that such a sculpture would receive at the Westminster Promenade.

The proposed commissioned one-of-a-kind sculpture would be seven to eight feet high and would be modeled after a real historical figure of the Northern Cheyenne or Arapahoe Indian Tribes that populated this area in the early 1800's. A preliminary sketch of the proposed commissioned sculpture is attached for City Council reference.

Staff Recommendation

Authorize the City Manager to sign an agreement with Marie Barbera of Sculpture Studio to sculpt a 7 foot to 8 foot high bronze Native American Chief for an amount not to exceed \$60,000 and authorize a \$6,000 contingency and charge the expense to the appropriate Westminster Promenade project account.

Background

Now that the Westminster Promenade East project is nearing completion, it is timely to proceed with some of the final amenities that were intended to further enhance the Westminster Promenade project. One of these amenities is the placement of a larger than life size sculpture of a Native American Chief at the entry to the Westminster Promenade between the Westin Hotel and the office building.

Purchase of Bronze Sculpture for the Westminster Promenade
Page 2

The intent would be that this sculpture would be of a real historical figure whose influence and impact in the area could be described and detailed as part of the display. This would further enhance the High Plains theme of the Westminster Promenade and further set apart the Westminster Promenade as a unique and attractive place to visit.

Unfortunately, Staff was not able to obtain copies of high quality glossy photographs that are examples of this artist's work, but the copies do give some idea of the detail that this artist employs in her work. Glossy photos are available by contacting Assistant City Manager Alan Miller if City Councillors would like to view them.

The timing on the sculpture would be that it is anticipated to be installed by March of 2000 and ready for public viewing at the time of the grand opening for the Westin Westminster Hotel and Westminster Conference Center.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: Westminster Center Lighting Improvements

Prepared By: Kathy Piper, Landscape Architect

Introduction

City Council action is requested to authorize the City Manager to execute a contract with Public Service Company in the amount of \$300,000 for the purchase and installation of the first phase of a three phase project for new lighting and associated banners as an enhancement around Westminster Center. The first phase lighting will be from Yates Street to Harlan Street on 92nd Avenue and along 88th Avenue from Sheridan Boulevard to Harlan Street (see attached map). Funds are available for the first phase in the 1999 General Capital Improvement Program for Community Enhancement Project account. Future phases are also projected to come out of the Community Enhancement Project account in 2001 and 2002.

Summary

After working for more than a year with Public Service Company, approval of a light pole, banner, and luminaire design has been granted for the Westminster City Center project. New lighting will occur from Sheridan Boulevard to Wadsworth Parkway along 88th Avenue and 92nd Avenue. The lights will also be installed on Sheridan Boulevard from 92nd Avenue to 96th Avenue. There is a total of 75 lights within these areas. The new light pole and fixtures meet the aesthetic needs of the City and maintenance concerns of Public Service. Because of the number of lights required around Westminster City Center, phasing of the lights will be required. The upcoming renovations for Westminster Mall and the road improvements on 92nd Avenue provide an opportune time to install the first phase of lighting. In accordance with the City's franchise agreement with Public Service Company, the City will purchase the lights and poles through Public Service and in exchange Public Service Company will provide all installation and maintenance. Staff is currently working on banner designs as part of the light pole installation.

Alternatives

- City Council could reject the purchase of the light poles and light fixtures through Public Service and keep the existing lighting around Westminster City Center.
- City Council could select another alternative light than the selected light pole and fixture recommended by Staff. However, this could delay the installation by up to a year because Public Service Company will again have to review the City's choice and the costs of a different light may increase as well.

Staff Recommendation

Authorize the City Manager to execute a contract with Public Service Company in the amount of \$300,000 for the first phase of lighting, and future phases, to the Westminster City Center master lighting plan and charge the expense to the Community Enhancement Project account in the 1999 General Capital Improvement Fund.

Background Information

Maintaining the long-term vitality of the Westminster Mall has been a goal of City Council since 1995. At that time, Staff was directed to hire the consulting firm Terranomics, a nationally known firm for their expertise as a retail real estate consultant. Based on Terranomics assessments, it was determined that the Westminster Mall needed major visual improvements to maintain its financial viability. With City Council's support, Staff then hired Communication Arts to provide conceptual designs and costs for improving the aesthetics of the Westminster Mall. These concepts were presented and approved by City Council in April of 1998 (See attached reports). Based on those concepts, Staff has proceeded with design details for providing a more unified look between Sheridan Boulevard and Wadsworth Parkway. The new lighting and banners will eventually surround the entire shopping district and create a sense of presence in the community. The last item remaining to complete the look will be the obelisks that were also approved in April of 1998. Smaller versions of these will be placed on the 92nd Avenue bridge this year. Staff will be working on placing several larger versions of these obelisks around the shopping district in the year 2000.

Funding for these improvements will come from the revenues of the City's Accommodations Tax, which make up the Community Enhancement Project account in the General Capital Improvement Fund.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Area phasing maps and lighting detail



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 11, 1999
Subject: Resolution No. 72 re Appointments to Various Boards
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to make appointments to the Environmental Advisory Board, Library Board and Planning Commission.

Summary

At the September 27th Council meeting, City Council accepted the resignation of Bob Klock from the Planning Commission; BK Loren from the Library Board, and Mark Wellington from the Environmental Advisory Board.

Currently there are 7 individuals within the "pool". A copy of the matrix indicating each individual's preference for Boards and Commissions is attached. Also each of these Boards has an alternate member who will move into the position of a regular member and the new appointee will be appointed as an alternate member of the Board.

Staff Recommendation

Adopt Resolution No. 72 appointing current alternate members as regular members and appointment new alternate members to the Environmental Advisory Board, the Library Board and the Planning Commission.

Background Information

A Resolution has been prepared for Council to appoint Charles Lortie on the Environmental Advisory Board, as a regular member; appoint Marily Flachman on the Library Board as a regular member and James Borshett on the Planning Commission as a regular member. City Council will need to decide who to appoint from the current "pool" of 7 applicants as the replacement alternate member to each board.

Respectfully submitted,

William M. Christopher
City Manager
Attachments

RESOLUTION

RESOLUTION NO. **72**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, Currently there is a vacancy on the Environmental Advisory Board; Library Board and Planning Commission; and

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint the following individual to the City of Westminster Boards as listed below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Charles Lortie (moved from Alternate to Regular Member)	Environmental Advisory Board	12-31-99
(Alternate Member)	Environmental Advisory Board	12-31-99
Marilyn Flachman (moved from Alternate to Regular Member)	Library Board	12-31-00
(Alternate Member)	Library Board	12-31-99
James Boschert (Moved from Alternate to Regular Member)	Planning Commission	12-31-99
(Alternate Member)	Planning Commission	12-31-99

Passed and adopted this 11th day of October, 1999.

ATTEST:

Mayor

City Clerk

1999 BOARD AND COMMISSION POOL

County	Name	Bldg Codes	BOA	Elect	Environ Board	Human Sves	Library	Open Space	P&R	Personnel	Plan Comm	SP&LB	Trans
Adams	Christopher Beal		2							3		1	
Adams	Jerry Cunningham			3	X			1	X	X	2		X
JeffCo	Jeff Karpovich									1	3	2	
Adams	* Martin McCabe	1						3				2	
Adams	Paul Nilles							1					
JeffCo	Leisa Schievelbein		2				2				1		
JeffCo	* Dennis Stark			1		3		2					

* Indicates carryover from 1998 Pool



Agenda Item 10 A

WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: TABLED Amendment to the Purchase and Sale Agreement with Catellus Development Corporation

Prepared by: John Carpenter, Director of Community Development

Introduction

This item was tabled at the August 23 Council meeting and September 13 Council meeting to allow City Staff and Catellus Development Corporation representatives to make needed modifications to the amended Purchase and Sale Agreement. Additional time is still needed to finalize these modifications. Therefore, Staff and Catellus are requesting that the item remain tabled.

Summary

The proposed amendment to the Catellus Purchase and Sale agreement provides for the City to acquire approximately 5.5 acres for use as a public parking lot to serve the Westminster Promenade project.

Staff Recommendation

Continue to table consideration of the proposed amendment to the Purchase and Sale Agreement with the Catellus Development Corporation.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 11, 1999
Subject: Councillor's Bill No. 63 re: Willow Run Business Assistance Package
Prepared by: Susan Grafton, Economic Development Manager

Introduction

City Council action is requested to adopt the attached Councilor's Bill as an emergency ordinance approving the Willow Run Business Assistance Agreement.

Summary

Southwestern Investment Group, LLC. is finalizing plans for the development of Willow Run Shopping Center, located at the northeast corner of 128th Avenue and Zuni Street. The total project will provide approximately 105,200 square feet of new retail space at full buildout. The project includes a 55,200square feet Safeway grocery store, and 50,000 square feet of other ancillary retail uses.

Of additional significance, Southwestern Investment Group, LLC has agreed to finance and build the Federal Boulevard and Zuni Street extension as well as, utility improvements needed in the area. Therefore, 75% of this Business Assistance Package is actually refunding public improvements financed by SIG on the City's behalf. Only 25% of the \$4,345,500 of the Business Assistance Package (\$967,000) will go directly to the developer to assist the Willow Run Shopping Center.

It should also be noted that the \$967,000 to assist with the development of the project, is only 28% of the total 5-year projected City revenue generated from this project. This percentage is significantly less than other incentives package provided to similar projects.

There were 3 alternatives considered in presenting the business assistance package to SIG. The alternatives are as follows:

1. Provide no assistance to SIG. However, the Federal Boulevard and Zuni Street extension would not be built for many more years and the retail development would not occur without assistance. (These street improvements are not in the city's 5 year Capital Improvement Plan.)
2. Provide only a portion of the recommended assistance. The majority of the assistance provided (75%) is being used to refund SIG for the Federal Boulevard and Zuni Street extension as well as, utility and other road improvements. The developer is "financing" the cost of public improvements as requested by City Staff. The remaining (25%) portion is a minor contribution in comparison to the revenue projected from this project. Also, it is very unlikely that the Safeway project would move forward without 100% funding of this assistance package.
3. Approve the recommended assistance package that has been agreed to by SIG. Staff recommends this alternative which is reflected in the attached ordinance.

The developer is aware of the fact that the City's repayment obligations are subject to annual appropriation by the then seated City Council, and has indicated his willingness to assume the risk of possible non-appropriation.

Staff Recommendation

Adopt Councilor's Bill No. 63 as an emergency ordinance approving the Willow Run Business Assistance Agreement.

Background Information

Southwestern Investment Group (SIG) has a signed contract with Safeway for the development of a grocery store at the northeast corner of 128th Avenue and Zuni Street. SIG plans to build a center similar to the King Soopers Center they developed at 104th Avenue and Federal Boulevard. The Official Development Plan for the shopping center calls for a 55,200 square foot grocery store and 50,000 square feet of other retail uses. The shopping center primarily will service the residential developments north of 120th Avenue in Broomfield and Westminster. The nearest grocery stores to the site are located at 120th Avenue and Sheridan Boulevard, a driving distance of 3 miles.

SIG has not requested funds to entice Safeway to the project. They are instead requesting that the City assist with the funding of the construction of the Federal Boulevard and Zuni Street extension, water main and sewer lines improvements in Zuni Street, purchase of public art and a portion of other off site improvements. The total cost of these improvements is estimated to be \$3,904,060.

The extension of Federal Boulevard north of 120th Avenue and connecting to Zuni Street at 128th Avenue has long been a part of the City's future transportation plan. However, traffic projects around the Westminster Mall and other areas of the City have been deemed to be higher priorities to date. Southwestern Investment Group offered to front the financing and build the Federal Boulevard extension. The road extension benefits SIG by opening up the market for a new Safeway grocery store at the corner of Zuni Street and 128th Avenue. Also, the road extension benefits the City by giving better access to existing and potential future development north of 120th Avenue. Safeway has stated they will locate at the corner only if the road extension is built. This extension, proposed initially as a two-lane road north of Federal Boulevard, is estimated to be \$2.3 million for the purchase of right of way, design, and construction of the roadway.

There are other public improvements that are regional in nature such as widening of 128th Avenue and Zuni Street abutting the site and water and sewer line improvements. The City's portion of these costs, which SIG is willing to front, as well as handle the design and construction, totals \$958,560. Also, as part of this project, SIG has agreed to install the City's Entry Sign, purchase and install public art on site and compensate the City Open Space Program for the Caulkins Ditch. These 3 items total \$78,500.

In addition to these costs, the developer has over \$4.8 million of other construction, as well as on-site and off-site costs. The City has been asked to contribute \$967,000 to help defray a portion of these expenditures. This is the only portion of this assistance package that directly benefits the developer.

The following summarizes the request:

City Development Participation

<u>Federal Boulevard and Zuni Street Extension</u>	2,310,000
<u>Utility and Street Improvements</u>	\$990,000
<u>Public Amenities</u>	\$78,500
<u>Direct Assistance to the Developer</u>	
<u>Project Assistance</u>	967,000
Total Assistance Package	<u>\$4,345,500</u>

It should be noted that a portion of the City's expense on the Federal Boulevard and Zuni Street extension would likely be recouped through recoveries as development occurs along the roadway between 120th and 128th Avenues

Revenue Projection

Safeway estimates annual sales receipts to equal just over \$16 million by 2002. Though the City's total Sales tax rate is 3.25%, assistance packages are estimated on only 3%, since the City's .25% Open Space tax is not subject to rebate. Therefore, the annual Sales Tax receipts based on 3% are expected to be approximately \$484,000 from Safeway alone.

There will also be 50,000 square feet of in-line and pad retail in the project. At build out, this space is estimated to generate over \$6 million in gross sales each year. At the 3% Sales Tax rate, the City is expected to receive about \$188,700 annually from this retail development.

The 5-year projection of total future City revenue including sales tax, permit fees, use tax, and property tax from this project is estimated at \$3.5 million. An additional \$275,000 will also be generated by this project for the Open Space Fund. The spin off of other development resulting from the extension of Federal Boulevard is unknown. The opening of this roadway, however, is expected to positively affect the development of the western portion of the Park Centre Business Park and other land in this area set aside for business park development.

Assistance Offer

As mentioned earlier, to make this project happen, funds are needed to cover the cost of the Federal Boulevard extension, utility improvements and other on-site/off-site improvements - totaling \$4,345,500. In actuality, the City is only providing \$967,000 in assistance directly to the developer. The remainder, \$3,378,500 is the City's obligation but is being financed by SIG so that the shopping center development can occur sooner. This policy where developer "accelerated" public improvements that are normally the City's responsibility has been addressed in previously approved commercial developments. Two recent examples involved the Westfield Shopping Center (Wal-Mart Center) and the Sheridan Crossing Center.

To accommodate this project the following assistance package is recommended:

<u>Capital Improvement Project (CIP) fund reimbursement</u>	\$2,900,000
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Funds will be reimbursed to SIG from the City to partially reimburse the cost of building the Federal Boulevard and Zuni Street extension and other utility and street improvements. The exact and final amount to be reimbursed will be determined by the City Engineer and the Finance Director upon completion of the Federal Boulevard and Zuni Street extension and other utility street improvements. The reimbursement amount will include accrued interest at the rate of 7.5% per annum from the point of accepting the new improvements into the City. Reimbursement will continue until such time as the reimbursement amount is paid in full.

Reimbursement will occur as follows:

1. The City will pay SIG \$800,000 from the General CIP Fund as bills are presented in 1999.
2. In January 2000, \$800,000 will be paid to SIG from the General CIP Fund and, \$400,000 will be paid to SIG from the Utility CIP Fund.

3. In January 2001, \$900,000 will be paid to SIG from the General CIP fund.
4. Any additional costs, over \$2,900,000, incurred for the Federal Boulevard and Zuni Street extension and other utility and street improvements will be rolled into the Sales Tax rebate and the amount of such additional costs will accrue interest at the rate of 7.5% per annum, until paid in full.

Enhancement Fund Reimbursement \$60,000

To compensate SIG for the installation of "Westminster" entry sign.

Sales Tax Rebate

Upon the opening of the Safeway and Willow Run Shopping Center the City will rebate 50% of the 3.0% Sales Tax revenue collected (as well as 100% of the .25% Open Space Tax) from this project.

The total rebate is estimated to be \$1,385,500 and should be completely rebated within 4 years.

- | | | |
|----|---|-----------|
| a) | Any additional cost from the Federal Boulevard and Zuni Street extension and other improvements not paid by January 31, 2001, will at that time be rolled into the Sales Tax rebate and accrue interest at 7.5% until paid. | \$400,000 |
| b) | Compensate SIG for provision of public art and Caulkins Ditch | \$18,500 |
| c) | <u>Developer Assistance</u> . To directly assist SIG with the development of the shopping center. | \$967,000 |

Total Assistance **\$4,345,500***

*excludes interest

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **63**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH SOUTHWESTERN INVESTMENT GROUP, LLC:

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

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

WHEREAS, Southwestern Investment Group, LLC has indicated an interest in building a new shopping center in the City of Westminster known as the Willow Run Shopping Center; and

WHEREAS, Southwestern Investment Group, LLC will build an approximately 105,000 square foot retail center with an estimated project cost of approximately \$5 million; and

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

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

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

Section 2. This ordinance shall be in full force and effect upon adoption of this ordinance on October 11, 1999, by an affirmative vote on six of the members of the Council if six or seven members of the Council are presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 3. This ordinance shall be published in full within ten (10) days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 11th day of October 1999.

ATTEST:

Mayor

City Clerk

**ASSISTANCE AGREEMENT
FOR THE CONSTRUCTION OF WILLOW RUN
SHOPPING CENTER IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of October, 1999, between the CITY OF WESTMINSTER (the "City"), and SOUTHWESTERN INVESTMENT GROUP, LLC ("SIG").

WHEREAS, the City wishes to provide certain assistance to SIG to aid in the construction of their new retail center within the City of Westminster located at 128th Avenue and Zuni Street; and

WHEREAS, SIG has agreed to engineer, build and install the Federal Boulevard extension, certain utilities and public art valued at about \$2,937,060 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 and further expand the City's tax base.

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

1. Southwestern Investment Group, LLC responsibilities:
 - a. Federal Boulevard Extension. SIG will engineer, design, obtain right-of-way and build the Federal Boulevard extension from 120th Avenue to 128th Avenue including improvements to the Zuni Street and 128th Avenue intersection in compliance with City engineering standards and practices, and will be subject to approval by the City Engineer.
 - b. Off-site Improvements. In addition to normal development requirements, SIG will also construct the City's portion of the off-site improvements, which includes installation of the water and sewer lines to the edge of SIG's property line and one-third (1/3) of the street widening of 128th Avenue and Zuni Street in front of SIG's property. All improvements will be built and installed as shown on the Official Development Plan and Construction Documents as well as in compliance with City Engineering standards and practices and will be subject to approval by the City Engineer.
 - c. Public Art. SIG will install public art in the Willow Run Shopping Center with a minimum value of \$15,000 no later than 12 months after the issuance of the final Safeway Certificate of Occupancy.
 - d. Gateway Sign. SIG will install the City gateway sign as shown on the Willow Run Official Development Plan no later than 12 months after the issuance of the Safeway Certificate of Occupancy.
 - e. Shopping Center Construction. SIG will construct the Willow Run Shopping Center, including all on-site and off-site development responsibilities as outlined and shown on the Willow Run Official Development Plan. Development of the center shall be at least 80% complete by December 31, 2001.
 - f. Caulkins Ditch. SIG will reimburse the City \$3,500 for the Caulkins Ditch Open Space as documented with the Open Space Coordinator.

2. City of Westminster Responsibilities:

- a. Engineering of Alignment. City's Planning and Engineering Staff will work with SIG to determine the appropriate alignment for the Federal Boulevard extension from 120th Avenue to 128th Avenue.
- b. Reimbursement. The City will reimburse SIG for the actual cost of engineering, design, right-of-way acquisition and construction of the Federal Boulevard and Zuni Street extension, as well as the City's portion of the utility and street improvements in Zuni Street and 128th Avenue as noted on the Willow Run Official Development Plan. Coordination, timing and funding of the improvements will be more specifically defined in the Willow Run Shopping Center Public Improvement Agreement to be prepared by the City Engineering Staff. The final reimbursement amount will include accrued interest at the rate of 7.5% interest per annum from the point at which the City accepts the project as complete. The amount to be reimbursed for street and utility improvements is subject to the City Engineer's approval, and is estimated to be \$3,300,000 plus accrued interest as noted on the following payment schedule. The reimbursement payments pursuant to this paragraph will be paid to SIG as follows:
 - (1) The City will pay \$800,000 to SIG from the General CIP account, as bills are provided to substantiate expenditures, in 1999. Payment will be made within 30 days of the date the bills are presented.
 - (2) The City will pay \$800,000 from the General CIP account to SIG by January 31, 2000.
 - (3) The City will pay \$400,000 from the Utility CIP account to SIG by January 31, 2000.
 - (4) The City will pay \$900,000 to SIG from the General CIP Account by January 31, 2001.
 - (5) Any additional costs, incurred for the Federal Boulevard and Zuni Street extension and other utility and street improvements, as defined in the Willow Run Official Development Plan, over the \$2,900,000 provided in paragraphs 1, 2, 3 and 4 above, will be rolled into the Sales Tax rebate provided for in paragraph 2d. Said amount will accrue interest at 7.5% per annum and will be pro-rated for the period of time from project completion as established by the City Engineer until the final payment date.
 - (6) The exact amount to be reimbursed, with interest for the Federal Boulevard and Zuni Street extension and other road and utility improvements, will be that portion of the actual costs incurred by SIG in performing such work (as submitted by SIG and verified and approved by the City Engineer) that the City has agreed to reimburse, pursuant to paragraph 2b. above, and, as reasonably determined by the City Engineer and Finance Director upon completion of the Federal Boulevard and Zuni Street extension and installation of the utility and street improvements described in paragraphs 1.a and 1.b.

c. Sale Tax Rebate

1. A Sales Tax Rebate shall be paid by the City in quarterly installments equal to 50% of Sales Tax received by the City from Willow Run Shopping Center. Such rebate shall be payable exclusively from Sales Tax revenues collected by the City from Willow Run Shopping Center and attributable to the imposition of the City's 3.0% general Sales Tax (excludes the City's .25% Open Space Tax); and shall continue until such time as the items in 2.c.2 below have been completely rebated. Said amount is estimated to be \$1,385,500.
2. Such quarterly installments shall be paid as follows:
 - a) Any additional funds due to SIG per paragraphs 2.c.(5) and 2.c.(6) will be rebated until the dollar amount established by the City Engineer and Finance Director has been reimburse.
 - b) \$18,500 in sales tax will be rebated to SIG to compensate SIG for the provision of public art and Caulkins Ditch.
 - c) \$967,000 in sales tax will be rebated to SIG to aid in the overall project development.
3. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter.

d. Enhancement Fund Reimbursement

The City will reimburse up to \$60,000 for the "Westminster" gateway sign by January 31, 2001, upon approval and acceptance of the gateway sign by the City.

3. Completion Deadline. This assistance Agreement shall terminate and become void and of no further force or effect upon the City if construction of Willow Run Shopping Center is not at least 80% completed or such center is not in operation by December 31, 2001.
4. Vacancy Condition. In the event that at least 70% of the leasable square feet of the Willow Run Shopping Center becomes vacant, for a period of eight (8) consecutive months, within seven (7) years after the new Safeway Grocery Store commence operations, SIG shall repay the City that amount of the sales tax previously rebated, but not attributable to road, utility and public improvement, which is \$967,000. The obligation to repay the \$967,000 shall be deemed an obligation that is personal to SIG or its assignee. In no event shall such obligation be deemed to run with the title to Willow Run Shopping Center property after such property is sold or be binding upon any owner thereof other than SIG or its assignee.
5. Other Regulations. Nothing in this Agreement waives or reduces SIG's obligation to abide by and comply with the City's zoning and planning regulations or Building Codes.
6. Entire Agreement. This instrument shall constitute the entire agreement between the City and SIG, 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.

7. Assignment. This Agreement is assignable to another legal entity subject to the City's reasonable consent, which will not be withheld as long as evidence satisfactory to the City in its reasonable discretion is provided which demonstrates that the successor entity has the financial wherewithal, experience, and expertise to carry out the project and the obligations under this agreement. However, any assignment of this Agreement other than as defined herein shall require City's approval, which shall not be unreasonably withheld. The rights and obligations hereunder shall inure to the benefit and detriment of any transferees, assigns or beneficiaries.

8. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenue of the City.

9. Annual Appropriation Condition. 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 Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the seated City Council.

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 good faith the services of a mutually acceptable, qualified, and experienced 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 Adams County, Colorado.

SOUTHWESTERN INVESTMENT GROUP, LLC

CITY OF WESTMINSTER

By _____
 Mark D. Campbell
 President

 William Christopher
 City Manager

ATTEST:

 Michele Kelley, City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: Resolution No. 73 re Adams County "Save Open Space" Tax Proposal

Prepared by: Bill Christopher, City Manager
Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested to adopt a formal Resolution stating City Council's support for the Adams County "Save Open Space".

Summary

A citizen-based group known as "Save Open Space (Adams County)" is seeking support from cities throughout Adams County for the proposed sales and use tax proposition to fund open space preservation, park acquisition and development, trails and related improvements. The Adams County Commissioners have placed this proposition on the November 2, 1999 ballot.

Key provisions of the citizen group tax proposal are outlined in the background section of this memorandum. The attached resolution will show the City of Westminster's support for the "Save Open Space - Adams County" initiative.

Staff Recommendation

Adopt Resolution No. 73 which formally states the City of Westminster's support for the proposed "Save Open Space - Adams County" Sales and Use Tax.

Background Information

Over the past five years or so, several citizens groups have worked to promote an Open Space, Parks and Trails tax for Adams County. The purpose of the tax would be similar to those in place in Westminster, Jefferson County and other locations - to raise revenue, earmarking the funds to be used for open space land acquisitions, trail development, park land acquisition, and park and recreation facility improvements. Having such funding would also make Adams County projects eligible for various matching grants, which require a local funding commitment. An open space tax proposal was placed on the Adams County ballot in 1997, though voters did not approve it at that time. Efforts have continued, and the citizens group and Adams County Commissioners have placed a revised version of a sales and use tax on the ballot for November of this year. The citizens' group is requesting support from the cities throughout Adams County. The key provisions of the proposal that the citizens group has put forth include the following:

- 1/5 of one-cent Sales and Use Tax, with exceptions including food, prescription drugs and farm machinery. This tax would equal one penny on every five dollar purchase.
- A 7 year term, from 2000 through 2006. The tax would expire after 7 years, unless re-authorized by the voters.

- 30% of revenues would be directly returned to the cities or unincorporated areas of Adams County for their use in a broad range of eligible projects, either active or passive, to be determined locally. This portion of the tax revenue would be distributed based on point of sale.
- 68% of the tax revenue would be distributed pursuant to a grant application process, with an independent citizen advisory board making recommendations to the County Commissioners.
- A limit of 2% for administrative costs would be imposed.
- The Advisory Committee would include seven members, with four being residents of unincorporated areas, and three being residents of Adams County cities.

The proponents of this proposition believe that a dedicated revenue source is needed to acquire open space and park land as well as to fund public improvements to achieve an enhanced quality of life for residents throughout Adams County. Preserving open space is a key priority, given the pressures of growth. The tax would be collected by the State of Colorado and then distributed based on the point of sale methodology.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO **73**.

INTRODUCED BY COUNCILLORS

SERIES OF 1999

CITIZENS GROUP "SAVE OPEN SPACE - ADAMS COUNTY"

WHEREAS, a citizen based group known as "Save Open Space - Adams County" is pursuing a 1/5 of one-cent Sales and Use Tax proposition earmarking tax revenue for Open Space acquisitions, park land acquisitions, and park and recreation facility development and maintenance, and

WHEREAS, the Adams County Commissioners have placed this issue on the ballot for November 1999, and

WHEREAS, at the present time Adams County on a Countywide basis does not have an Open Space or Parks tax such as the Jefferson County 1/2 cent Open Space Tax and,

WHEREAS, the citizen based group believes there is a need and support for such a revenue stream to purchase land to be maintained as Open Space as well as acquiring land for parks and trails for the enhancement of the quality of life of citizens throughout Adams County, and

WHEREAS, the citizens group is requesting each City in Adams County to evaluate and comment on the proposal, and

WHEREAS, the Westminster City Council has reviewed the proposal and believes that it has merit.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that the City Council supports the Save Open Space – Adams County proposal which has been placed on the November 1999 ballot for Adams County voters, and urges all Westminster residents who are also Adams County voters to become fully familiar with this initiative effort, to evaluate the merits and demerits of such a Countywide tax, and to exercise their voting privilege.

Passed and adopted this 11th day of October, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: Councillor's Bill No. 64 re Issuance of Remaining \$2.65 Million of Special Purpose Sales and Use Tax Revenue Bonds (POST Project).

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council approval is requested for the private placement issuance of the remaining \$2.65 million balance of the \$26 million of POST(parks, open space and trails) debt that was approved by Westminster voters on November 5, 1996.

Funds for the debt payment and servicing of the payments are included in the recommended Year 2000 budget and in the preliminary Year 2001 budget. Funds for debt service payments in subsequent years will be included for City Council approval in the relevant budgets submitted for Council approval in future years.

Summary

In July 1999, Council directed Staff to proceed with issuing the residual balance of the POST project debt financing using the most cost efficient method of financing.

Staff determined that the most cost-effective method for issuing the remaining bonds was through the solicitation of bids for private placement. Bids were received on September 29, 1999. The lowest cost and most effective structure for the City was made by Zion Bank. Zion's local presence in the City of Westminster is Vectra Bank at 3300 West 72nd Avenue (formally was Citizen's Bank).

The structure of the issue is for serial bonds (a portion of the bonds will be paid off each year) with a maximum maturity of eight (8) years. The net interest cost for the issue is 5.50%. Staff concluded this is an excellent interest rate given the current market.

Recommendation

Adopt Councillor's Bill No. 64 as an emergency ordinance approving the sale of \$2.65 million of Sales and Use Tax Revenue Bonds for parks, open space and trails at a net interest cost of 5.50%, and direct the Mayor and City Clerk to sign necessary documents on behalf of the City.

Background Information

In November of 1996, voters approved by an overwhelming margin of three to one, the issuance of \$26 million in bonds, the proceeds of which were to be used to purchase open space and make parks and trails improvements for the City of Westminster residents. The bonds are repaid by dedicating the .25% Open Space Tax currently collected with the City's Sales Tax.

Total bonds issued in 1997 were \$23.35 million, leaving an unused capacity of \$2.65 million. The POST program has been very successful to date. At the time of the ballot issue, the City had preserved 1,200 acres of open space, or 6.7% of the City's area, in the twelve (12) years of "pay-as-you-go" financing from 1985 through late 1996.

With the bond funds, an additional 800 acres of open space have been preserved in just 2 ½ years, pushing the total to 2,005 acres or 11% of the City's area. Additionally, the City's new Fitness Center has been constructed and opened, and ground was broken for the new Northwest Area Recreation Center this past summer. Other park projects include the new "gathering place" currently under design to be located at the south end of the Promenade.

The use of the remaining funds were identified in the July 14, 1999, Staff Report as:

• Phase III of City Park (ball fields)	\$1.517 million
• Purchase of open space properties	\$1.103 million
• Cost of issuance paid from proceeds	<u>\$.030 million</u>
Total	<u>\$2.650 million</u>

This allocation will preserve the commitment to dedicate a minimum of 50% of bond proceeds to the purchase of open space property, since the original allocations involved \$12 million in POST bonds going to Open Space and \$11 million going to Parks.

Other sales strategies discussed and discarded were competitive or negotiated sale. These options were eliminated due to the higher fixed costs that would have been incurred. These higher costs would mean that less dollars would have been available for the projects.

Staff and the City's bond counsel and financial advisor will be available at the October 11 City Council meeting to answer questions City Councillors may have.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. **64**

SERIES OF 1999

INTRODUCED BY COUNCILLOR

A BILL

FOR AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF SPECIAL PURPOSE SALES AND USE TAX REVENUE BONDS (POST PROJECT), SERIES 1999, OF THE CITY OF WESTMINSTER, COLORADO, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,650,000, PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Westminster, Adams and Jefferson Counties, Colorado (the "City"), is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Colorado Constitution and the home rule charter of the City (the "Charter"); and

WHEREAS, pursuant to Section 10.2 of the Charter and Title IV of the City's Municipal Code, the City has heretofore imposed and is collecting a sales and use tax upon the sale or use of tangible personal property and certain services; and

WHEREAS, pursuant to said Title IV, for transactions consummated or contracts entered into on or after January 1, 1986, but prior to January 1, 2017, the rate of the sales and use tax shall be three and one-quarter percent (3.25%), and for transactions consummated or contracts entered into prior to January 1, 1986, or on or after January 1, 2017, the rate of the sales and use tax shall be three percent (3%); and

WHEREAS, also pursuant to said Title IV, seven and sixty-nine hundredths percent (7.69%) of all sales and use taxes collected at the rate of three and one quarter percent (3.25%) shall be distributed to the City's Open Space Fund (the "Open Space Tax"); and

WHEREAS, pursuant to Chapter XI of the Charter, the City Council (the "Council") has the power to issue, without the vote of the qualified electors of the City, revenue bonds for any public purpose payable in whole or in part from the available proceeds of sales and use taxes which may be imposed pursuant to Chapter X of the Charter; and

WHEREAS, Article X, Section 20 of the Colorado Constitution requires voter approval in advance for the creation of any multiple-fiscal year direct or indirect debt or other financial obligation; and

WHEREAS, at the general election held on November 5, 1996, the registered electors of the City approved the following question (the "Election Question"):

SHALL THE CITY OF WESTMINSTER DEBT BE INCREASED \$26,000,000 WITH A REPAYMENT COST OF \$48,000,000 (MAXIMUM PRINCIPAL AND INTEREST OVER AN ESTIMATED TWENTY YEAR PAYMENT PERIOD) WITHOUT ANY NEW TAXES OR TAX RATE INCREASES FOR THE PURPOSE OF:

- X ACQUIRING MORE OPEN SPACE AND PARKLAND THROUGHOUT THE CITY,
- X DEVELOPING AND ENHANCING NEIGHBORHOOD PARKS AND OTHER PARKS IN THE CITY,

- X DEVELOPING AND EXTENDING TRAILS THROUGHOUT THE CITY,
- X DEVELOPING AND ENHANCING RECREATIONAL FACILITIES
IN THE CITY

TO BE REPAID FROM THE CURRENT 1/4 OF 1 PERCENT SALES AND USE TAX INCLUDING THE EXTENSION TO DECEMBER 31, 2016, AND ANY OTHER AVAILABLE REVENUES; AND SHALL THE CITY CONTINUE TO LEVY UNTIL DECEMBER 31, 2016, THE 1/4 OF 1 PERCENT SALES AND USE TAX CURRENTLY PROVIDED FOR BY CITY CODE SECTION 4-2-3 AND USE SUCH REVENUES FOR THE ACQUISITION OF OPEN SPACE AND PARKLAND AND FOR THE DEVELOPMENT AND ENHANCEMENT OF PARKS, RECREATIONAL FACILITIES AND TRAILS; AND SHALL THE PROCEEDS OF SUCH DEBT, SUCH TAXES, ANY GRANTS RECEIVED BY THE CITY FOR OPEN SPACE AND TRAILS, AND ANY INVESTMENT INCOME THEREFROM BE EXCLUDED FROM THE SPENDING THE REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

WHEREAS, the maximum annual repayment cost for the bonds approved in the question set forth in the notice mailed to electors was \$2,400,000; and

WHEREAS, the City has previously utilized \$23,350,000 of the existing authorization from the Election Question in the issuance of its Special Purpose Sales and Use Tax Revenue Bonds (POST Project), Series 1997B Bonds (the "1997B Bonds"), leaving authorization of \$2,650,000 before issuance of the Bonds; and

WHEREAS, the Council has determined that it is necessary to further finance the costs of the Project (as defined in Section 2 hereof), and that it is in the best interests of the City and the inhabitants thereof that sales and use tax revenue bonds payable from the Open Space Tax in the principal amount of \$2,650,000 (the "Bonds") be issued for such purpose; and

WHEREAS, the Bonds issued hereby for the Project shall be issued with such terms that they meet the requirements of the Election Question; and

WHEREAS, the Bonds shall have an irrevocable and first lien, but not necessarily an exclusive such lien, on the Open Space Tax revenues of the City, as set forth herein; and

WHEREAS, other than the 1997B Bonds, there are no liens on the Pledged Revenue, so that the Pledged Revenue may now be pledged lawfully and irrevocably for the payment of the Bonds; and

WHEREAS, the City has received an offer from the Purchaser (as defined in Section 2 hereof) for the purchase of the Bonds for the purpose of defraying in whole or in part the costs of the Project and the costs of issuance of the Bonds; and

WHEREAS, the Council has determined that the Bonds shall be sold to the Purchaser in accordance with its offer and that such sale is to the best advantage of the City; and

WHEREAS, it is necessary to provide for the form of the Bonds, the Bond details, the payment of the Bonds, and other provisions relating to the authorization, issuance, and sale of the Bonds; and

WHEREAS, no member of the Council has any conflict of interest or is interested in any pecuniary manner in the issuance of the Bonds or in the Project;

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Short Title. This Ordinance shall be known as and may be cited by the short title "1999 Open Space Sales and Use Tax Bond Ordinance."

Section 2. Definitions. As used herein, unless the context clearly indicates otherwise, the following terms shall have the respective meanings set forth below:

Bond Fund: offsetting revenue and expense accounts within the General Debt Service Fund of the City, designated as the "1999 Special Purpose Sales and Use Tax Revenue Bonds", created by the provisions of this Ordinance.

Bonds: the Special Purpose Sales and Use Tax Revenue Bonds (POST Project), Series 1999, issued in the aggregate principal amount of \$2,650,000, as authorized by this Ordinance.

Charter: the home rule charter of the City adopted in accordance with Article XX of the Colorado Constitution.

City: the City of Westminster, Adams and Jefferson Counties, Colorado.

Code: the Internal Revenue Code 1986, as in effect on the date of delivery of the Bonds.

Combined Maximum Annual Principal and Interest Requirements: with regard to any two or more particular issues of bonds or other obligations, the maximum annual payment of principal of and interest on all of said issues (excluding redemption premiums) to become due from the date of computation to the date of maturity of the latest maturing obligation of any of said issues; provided that such computation shall assume the redemption and payment of bonds or other obligations subject to mandatory redemption, but shall be made without regard to optional redemption or any other assumed amortization.

C.R.S.: the Colorado Revised Statutes, as amended and supplemented as of the date hereof.

Event of Default: any one or more of the events set forth in Section 20 of this Ordinance.

Federal Securities: direct obligations of the United States of America and securities fully and unconditionally guaranteed as to the timely payment of principal and interest thereof by the United States of America, provided, that the full faith and credit of the United States of America must be pledged to any such direct obligation or guarantee.

General Debt Service Fund: the "General Debt Service Fund" heretofore established as a governmental fund of the City.

1997B Bonds: the City's Special Purpose Sales and Use Tax Revenue Bonds (POST Project), Series 1997B in the aggregate principal amount of \$23,350,000 dated as of March 1, 1997.

1997B Ordinance: Ordinance No. 2497, Series of 1997 authorizing the issuance of the 1997B Bonds.

Open Space Fund: the "Open Space Fund" heretofore established as a governmental fund of the City.

Ordinance: this Ordinance which authorizes the issuance of the Bonds.

Owners: the Registered Owners; provided however, that for purposes of Sections 21 and 22 hereof, to the extent provided in any ordinance authorizing the Bonds, or any Parity Lien Bonds, any bond insurer which is not in default in its obligations under its bond insurance policy insuring payment of the Bonds, or any Parity Lien Bonds shall be deemed the Owner thereof.

Parity Lien Bonds: one or more series of additional bonds, notes, interim securities, or other obligations issued by the City in accordance with the provisions hereof, having a lien on the Pledged Revenue which is on a parity with the lien of the Bonds.

Paying Agent: The Bank of Cherry Creek, N.A., in Denver, Colorado or its successor, which shall perform the function of paying agent as set forth in this Ordinance.

Paying Agent Agreement: the Registrar and Paying Agent Agreement between the City and the Registrar and Paying Agent.

Person: any natural person, firm, partnership, association, corporation, trust, public body, or other entity.

Pledged Revenue: 7.69% of the revenue derived from the Sales and Use Tax after deducting all costs of administering and collecting the Sales and Use Tax.

Project: the improvements described in the Election Question set forth in the preambles of this Ordinance and approved by a majority of the City's registered electors voting thereon at the November 5, 1996, general election.

Purchaser: Lockhart Realty Company, an affiliate of Zions First National Bank.

Record Date: the fifteenth (15th) day of the calendar month next preceding each interest payment date of the Bonds.

Registered Owner: the registered owner of any Bond, as shown by the registration books maintained by the Registrar on behalf of the City.

Registrar: The Bank of Cherry Creek, N.A., in Denver, Colorado or its successor, which shall perform the registration and transfer functions of bond registrar as set forth in this Ordinance.

Required Reserve means the amount of the Reserve Fund required by Section 18(e) hereof.

Reserve Fund: offsetting revenue and expense accounts within the General Debt Service Fund of the City, designated as the "Special Purpose Sales and Use Tax Revenue Bonds Reserve", created by the provisions of Section 18(e) of this Ordinance.

Sales and Use Tax: the sales and use tax of the City, as imposed by Title IV in effect as of the date hereof. The term "Sales and Use Tax" does not include any increases in the rate of sale and use taxes from the present rate of 3.25%, nor does it include any other excise taxes which may now or hereafter be imposed by the City, whether contained in Title IV or any other Chapter or ordinance of the City.

Sales and Use Tax Fund: the "Sales and Use Tax Special Revenue Fund" heretofore established as a governmental fund of the City.

Special Record Date: a special date fixed to determine the names and addresses of registered owners of Bonds for purposes of paying interest on a special interest payment date for the payment of defaulted interest.

Subordinate Lien Bonds: one or more series of additional bonds, notes, interim securities, or other obligations issued by the City in accordance with the provisions hereof, having a lien on the Pledged Revenue which is subordinate or junior to the lien of the Bonds.

Title IV: Chapters 1 and 2 of Title IV of the Municipal Code of the City governing the imposition, collection, distribution, and enforcement of the Sales and Use Tax, and any successor or other ordinance pertaining to the Sales and Use Tax.

Section 3 Authorization. In accordance with the Constitution of the State of Colorado, the Charter and all other laws of the State of Colorado thereunto enabling, and pursuant to the provisions of this Ordinance and the Election Question, the City hereby authorizes, for the purpose of paying a portion of the costs of the Project, the issuance of its "Special Purpose Sales and Use Tax Revenue Bonds (POST Project), Series 1999," in the aggregate principal amount of \$2,650,000. The Council finds and determines that the principal amount, total repayment cost and maximum annual repayment cost of the Bonds and the 1997B Bonds combined does not exceed the amounts permitted under Article X, Section 20 of the Colorado Constitution and the Election Question.

Section 4 Special Obligations. All of the Bonds, together with the interest thereon and any premium due in connection therewith, shall be payable only out of the Bond Fund, into which the City covenants to deposit the Pledged Revenue in amounts sufficient to pay promptly, when due, the principal of, premium, if any, and interest on the Bonds. The Bonds shall constitute an irrevocable and first lien upon the Pledged Revenue to the extent provided herein, but not necessarily an exclusive such lien, and the Pledged Revenue is hereby pledged to the payment of the Bonds as provided herein. The Owners may not look to any general or other revenue of the City, including without limitation the proceeds of ad valorem taxes, for the payment of the principal of, premium, if any, and interest on the Bonds, and the Bonds shall not constitute a debt or an indebtedness of the City within the meaning of any constitutional, Charter, or statutory provision or limitation; nor shall they be considered or held to be general obligations of the City.

Section 5 Bond Details. The Bonds shall be issued only as fully registered Bonds (initially registered in the name of the Purchaser), without coupons, in the denomination of \$100,000 each or any integral multiple of \$5,000 over \$100,000. Unless the City shall otherwise direct, the registered Bonds of each series shall be numbered separately from 1 upward, with the number of each Bond preceded by "R-" and such other series designation as the Registrar deems necessary.

The Bonds shall be dated as of the date of their delivery, shall bear interest (calculated on the basis of a 360-day year of twelve 30-day months) payable semiannually on June 1 and December 1, commencing on June 1, 2000, and shall mature on December 1 each year as follows:

<u>Maturity</u> <u>(December 1)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest Rate</u>
2000	\$265,000	5.05%
2001	295,000	5.15
2002	310,000	5.25
2003	325,000	5.30
2004	315,000	5.40
2005	360,000	5.45
2006	380,000	5.50
2007	400,000	5.55

The maximum net effective interest rate authorized for the Bonds is 6.00% per annum, and the actual net effective interest rate of the Bonds does not exceed such maximum.

The Bonds shall bear interest from their date until maturity or prior redemption, payable semiannually on each June 1 and December 1, commencing on June 1, 2000, except that any Bond which is reissued upon transfer, exchange or other replacement shall bear interest from the most recent interest payment date to which interest has been paid, or if no interest has been paid, from the date of the Bonds.

Section 6. Payment of Bonds; Paying Agent and Registrar. The principal of and premium, if any, on each Bond is payable in lawful money of the United States of America to the Registered Owner of such Bond upon maturity and presentation of the Bond, at the principal office of the Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the interest rate borne by said Bond until the principal thereof is paid in full. Payment of interest on any Bond shall be made to the Registered Owner thereof by check or draft mailed by the Paying Agent, on or before each interest payment date, to the Registered Owner thereof at his or her address as it last appears on the registration records kept by the Registrar on the Record Date; but any such interest not so timely paid shall cease to be payable to the person who is the Registered Owner thereof at the close of business on the Record Date and shall be payable to the person who is the Registered Owner thereof at the close of business on a Special Record Date for the payment of such defaulted interest. Such Special Record Date shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the Registered Owners of the Bonds not less than ten days prior to the Special Record Date by first-class mail to each such Registered Owner as shown on the Registrar's registration records on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the Registered Owner of such Bond and the Paying Agent; provided, however, that the City shall not be required to make funds available to the Paying Agent prior to the payment dates stated in this Ordinance. All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or Registrar.

If the date for making any payment or performing any action hereunder shall be a legal holiday or a day on which the principal office of the Paying Agent or Registrar is authorized or required by law to remain closed, such payment may be made or act performed on the next succeeding day which is not a legal holiday or a day on which the principal office of the Paying Agent or Registrar is authorized or required by law to remain closed.

Section 7. Prior Redemption.

(a) Optional Prior Redemption. The Bonds maturing on and after December 1, 2005, shall be subject to redemption prior to their respective maturities, at the option of the City, in whole, or in part, in integral multiples of \$100,000 or in increments of \$5,000 over said \$100,000, from such maturities as are selected by the City, and if less than all of the Bonds of a maturity are to be redeemed, by lot within a maturity (giving proportionate weight to Bonds in denominations larger than \$100,000), in such manner as the Registrar may determine, on December 1, 2004, or on any date thereafter, at a redemption price equal to the principal amount or portion thereof so redeemed and accrued interest thereon to the redemption date. The Registrar shall not be required to give notice of any such optional redemption unless it has received written instructions from the City in regard thereto at least sixty days prior to such redemption date.

(b) Notice. Notice of redemption shall be given by the Registrar in the name of the City by sending a copy of such official notice by first-class, postage prepaid mail, not more than sixty nor less than thirty days prior to the redemption date to each Registered Owner at his address as it last appears on the registration books kept by the Registrar; but neither failure to give such notice nor any defect therein shall affect the redemption of any Bond. Such notice shall identify the Bonds to be so redeemed (if less than all are to be redeemed) and the redemption date, and shall further state that on such redemption date there will become and be due and payable upon each Bond so to be redeemed, at the Paying Agent, the principal amount thereof, any redemption premium, and accrued interest to the redemption date and that from and after such date interest will cease to accrue. Notice of any redemption of Bonds shall state that the proposed redemption is conditioned on there being on deposit in the applicable fund or account on the redemption date sufficient money to pay the full redemption price of the Bonds to be redeemed. Prior to any redemption date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date. Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such

Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Paying Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. All Bonds which have been redeemed shall be promptly canceled by the Paying Agent and such canceled Bonds shall be delivered by the Paying Agent or Registrar to the City if requested by the City, and shall not be reissued.

(c) Partial Redemption. In the case of Bonds of a denomination larger than \$100,000, a portion of such Bond (\$100,000 or any integral multiple of \$5,000 over \$100,000) may be redeemed, in which case the Registrar shall, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof of the same maturity and interest rate in the amount of the unpaid principal.

Section 8 Form and Execution of Bonds. The Bonds shall be signed with the facsimile or manual signature of the Mayor of the City, sealed with a facsimile or manual impression of the seal of the City, countersigned by the facsimile or manual signature of the City's Finance Director, and attested by the facsimile or manual signature of the City Clerk. Should any officer whose facsimile or manual signature appears on the Bonds cease to be such officer before delivery of the Bonds to the Purchaser, such facsimile or manual signature shall nevertheless be valid and sufficient for all purposes.

The Bonds shall be in substantially the following form with such changes as may be necessary:

[Form of Bond]
[Front of Bond]

No. R-_____

\$_____

UNITED STATES OF AMERICA
STATE OF COLORADO
COUNTIES OF ADAMS AND JEFFERSON
CITY OF WESTMINSTER
SPECIAL PURPOSE SALES AND USE TAX REVENUE BOND
(POST PROJECT)
SERIES 1999

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>
_____	December 1, ____	_____, 1999

REGISTERED OWNER: Lockhart Realty Company, an affiliate of Zions First National Bank

PRINCIPAL AMOUNT: _____ DOLLARS

The City of Westminster, in the Counties of Adams and Jefferson and the State of Colorado, for value received, hereby promises to pay from the special fund hereafter designated, but not otherwise, to the registered owner named above, or registered assigns, on the maturity date specified above, the principal amount specified above or on the date of prior redemption. In like manner the City promises to pay interest on such principal amount (computed on the basis of a 360-day year of twelve 30-day months) from the date of this Bond until maturity or prior redemption at the interest rate per annum specified above, except that upon transfer, exchange or other replacement this Bond shall bear interest from the most recent interest payment date to which interest has been paid, or if no interest has been paid, from its date. Interest on this Bond is payable semiannually on June 1 and December 1 each year, commencing on June 1, 2000, until such principal amount is paid at maturity or upon prior redemption. The principal of this Bond and premium, if any, are payable in lawful money of the United States of America to the registered owner upon maturity or prior redemption and presentation at the office of The Bank of Cherry Creek, N.A., in Denver, Colorado, or its successor, as Paying Agent.

Interest on this Bond will be paid on or before each interest payment date, by check or draft mailed by the Paying Agent to the person in whose name this Bond is registered in the registration records of The Bank of Cherry Creek, N.A., in Denver, Colorado, or its successor, as Registrar, and at the address appearing thereon at the close of business on the fifteenth day of the calendar month (whether or not a business day) next preceding such interest payment date (the "Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the registered owner hereof at the close of business on the Record Date and shall be payable to the person who is the registered owner hereof at the close of business on a Special Record Date (defined in the ordinance of the City adopted October 11, 1999, authorizing this Bond (the "Bond Ordinance")) for the payment of defaulted interest. Such Special Record Date shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owners of the bonds of the series of which this is one (the "Bonds") not less than ten days prior to the Special Record Date.

If the date for making any payment or performing any action under the Bond Ordinance or this Bond shall be a legal holiday or a day on which the principal office of the Paying Agent or Registrar is authorized or required by law to remain closed, such payment may be made or act performed on the next succeeding day which is not a legal holiday or a day on which the principal office of the Paying Agent or Registrar is authorized or required by law to remain closed.

This Bond is one of a series aggregating Two Million Six Hundred Fifty Thousand Dollars (\$2,650,000) par value, all of like date, tenor, and effect except as to number, principal amount, interest rate, and date of maturity, issued by the City Council of the City of Westminster, in the Counties of Adams and Jefferson and the State of Colorado, for the purpose of paying the costs of certain open space and recreational improvements in the City, in accordance with the Constitution of the State of Colorado, the Charter of the City, and all other laws of the State of Colorado thereunto appertaining, and pursuant to the authorizing Bond Ordinance duly passed and adopted prior to the issuance of this Bond. It is hereby recited, certified, and warranted that all of the requirements of law have been fully complied with by the proper officers in issuing this Bond.

The principal of, premium, if any, and interest on this Bond are payable only out of a special fund of the City created in full conformity with law and designated as the "1999 Special Purpose Sales and Use Tax Revenue Bonds" (the "Bond Fund"), into which the City covenants and agrees to credit, from certain sales and use tax proceeds defined hereafter as the "Pledged Revenue", and other legally available revenues, amounts sufficient to pay the principal of, premium, if any, and interest on the Bonds when the same become due and payable, all as is more particularly set forth in the authorizing Bond Ordinance. The Pledged Revenue consists only of 7.69% of the revenue derived from the City's existing 3.25% sales and use tax, after deducting all costs of administering and collecting the sales and use tax. In the authorizing Bond Ordinance the City has covenanted that it will not amend or repeal the ordinance imposing the sales and use tax in any way which would materially adversely affect the amount of Pledged Revenue which would be otherwise available for credit to the Bond Fund. The Bonds of this issue constitute an irrevocable and first lien upon the Pledged Revenue to the extent provided in the Bond Ordinance, but not necessarily an exclusive such lien. Subject to expressed conditions, obligations in addition to the Bonds of this issue may be issued and made payable from the Pledged Revenue having a lien thereon subordinate and junior to the lien of the Bonds of this issue or, subject to additional expressed conditions, having a lien on the Pledged Revenue on a parity with the lien of the Bonds of this issue, in accordance with the provisions of said Bond Ordinance.

THIS BOND DOES NOT CONSTITUTE A DEBT OR INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY CONSTITUTIONAL, CHARTER, OR STATUTORY PROVISION OR LIMITATION, AND SHALL NOT BE CONSIDERED OR HELD TO BE A GENERAL OBLIGATION OF THE CITY.

It is hereby recited, certified, and warranted that for the payment of this Bond, the City has created and will maintain the Bond Fund referred to above, and will deposit therein out of the Pledged Revenue the amounts specified in the authorizing Bond Ordinance, and out of the Bond Fund, as an irrevocable charge thereon, will pay the principal of, premium, if any, and interest on this Bond in the manner provided by the Bond Ordinance. For a description of the Bond Fund, the Pledged Revenue, the lien of the Bonds thereon, the manner in which the authorizing Bond Ordinance may be amended, and the nature and extent of the security afforded thereby for the payment of this Bond, reference is made to the authorizing Bond Ordinance.

Bonds of the series of which this is one maturing on and after December 1, 2005, are subject to redemption prior to their respective maturities, at the option of the City, in whole, or in part, in integral multiples of \$100,000 or multiples of \$5,000 over said \$100,000, from such maturities as are selected by the City, and if less than all of the bonds of a maturity are to be redeemed, by lot within a maturity (giving proportionate weight to bonds in denominations larger than \$100,000) in such manner as the Registrar may determine, on December 1, 2004, or on any date thereafter, at a price equal to the principal amount or portion thereof of each bond so redeemed and accrued interest thereon to the redemption date.

In the case of any redemption of a Bond of a denomination larger than \$100,000, a portion of such Bond (\$100,000 or any integral multiple of \$5,000 over said \$100,000) may be redeemed, in which case the Registrar shall, without charge to the Registered Owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof of the same maturity and interest rate in the amount of the unpaid principal. Notice of redemption, unless waived, is to be given by the Registrar by mailing a redemption notice by first-class mail not more than sixty days nor less than thirty days prior to the date fixed for redemption to each Registered Owner as shown on the registration books kept by the Registrar in the manner and upon the conditions provided in the Bond Ordinance. Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest.

This Bond may be exchanged at the principal office of the Registrar for a like aggregate principal amount of Bonds of the same maturity and interest rate of other authorized denominations. This Bond is transferable only as set forth in the Bond Ordinance.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the authorizing Bond Ordinance until the certificate of authentication hereon shall have been duly manually executed by the Registrar.

IN TESTIMONY WHEREOF, the City Council of the City of Westminster, Colorado, has caused this Bond to be signed by the manual or facsimile signature of the Mayor, sealed with the actual or facsimile of the seal of the City, countersigned with the manual or facsimile signature of the Finance Director, and attested by the manual or facsimile signature of the City Clerk, all as of the _____ day of October, 1999.

CITY OF WESTMINSTER, COLORADO

(S E A L)

(Manual or Facsimile Signature)

Mayor

ATTESTED:

COUNTERSIGNED:

By: (Manual or Facsimile Signature)

City Clerk

By: (Manual or Facsimile Signature)

Finance Director

[Form of Registrar's Certificate of Authentication]

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue described in the within-mentioned Bond Ordinance.

Date of Registration and Authentication: _____

THE BANK OF CHERRY CREEK, N.A.,
in Denver, Colorado, as Registrar

By: _____
Authorized Officer or Employee

[Form of Transfer]

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto

Social Security or Federal Employer
Identification Number of Assignee:

(Name and Address of Assignee)

the within Bond and does hereby irrevocably constitute and appoint _____,
attorney, to transfer said Bond on the books kept for registration thereof with full power of substitution in
the premises.

Dated: _____

Signature of Registered Owner:

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it
appears upon the face of the within Bond in every particular, without alteration or enlargement or any
change whatever.

Signature guaranteed:

(Bank, Trust Company, or Firm)

TRANSFER FEES MAY BE CHARGED

Section 9. Authentication. No Bond shall be valid or obligatory for any purpose or
be entitled to any security or benefit under this Ordinance unless and until the certificate of authentication
on such Bond, substantially in the form hereinabove set forth, shall have been duly executed by the
Registrar, and such executed certificate of the Registrar upon any such Bond shall be conclusive evidence
that such Bond has been authenticated and delivered under this Ordinance. The Registrar's certificate of

authentication on any Bond shall be deemed to have been duly executed by it if manually signed by an authorized representative of the Registrar, but it shall not be necessary that the same representative sign the certificate of authentication on all of the Bonds issued hereunder. By authenticating any of the Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to the provisions of this Ordinance.

Section 10. Delivery of Bonds. Upon the adoption of this Ordinance, the City shall execute the Bonds and deliver them to the Registrar, and the Registrar shall authenticate the Bonds and deliver them to the Purchaser, as directed by the City, on receipt of the agreed purchase price and in accordance with the directions of the Purchaser.

Section 11. Registration, Transfer and Exchange of Bonds.

(a) Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender for transfer of any Bond at the Registrar, with a written instrument of transfer satisfactory to the Registrar duly executed by the registered owner or his duly authorized attorney, the Registrar shall enter such transfer in the registration records and shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same maturity of other authorized denominations. The Registrar shall authenticate and deliver a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. The Registrar may impose reasonable charges in connection with exchanges or transfers of Bonds, which charges (as well as any tax or other governmental charge required to be paid with respect to such transfer) shall be paid by the registered owner requesting such exchange or transfer.

(b) The Registrar shall not be required (1) to transfer or exchange all or a portion of any Bond subject to prior redemption during the period beginning at the opening of business fifteen days preceding the mailing of notice calling any Bonds for prior redemption as herein provided and ending at the close of business on the day of such mailing or (2) to transfer or exchange all or a portion of a Bond after the mailing of notice calling such Bond or portion thereof for prior redemption except for the unredeemed portion of Bonds redeemed in part.

(c) Except as herein provided with respect to Record Dates and Special Record Dates for the payment of interest, the person in whose name any Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes; and payment of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

(d) The officers of the City are authorized to deliver to the Registrar fully executed but unauthenticated Bonds in such quantities as may be convenient to be held in the custody of the Registrar pending use as herein provided.

(e) Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the City.

Section 12. Destruction of Bonds. Whenever any outstanding Bond shall be delivered to the Registrar for cancellation pursuant to this Ordinance, and upon payment of the principal amount and interest represented thereby, or whenever any outstanding Bond shall be delivered to the Registrar for transfer pursuant to the provisions hereof, such Bond shall be canceled and destroyed by the Registrar and counterparts of a certificate of destruction evidencing such destruction shall be furnished by the Registrar to the City.

Section 13. Lost Bonds. Any Bond that is lost, stolen, destroyed, or mutilated may be replaced or paid by the Registrar in accordance with and subject to the limitations of applicable law. The applicant for any such replacement Bond shall post such security, pay such costs, and present such proof of ownership and loss as may be required by applicable law, or in the absence of specific requirements, as may be required by the Registrar.

Section 14. Disposition and Investment of Bond Proceeds. The Bonds shall be issued and sold for the purposes of paying the costs of the Project. Accrued interest on the Bonds shall be deposited to the Bond Fund. All other Bond proceeds shall be deposited to such fund or account as the Finance Director determines and applied to pay the costs of the Project. Neither the Purchaser nor any subsequent owners of the Bonds shall be responsible for the application or disposal by the City or any of its officers of the funds derived from the sale thereof.

Section 15. Creation of Fund and Accounts. There is hereby created and established the following fund which shall be established as a book account and maintained in accordance with this Ordinance:

- (a) the Bond Fund.

In accordance with generally accepted accounting principles, for the purpose of accounting for the moneys provided for in this Ordinance, the City Finance Director may create offsetting revenue and expense accounts not inconsistent with the provisions hereof, all as may be determined by the City Finance Director.

Section 16. Payment of Principal and Interest; Attachment of Lien. The City shall credit to the Sales and Use Tax Fund all revenue derived from the Sales and Use Tax immediately upon receipt. Thereafter, the City shall transfer the Pledged Revenue to the Open Space Fund to be applied in the following order of priority:

FIRST: To the credit of the Bond Fund the amounts required by Section 17 hereof, and to the credit of any other fund or account heretofore or hereafter established for the payment of the principal of, premium if any, and interest on Parity Lien Bonds (including, but not limited to, the 1997B Bonds), in the amounts required by the ordinance or other enactment authorizing the issuance of the Parity Lien Bonds.

SECOND: To the credit of any sinking fund, reserve fund, or similar fund or account heretofore or hereafter established in connection with the Bonds or any Parity Lien Bonds, in the amounts required by this Ordinance or the ordinance or other enactment authorizing the issuance of the Parity Lien Bonds.

THIRD: To the credit of any other fund or account heretofore or hereafter established for the payment of the principal of, premium if any, and interest on Subordinate Lien Bonds, including any sinking fund, reserve fund, or similar fund or account established therefor, in the amounts required by the ordinance or other enactment authorizing the issuance of the Subordinate Lien Bonds.

FOURTH: To the credit of any other fund as may be designated by the City, to be used for any lawful purpose, any Pledged Revenue remaining after the payments and accumulations set forth in Section 16 FIRST through THIRD hereof.

The lien of the Bonds on the Pledged Revenue shall attach immediately upon receipt of any Sales and Use Tax proceeds, shall remain in effect so long as such Pledged Revenue is credited to the Open Space Fund or the Bond Fund or the Reserve Fund, and shall be extinguished with respect to any Pledged Revenue not required to be credited to the Bond Fund pursuant to Section 17 hereof or the Reserve Fund pursuant to Section 18(e) hereof and which is transferred to other funds of the City for other purposes.

Section 17. Bond Fund. Upon delivery of the Bonds, the City shall credit to the Bond Fund the accrued interest, if any, paid by the Purchaser as part of the purchase price of the Bonds. Thereafter, the City shall credit to the Bond Fund from the Pledged Revenue, or other legally available moneys, substantially equal monthly installments of the total principal to become due and interest to accrue on the Bonds on the next principal payment date and interest payment date, respectively. Notwithstanding the foregoing, the City shall credit to the Bond Fund from the Pledged Revenue an amount which, when combined with other legally available moneys credited thereto, will be sufficient to pay when due the principal of and interest on the Bonds.

Moneys credited to the Bond Fund may be invested or deposited in accordance with the Charter. The investment of moneys in the Bond Fund shall, however, be subject to the tax covenants and provisions of Section 18(f) hereof. Except to the extent otherwise required by Section 18(f) hereof, any investment income earned on amounts credited to the Bond Fund shall be credited to the Bond Fund, and for purposes of making the deposits required by this Section, any investment income so credited to the Bond Fund shall be deemed the credit of Pledged Revenue to the Bond Fund.

Section 18. Additional Covenants of the City. The City hereby irrevocably covenants and agrees with each and every Registered Owner, that so long as any of said Bonds remain outstanding:

(a) It will not amend or repeal Title IV in any way that would materially adversely affect the amount of Pledged Revenue which would be otherwise available for credit to the Bond Fund. Nothing shall prevent the City from amending said Title IV in order to increase the rate of tax above that currently imposed by said Title IV, or to make certain changes in the administration, collection, or enforcement of such Sales or Use Tax, provided that such changes do not materially adversely affect the amount of Pledged Revenue which would be otherwise available for credit to the Bond Fund.

(b) It will administer, enforce, and collect, or cause to be administered, enforced, and collected, the Sales and Use Tax authorized by Title IV, and shall take such reasonable, necessary action to collect delinquent payments in accordance with law.

(c) It will keep or cause to be kept such books and records showing the proceeds of the Sales and Use Tax, in which complete entries shall be made in accordance with generally accepted accounting principles, as applicable to governments, and any Owner shall have the right at all reasonable times to inspect the records and accounts relating to the collection and receipts of such Sales and Use Tax.

(d) It will, at least once a year, cause an audit to be made of the records relating to the collection and receipts of the Sales and Use Tax revenues. Such audit may be made part of and included within the general audit of the City, and made at the same time as such general audit.

(e) In the event the City does not receive Pledged Revenue in any fiscal year in an amount at least equal to 150% of the Combined Maximum Annual Principal and Interest Requirements for the Bonds and any Parity Lien Bonds, the City shall establish and maintain a reserve fund solely for the Bonds and Parity Lien Bonds (the "Reserve Fund"), in an amount equal to the lesser of 10% of the outstanding aggregate principal amount of the Bonds and Parity Lien Bonds, 125% of the Combined Average Annual Principal and Interest Requirements, or the maximum principal and interest due on the Bonds and Parity Lien Bonds in any fiscal year (the "Required Reserve"). The City shall accumulate the Required Reserve in the Reserve Fund by twelve equal monthly deposits. The City shall make the initial deposit into the Reserve Fund of Pledged Revenue, within 90 days after the end of the fiscal year in which such deficiency occurs. Such Reserve Fund shall not be released after it has been established. Draws on the Reserve Fund must be replenished within one year. Investments purchased with funds on deposit in the Reserve Fund shall have an average aggregate weighted term to maturity not greater than five years.

(f) It will not take any action or omit to take any action with respect to the Bonds, the proceeds of the Bonds, any other funds of the City or the facilities financed with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as in effect on the date of delivery of the Bonds (the "Code"), (ii) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax purposes under Section 55(b)(2) of the Code, except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Code in calculating corporate alternative minimum taxable income, or (iii) would cause interest on the Bonds to lose the exclusion from Colorado taxable income or Colorado alternative minimum taxable income under present Colorado law. The foregoing covenants shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the City in fulfilling the above covenants under the Code and State law have been met.

Section 19. Additional Bonds.

(a) No additional bonds, notes, interim securities, or other obligations shall be issued payable from the Pledged Revenue and having a lien thereon which is superior to the lien of the Bonds.

(b) The City may issue Parity Lien Bonds if:

(i) No Event of Default has occurred and is continuing.

(ii) The City is then current in the accumulation of all amounts required to be then accumulated in the Bond Fund as required by this Ordinance.

(iii) The Pledged Revenue for the twelve (12) month period immediately preceding the date of issuance of such Parity Lien Bonds is sufficient to pay an amount representing not less than 150% of the Combined Maximum Annual Principal and Interest Requirements of the Bonds, any Parity Lien Bonds, and the Parity Lien Bonds proposed to be issued.

(iv) To the extent the Reserve Fund has been established, a deposit is made to the Reserve Fund so that the balance therein on the date of delivery of the Parity Lien Bonds equals the Required Reserve.

(c) A written certificate signed by the City Finance Director that the requirements of Section 19(b) hereof are met shall conclusively determine the right of the City to authorize, issue, sell, and deliver Parity Lien Bonds.

(d) So long as no Event of Default shall have occurred and be continuing, nothing herein shall prevent the City from issuing Subordinate Lien Bonds.

Section 20. Events of Default. It is an Event of Default if:

(a) Payment of the principal of or premium due on any Bond is not made by the City when due at maturity or upon prior redemption;

(b) Payment of the interest on any Bond is not made by the City when due;

or

(c) The City defaults in the punctual performance of its covenants hereunder for sixty (60) days after written notice shall have been given by the Owners of not less than 25% of the outstanding principal amount of the Bonds.

Section 21. Remedies. Upon the happening of any Event of Default, any Owner, or a trustee therefor, may protect and enforce the rights of such Owner by proper legal or equitable remedy deemed most effectual including mandamus, specific performance of any covenants, the appointment of a receiver (the consent to such appointment being hereby granted), injunctive relief, or requiring the Council to act as if it were the trustee of an express trust, or any combination of such remedies; provided however, that any action brought pursuant to an Event of Default under Section 20(c) hereof may be brought only upon the written consent of the Owner or Owners of not less than 25% of the outstanding

principal amount of the Bonds. All proceedings shall be maintained for the equal benefit and protection of all Owners. The failure of any Owner to proceed does not relieve the City or any person of any liability for failure to perform any duty hereunder. The foregoing rights are in addition to any other right which may exist under applicable law, and the exercise of any right by any Owner shall not be deemed a waiver of any other right.

Section 22. Amendment. Within the limits of applicable law, any provision of this Ordinance may be waived or modified by the written consent of the Owners of not less than seventy-five percent (75%) of the outstanding principal amount of the Bonds; except that the written consent of the Owners of one hundred percent (100%) of the outstanding principal amount of the Bonds is required to:

- (a) Extend the maturity of any Bond;
- (b) Reduce the principal amount or interest rate of any Bond;
- (c) Create a lien upon the Pledged Revenue ranking prior to the lien created by this Ordinance;
- (d) Reduce the principal amount of the Bonds required for consent to any waiver or modifications; or
- (e) Establish priorities between Bonds.

Section 23. Successor Registrar or Paying Agent. The Bank of Cherry Creek, N.A., in Denver, Colorado is hereby appointed as Registrar and Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the City shall determine to remove the Registrar or Paying Agent, the City may, upon notice mailed to each Registered Owner of Bonds at the address last shown on the registration records, appoint a successor Registrar or Paying Agent. No resignation or removal of the Registrar or Paying Agent may take effect until a successor is appointed by the City and has accepted such appointment. Every such successor Paying Agent shall be either the City or a bank or trust company having a shareholders' equity (e.g., capital stock, surplus and undivided profits), however denominated, of not less than \$10,000,000.

Section 24. Defeasance. When all principal, premium, if any, and interest in connection with a Bond has been duly paid, the pledge and lien and all obligations hereunder shall thereby be discharged and said Bond shall no longer be deemed to be outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment of a Bond when the City has placed in escrow and in trust with a commercial bank located within or without the State of Colorado, and exercising trust powers, an amount sufficient (including the known minimum yield from Federal Securities in which such amount may be initially invested) to meet all requirements of principal, premium, if any, and interest with respect to said Bond as the same become due at final maturity or upon designated prior redemption date. The Federal Securities shall become due at or prior to the respective times at which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the City and such bank at the time of the creation of the escrow, or the Federal Securities shall be subject to redemption at the option of the holder thereof to assure such availability as so needed to meet such schedule.

In the event that there is a defeasance of only part of the Bonds, the Paying Agent shall, if requested by the City, institute a system to preserve the identity of the individual Bonds or portions thereof so defeased, regardless of changes in Bond numbers attributable to transfers and exchanges of Bonds, and the Paying Agent shall be entitled to reasonable compensation and reimbursement of expenses from the City in connection with such system.

Section 25. Authorization to Execute Collateral Documents. The officers of the City and the members of the Council are hereby authorized and directed to take any and all other actions necessary or appropriate to effectuate the provisions of this Ordinance, including but not limited to the execution of the Paying Agent Agreement and such certificates and affidavits as may be reasonably

required by the Purchaser. The execution of any instrument by the aforementioned officers or members of the Council shall be conclusive evidence of the approval by the City of such instrument in accordance with the terms hereof and thereof.

Section 26. Costs and Expenses. All costs and expenses incurred in connection with the issuance and payment of the Bonds and all expenses related to issuing the Bonds, shall be paid either from the proceeds of the Bonds or from legally available moneys of the City, or from a combination thereof, and such moneys are hereby appropriated for that purpose.

Section 27. Acceptance of Purchaser's Bid. The Council does hereby accept and approve the bid of the Purchaser as submitted by the Purchaser, and the Bonds shall be sold to the Purchaser upon the terms, conditions, and provisions as set forth in such bid.

Section 28. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the City and members of the Council, not inconsistent with the provisions of this Ordinance, relating to the authorization, sale, issuance, and delivery of the Bonds, are hereby ratified, approved, and confirmed.

Section 29. Ordinance Irrepealable. After any of the Bonds have been issued, this Ordinance shall constitute an irrevocable contract between the City and the Owners, and shall be and remain irrepealable until the Bonds and the interest accruing thereon shall have been fully paid, satisfied, and discharged as herein provided.

Section 30. Severability. If any section, paragraph, clause, or provision of this Ordinance 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 Ordinance, the intent being that the same are severable.

Section 31. Repealer. All orders, ordinances, resolutions, bylaws, and regulations of the City, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency.

Section 32. Declaration of Emergency. In order to complete the issuance and sale of the Bonds while favorable market conditions exist to effect the Project, it is hereby declared that an emergency exists and that this ordinance is necessary for the immediate preservation of the public peace, health, safety and financial well-being of the City. This Ordinance is hereby declared, pursuant to Section 8.14 of the Charter, exempt from referendum.

Section 33. Effective Date, Recording and Authentication. This Ordinance shall be in full force and effect immediately upon enactment following final passage. This Ordinance shall be recorded in the City Book of Ordinances kept for that purpose, and shall be authenticated by the signatures of the Mayor and City Clerk, and published in accordance with law.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE on October 11, 1999.

(S E A L)

Mayor

ATTEST:

City Clerk

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

I, the duly elected, qualified and acting City Clerk of the City of Westminster, Colorado (the "City") do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council (the "Council") of the City at a regular meeting of the Council held at the City Hall on October 11, 1999.

2. The Ordinance has been signed by the Mayor, sealed with the corporate seal of the City, attested by me as City Clerk, and duly recorded in the books of the City; and that the same remains of record in the book of records of the City.

3. The passage of the Ordinance as an emergency was duly moved and seconded and the Ordinance was approved by vote of a Seven of Seven of the members of the Council as follows:

Those Voting Yes:	Councillor Fred Allen Councillor Herb Atchison Councillor Sam Dixon Mayor Nancy Heil Councillor Butch Hicks Mayor Pro Tem Ann Merkel Councillor Suzanne Smith
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Those Voting No:	None
Those Abstaining:	None
Those Absent:	None

4. That notice of the meeting of October 11, 1999, in the form, attached hereto as Exhibit A, was duly given to the Council members and was posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

5. That the ordinance was published in full after adoption in Westminster Window, a newspaper of general circulation within the City on October 14, 1999. The affidavit of publication is attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 14th day of October, 1999.

(SEAL)

City Clerk

EXHIBIT A

(Attach Notice of Meeting)

EXHIBIT B

(Attach Affidavit of Publication)



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: The Ranch PDP and Westmere PDP Amendments

Prepared by: Patrick Caldwell, Planner II

Introduction

City Council is requested to hold a public hearing and take action on the approval of the 13th Amendment to The Ranch Preliminary Development Plan (PDP), and the 2nd Amended Preliminary Development Plan of the Westmere Planned Unit Development (PUD); also authorize the City Manager to administratively approve the exchange of 2.29 acres of vacant publicly owned land in The Ranch PDP for 2.29 acres of land in the Ranch Reserve Official Development Plan (ODP) and take action on the attached Resolution that would award three additional service commitments to the Ranch Reserve.

Summary

The applicant, Western Properties, (Mike Byrne, President) has proposed the following:

1. The 13th Amendment to The Ranch PDP. The amendment will remove approximately 4 acres from The Ranch PDP and add this to the ODP of the adjacent Ranch Reserve. The land area within the Ranch PDP will shrink from 410.5 acres to 406.5 acres. The land use of these 4 acres is presently a combination of The Ranch Country Club (1.7 acres) and vacant publicly owned land (2.3 acres). The 1.7 acres will become all or part of five lots designated for single family dwellings in the Ranch Reserve. See Lots 33 through 37 on sheet 4 of 4 of the Ranch Reserve PDP for these lots. Of the remaining 2.3 acres of the 4 acres, 2.20 acres is designated as golf course (hole 4) to be owned by The Ranch Country Club. Part of two lots (lots 37 and 38) in the Ranch Reserve will include the balance of .1 acres. The 2.3 acres is vacant publicly owned land that will be exchanged for a similar amount of land for a public park in the Ranch Reserve development.
2. The 2nd Amendment to the Westmere PDP. This amendment is composed of approximately 4 acres from The Ranch, approximately 39 acres presently zoned O-1 and approximately 40 acres presently zoned Planned Unit Development (PUD) and known as the Westmere PDP. The total acreage will be 82.14 acres. The permitted uses will include single family detached residential uses, golf course and related uses, outdoor neighborhood recreational uses, home based businesses per the City Code and accessory uses per the City Code. Zoning will be PUD for the entire 82.14 acres. The density proposed is approximately 1.5 dwelling units per acre.
3. The Ranch Reserve ODP. This shows the development of the entire 82.14-acre development. This ODP was approved by the Planning Commission on September 28, 1999, subject to approval of the above PDP's, the land exchange and the additional service commitments by City Council. The ODP includes 122 single family detached lots. Features include new holes 4, 5 and 6 of The Ranch Country Club, public parkland and private open space that total 32.3 acres, or 39 % of the site. The developer will construct a parkway, landscaped entrance medians to a number of streets, detached 5-foot wide sidewalks, landscaped cul-de-sac islands, landscaped tree lawns adjacent to all streets and entrance monuments on a number of streets. The average lot size is 12,880 square feet. An open fence style is proposed for most of the lots. Solid privacy fencing is allowed only in some areas of the ODP primarily along the perimeter of the entire site.

The primary entrance to the site is at Federal Boulevard. This entrance road, to be known as Ranch Reserve Parkway, will align with 114th Avenue, the entrance to the Stratford Lakes development to the west. The other entrance to the site is from Decatur Street at the north. In the future a third entrance will be available from the south once the property to the south is developed.

Applicant/Property Owner

Mike Byrne
Western Properties
The Ranch Reserve, LLC
3555 Stanford Road, Suite 201
Fort Collins, Colorado 80525

Location

The project is located on the east side of Federal Boulevard and extends approximately one half mile east. The south edge of the site is approximately 1400 feet north of 112th Avenue. To the north is the Wendemere Apartments, the Gallery at The Ranch townhomes and Filing 8 of The Ranch (single family detached dwellings). To the south is a vacant 80 acre parcel of ground known as the “112th Federal Partnership”. To the east is The Ranch Country Club within The Ranch Planned Development. Also to the east is publicly owned land within The Ranch PDP that was part of the required public land dedication for The Ranch PDP. (See the attached vicinity map.)

Size of Site

The site area of the 13th Amendment to The Ranch PDP is approximately 4 acres. The entire site of the 2nd Amendment to the Westmere PDP and of the Ranch Reserve ODP is 82.4 acres.

Description of Proposed Use

The proposed uses are golf course, open space, park, trails and single family detached residential.

Major Issues

1. The City Council awarded this development 119 service commitments in March 1999. However, the applicant is requesting 122 service commitments, 3 more than were approved by the Council. Staff is recommending that this request be approved by the City Council due to the fact that the project is well below the maximum density permitted by the Comprehensive Land Use Plan (CLUP). The CLUP allows low density (2.5 dwelling units per acre) on the east half of the PDP and medium density (3.5 dwelling units per acre) on the west half of the PDP. The maximum permitted dwellings would have allowed 197 dwellings. With 122 dwellings the net density is 1.9 dwelling units per acre or 75 fewer dwellings than would have been permitted. Also, the development meets or exceeds the City’s development regulations and guidelines. If the request is not approved, the plan would have to be revised per the direction of the City Council.
2. The allocation of costs for regional drainage have not been finalized and will be determined when the construction and engineering documents have been reviewed.

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Planning Commission Recommendation

The Planning Commission reviewed the proposed actions on September 28, 1999 and voted unanimously to recommend the proposals be adopted as submitted. Approximately 40 people appeared at the public hearing. With a show of hands only two did not support the proposals.

Staff Recommendation

1. Hold a public hearing on the proposed 13th Amendment to The Ranch PDP and the 2nd Amended Westmere PDP.
2. Approve the 13th Amendment to The Ranch PDP and the 2nd Amended Westmere PDP based upon the finding that the plans are in conformance with Section 11-5-14 of the Westminster Municipal Code pertaining to PDP amendments.
3. Adopt Resolution No. 74 awarding 3 Service Commitments according to Section 11-3-5 of the City Code.
4. Authorize the City Manager to administratively approve the exchange of 2.29 acres of vacant publicly owned land in The Ranch PDP for 2.29 acres of land in the Ranch Reserve Official Development Plan (ODP).

Alternatives

Deny the above requests. Approval of this alternative would have the affect of rescinding the ODP approval by the Planning Commission.

Background Information

Architectural/Building Materials

The proposed homes are to be custom and semi-custom. Masonry, (i.e. brick or stone) will be installed on 30 percent or more of all four sides of a home and on the entire lower level of walk out units abutting streets, opens space, trails or parks. Acceptable exterior materials include masonry, stucco or similar durable material. Useable front porches will be constructed on at least 50 percent of the homes. Roof pitch shall be a minimum of 5:12. All homes shall have a minimum of a three-car garage. Colors will fall within a warm, rich, earth tone palette such as beige, brown or rust.

Public Land Dedication, Parks/Trails

A 2.9-acre tract will be dedicated to the City for public land. This 2.9-acre tract includes the dam for the Vogel Pond, but not the pond, since the pond itself is not on the Ranch Reserve property. The spillway from the pond and the dam will be improved as part of the drainage improvements proposed for the Ranch Reserve site.

When the property to the south is developed the City hopes to acquire additional park property. In case the park site to the south is never acquired and developed by the City, the Ranch Reserve has provided a temporary 10 foot wide easement that runs east from the Vogel Pond dam along the south side of fairway #5 then turns south and parallels the west side of fairway #4. At the southern terminus of the easement is publicly owned land that has the potential for continuing a public trail that would connect towards 112th Avenue and the Northglenn open space that is in the vicinity of 112th and Raritan. The easement will be written so that the easement will sunset when the trail through the Vogel Pond park area is constructed.

A 20-ft. easement for a public trail will run through the southwest quadrant of the site. The applicant will construct a 10-ft. wide concrete trail within this easement. The trail will be placed in a private open space that will be owned by the Ranch Reserve Homeowners Association (HOA). The City will maintain the trail after it is constructed. The trail will connect the 2.9 acre public land near the Vogel Pond to the intersection of Federal Boulevard and Ranch Reserve Parkway. The sidewalk on the west side of Federal Boulevard within the Stratford Lakes Subdivision connects to the Big Dry Creek trail system.

Private open space within the Ranch Reserve includes the new The Ranch Country Club golf course fairways #4, #5 and #6. These fairways total approximately 20 acres. The detention areas along Federal Boulevard with the drainage valley that is south of 115th Circle and north of 114th Court together total approximately 7.5 acres. At the north side of the green of hole # 6 is a private open space along the south shore of Jackson Lake. A paved trail/fire access easement provides good access to this 1.5 acre space.

Access and Circulation

Primary vehicular access to the site is from Federal Boulevard at the west edge of the Ranch Reserve. This access point creates a full access four-way intersection at Federal Boulevard with 114th Avenue at the west side of Federal Boulevard. A parkway, known as Ranch Reserve Parkway, serves as the major access spine for the development. Several cul-de-sacs and loop roads take access from the parkway.

Pedestrian and bicycle access and circulation are provided via the trails that were noted previously. Detached walks on all streets in the Ranch Reserve also provide circulation opportunities throughout the entire site.

Site Design

The site is a little over 80 acres. The existing topography was a strong determinant in the site design. The drainage valley from the Vogel Pond to the south of the Ranch Reserve site and a wider more shallow drainage valley into Jackson Lake form the primary green spaces within the Ranch Reserve. Fairway # 5, a private open space with a public trail and a 2.9 acre parcel for a future public park site are located in the drainage valley from the Vogel Pond.

Lot layout in the Ranch Reserve provides an abundance of view opportunities into public and private open spaces and to long distance views of the golf course and mountains. Detached sidewalks with landscaped tree lawns, an open style of fencing on most lots and uniform streetlight and street sign design are a consistent theme within the Ranch Reserve.

Signage

An entrance sign is proposed at Federal Boulevard. The sign will be integrated into the median entrance features.

Service Commitment Category

Service Commitments will be awarded from Category B. An additional three (3) Service Commitments have been requested by the applicant and will require approval of a supplemental allocation by the City Council.

Referral Agency Responses

City Staff received responses from numerous agencies.

1. The Colorado Department of Transportation (CDOT) requested a traffic study and a drainage study. These studies have been prepared by the applicant and have been reviewed by the City's Engineering Division.
2. The Colorado Division of Wildlife (CDOW) reviewed the plans and visited the site and made several suggestions. In response to these suggestions the applicant has supplied a Wildlife Impact Evaluation, a Summary Report of Preble's Meadow Jumping Mouse study, a Summary Report of Ute's Ladies Tresses Surveys and a Wetland Delineation Report.
3. Urban Drainage and Flood Control (UDFC) had numerous comments. The City and the applicant have cost shared to prepare a revised Master Drainage Report. Urban Drainage has not completed the review of the revised Master Drainage Report at this time.

Public Comments

A neighborhood meeting was held on May 5, 1999 to present the proposed development and to answer questions. The meeting was attended by over 200 residents of The Ranch, residents of nearby subdivisions and members of The Ranch Country Club. Questions and concerns were wide ranging and strong support for the development was indicated by many in attendance.

The Planning Department received numerous letters from residents of The Ranch. Twenty-five of the letters expressed very strong support. Fifteen letters raised concerns. Some of these concerns were related to the harm to the wildlife present on the site. Others did not want to see any development of the site at any time. The Wildlife Impact Evaluation and other environmental assessments were commissioned as a result of the concerns raised in some of the letters.

Surrounding Land Use and Comprehensive Land Use Plan Designations

The project is located on the east side of Federal Boulevard and extends approximately one half mile east. The CLUP designation for the land to the west of Federal Blvd. is single family attached and it is being developed as such. The south edge of the site is approximately 1400 feet north of 112th Avenue. The CLUP designation for the vacant land to the south of the PDP is identical to the land use designation for the Ranch Reserve ODP area. To the north is the Wendemere Apartments, a townhome development known as Galley at the Ranch and Filing 8 of The Ranch with single family detached dwellings. To the south is a vacant 80 acre parcel of ground known as the "112th Federal Partnership". These land uses are consistent with the CLUP designation. To the east is The Ranch Golf Course and publicly owned land that are part of The Ranch Planned Development. These uses are consistent with the CLUP designations.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1999

CATEGORY B-1 SUPPLEMENTAL SERVICE COMMITMENT AWARD FOR
THE RANCH RESERVE SUBDIVISION

WHEREAS, the City of Westminster has adopted by ordinance a Growth Management Program for the period July 1, 1990 through June 30, 2000; and

WHEREAS, Westminster Municipal Code section 11-3-5 provides that City Council shall periodically allocate by resolution a number of service commitments to be available for Category A (Active Residential) and Category B (New Residential) development; and

WHEREAS, the City's ability to absorb and serve new single-family detached development is limited, and the City of Westminster has previously adopted Resolution No. 76, Series of 1997, specifying the various standards for new single-family detached projects based upon their relative impact on the health, safety and welfare interests of the community; and

WHEREAS, Category B-1 is the category which is appropriate for The Ranch Reserve, of the Westmere Planned Unit Development; and

WHEREAS, the developer proposes to develop the property as a Category B-1, Single-Family Detached Project (the "Project"); and

WHEREAS, Westminster Municipal Code section 11-3-5(E) provides that, as a minimum, all Category B-1 projects must comply with the City's adopted Baseline Standards and Design Regulations; and

WHEREAS, the City has previously conducted a Category B-1 competition as contemplated by the City Code; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

WHEREAS, the City of Westminster previously adopted Resolution No. 17, Series 1999 awarding a total of 119 Category B-1 Service Commitments to the Westmere (The Ranch Reserve) project; and

WHEREAS, the developer for the Westmere (The Ranch Reserve) has submitted development plans for the City's development review process and requests three additional Category B-1 Service Commitments within the project for a total of 122 Service Commitments; and

WHEREAS, a total of 122 single-family detached units does not exceed the density requirements within the City's Comprehensive Land Use Plan; and

WHEREAS, City Council finds that it would be in the best interests of the City and its residents, and in furtherance of the City's Growth Management Program, to make a supplemental award of service commitments for the proposed project.

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

1. A supplemental Category B-1 award of three additional Service Commitments is hereby made in the year 2001 to the specific project listed below as follows:

Supplemental Service Commitments

Project

Westmere (The Ranch Reserve)

2001

3

2. These Service Commitment awards to the project listed above are conditional and subject to the following:
 - a) For this project, the applicant must complete and submit proposed development plans to the City for the required development review processes.
 - b) Each Service Commitment award is conditional upon City approval of the project listed above and does not guarantee City approval of any project or proposed density.
 - c) The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-1 award nor shall any other binding effect be interpreted or construed to occur in the City as part of the Category B-1 award.
 - d) Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
 - e) Service Commitment awards for the project listed above, if approved by the City, may only be used within the project specified above.
 - f) This Service Commitment award shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
 - g) The Category B-1 supplemental Service Commitment award shall be valid for a period of two years from the date of award specified on this Resolution (October 12, 1999) provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment award for any project shall expire unless at least one building permit is issued for the project during that two-year period. Future year awards are effective as of January 1 of the specified year.
 - h) If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
 - i) All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
3. This shall constitute the resolution required under Section 11-3-4 of the City Code.
4. The Category B-1 Service Commitment award shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over into the following year provided the Service Commitments have not expired as specified above.

Passed and adopted this 11th day of October, 1999

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: Resolution No. 75 re Enhanced Traffic Enforcement and Midyear Staffing Changes

Prepared by: Dan Montgomery, Police Chief
Lee Birk, Police Captain

Introduction

City Council action is requested on the attached Resolution authorizing 4.8 FTE new regular positions and equipment purchases to implement an enhanced traffic enforcement program as well as to transfer \$153,688 into the appropriate 1999 Police Department, Municipal Court, City Attorney's Office and Central Charges budget accounts.

Summary

Staff is requesting that City Council authorize new positions and changes to the 1999 budget and Staffing Plan. Staff is recommending that 4.8 new full-time equivalent (FTE) positions be added to the authorized positions for the City organization. Additionally, Staff is requesting authorization to purchase necessary equipment to implement an enhanced traffic enforcement effort throughout the City.

The recommended additional positions are 4.0 FTE Police Officers in the Patrol Division who will be assigned to the Traffic Unit, a .5 FTE Deputy Court Clerk I/II in the Municipal Court, and a .3 FTE Assistant Prosecuting Attorney in the City Attorney's Office. The additional equipment being requested includes 4 police motorcycles, two police patrol cars, radar guns and required additional vehicle equipment such as radios and emergency lights and sirens. In the Municipal Court, a computer and workstation for the Deputy Court Clerk is also being requested. No additional equipment is needed for the Assistant Prosecuting Attorney as the 0.3 FTE hours will be distributed among existing Assistant Prosecuting Attorneys who are not currently full-time. A transfer from the General Fund Contingency will fund these positions and the equipment purchases in 1999. Salary estimates are based on the new positions being filled in November 1999. The total estimated cost for 1999 to fund these new positions for the remainder of the year and purchase the additional equipment is \$153,688.

A transfer from the General Fund contingency is necessary to fund this expense. The current balance of the contingency account is \$1,373,000.

Staff Recommendation

Adopt Resolution No. 75 which authorizes 4.8 FTE new positions in the City Pay and Staffing Plan and authorizes a General Fund Contingency account transfer of \$153,688 to the appropriate Police, City Attorney's Office, Municipal Court and Central Charges budget accounts.

Alternatives:

1. Reduce the number of additional FTE's to implement this program.
2. Maintain existing Staffing levels and not proceed with an enhanced traffic enforcement program at this time.

Background

As City Council is well aware, City residents have expressed increasing concerns regarding traffic related issues. Concerns related to traffic volumes, congestion, speeding, red light violations and the safety of school children in school zones, are frequently expressed.

The Police Department and other City Staff have continually looked for ways to deal with these issues. Staff has researched and explored the feasibility of photo enforcement technology and has closely monitored State legislation in recent years that has seriously handcuffed the effective use of this technology.

Having researched and analyzed the feasibility of photo enforcement technology, Staff believes that a very efficient, productive and cost effective means of enhanced traffic enforcement can be achieved through a traditional approach versus employing photo enforcement technology. This traditional approach involves deploying additional traffic enforcement officers as an effective tool in enforcement efforts that can result in a strong deterrent effect. Staff proposes hiring four FTE Police Officers, a .5 FTE Deputy Court Clerk I/II, and a .3 FTE Assistant Prosecuting Attorney II to enhance the City's traffic enforcement efforts. The Police Department's current traffic enforcement Staffing is six motorcycles and five cars. This recommended addition would beef up the effort by four motorcycles for a total of ten, along with the five cars, for a total of 15 enforcement units.

These officers would be deployed as motorcycle officers, except in inclement weather when they would utilize patrol cars. This four-officer team would be given a high priority for aggressive enforcement. They would target school zone and red light enforcement as their high priorities. They could also be deployed to address specific enforcement problems that arise or neighborhood traffic complaints. Typical deployments would be to have them concentrate on school zones during the hours children are arriving or leaving school. During the afternoon rush hours, they could be utilized to concentrate on intersection red light enforcement or target other identified traffic problems or complaint areas. During non-school months, they would be available to concentrate on intersections or problem areas during both the morning and evening rush hours.

The total estimated cost to implement this program in 1999 and purchase the equipment is estimated to be \$153,688. These four officers are anticipated to issue an estimated 6,400 tickets a year. These summonses would generate a projected \$456,000 annually in fine revenue. The .5 FTE Deputy Court Clerk I/II is required to process these additional tickets. The .3 FTE Assistant Prosecutor is needed to handle this increase in ticket volume. Should City Council wish to reconsider and eliminate the current mandatory court appearance for school zone and red light violations this .3 FTE Assistant Prosecutor staffing increase can be eliminated and \$2,378 cut from the 1999 budget revision request. If City Council wishes to continue with a mandatory Court appearance policy for these violations this increase in staffing is required.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **75**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

FOR A GENERAL FUND CONTINGENCY TRANSFER TO FUND 4.8 FULL TIME EQUIVALENT POSITIONS AND EQUIPMENT PURCHASES TO IMPLEMENT AN ENHANCED TRAFFIC ENFORCEMENT PROGRAM

WHEREAS, City residents have expressed increasing concerns regarding traffic issues related to traffic volumes, congestion, speeding, red light violations and the safety of school children in school zones; and,

WHEREAS, Staff believes that a very efficient, productive and cost effective means of enhanced traffic enforcement can be achieved through deploying additional traffic enforcement officers; and,

WHEREAS, Staff proposes hiring four (4) FTE Police Officers; a .5 FTE Deputy Court Clerk; and a .3 FTE Assistant Prosecuting Attorney II, and purchasing 4 police motorcycles; 2 police patrol cars; radar guns and required additional vehicle equipment, such as radios; emergency lights and sirens to implement the proposed enhanced traffic enforcement program; and,

WHEREAS, City Staff estimates the cost of additional staffing and equipment to implement an enhanced traffic enforcement program in 1999 to be \$153,688; and,

WHEREAS, no budget has previously been provided for in 1999 to cover the cost of an enhanced traffic enforcement program; and,

WHEREAS, the General Fund Contingency account for the 1999 budget year currently stands at \$1,373,000.

NOW THEREFORE, BE IT RESOLVED that the Westminster City Council hereby authorizes 4.8 new full-time benefited positions and a General Fund Contingency Account transfer of \$153,688 to the following departments, providing for the additional expense to be incurred with the implementation of an enhanced traffic enforcement program.

<u>Police Department</u>		
10-20-50-100-000	Salaries	\$22,820
10-20-50-401-000	Vehicles	\$73,000
10-20-50-406-000	Equipment	\$43,860
<u>Municipal Court</u>		
10-12-13-100-000	Salaries	\$1,925
10-12-13-404-000	Office Equipment	\$3,000
10-12-13-405-000	Computer	\$2,500
<u>City Attorney's Office</u>		
10-03-12-100-125	Salaries	\$2,035
<u>Central Charges</u>		
10-10-90-123-594	Benefits	\$4,548

Passed and adopted this 11th day of October, 1999

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: Resolution No. 76 re Adoption of 2000 City Budget

Prepared by: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council action is requested to consider adopting the 2000 City Budget in accordance with City Charter requirements. The attached Resolution to adopt the budget is based on Staff's understanding of the City Council discussions at the Budget Retreat and the various public hearings and public meetings on the Budget.

Summary

Under City Charter provisions, City Council is to hold a public hearing on the proposed City Budget for the ensuing year and adopt it no later than the fourth Monday in October. A public meeting was held on June 7 and two public hearings were held on the proposed 2000 Budget on July 12 and September 13. A copy of the proposed 2000 Budget has been on file in the City Clerk's Office for citizen review since September 3 and the appropriate legal notices have been published in the official City newspaper.

The 2000 Budget reflects all City operations and services to be provided to Westminster citizens in 2000. This is the eighth year maintaining the mill levy at 3.65 mills. This budget includes no tax increases or new taxes. Sewer and water rates and tap fees are proposed to remain the same based on the increase adopted in 1999.

The total 2000 Proposed Budget is \$117,093,965, excluding \$9,638,000 in reserves and \$2,480,000 in contingency accounts. This budget is based upon an estimated 800 single-family housing starts which is the same as estimated for 1999.

A brief summary of the proposed 2000 City Budget follows:

- General Fund operating expenditures are budgeted at \$60,467,852 (excluding contingencies) which is an increase of 15.7% over the 1999 budget for operating expenditures (\$52,271,414).
- The General Fund is predicated on receiving a transfer payment from the Sales and Use Tax Fund totaling \$41,512,000, an increase of 11.9% over the 1999 transfer payment of \$38,000,414.
- The Contingency account is recommended at \$1,280,000 in the General Fund and \$1,200,000 in the Utility Fund. The General Reserve Fund is recommended at \$5,438,000 and the Utility Reserve Fund at \$4,200,000.
- The total number of full-time equivalent (FTE) staffing in 2000 is 843.624 FTE, an increase of 32.65. Included in this total are 4.0 FTEs associated with Westminster Promenade activities and are contingent upon adoption of a budget and agreement between the City and the Common Area Maintenance Association (CAMA), currently being finalized.

- Continuation of an aggressive Capital Improvement Program (CIP) is recommended for 2000. The total capital improvements proposed for 2000 is \$39,951,000. Of the recommended CIP for 2000, 49% will be funded on a "pay-as-you-go" basis (composing \$19,716,000 of the total) while one project totaling \$18,000,000 will be financed through bond proceeds if the project is authorized by City Council. City streets and traffic improvements are recommended for 2000 at \$6,035,000; facilities and infrastructure improvements at \$1,509,000; park improvements at \$6,487,000; and, wastewater and water improvements at \$25,920,000.

Staff Recommendation

Adopt Resolution No. 76 which sets the mill levy at 3.65 mills and formally adopts the total 2000 City budget including the staffing levels and the Five Year Capital Improvement Plan.

Background Information

City Council Focus Areas: Earlier this year, the City Council identified six focus areas to be pursued in 2000. The focus areas follow:

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

The 2000 budget includes funding for these key areas. The City will *improve transportation systems in the northwest quadrant of the Denver Metro area* by finalizing and implementing financing plans for the proposed new I-25 Interchange at 136th Avenue and by continuing construction of the Westminster Boulevard Flyover project between 96th and 104th Avenues, scheduled for completion in 2001.

Westminster will *continue to be developed and promoted as the "City of Choice"* in the Denver metro area. An Emergency Preparedness Coordinator is proposed to develop specific emergency preparedness plans to handle major disasters that require interdepartmental or interagency cooperation. A Traffic Calming Program is proposed for continued pursuit in response to the highest neighborhood priority of traffic safety concerns and efforts made to reduce speeding in Westminster neighborhoods. Also, the City will open the new Northwest Recreation Center mid-year 2000 to take the place of the Countryside Recreation Center. Most importantly the City will complete the construction of the Westminster Promenade and open this unique high quality attraction to the community. This will be the project to open the new millennium.

The City will *maintain a high quality of municipal services*. The City proposed enhancing security measures to promote the safety of City facility users by reviewing facility security systems and implementing recommendations as appropriate. In addition, emergency communications system upgrades and replacement is proposed for 2000 in order to assure that Westminster residents and businesses are afforded quick response time and high quality public safety services. Additional Fire personnel, Police Officers, and a Housing Inspector are proposed to maintain the high quality of service to residents and enhance public safety.

Another Council focus is to *broaden citizen communication and involvement*. This will be pursued through continuing efforts to train police officers to better communicate with non-English speaking residents by offering Spanish Immersion Training to officers. Planning Division Staff will continue to solicit neighborhood contact and communication in the development and review process on new development. The City will continue to reach out and enhance community partnerships via the Community Oriented Governance (COG) program. Additionally, the City will continue to expand its video programming on the City's Channel 8 to make available educational information to the public.

Another priority for City Council is to *enhance the City's economic and fiscal viability*. This will be pursued through renovation of the Westminster Mall and continued renovation of the surrounding Westminster Center. The City will also construct the Federal Boulevard extension to 128th Avenue as part of a business assistance package for a new commercial center and see the completion of several new office buildings. The Northwest Business Park will also commence construction of new Class A office space in a joint planning effort with the City. During this time of development and growth, the City has remained fiscally prudent and expanded the General Reserve Fund from \$3,700,000 in 1999 to \$5,438,000 in 2000, an increase of \$1,738,000.

The City will seek to *strengthen regional cooperation on priority projects*. Staff will assist in efforts with other jurisdictions to resolve Rocky Flats and the Northwest Parkway issues, promote mass transit enhancement through commuter rail options, promote drainage coordination, coordinate efforts on the US 36 MIS and generally promote the north part of the Denver metro area for quality development.

Staffing: The 2000 City Budget includes a net increase of 32.65 full-time equivalent (FTE) positions to support the services currently provided to the citizens of Westminster. The largest increases in staff are for the Fire Department (3 FTE Fire Engineers, 1 FTE Fire Fighter and 1 FTE Emergency Preparedness Coordinator); the Police Department (4 FTE Police Officers, 1 FTE Communications Supervisor, and 0.5 FTE Records Specialist); Parks, Recreation and Libraries (0.5 FTE Library Clerk, 0.5 FTE Aerobic Recreation Specialist, 0.1 FTE Custodian, 1.0 FTE Facility Assistant, 1.0 FTE Guest Relations Clerk, 1.0 FTE Custodian, and 1.0 FTE Recreation Aide); Public Works and Utilities (0.5 FTE Community Service Coordinator, 0.5 FTE Data Processing Clerk, 1.0 FTE Senior Maintenance worker, 1.0 FTE Indexed Senior Civil Engineer, 0.25 FTE Clerk-Typist II, and 0.6 FTE Lab Aide); and the Golf Courses (4.0 FTE Parkworkers and 0.5 FTE Horticulturist).

Summary of Adjustments Made Since the Budget Retreat: As a result of recent financings of large capital projects and the proposed addition of an enhanced traffic enforcement program in 1999, three adjustments were necessary to the 2000 budget and are outlined below.

1. At the September 15 Study Session, City Council directed Staff to proceed with the proposed enhanced traffic enforcement program in 1999, which includes the addition of 4.8 FTEs. Council action officially authorizing these positions is scheduled for tonight's meeting. With the addition of the 4.0 FTE Police Officers, 0.5 FTE Deputy Court Clerk I/II, and 0.3 FTE Assistant Prosecuting Attorney in 1999, this impacts the 2000 Budget in order to provide for their salaries and benefits. As a result, the Police Department's budget was increased by \$147,601; the Municipal Courts Division in General Services' budget was increased by \$11,933; the City Attorney's Office's budget was increased by \$17,860; and the Central Charges' budget for benefits was increase by \$30,606. The increase in the 2000 budget totals \$208,000 in the General Fund, which is offset by fines collected by this enhanced traffic enforcement effort.

2. A Parks and Open Space bond for \$2.65 million is proposed for issue (scheduled for Council consideration October 11) with an eight-year repayment schedule, versus the original estimate at twenty years, which is standard in making estimates early on in budgeting for any new debt to be issued. However, due to the small size of the bond issue, the desire to guide who bid on the bond (i.e., including banks who prefer short term debt issues), and the desire to conclude debt payments on this issue as quickly as possible to save funds in the long run, Staff is recommending the eight-year repayment schedule for this issue. As a result, the first year debt service amount for this POST bond increased by \$200,986. Staff reallocated expenses within the Open Space Sales and Use Tax Fund to cover this debt service by adjusting two items: 1) reducing the transfer to the Capital Improvement Program by \$89,000 originally part of the Standley Lake Regional Park Sewer Line project (\$380,000) which, per Council direction, will be reallocated for Crown Pointe Academy as noted below; and 2) reducing the Land Acquisition account by the remaining \$111,986 (for a new balance of \$361,876). Staff believes it is prudent in this case to shorten the length of the bond issue to achieve the lowest interest rate which in the end, reduces the overall cost associated with this bond issuance.
3. The Westminster Mall and Westminster Boulevard Flyover Certificates of Participation (COPs) were sold August 26. The amount budgeted in the Proposed 2000 Budget document distributed on September 3 included Staff's estimate based on a twenty-year repayment schedule but at approximately 5.25% interest rate, which is standard in estimates. Due to increases in the market over the last several months, the COPs were issued at a slightly higher interest rate than projected and therefore the budgeted amount needed to be increased by \$20,985. Staff has reduced the 2000 General Fund Contingency account by \$20,000 (revised Contingency \$1.28 million) and reduced a Central Charges account by the remaining \$985 to offset this increased expense.

Citizen Requests: At the various hearings on the 2000 proposed budget, several residents either requested information about City projects or asked that City Council consider providing funds for specific City program and projects.

City Council had the opportunity to review these requests in more detail at the Budget Retreat and, where appropriate, funds have been included in the 2000 Budget to address these projects. A summary of the requests addressed follows:

1. Crown Pointe Academy – Funding for Building Expansion – In a letter dated June 3, 1999, to the City Council and City Manager, Crown Pointe Academy Council President Ms. Kay May requested \$335,000 for a building addition to make room for their 6th, 7th, and 8th grade students in order to house the entire K-8 program under one roof. The amount requested was for the expansion of the school and not specifically tied to one part of the facility (\$35,000 for land acquisition and \$300,000 for the building addition). Subsequently, at the September 13 public hearing, Ms. May revised her request for funding, reducing the request from \$335,000 to \$291,000 and identified the funds specifically for a new gymnasium.

Crown Pointe Academy estimates the total cost of all additions to be approximately \$1.2 million, of which \$291,000 is for the new gymnasium. In return for the City's support in funding construction of the gymnasium, the Academy will allow the City to use the gymnasium for activities and events after school hours. They have saved \$168,000 to date toward the project and plan to fund the balance through parent and corporate contributions, grants, and loans; the \$168,000 includes \$111,000 the City has already provided the Academy over the past two years.

At the Budget Retreat, Council expressed support to fund Crown Pointe at their requested amount of \$291,000. However, Council noted that funding is contingent upon reaching an Intergovernmental Agreement with Crown Pointe Academy outlining the amount of City use of the new gymnasium this contribution will permit (i.e., a minimum of 3 nights per week and some weekend use).

Staff reviewed the Capital Improvement Program and reallocated funds from the Standley Lake Regional Park Sewer Line project (\$380,000) for Crown Pointe Academy. The bids for the Regional Park improvements were opened this month and were favorable to the City, thus allowing the City to redirect these funds. The balance of funds (\$89,000) was reallocated to the Open Space budget for debt service as noted above.

2. Cheyenne Ridge Park Citizen Request – A number of Cheyenne Ridge residents, led by Susan Kemp (14537 Jason Drive), attended the July 12 public hearing addressing City Council with their desire to include funds in 2000 for Cheyenne Ridge Park site improvements. Ms. Kemp requested a non-specific amount of funding for park development and expressed willingness for the park to be developed in partnership, via neighborhood physical labor and/or financial contributions, between City and community to move the project up in the 5-year CIP. She stated that Cheyenne Ridge residents want to participate in the development and/or construction process.

At the second public hearing on September 13, approximately 30 Cheyenne Ridge residents attended to request that this project be included in the 5-year CIP. Residents were pleased that funds were included in 2000, but wanted additional funding for full development of the park to be included in the City's five-year plan.

Council expressed support to proceed with the \$24,000 in the 2000 CIP Budget and \$300,000 in the 5-year CIP in 2004 funding levels recommended by Staff. This level of funding will require additional financial contributions and/or physical labor on the part of area residents, as previously volunteered. Council requested that Staff pursue a contract with the area's homeowner's association for additional financial contributions and/or physical labor on the part of the area residents for immediate minor site improvements for 2000.

3. Hyland Greens Citizen Request – Hyland Greens residents attended the September 13 public hearing to voice their concern about the flooding stages of the Farmers Highline Canal, especially since the August 4 storm. The Lake at Carroll Butts Park is prone to overflow during storms and runs into the Farmers Highline Canal, creating flooding problems for the residents. The residents requested that the City allocate funds to correct this problem in 2000.

Council concurred with Staff's recommendation to complete the design phase between now and April 2000 regarding necessary improvements to the lake and canal area, which would put Staff in a more knowledgeable position to provide construction and funding requests for the 2001 Budget.

4. Cotton Creek Residents' Request - 112th Avenue Widening – Cotton Creek neighborhood residents attended the September 13 public hearing and requested that the 112th Avenue widening project be placed back on the City's five-year improvement plan. The project calls for widening of 112th Avenue between Sheridan Boulevard and Stuart Street and includes replacing the bridge located at 112th Avenue and Vrain Street as well as sidewalk installation. The estimated cost of the total project is approximately \$3.7 million.

Council concurred with Staff's recommendation of including the 112th Avenue widening project in the 5-year CIP and following a multi-year funding approach for the extensive project. Staff has included the first year of funding of \$1.4 million for the project in 2004.

5. 104th Avenue and Bryant Street Traffic Signal Request – Residents in the vicinity of 104th Avenue and Bryant Street attended the September 13 public hearing to request the installation of a stop light at the intersection of 104th Avenue and Bryant Street. The estimated cost of a traffic signal is \$80,000.

The 104th Avenue and Bryant Street intersection is ranked fifth out of seven locations that satisfy the City's traffic signal installation criteria. The proposed 2000 Budget includes funding for the first two locations on the signal priority list. Staff did not recommending installation of a traffic signal at the intersection of 104th Avenue and Bryant Street as a result of higher priority intersections on the priority list.

Council concurred with Staff's recommendation of not funding the installation of a stop light at the intersection of 104th Avenue and Bryant Street in 2000, but rather fund the installation of traffic lights at the two intersections with the highest priority.

6. Cedar Bridge Park Citizen Request – In a letter dated September 7, 1999, James Hall, a Cedar Bridge resident, requested that the City expedite the development of the Cedar Bridge Park. In his letter, Mr. Hall stated that several of his neighbors share his sentiments and want the park development given immediate attention. Cedar Bridge Park construction is scheduled to begin in spring 2001. Staff contacted Mr. Hall and explained that the park was proposed in the CIP as outlined. Mr. Hall was pleased to learn that the park development is actually scheduled to begin in 2001; he thought the park construction was scheduled to begin in 2002.

Council concurred with Staff's recommendation of funding \$300,000 in 2000 and \$500,000 in 2001 for Cedar Bridge Park construction.

7. Neighborhood Action Group (NAG) Request – NAG President Roger Gudenkauf originally submitted a request via the Human Service Board (HSB) for funding in 2000. However, Mr. Gudenkauf missed his required interview with the HSB and therefore was not recommended any HSB funding for 2000. The original 2000 request to the HSB was for \$10,000.

Mr. Gudenkauf attended the September 13 public hearing and acknowledged that he missed the required deadlines established by the HSB. He requested that City Council provide any amount of funding to NAG to help in their operations. In the 1998 Budget, NAG was allocated \$500; NAG submitted a request for funding in the 1999 budget development process but missed required meetings and therefore received no funds in 1999.

Council concurred with Staff's recommendation of funding NAG at \$500. However, Council directed Staff to write a letter stressing the importance of meeting required HSB interviews and deadlines in order to receive City support in the future.

8. The Visual Arts Committee – Fireman's Park Sculpture – At the July 12 public hearing, Chuc Duff, Visual Arts Committee Chairperson, requested an additional \$50,000 in direct funding for the sculpture purchase. The Visual Arts Committee, charged with selecting a sculpture for Fireman's Park adjacent to Fire Station #1, currently has approximately \$40,000 to put toward the project and expects to receive as much as a \$15,000 contribution from the Fire Department for the sculpture purchase. The Committee is requesting additional funds from the City in order to provide a more significant sculpture piece for South Westminster than current funding would afford. The Committee also asked the City to commit to the replacement cost of the sculpture and provide funding for the dedication ceremony. Staff also suggested that funding for artwork at 72nd Avenue and Federal Boulevard be considered that would have much greater visibility for this important corner in south Westminster.

Council directed Staff to allocate \$30,000 in CEP funds towards the Fireman's Park sculpture as well as an additional \$20,000 for artwork at 72nd Avenue and Federal Boulevard.

9. 92nd Avenue Citizen Request – A number of 92nd Avenue area residents, led by James and Patricia Thomas (9215 Stuart Street), attended the June 7 public meeting and requested funding for the construction of an 8 foot tall (or higher) fence to help buffer increased traffic noise along 92nd Avenue between Sheridan Boulevard and Raleigh Street. The estimated cost of constructing such a fence is \$42,600.

The City has never before participated in the construction of a “noise barrier” or “sound fence” for the benefit of a private property. There are three instances in which the City constructed a new privacy fence for a subdivision, but there were special circumstances involved in all three cases.

Based on the precedent-setting nature of funding such a request, plus the estimated cost, Council concurred with Staff’s recommendation of not funding the construction of a “noise barrier” or “sound fence” along 92nd Avenue between Sheridan Boulevard and Raleigh Street at this time.

10. Traffic Calming/Mitigation Requests

- a) The Kendall Street Citizens Group attended the July 12 public hearing and requested \$3,200 for the installation of four speed bumps along 73rd Avenue and Kendall Street.

City Neighborhood Traffic Specialist Annette Rodenberg has evaluated the Kendall Street area and determined that it does not support making the Kendall Street area a traffic calming priority. Prioritization is based on traffic volume, speed, and number of accidents. The area is considered to be a Traffic Engineering concern and Traffic Engineer Mike Normandin is considering the area for further evaluation.

- b) The Oakhurst COG Team, led by Kellie Hott, requested \$45,000 for the installation of three raised crosswalks (at an estimated cost of \$15,000 each) along Independence Avenue, at Carr Street, south of 94th Avenue and 89th Place. The Team is concerned with the speed and volume of traffic along Independence Avenue and requested that the City’s traffic calming program budget be increased as much as possible for 2000. The Team has met and worked with Staff and hopes to see at least one area traffic calming device installed per year in their area. Independence Avenue did qualify for funding under the City’s traffic evaluation system and is currently number nine on a list of the top thirty traffic calming priorities.

- c) Walnut Grove Subdivision residents, led by Pat Crossen (10607 Kipling Way), requested that as many capital improvement dollars as possible be allocated toward neighborhood traffic mitigation problems. Residents are concerned about the high speed of traffic and fear for the safety of Witt Elementary School children attempting to use the area’s walking paths. The Crossen’s yard has been driven through twice, causing property damage both times, and Mr. Crossen’s truck was struck by a car passing on the right while he was negotiating a right-hand turn into his driveway.

Staff has measured some of the highest speeds in the City on 106th Avenue. 106th Avenue (Moore and Kipling area) is currently number seven on a list of the top thirty traffic calming priorities.

Council concurred with Staff’s recommendation to increase the Capital Improvement Program funding for neighborhood traffic mitigation from \$100,000 in 1999 to \$300,000 in 2000 to implement traffic calming priorities as identified by the City’s Traffic Calming Evaluation System. In addition, Staff is looking at a more cost-effective traffic calming modifications in order to speed up the process and allow more neighborhoods to receive traffic calming measures.

Miscellaneous Council Topics: At the Budget Retreat October 1, the City Council discussed a few capital projects and miscellaneous budget issues. A summary of the items addressed follow:

1. Councillor Atchison requested that Staff evaluate making 1.0 FTE Secretary proposed to be shared between the Planning and Building Divisions in Community Development an indexed position, as many of the Building Division positions are. Staff has evaluated this item and recommends leaving it as a non-indexed position. The current workload, as well as the expected future workload, produced by these divisions is such that indexing the position is not practical, especially considering the current tight labor market and the challenges indexed position pose in recruiting.

The Planning Division is currently made up of thirteen planners who are supported by only one secretary. The volume of sign, zoning, and development inquiries as well as support of the Board of Adjustment & Appeals and Planning Commission meetings continues to increase. The work is not solely the result of new development but due to an increasing set of regulations, Codes, guidelines, and the Comprehensive Land Use Plan among others. As for the Building Division needs, this position is proposed to support the Housing Inspection Program. Currently, this program has no support staff and the current Housing Inspector conducts tracking of inspections and manages all paperwork associated with the program. To fully implement and utilize Staff's time to the fullest, this secretary position is proposed to manage inspection paperwork and allow the current Staff and the additional 1.0 FTE Housing Inspector proposed in the 2000 budget to be most efficient, conducting inspections rather than be absorbed in paperwork.

2. Councillor Atchison also inquired about the 5-Year Staffing Plan and the need for additional security in out years (i.e., Police Officers). Staff reviewed the 5-Year Staffing Plan and concurred that additional Police Officers may be needed and has added 2.0 FTE Police Officers in 2002. It should be noted, however, that the out-years are for planning purposes and may change as departmental needs change. The 5-Year Staffing Plan reflects this adjustment in 2002.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **76**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION OF THE CITY OF WESTMINSTER, COLORADO, SETTING THE 1999 MILL LEVY COLLECTIBLE IN 2000, ADOPTING THE BUDGET AND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE FISCAL YEAR 2000.

WHEREAS, In accordance with Section 9.2 of the City Charter, the City Manager has prepared and submitted to the City Council a proposed budget for the fiscal year 2000; and

WHEREAS, On July 12 and September 13, 1999, public hearings on the proposed 2000 budget were held by the City Council pursuant to Section 9.4 of the City Charter.

NOW THEREFORE, be it resolved, by the City Council of the City of Westminster, Colorado that there is hereby levied for the 1999 year upon all taxable property within the City of Westminister, taxes in the amount of three and sixty-five hundredths (3.65) mills per dollar of assessed valuation in Adams and Jefferson Counties, which shall be paid into the General Fund of the City; and

NOW, THEREFORE, be it resolved by the City Council of the City of Westminister, Colorado that the annual budget of the City of Westminister for the fiscal year beginning January 1, 2000, which has been submitted by the City Manager is hereby adopted according to the attached exhibits:

FUND	EXHIBITS
General	A
Utility	B
General Capital Improvement	C
Sales & Use Tax	D
Open Space Sales and Use Tax	E
Fleet Maintenance	F
Golf Course Enterprise	G
Human Service Agency Funding	H
Five-Year Capital Improvement Program	I
Staffing Summary	J
General Reserves	K
Utility Reserves	K
Debt Service	L
Five Year Staffing Projection	M

Be it further resolved, that the annual budget of the City of Westminister for fiscal year 2000 beginning January 1, 2000, be established with the following totals:

BALANCE OF FUNDS (1-1-00):	2000 PROPOSED
General Fund	\$1,133,000
Utility Fund	2,320,000
Fleet Maintenance Fund	0
Sales & Use Tax Fund	2,857,000
General Capital Improvement Fund	596,789
General Reserve Fund	5,188,000
Utility Reserve Fund	4,000,000
Conservation Trust Fund	0
Open Space Fund	267,382
General Debt Service Fund	-2,311
Golf Course Fund	0
TOTAL Fund Balance	\$16,359,860

REVENUES:	2000 PROJECTED
General Fund	\$60,614,852
Utility Fund	31,635,000
Fleet Maintenance Fund	1,112,516
Sales & Use Tax Fund	49,525,000
General Capital Improvement Fund	11,899,211
General Reserve Fund	250,000
Utility Reserve Fund	200,000
Conservation Trust Fund	700,000
Open Space Fund	4,363,000
General Debt Service Fund	8,029,425
Golf Course Fund	<u>3,585,700</u>
TOTAL Revenues	\$171,914,704
Total Fund Balance	<u>16,359,860</u>
Total Funds Available	\$188,274,564
Less Transfers	<u>(59,062,599)</u>
Grand Total 2000 Revenues	\$129,211,965

EXPENDITURES	2000 PROPOSED
General Fund	\$60,467,852
Utility Fund	32,755,000
Fleet Maintenance Fund	1,112,516
Sales & Use Tax Fund	52,382,000
General Capital Improvement Fund	12,496,000
General Reserve Fund	0
Utility Reserve Fund	0
Conservation Trust Fund	700,000
Open Space Fund	4,630,382
General Debt Service Fund	8,027,114
Golf Course Fund	<u>3,585,700</u>
TOTAL	\$176,156,564
Less Transfers	<u>(59,062,599)</u>
TOTAL Expenditures	\$117,093,965
Total Contingencies & Reserves	<u>12,118,000</u>
GRAND TOTAL 2000	\$129,211,965

Passed and adopted this 11th day of October, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: Resolution No. 77 re 2000 Pay Plan and Approval of Changes to City Fringe Benefits

Prepared by: Debbie Mitchell, Human Resources Manager and
Matt Lutkus, Deputy City Manager for Administration

Introduction

As part of the 2000 Budget adoption process, Staff requests that City Council adopt the attached resolution which establishes the 2000 salary ranges. In addition, Council is asked to consider three changes to City employees' benefit package. The funds needed to implement the recommended adjustments have been included in the proposed 2000 City Budget. These items should be acted upon at the same time the budget is adopted.

Summary

The City Administration is recommending a 3.5% across-the-board increase for all full-time and part-time Classified and temporary positions, adjustments of approximately 3.5% at the top of the ranges for most Unclassified positions and a series of other pay range adjustments based on the annual pay plan review and salary survey conducted by the Human Resources Division.

Recommended changes to the benefit package are: implementation of employee-funded medical reimbursement accounts, an increase in the maximum annual benefit for dental coverage from \$1,200 to \$1,500 per plan participant, and an increase in the benefit provided under the City's Tuition Reimbursement Program from \$600 to \$800 per year.

Alternatives to the recommended actions would include not approving the proposed compensation package or approving a package at a higher or lower level than what is recommended. Given that the proposed actions are consistent with the City's pay philosophy and the fact that more extensive changes will be brought to Council as part of the 2001 Budget, Staff believes that the proposed changes are appropriate for the coming year.

Staff Recommendation

1. Adopt Resolution No. 77 which establishes the 2000 pay ranges for City employees.
2. Approve the following changes to the City's benefit package: implement an employee-funded medical reimbursement account, increase the dental coverage annual maximum to \$1,500 per participant, and increase the funding available from the Tuition Reimbursement Program to \$800 per year.

Background Information

City Staff continues to use a benchmark system whereby City positions which are relatively similar among Front Range cities are surveyed. The salaries for non-benchmark positions are linked to the salaries of benchmark positions based on their relationships in a job group and relative value to the organization.

In addressing market-based changes in employee salaries, half of the major job category benchmarks are surveyed each year. This year, benchmark salary surveys were conducted for Legislative, Judicial and Management; Business and Professional; Operations, Maintenance, and Skilled Trades; and Administrative and Technical Support.

The recommended pay and classification adjustments were based on an extensive salary survey process which included eight area cities for most positions as well as special districts and private sector data where appropriate.

The cities used for comparison purposes for the majority of positions are Arvada, Aurora, Boulder, Englewood, Fort Collins, Lakewood, Littleton, and Thornton. In addition, a number of special districts are surveyed for Fire and Parks and Recreation position comparisons. The main information resources used during this process are the Colorado Municipal League surveys, private sector data from Mountain States Employers Council, as well as direct contacts with other municipalities and special districts.

Staff is recommending an across the board adjustment of 3.5% to keep pace with overall salary increases in the public and private sectors. Across-the-board increases being projected in other area cities range from 2.5% to 4.1%, with an average increase of 3.25%, not including longevity or step increases. Data from Mountain States Employers Council indicates private sector companies are projecting pay increases for 2000 to be an average of 3.4% .

In addition to the across the board increase, the proposed 2000 Pay Plan includes 108 recommended grade/classification changes. Proposed salary changes are based on the Human Resources Division's analysis of prevailing salaries for various classifications, as well as adjustments for internal relationships. A summary of all of the recommended pay plan changes and the pay plan itself are attached for Council's review.

Three changes are proposed in the benefits for all benefited City Employees as a result of the every other year survey of employee fringe benefits. Funding is requested for costs related to the ongoing administration of medical reimbursement savings accounts. These accounts, which can be set up at an employee's option, would permit employees to obtain reimbursement for health insurance deductibles, co-payments, and other eligible medical expenses from pre-tax earnings. The program would be similar in structure to the dependent care reimbursement program that is currently available to employees.

The other two recommended changes in the benefit package are: an increase in the maximum payment for dental claims from \$1,200 to \$1,500 per participant per year, and an increase in the maximum amount paid under the College Tuition Reimbursement Program from \$600 to \$800 per year.

Funding for recommended changes in both pay and benefits have been included in the proposed 2000 City Budget.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION OF THE CITY OF WESTMINSTER, COLORADO, AUTHORIZING THE SALARY AND PERSONNEL SCHEDULES FOR THE FISCAL YEAR 2000

WHEREAS, Section 1-24-3 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, the City Manager is recommending a 3.5% across the board salary increase for regular classified employees and adjustments of approximately 3.5% to the top of the ranges for most unclassified positions; and

WHEREAS, several reclassifications, new classifications and title adjustments are recommended as a result of organizational changes and a review of the results of the annual compensation survey.

NOW, THEREFORE, BE IT RESOLVED THAT THE WESTMINSTER CITY COUNCIL RESOLVES that the attached new salary schedule and the authorized personnel schedule are hereby adopted and approved and shall be put into effect on January 1, 2000.

Passed and adopted this 11th day of October, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: Westminster T-Ball Complex

Prepared By: Julie Meenan Eck, Landscape Architect

Introduction

City Council action is requested to pass on first reading the attached Councilor's Bill regarding a supplemental appropriation of \$230,000, the amount of the 1999 Great Outdoors Colorado (GOCO) grant award of \$150,000; plus the amount of the Rockies Grant Award of \$80,000; into the General Capital Improvement Project Fund for construction of the Westminster T-Ball Complex. City Council action is also requested to adopt the attached Resolution authorizing the City Manager to sign a contract with GOCO and a contract with the Rockies, fulfilling the City's obligation of matching funds of \$325,000 for construction of the Westminster T-Ball Complex. City Council action is also requested to authorize the City Manager to sign a contract with Sovereign Design and Development in the amount of \$12,507.48 for design and \$29,184.12 for construction management, for a total of \$41,691.60. City Council action is also requested to authorize the City Manager to sign an agreement with the Northglenn Little League Baseball for the conveyance of 2.8 acres to the City in exchange for the first right to schedule the use of the fields.

Summary

In March of 1999, Staff received a phone call from the Colorado Rockies regarding the approval of a grant for the improvements of the Northglenn Little League Ball Fields. On March 31, Staff applied for a \$150,000 Local Government Park and Outdoor Recreation Grant sponsored by GOCO for the Westminster T-Ball Complex project. The City was awarded the grant in the amount of \$150,000 on June 22 for construction of the park. This is the highest amount possible for this grant. Staff was very excited to receive the whole grant request. This is a unique project to provide a T-Ball complex for children under the age of eight and, with a partnership with the Rockies and GOCO, agreed it was worth pursuing.

This site is approximately a three acre park that will be re-graded to accommodate four t-ball fields, a picnic pavilion, bike racks, flagstone entry sign, and concrete walkways throughout. The t-ball fields will get new fencing, bleachers, infield mix, warning tracks, irrigation, and sod. The Colorado Rockies will have built 39 baseball fields by the end of 1999, by contracting thru Sovereign Design and Development. Sovereign Design and Development has always built the fields under budget and with outstanding quality for the Colorado Rockies.

This property was deeded to the Northglenn Little League by Adams County with a reverter clause to the county if the property ownership was ever to change. Adams County officials have been contacted and have indicated support for the City taking ownership. However, the ownership transfer has not yet been completed. Therefore the construction process on this project will not start until the City is deeded the property. Both the Colorado Rockies and GOCO require that contracts be signed for the respective grants awarded to the project. Normally City Staff would wait until the land ownership transfer has been completed. Due to the deadlines set by GOCO and the Colorado Rockies, Staff is recommending these initial actions. Staff is confident that the land transfer from Northglenn Little League will take place in the near future.

Alternatives

1. Do not accept the Great outdoors Colorado Grant in the amount of \$150,000 for the development of the Westminster T-Ball Complex.
2. Do not accept the Colorado Rockies Grant and keep this a City of Westminster project.
3. Do not take on this project, leave things as they are with the Northglenn Little League owning and maintaining the fields and place the City's funding portion elsewhere.

Staff Recommendation

1. Pass Councilor's Bill No. 65 on first reading appropriating \$230,000 into the General Capital Improvement Fund for construction of the Westminster T-Ball Complex project.
2. Adopt Resolution No. 78 authorizing the City Manager to sign a contract with GOCO authorizing the City's financial obligation of matching funds for the Westminster T-Ball Complex project.
3. Adopt Resolution No. 79 authorizing the City Manager to sign a contract with the Colorado Rockies authorizing the City's financial obligation of matching funds for the Westminster T-Ball Complex project.
4. Authorize the City Manager to sign a contract with Sovereign Design and Development for \$41,691.60 authorizing the design and construction management fee to complete the Westminster T-Ball Complex project; and a contract with Northglenn Little League Baseball for the conveyance of approximately 2.8 acres to the City and terms regarding the use of the fields.

Background Information

This 2.8 acre property is located at approximately 113th Avenue and Navajo Street in the City of Westminster and is currently owned by the Northglenn Little League. The make-up of Northglenn Little League includes 45% Westminster youth. Northglenn Little League will deed this land to the City at the time of construction. In the fall of 1998, Staff approached the Colorado Rockies to look into a grant from this organization to make this site a Rockies Player's Field. Mike Lansing, a player for the Rockies, liked the idea of a four-tee ball complex that serves children ages four to eight years and will sponsor \$50,000 in project costs, and the Robert R. McCormick Tribute Foundation shall contribute the other \$30,000 to the project. The Colorado Rockies design/build company Sovereign Design and Development will manage the design/build contract; therefore, Staff will not have a large commitment of time to manage this project. Sovereign Design and Development design/build fee is \$41,691.60. In addition the Colorado Rockies gets a reduced cost on labor and materials since various companies donate labor or materials to the Rockies Player's Field Program. Therefore, more amenities can be provided through the Rockies with a given budget than could be done through the City's bid process. At the time of the approved Grant from the Rockies, Staff applied for a Local Government Park and Outdoor Recreation Grant sponsored by GOCO. Notifications of awards were scheduled for the end of June.

The design and construction estimated budget for Westminster Tee Ball Complex is \$555,000, which is detailed in the following budget summary.

Colorado Rockies Grant	\$ 80,000
Great Outdoors Colorado Grant Request	\$150,000
City of Westminster Contribution	<u>\$325,000</u>
Total	\$555,000

Respectfully submitted,

William M. Christopher, City Manager
Attachments

RESOLUTION

RESOLUTION NO. **78**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A resolution of the City Council of the City of Westminster defining responsibility in The State Board of the Great Outdoors Colorado Trust Fund.

WHEREAS, the City of Westminster supports the completion of the Westminster T-Ball Complex Park Project; and

WHEREAS, The State Board of the Great Outdoors Colorado Trust Fund awarded Westminster a grant in the amount of \$150,000 in 1999 for construction of the Westminster T-Ball Fields Park, subject to the execution of a grant agreement; and

WHEREAS, the City of Westminster has appropriated funds in the amount of \$325,000 for the local match for the Westminster T-Ball Complex Park project;

NOW, THEREFORE, the Westminster City Council hereby resolves that the City Manager on behalf of the City of Westminster shall enter into an agreement with The State Board of the Great Outdoors Colorado Trust Fund on a contract for Westminster T-Ball Complex Park project, and the City of Westminster shall be responsible for providing matching funds as identified in the contract for construction of the Westminster T-Ball Complex Park project. This resolution to be in full force and affect from and after its passage and adoption.

Passed and adopted this 11th day of October, 1999.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. **79**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A resolution of the City Council of the City of Westminster defining responsibility in Colorado Rockies charity fund, a fund of the Robert R. McCormick Tribune Foundation.

WHEREAS, the City of Westminster supports the completion of the Westminster T-Ball Complex Park Project; and

WHEREAS, the Colorado Rockies charity fund awarded Westminster a grant in the amount of \$80,000 in 1999 for construction of the Westminster T-Ball Fields Park, subject to the execution of a grant agreement; and

WHEREAS, the City of Westminster has appropriated funds in the amount of \$325,000 for the local match for the Westminster T-Ball Complex Park project;

NOW, THEREFORE, the Westminster City Council hereby resolves that the City Manager on behalf of the City of Westminster shall enter into an agreement with the Colorado Rockies charity fund on a contract for Westminster T-Ball Complex Park project, and the City of Westminster shall be responsible for providing matching funds as identified in the contract for construction of the Westminster T-Ball Complex Park project. This resolution to be in full force and affect from and after its passage and adoption.

Passed and adopted this 11th day of October, 1999.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **65**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION INCREASING THE 1999 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance No. 2654 in the amount of \$14,159,000 is hereby increased by \$230,000 which, when added to the fund balance as of the City Council action on September 27, will equal \$15,643,624. The actual amount in the General Capital Improvements Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Great Outdoors Colorado grant and a Rockies grant awarded for the construction of Westminster T-Ball fields.

Section 2. The \$230,000 increase in the General Capital Improvements Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Intergovernmental – State 75-0478-000	\$ 160,000	\$150,000	\$310,000
Business/Contributions 75-1108-000	673,000	<u>80,000</u>	753,000
Total Increase in Revenues		<u>\$230,000</u>	
<u>EXPENSES</u>			
Westminster T-Ball Complex Project			
Appropriations Holding 75-50-88-555-016	\$ 0	<u>\$230,000</u>	\$230,000
Total Increase in Expenditures		<u>\$230,000</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 11th day of October, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of October, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: Councillor's Bill No. 66 Appropriating Brownfields Grant from EPA

Prepared by: Tony Chacon, South Westminster Revitalization Projects Coordinator

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating \$200,000 from the Brownfields Site Assessment Pilot Grant to the Department of Community Development Budget. The \$200,000 appropriation is for the 1999 and 2000 calendar years; therefore, \$100,000 will be appropriated in the 1999 budget and \$100,000 in the 2000 budget.

Summary

As a part of the U. S. Environmental Protection Agency's (EPA) Brownfields Economic Redevelopment Initiative, The City of Westminster applied for a Brownfields Assessment Demonstration Pilot Project Grant in March, 1999. The City was officially awarded the \$200,000 Grant on August 16, 1999. The \$200,000 Grant will be provided over a two year period beginning in 1999.

The Brownfield's project is designed to empower local municipalities to work together with businesses and citizens to promote the sustainable reuse and/or redevelopment of under-utilized and contaminated properties. In accordance with the EPA Cooperative Agreement, the City will use the funds to evaluate the level of contamination or non-contamination of privately and publicly held properties in South Westminster. The focus of the analysis will be primarily related to commercial and industrial areas along 72nd Avenue and the Burlington Northern and Santa Fe railroad tracks. The funds will further be used to develop a palette of tools to assist the City in acquiring property or facilitating redevelopment activity. The funds will not be used for actual clean-up of contaminated property.

Staff Recommendation

Pass Councillor's Bill No. 66 on first reading appropriating \$100,000 to the Community Development Department 1999 Budget.

Background Information

EPA defines brownfields as abandoned or under-used commercial facilities where redevelopment is complicated by real or perceived environmental issues. EPA's Brownfields Economic Redevelopment Initiative helps communities revitalize these properties both environmentally and economically and restore economic vitality to these under-used areas.

The EPA Brownfields Initiative achieves this goal by:

- Providing grants for local brownfields assessment pilot projects;
- Clarifying liability and cleanup issues; and
- Building partnerships and outreach among regulatory agencies, municipalities, and the community.

The Brownfields assessment pilot projects are each funded up to \$200,000 over two years. The projects are intended to bring together community groups, investors, lenders, developers and others to address cleaning up properties that may have contamination from the use of hazardous chemicals and preparing these properties for productive re-use.

The Brownfields Grant Funds can be used to conduct property site assessments to determine whether contamination exists, to develop plans for cleanup, and to design the necessary remediation. Funds are also used for public and community involvement activities to explain the assessment and cleanup activities on the properties. Grant funds cannot be used for the actual cleanup of the properties.

Businesses that do not want to be involved with the Brownfields Project do not have to participate. However, this Project potentially can offer:

- tax write-offs for any investment on the part of a participating business, property owner, or development partner;
- lower insurance rates for the current or future owner through participating insurance companies; and,
- indemnification for a new owner of property and lower liability for the property seller.

Westminster's Environmental Compliance Staff met with South Westminster Revitalization Project Coordinator Tony Chacon to discuss issues related to the identification and clean-up of contaminated property in South Westminster. Based on this discussion it was determined that there indeed are properties in the project area where solvents and chemicals have been improperly disposed resulting in soil and groundwater contamination. It was further determined that the known contamination and, more importantly, the uncertainty of where contamination existed, if any, was impeding redevelopment and revitalization efforts in the area.

Based on this conclusion, Staff contacted Region VIII of the EPA to discuss the feasibility of competing for a Brownfields grant for the South Westminster Revitalization Project to determine the environmental issues associated with properties in this area. EPA Staff noted that the City's project has a number of advantages that would strongly enhance its potential for receiving the grant funds and encouraged the City to compete for the grant. These advantages include:

- The City has an overall master plan for revitalizing the project area and has already devoted considerable resources to the south Westminster area as demonstrated in the 72nd Avenue Widening Project and the Westminster Plaza redevelopment project.
- The City has convened a South Westminster Revitalization Planning Group that has identified numerous resources and opportunities as well as obstacles in the project area that will help the City develop its revitalization strategy.
- The City has already initiated discussions with the community by conducting the South Westminster Community Survey in September 1998. The survey indicated that over 90% of the respondents identified the redevelopment of run-down or abandoned commercial property as an important project.
- There are existing community outreach programs already in place that allow the City to communicate with citizens in the area, including: Harris Park COG, Skyline Vista COG, and the Progressive Homeowners Association.
- There are several historic buildings in the project area that lend significant value and a community "feel" to the area.

- EPA encourages activities that promote “environmental justice”, that is, the City’s revitalization project resolves issues that affect the quality of life of minority and low-income populations. A majority of the City’s Hispanic and Asian population live in the project area.
- The proposed Brownfields Project has already identified or established joint partnerships with several other agencies on other projects in the area including the Adams County Parks and Public Works Divisions, Urban Drainage and Flood Control District, Burlington Northern and Santa Fe Railroad, School District 50’s Career Enrichment Park, the Westminster Historic Society, the Hyland Hills Park and Recreation District, and the Colorado Department of Transportation.
- There are other funding mechanisms in place that can work in conjunction with the EPA grant, including: potential funding from private sources such as property owners or developers, Community Development Block Grants, Urban Renewal funds through the Westminster Economic Development Authority, and City funds through the Capital Improvement Project budgeting process.

Based on the strength of the City’s application, EPA chose to award the City a Brownfields Site Assessment Pilot Grant in the amount of \$200,000. Staff believes the South Westminster Revitalization Project will greatly benefit from the grant.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **66**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE GENERAL CAPITAL IMPROVEMENT FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2654 in the amount of \$ 14,159,000 is hereby increased by \$100,000 which, when added to the fund balance as of the City Council action on October 25, 1999 will equal \$17,138,733. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a grant awarded the City by the Environmental Protection Agency for the Brownfields Assessment Demonstration Pilot Project.

Section 2. The \$100,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Intergovernmental – Federal 75-0426-000	\$0	<u>\$100,000</u>	\$100,000
Total Change to Revenues		<u>\$100,000</u>	
EXPENSES			
EPA Brownfields Grant Project 75-30-88-555-535	\$0	<u>\$100,000</u>	\$100,000
Total Change to Expenditures		<u>\$100,000</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 and shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 11th day of October 1999. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of October, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: Intergovernmental Agreement with the City of Thornton re: 136th Avenue/I-25 Interchange

Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested to authorize the Mayor to execute the attached Intergovernmental Agreement (IGA) with the City of Thornton regarding funding, phasing and contract administration for the preparation of an environmental assessment, preliminary design and final design of the proposed 136th Avenue interchange on I-25. Funds for the City's share of the first phase of this work have been proposed in the 2000 budget. As a result (and in accordance with the terms of the IGA), the contract for the environmental assessment portion of the project (i.e., the first phase) will not be awarded until the City's 2000 budget has been adopted.

Summary

In 1998, the Cities of Westminster, Thornton and Broomfield collaborated on the investigation and selection of the location for the next new interchange on I-25 to the north of 120th Avenue. After much careful consideration of the various alternatives, the City Councils of the three cities unanimously selected 136th Avenue as the site of this new interchange.

Since that time, the City of Broomfield has not expressed an interest in moving forward with planning for such an interchange, but Westminster and Thornton Staffs have been working diligently on potential funding mechanisms and other preparations for the project. The attached IGA outlines the results of that planning effort. Key elements of the IGA include the following:

- Westminster and Thornton Staff will jointly prepare a scope of work and select a consultant to prepare the necessary environmental assessment, preliminary design and final design of the interchange.
- Once a consultant is selected, the work will be awarded in phases to match the anticipated annual funding that will be allocated by each of the two cities over the next couple of years.
- Thornton will administer the contract with the consultant.
- The Cities will equally share costs of the new interchange.
- A Transportation Improvement Project (TIP) application will be made to the Denver Regional Council of Governments (DRCOG) in an attempt to obtain Federal funding for the design and construction of the 136th Avenue/I-25 Interchange.

Staff Recommendation

Authorize the Mayor to execute the attached Intergovernmental Agreement with the City of Thornton regarding the funding, phasing and contract administration for the preparation of an environmental assessment, preliminary design and final design for a new interchange on I-25 at 136th Avenue.

Background

The City Council is aware of the exhaustive effort that was exerted during 1998 to identify the location of the next new interchange on I-25 to the north of 120th Avenue. The Cities of Westminster, Thornton and Broomfield - each initially favoring different interchange locations – were eventually able to unanimously endorse the 136th Avenue site only after dozens of intense meetings between City officials, residents and other interested parties. While the 136th Avenue location was not the original first choice of the City of Westminster, the subsequent annexation of the Foster property in this vicinity has helped to make this compromise selection more viable.

The 136th Avenue interchange site selection has now been documented in the System and Project Level Feasibility Study and Interchange Management Plan that was submitted to the Colorado Department of Transportation in June of this year. The next steps in the process to gain approval for the construction of this interchange are to prepare an environmental assessment and begin work on the preliminary design of the improvements. While Broomfield representatives have not indicated a desire to move forward with this process, the other two cities are motivated to do so. In addition to the general transportation benefits that would be afforded by the construction of a new interchange on I-25, the terms of the Foster property annexation agreement encourage the City to continue to pursue this construction.

City of Thornton Staff with the assistance of one of their engineering consultants prepared a preliminary timetable for the various design, review and construction activities that would have to be accomplished in order to attain this new interchange. Under this schedule, the construction of the 136th Avenue interchange would be completed in mid-2004. Staff realizes that it is unusual to request City Council approval of this IGA a few months prior to the date (i.e., January 1, 2000) that City funds might actually become available to pay for the City's share of the expenses. However, no such expenses will be incurred until funds are actually available. Staff intends to use the last three months of 1999 for the engineering consultant selection process, thus allowing the cities to continue to adhere to the proposed timetable. The selected consultant would then begin their work early in the year 2000.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 11, 1999
Subject: Exclusion of Properties From West Adams County Fire Protection District
Prepared by: Tami Cannon, Paralegal

Introduction

City Council action is requested to approve the Stipulation and Plan for exclusion of recently annexed territory from the West Adams County Fire Protection District.

Summary

The City has been negotiating with the West Adams County Fire Protection District regarding the exclusion of recently annexed properties from the District.

This Stipulation 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) recently annexed parcels of property covered under the Stipulation. The Martin/Asbury parcel and the four parcels under the Stewart ownership are within Jefferson County. The Foster property is within Adams County.

Staff Recommendation

Approve the Stipulation and Plan for exclusion of properties from the West Adams County Fire Protection District and authorize its execution by the Mayor and City Manager on behalf of the City.

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, 2000.

Vicinity maps showing the areas to be excluded are also attached.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Stipulation and Vicinity Maps



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 11, 1999
Subject: Resolution No. 80 re Exclusion From West Adams County Fire Protection District
Prepared by: Tami Cannon, Paralegal

Introduction

City Council action is requested to adopt the attached Resolution approving the exclusion of recently annexed properties from the West Adams County Fire Protection District.

Summary

This item is related to the approval of the Stipulation and Plan for exclusion appearing previously on Council's agenda. Five of the parcels to be excluded (Martin/Asbury Farm and four parcels owned by Stewart) are within Jefferson County and one parcel (Foster) is within Adams County.

Staff Recommendation

Adopt Resolution No. 80 approving the exclusion of recently annexed properties from the West Adams County Fire Protection District.

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 West Adams County Fire Protection 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,

William M. Christopher
City Manager

Attachment: Resolution

SERIES OF 1999

EXCLUSION OF TERRITORY FROM THE WEST ADAMS COUNTY
FIRE PROTECTION 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 which 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 West Adams County Fire Protection 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 West Adams County Fire Protection 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 which are strategically located throughout the City; an extensive fleet of sophisticated firefighting and emergency medical vehicles including an aerial fire truck, one attack unit, six fire engines, two reserve fire engines, and three ambulances operated by a staff of eighty-six (86) highly skilled and trained full-time firefighters and three (3) volunteer firefighters including paramedics and emergency medical technicians; 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 West Adams County Fire Protection 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 West Adams County Fire Protection 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, BY 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 West Adams County Fire Protection 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 West Adams County Fire Protection 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 West Adams County Fire Protection 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 11th day of October, 1999.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: Resolution No. 81 re Colorado Water Resources and Power Development Authority

Prepared by: Leslie Annand, Assistant City Attorney

Introduction

City Council action is requested to adopt the attached Resolution authorizing additional persons to act as Authorized Officers of the City of Westminster with respect to the “Loan Agreement Between Colorado Water Resources and Power Development Authority and City of Westminster, Colorado, acting by and through the City of Westminster, Colorado, Water and Wastewater Utility Enterprise” (“Loan Agreement”).

Summary

Currently the Mayor, Nancy Heil, and the Finance Director, Mary Ann Parrot, are designated in the Loan Agreement as Authorized Officers. The proposed resolution adds Bob Eichem, Treasury Manager, and Diane Phillips, Capital Improvement Projects Coordinator, as Authorized Officers.

Staff Recommendation

Adopt Resolution No. 81 authorizing additional persons to act as Authorized Officers of the City of Westminster with respect to the Loan Agreement Between Colorado Water Resources and Power Development Authority and City of Westminster, Colorado, acting by and through the City of Westminster, Colorado, Water and Wastewater Utility Enterprise.

Background Information

The City entered into the Loan Agreement with the Colorado Water Resources and Power Development Authority (the “Authority”) on April 1, 1998. The Loan Agreement defines “Authorized Officer” as, in the case of the City, the person whose name is set forth in Exhibit B to the Agreement or such other person or persons authorized pursuant to a resolution or ordinance of the governing body. Currently the Mayor, Nancy Heil, and the Finance Director, Mary Ann Parrot, are designated in Exhibit B to the Loan Agreement as Authorized Officers. Because there may be occasions when neither of these two individuals is available to sign requisitions, and the delay caused by such an event would result in the City not receiving a substantial amount of cash in a timely fashion, it would be prudent for the City to add additional Authorized Officers. The proposed resolution adds Bob Eichem, Treasury Manager, and Diane Phillips, Capital Improvement Projects Coordinator, as Authorized Officers on behalf of the City of Westminster and, as such, each is authorized to perform any act or execute any document relating to the Loan, the Governmental Agency Bond or the Loan Agreement.

Respectfully submitted,

William M. Christopher
City Manager
Attachment: Resolution

RESOLUTION

RESOLUTION NO. **81**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

RESOLUTION TO AUTHORIZE ADDITIONAL PERSONS TO ACT AS AUTHORIZED OFFICERS OF THE CITY OF WESTMINSTER WITH RESPECT TO THE "LOAN AGREEMENT BETWEEN COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY AND CITY OF WESTMINSTER, COLORADO, ACTING BY AND THROUGH THE CITY OF WESTMINSTER, COLORADO, WATER AND WASTEWATER UTILITY ENTERPRISE"

WHEREAS, the City of Westminster, Colorado, Acting By and Through the City of Westminister, Colorado Water and Wastewater Utility Enterprise, entered into a Loan Agreement (the "Agreement") with the Colorado Water Resources and Power Development Authority (the "Authority") on April 1, 1998; and

WHEREAS, the Agreement defines "Authorized Officer" as, in the case of the City of Westminister, the person whose name is set forth in Exhibit B to the Agreement or such other person or persons authorized pursuant to a resolution or ordinance of the governing body; and

WHEREAS, currently the Mayor, Nancy Heil, and the Finance Director, Mary Ann Parrot, are designated in the Agreement as Authorized Officers;

WHEREAS, the City desires to add additional persons as Authorized Officers.

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

1. That Bob Eiche, Treasury Manager, and Diane Phillips, Capital Improvement Projects Coordinator are hereby designated as "Authorized Officers" on behalf of the City of Westminister and, as such, are authorized to perform any act or execute any document relating to the Loan, the Governmental Agency Bond or the Loan Agreement dated April 1, 1998.

2. That Bob Eiche's and Diane Phillips' names, as Authorized Officers on behalf of the City of Westminister, shall be furnished in writing to the Authority.

PASSED AND ADOPTED this 11th day of October, 1999.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 11, 1999
Subject: Revised Employment Contract with William Christopher
Prepared by: Bill Christopher, City Manager

Introduction

City Council review and consideration is requested pertaining to the attached revised employment agreement with William Christopher serving in the capacity of City Manager.

Summary

At the time City Council appointed William Christopher as City Manager in June, 1978, an employment agreement was formally approved by the Council to reflect the terms and conditions of his employment. Each year, the employment contract is reviewed and revised based on the results of the Council's performance evaluation of the City Manager. This year's evaluation was completed on October 4 which included updating compensation terms. A revised employment contract has been prepared to reflect the adjustments discussed with City Council.

Staff Recommendation

Approve an employment agreement with William Christopher serving in the position of City Manager for calendar years 2000 and 2001 and authorize the appropriate City Officials to execute said agreement.

Background Information

William M. Christopher has served as City Manager for 21 1/2 years, after having served as Assistant City Manager for a period of 10 years. Mr. Christopher received his master's degree in public administration from Kansas University, and he holds a bachelor of science degree in business administration from Pittsburg State University. Mr. Christopher is past president and has served on the board of directors of the Westminster Rotary Club for ten years. He is the past president of the Colorado City/County Management Association and currently serves as chair of the Ethics and Recognition Committee and the Scholarship Committee; he is also a past board member of the Metro North Chamber of Commerce. He is currently on the Board of Directors and executive committee of the Westminster Community Artists Series and the Westminster Presbyterian Church. He is treasurer of both organizations.

Mr. Christopher is an active member of the International City/County Management Association (the "ICMA"), serves on the ICMA Fund for Professional Management Committee, Metro City Manager's Association and the Colorado City/County Management Association. He was recognized by Colorado Business magazine as one of the state's top managers and he was honored by ICMA when presented with the coveted award for Excellence in Honor of Mark E. Keane and in 1997 with the Program Excellence in Intergovernmental Cooperation Award from ICMA. He received the Clarence Ridley In-Service Training Award from ICMA last fall and was honored this year by the University of Colorado Chapter of the American Society for Public Administration when he was presented the Leo C. Reithmayer Outstanding Public Administrator award.

The initial employment agreement with William Christopher, serving as City Manager, has been subsequently reviewed annually (except in 1988) to reflect compensation adjustments as well as any other changes in the provisions of the agreement as warranted. The existing contract is scheduled to expire December 31, 1999. City Council and the City Manager have discussed a new two year contract which would extend the employment agreement to December 31, 2001.

The only change in the revised agreement compared to the existing agreement is as follows:

- > The increased compensation (\$8,050 salary - a 6.6% increase) is to be reflected in the agreement. The annual base salary will become \$122,000 plus \$8,000 taken as deferred compensation.

All other provisions of the contract remain the same as per the existing employment agreement between the City Council and the City Manager.

City Council was previously provided a salary survey of other area city manager's compensation packages. The average salary of the nine Cities surveyed indicated an annual compensation of \$125,702 which would include any deferred compensation for 1999. This compares to the current annual salary and deferred compensation for the Westminster City Manager in the amount of \$121,950. In addition, for next year, the City is recommending a 3/5% pay adjustment across the board.

The revised contract that was discussed at the October 4 Executive Session reflects a compensation increase of 6.6% for 2000. The salary for 2000 would be \$122,000 and the deferred compensation would remain at \$8,000.

I am extremely pleased to have the opportunity to continue the positive working relationship with City Council and serve as City Manager. I believe there have been many meaningful achievements this year and produced numerous enhancements for the community. I look forward to the numerous challenges and opportunities which the new year most certainly will hold. Westminster continues to be a great City to have the opportunity to manage with a dedicated and skilled workforce.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 2000, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "CITY" as party of the first part, and WILLIAM M. CHRISTOPHER, hereinafter called "EMPLOYEE", as party of the second part, both of whom understand as follows:

WHEREAS, the CITY desires to continue employing the services of WILLIAM M. CHRISTOPHER, as City Manager of the City of Westminster as provided by City Charter, Chapter IV, Section 7; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and to set working conditions of said EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE, and (4) provide a just means for terminating EMPLOYEE's services at such time as he may be unable to fully discharge his duties due to age or disability or when CITY may desire to otherwise terminate his employ; and

WHEREAS, EMPLOYEE previously accepted employment as City Manager of said CITY.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION 1. DUTIES:

CITY hereby agrees to continue the employment of WILLIAM M. CHRISTOPHER as City Manager of CITY to perform the duties and functions specified in Section 4.8 of the City Charter and such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

SECTION 2. TERMS:

A. EMPLOYEE agrees to remain in the exclusive employ of CITY and WILLIAM M. CHRISTOPHER will serve as City Manager for calendar years 2000 and 2001. Further, EMPLOYEE agrees neither to seek, to accept, nor to become employed by any other employer until said termination date, unless said termination date is effected as hereinafter provided.

The term "employed" shall not be construed to include occasional teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in Section 3, Paragraph A and B of this agreement.

C. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth below.

D. This contract shall be considered for renewal annually, no later than October 31 of each year to address extending the contract, salary, and other changes negotiated between the parties, unless written notice is given to the EMPLOYEE that such contract will not be renewed, and such written notice is forwarded to EMPLOYEE ninety (90) days prior to the end of October.

Each renewal of the contract shall be for a specified time. If this contract is not renewed, or terminated, as set forth in the contract, and the contract expires, EMPLOYEE shall continue to work under the terms of the last executed contract until a new contract is executed or EMPLOYEE is terminated after receiving four (4) months' written notice of termination.

SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAY:

A. In the event City Council decides to exercise its right to terminate EMPLOYEE before expiration of the aforementioned term of employment and during such time that EMPLOYEE is willing and able to perform the duties of City Manager, then and in that event, the CITY agrees to give EMPLOYEE four (4) months' written notice or to pay EMPLOYEE a lump sum cash payment equal to his base salary for the ensuing four (4) months, provided however, that in the event the EMPLOYEE is terminated because of his conviction of any illegal act, then, and in that event, CITY has no obligation to give notice or pay the aggregate severance sum designated in this paragraph.

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across the board reduction for all City employees, or in the event the CITY refuses, following written notice to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a formal suggestion by the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction, such refusal to comply or such resignation, within the meaning and content of the four (4) months' severance pay provisions herein.

C. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY four (4) months' notice in advance in writing.

D. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in paragraphs (A) and (C) of this Section 3, and Section 2(D).

SECTION 4. SALARY:

The CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual base salary of \$122,000 and \$8,000 in deferred compensation effective January 1, 2000, payable in installments at the same time as other employees of the CITY are paid.

CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31st of each year. Salary evaluation each year shall be at the discretion of the CITY.

SECTION 5. HOURS OF WORK:

A. It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.

B. EMPLOYEE shall not spend more than ten (10) hours per week in teaching, consulting, or other non-City connected business without the expressed prior approval of the Council. Provided, that such consulting or other non-City connected business does not constitute a conflict of any nature with EMPLOYEE'S work as City Manager. City Council shall be the sole judge of such conflicts whose determination shall be final.

SECTION 6. TRANSPORTATION:

EMPLOYEE'S duties require that he shall have the exclusive use at all times during his employment with the CITY of an automobile provided to him by the EMPLOYEE. EMPLOYEE shall be responsible for paying of liability, property, maintenance, repair and regular replacement of said automobile. A monthly car allowance of \$450 shall be paid to EMPLOYEE to assist in compensating for these costs.

SECTION 7. DUES AND SUBSCRIPTIONS:

CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

SECTION 8. PROFESSIONAL DEVELOPMENT:

CITY hereby agrees to budget and to pay the travel and subsistence expenses of EMPLOYEE for professional and official travel, meetings and occasions adequate to continue the professional development of EMPLOYEE and to adequately pursue necessary official and other functions for CITY, including but not limited to the International City/County Management Association, the Colorado Municipal League, and such other national, regional, state and local governmental groups and committees thereof which EMPLOYEE serves as a member.

SECTION 9. GENERAL EXPENSES:

CITY recognizes that certain expenses of a non-personal, job affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 10. FRINGE BENEFITS:

EMPLOYEE will be allowed all benefits as are extended to all other Department Head level employees, except that when such benefits are in conflict with this contract, said contract shall control.

SECTION 11. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City Charter or any other law.

B. All provisions of the City Charter and Code, and regulations and rules of the City relating to vacation and sick leave, retirement and pension system contributions, holidays, longevity pay, and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to EMPLOYEE as they would to other employees of CITY in addition to said benefits enumerated specifically for the benefit of EMPLOYEE, except as herein provided.

SECTION 12. GENERAL PROVISIONS:

A. The text herein shall constitute the entire agreement between the parties.

B. This agreement shall be binding upon and to the benefit of the heirs at law and executors of EMPLOYEE.

C. This agreement becomes effective on January 1, 2000 and shall be in effect through calendar years 1999 and 2000.

D. If any provision, or any portion hereof contained in this agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. Nothing in this agreement shall be construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20.

F. The parties agree that this contract is entered into and shall be governed by the laws of the State of Colorado.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has signed and executed this agreement.

Approved by Westminster City Council on this 11th day of October, 1999.

Mayor

ATTEST:

City Clerk

William M. Christopher

APPROVED AS TO FORM:

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

Date: October 11, 1999

Subject: Resolution No. 82 Formal City Position re Adams County School District 12 Ballot Issues

Prepared by: Bill Christopher, City Manager

Introduction

Adams County School District 12 has fiscal related issues on the November 2nd election which include potential school sites in the City of Westminster. Staff is requesting that City Council consider taking a formal position of support on the District's bond issue, mill levy override and "deBrucing" proposals at tonight's City Council Meeting.

Summary

Dr. Judy Margrath-Huge, Superintendent of Adams County School District 12, previously briefed City Council on September 13 regarding the financial propositions which the school district has placed on the November 2nd election ballot. Staff has prepared a proposed resolution in support of these three ballot issues and is seeking City Council's review and approval. Given the time-sensitiveness of formal action on the school district's ballot issues, this resolution has been prepared for tonight's City Council Meeting.

Staff Recommendation

Adopt Resolution No. 82 which formally supports Adams County School District 12 ballot issues pertaining to their \$180 million bond issue, mill levy override and "deBrucing" proposals.

Background

As part of the November 2nd ballot, School District 12 voters will be asked to approve three separate financial issues which the School Board has placed on the ballot. The ballot includes a \$180 million bond issue, a mill levy override authorization and the "deBrucing" of revenue in excess of the TABOR formula.

The \$180 million bond authorization is based on a six year capital improvement plan, assumes an increase of 5,000 in the student enrollment and building two elementary schools, two middle schools and one high school. One elementary school site and one middle school site are potentially to be located within the City of Westminster as previously outlined by Superintendent Judy Margrath-Huge. With the rapid growth of the school district which is a reflection of the residential development pace, especially in Westminster, Thornton and Broomfield, additional school facilities are needed.

The second ballot issue is a mill levy override for educational achievement needs for all students, improved reading/literacy, and additional staff for the new school facilities and students. Given the increasing number of students and facilities that are needed to provide quality education, additional property tax revenue is needed to avoid compromising quality education opportunities.

The third ballot issue is their "deBrucing" proposal. Currently, the school district will be required to refund approximately \$1.0 million to the State if the "deBrucing" action is not approved by the voters. This ballot issue does not in any way provide for a tax increase, but merely allows the school district to retain and spend the revenue that they receive.

Given the continued strong growth within School District 12, it would appear to Staff that allowing the school district to retain the revenue it receives would be strategic.

If City Council wishes to take a formal position on Adams County School District 12 ballot issues, it is suggested that this would be the most opportune time to do so given the time-sensitivity in the mail ballots that District 12 residents will be receiving in the next few days leading up to the actual election on November 2nd.

An alternative action would be to either not take a position formally either way on the school district ballot issues or to formally oppose one or more of them. Based on the financial needs of the district which are largely generated by the continuing growth throughout the district, Staff recommends none of these alternative actions.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 82

INTRODUCED BY COUNCILLORS

SERIES OF 1999

CITY'S FORMAL POSITION ON ADAMS COUNTY
SCHOOL DISTRICT 12 FINANCIAL BALLOT PROPOSALS

WHEREAS, a portion of the City of Westminster lies within Adams County School District 12 and Westminster residents attend District 12 public schools; and

WHEREAS, Adams County School District 12 continues to experience significant growth throughout the district with numerous residential developments occurring in Westminster, other municipalities as well as Unincorporated Adams County; and

WHEREAS, the Adams County School District 12 Board of Education has placed on the November 2nd election ballot three fiscally related proposals for district tax payers to decide; and

WHEREAS, these proposals include a \$180 million bond issue to build two elementary schools, two middle schools and one new high school over a six year period; and

WHEREAS, the second proposal is a mill levy override authorization to garner additional property tax revenue to assist in keeping up with quality education in a fast growing school district; and

WHEREAS, the third ballot proposition is a "deBrucing" proposal whereby the school district would be obligated to return approximately \$1.0 million if the "deBrucing" action is not authorized and would have further complications in subsequent years forfeiting much needed operating revenue.

NOW, THEREFORE, the City Council of the City of Westminster, Colorado does hereby resolve the following:

1. Formally supports all three financial ballot propositions.
2. Finds the three fiscal ballot propositions to be warranted and justified given the financial future consequences and impacts on public education if these are not approved.
3. Urges all Adams County School District 12 voters to approve the three subject ballot proposals.

Passed and adopted this 11th day of October, 1999.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, October 11, 1999.

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Dixon, Hicks and Smith. Absent none.

The minutes of the meeting of September 27, 1999 were approved with no additions or corrections.

Mayor Heil presented Meritorious Citizen Service Award to Kevin St. Clair for his act of heroism.

Council Tabled Resolution No. 72 making appointments to the Environmental Advisory Board, Library Board and Planning Commission.

At 7:25 P.M. a public hearing was held on The Ranch and Westmere PDP Amendments.

Council approved the following: Purchase of bronze sculpture for Westminster Promenade; Westminster City Center lighting improvements; The Ranch 13th Amended PDP and the 2nd Westmere PDP amendment; Exchange of vacant publicly owned property in The Ranch PDP for land in the Ranch Reserve ODP; Changes to City employees benefit package for 2000; Design and construction contract for T-Ball complex; IGA with City of Thornton for 136th Avenue/I-25 Interchange; Exclusion of properties from West Adams County Fire Protection District; and Revised employment contract with City Manager William Christopher.

The following Councillor's Bills were introduced and adopted as emergency ordinances:

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH SOUTHWESTERN INVESTMENT GROUP, LLC. Purpose: Assistance for development of Willow Run Shopping Center.

A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF SPECIAL PURPOSE SALES AND USE TAX REVENUE BONDS (POST PROJECT), SERIES 1999, OF THE CITY OF WESTMINSTER, COLORADO, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,650,000, PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY. Purpose: Approve bond sale for parks, open space and trails.

The following Councillor's Bills were introduced and passed on first reading:

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION INCREASING THE 1999 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND. Purpose: GOCO and Rockies grant award for T-Ball complex.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE GENERAL CAPITAL IMPROVEMENT FUND. Purpose: EPA Brownfields Site Assessment Pilot Grant appropriation.

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

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S GROWTH MANAGEMENT PROGRAM.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION INCREASING THE 1999 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND.

A BILL FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1998 CARRYOVER IN THIS FUND.

The following Resolutions were adopted:

Resolution No. 73 – Support for Adams County Save Open Space tax proposal.

Resolution No. 74 – Service Commitments for The Ranch Reserve.

Resolution No. 75 – Enhanced Traffic Enforcement and Mid-year Staffing changes.

Resolution No. 76 – Adoption of 2000 City Budget.

Resolution No. 77 – 2000 Pay Plan for City employees.

Resolution No. 78 – GOCO Grant financial obligation for T-Ball Complex.

Resolution No. 79 – Rockies contract for financial obligation for T-Ball Complex.

Resolution No. 80 – Exclusion of properties from West Adams County Fire Protection District.

Resolution No. 81 – Officers for Colorado Water Resources & Power Development Authority.

Resolution No. 82 – Support for Adams County School District 12 ballot issues.

At 8:20 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

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