



WESTMINSTER
COLORADO

October 27, 2003
7:00 P.M.

CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Historic Reenactment of the Opening of Two 1953 Ballot Boxes
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
 - A. September Financial Report
 - B. Construction Manager/General Contractor for the City Hall Space Re-allocation and HVAC projects
 - C. 2004 Traffic Signal Maintenance Contract
 - D. Contract for Outside Legal Services – Urban Renewal Plans
 - E. Special Legal Services Contract
 - F. Renewal of Contract for Municipal Court Security Services
 - G. Revised Employment Agreement with City Attorney Martin McCullough
 - H. Revised Employment Agreement with J. Brent McFall
 - I. Sanitary Sewer Manhole Rehabilitation Contract
 - J. 2003 Construction Crew Utility Material
 - K. CB No. 52 re 88th and Pierce Business Center BAP (Hicks-McNally)
 - L. CB No. 54 re Budget Amendments to the Adopted 2004 Budget (Dittman-Dixon)
 - M. CB No. 55 re Mandatory Protection Orders (Atchison-Hicks)
 - N. CB No. 56 re CDBG Program Income (Dittman-Dixon)
 - O. CB No. 57 re Conveyance of Property to Habitat for Humanity (Kauffman-Dittman)
 - P. CB No. 58 re Cedar Bridge Subdivision Vacation of Easement (Dixon-McNally)
 - Q. CB No. 59 re Formal Bidding Requirements for Purchasing (Atchison-Hicks)
 - R. CB No. 60 re Animal Sale and Possession Code Amendments (Atchison-Dittman)
 - S. CB No. 61 re GOCO Trust Fund Supplemental Appropriation for Open Space (Kauffman-McNally)
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Hearing re Alpine Vista
 - B. Councillor's Bill No. 53 re Annexation Agreement for Alpine Vista Project
 - C. Resolution No. 46 re Findings of Fact re Alpine Vista Annexation No. 1
 - D. Councillor's Bill No. 62 re Annexation of Alpine Vista Annexation No. 1
 - E. Resolution No. 47 re Findings of Fact re Alpine Vista Annexation No. 2

- F. Councillor's Bill No. 63 re Annexation of Alpine Vista Annexation No. 2
 - G. Councillor's Bill No. 64 re CLUP Amendment for Alpine Vista
 - H. Councillor's Bill No. 65 re Zoning the residential portion of the Alpine Vista annexation
 - I. Councillor's Bill No. 66 re RED Development Business Assistance Package
 - J. Exclusion of Properties From North Metro Fire Rescue District
 - K. Resolution No. 48 re Exclusion From North Metro Fire Rescue District
 - L. Councillor's Bill No. 67 re 2003 Budget Supplemental Appropriation
 - M. Councillor's Bill No. 68 re Pillar of Fire, Vacation of Easement
 - N. Continuation of Intergovernmental Agreement with Rocky Flats Coalition of Local Governments
 - O. Revised Employment Agreement with John A. Stipech
 - P. Councillor's Bill No. 69 re Municipal Court Judge Salary
 - Q. Councillor's Bill No. 70 re Mayor Run-Off Election Timeframe Amendment
- 11. Old Business and Passage of Ordinances on Second Reading**
- 12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
- A. Citizen Communication
 - B. City Council
 - C. Executive Session
- 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 wishing to speak other than the applicant will be required to fill out a "Request to Speak or Request to have Name Entered into the Record" form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, OCTOBER 27, 2003 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Kauffman and McNally were present at roll call. J. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Councillor Hicks arrived at 7:15 p.m.

CONSIDERATION OF MINUTES

Councillor McNally moved, seconded by Councillor Dittman to approve the minutes of the meeting of October 13, 2003 with no corrections or additions. The motion carried unanimously.

HISTORIC REENACTMENT OF OPENING TWO BALLOT BOXES

Westminster Election Commission and Historical Society members reenacted the opening of the recently found 1953 ballot boxes from the Westminster Sanitation District.

CITIZEN COMMUNICATION

Hayden Hunsacker, 8056 W 78th Cir, and Jordan Knott, 8676 Carr Loop, of Moore Middle School, addressed Council requesting a skate park to be developed at Nottingham Park. They submitted petitions with 206 signatures in favor of the Skate Park.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on Halloween trick-or-treaters and the alternative celebration at the City Park Recreation Center.

CITY COUNCIL COMMENTS

Councillor McNally commented on the US 36 Environmental Impact Study, with meeting to start November 13, 2003, and thanked Mayor Pro Tem Atchison for his contributions to the City over the past 21 years.

Councillor Kauffman commented on the celebration on the renovation of the Swim and Fitness Center and thanked Mayor Pro-Tem Atchison for his work for the City.

Councillor Dixon stated ballots have been mailed and encouraged everyone to vote and commented on the Community Outreach project on Saturday, and recognized Mayor Pro Tem Atchison's term on Council will end.

Councillor Dittman commented on Community Outreach legislative brunch last Saturday.

Mayor Pro-Tem Atchison gave his regards and said he will miss everyone.

Mayor Moss commented on the widening of US 36 from Federal Blvd. to Boulder; the Wings of Hope conference that was recently held at the Westin Hotel and the Federal Regional Council for suicide prevention meeting. Colorado has the 3rd highest rate of suicides in the country.

CONSENT AGENDA

The following items were considered as part of the consent agenda: Financial Report for September 2003; Awarded bid and authorized contract for Construction/General Contractor services for City Hall Space reallocation and HVAC projects to Adams Mendel Allison Construction Inc., for \$60,000-\$65,000; 2004 Traffic Signal Maintenance Contract with Integrated Electric for \$162,465; Contract for Outside Legal Services for Urban Renewal Plans with Malcolm M. Murray for \$15,000; Special Legal Services Contract with Reinhart Boerner Van Deuren S.C. in connection with pension withdrawals for \$500; Renewal of Contract for Municipal Court Security Services with Wackenhut Corporation for \$99,941; Revised Employment Agreement with City Attorney Martin McCullough for \$128,930; Revised Employment Agreement with J. Brent McFall for \$173,137; Sanitary Sewer Manhole Rehabilitation Contract with Levi Construction for \$62,887; 2003 Construction Crew Utility Material with Dana Hepner Company for \$101,523 and Hughes Supply for \$37,034; CB No. 52 re 88th and Pierce Business Center BAP; CB No. 54 re Budget Amendments to the Adopted 2004 Budget; CB No. 55 re Mandatory Protection Orders; CB No. 56 re CDBG Program Income; CB No. 57 re Conveyance of Property to Habitat for Humanity; CB No. 58 re Cedar Bridge Subdivision Vacation of Easement; CB No. 59 re Formal Bidding Requirements for Purchasing; CB No. 60 re Animal Sale and Possession Code Amendments; and CB No. 61 re GOCO Trust Fund Supplemental Appropriation for Open Space.

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.

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

PUBLIC HEARING RE ALPINE VISTA PROJECT

At 7:31 p.m. the public hearing was opened for the Alpine Vista Project. Dave Shinneman, Planning Director, entered the following information into the record: a copy of the Agenda Memorandum, and other related items. Chad Pinson, AV Development, LLC addressed Council. No one spoke in opposition. The public hearing was declared closed at 7:50 P.M.

COUNCILLOR'S BILL NO. 53 RE ANNEXATION AGREEMENT FOR ALPINE VISTA PROJECT

Councillor Dittman moved, seconded by Hicks to pass Councillor's Bill No. 53 on first reading authorizing the City Manager to sign the Annexation and Development Agreement for the Alpine Vista project. The motion carried with a dissenting vote from Dixon.

RESOLUTION NO. 46 RE FINDINGS OF FACT ON ALPINE VISTA ANNEXATION NO. 1

Mayor Pro-Tem Atchison moved, seconded by Dittman to adopt Resolution No. 46 making certain findings as required by Section 31-12-110 C.R.S. for the Alpine Vista annexation No. 1. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 62 RE ANNEXATION OF ALPINE VISTA NO. 1

Councillor Dittman moved, seconded by McNally, to pass Councillor's Bill No. 62 on first reading annexing the Alpine Vista Annexation No. 1 property to the City. Upon roll call vote, the motion carried with a dissenting vote from Dixon.

RESOLUTION NO. 47 RE FINDINGS OF FACT ON ALPINE VISTA ANNEXATION NO. 2

Councillor Dittman moved, seconded by Atchison to adopt Resolution No. 47 making certain findings as required by Section 31-12-110 C.R.S. for the Alpine Vista annexation No. 2. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 63 RE ANNEXATION OF ALPINE VISTA NO. 2

Councillor Dittman moved, seconded by McNally, to pass Councillor's Bill No. 63 on first reading annexing the Alpine Vista Annexation No. 2 property to the City. Upon roll call vote, the motion carried with a dissenting vote from Dixon.

COUNCILLOR'S BILL NO. 64 RE CLUP AMENDMENT FOR ALPINE VISTA

Councillor Dittman moved, seconded by Atchison to pass Councillor's Bill No. 64 on first reading amending the Westminster Comprehensive Land Use Plan (CLUP) to designate the residential portion of the Alpine Vista property as Single-Family Attached and the two commercial properties along Lowell Boulevard as Retail Commercial. This recommendation is based on the following findings set forth in the Westminster Comprehensive Land Use Plan: The proposed amendment is in conformance with the overall purpose and intent, and the goals and policies of the Comprehensive Land Use Plan; and the proposed amendment is compatible with existing and planned surrounding land uses. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 65 RE ZONING THE RESIDENTIAL PORTION OF ALPINE VISTA

Councillor Dittman moved, seconded by Atchison to pass Councillor's Bill No. 65 on first reading zoning the residential portion of the Alpine Vista annexation area Planned Unit Development (PUD) and the commercial areas B-1. Upon roll call vote, the motion carried with a dissenting vote from Moss.

COUNCILLOR'S BILL NO. 66 RE RED DEVELOPMENT BUSINESS ASSISTANCE PACKAGE

Mayor Pro-Tem Atchison moved, seconded by Hicks to pass Councillor's Bill No. 66 on first reading authorizing the City Manager to execute and implement the business assistance agreement with RED Development, in the estimated amount of \$200,000, which is based on a rebate of Building Use Tax only on core and shell construction costs incurred by RED Development in the construction of the Phase II development of Mandalay Town Center. This does not include the Target Store construction nor does it include any tenant finishes or construction by tenants in "Pad" retail stores/restaurants. Upon roll call vote, the motion carried unanimously.

EXCLUSION OF PROPERTIES FROM NORTH METRO FIRE RESCUE DISTRICT

Councillor Dixon moved, seconded by Dittman to approve the stipulation and plan for exclusion of recently annexed territory from the North Metro Fire Rescue District. The motion carried unanimously.

RESOLUTION NO. 48 RE EXCLUSION FROM NORTH METRO FIRE RESCUE DISTRICT

Councillor Hicks moved, seconded by Dixon to adopt Resolution No. 48 approving the exclusion of recently annexed properties from the North Metro Fire Rescue District. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 67 RE 2003 BUDGET SUPPLEMENTAL APPROPRIATION

Councillor Kauffman moved, seconded by Dittman to pass Councillor's Bill No. 67 on first reading providing for supplementary appropriations to the 2003 budget of the General Fund and General Capital Outlay Replacement Fund. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 68 RE PILLAR OF FIRE VACATION OF EASEMENT

Councillor McNally moved, seconded by Dittman to pass Councillor's Bill No. 68 on first reading vacating a sanitary sewer easement that was dedicated to the City of Westminster by the Pillar of Fire in 1978. Upon roll call vote, the motion carried unanimously.

CONTINUATION OF IGA WITH THE ROCK FLATS COALITION OF GOVERNMENTS

Councillor Dittman moved, seconded by Atchison to authorize the Mayor to sign the Intergovernmental Agreement continuing the City's relationship with the Rocky Flats Coalition of Local Governments. The motion carried unanimously.

REVISED EMPLOYMENT AGREEMENT WITH JOHN A. STIPECH

Councillor Dittman moved, seconded by McNally to authorize the Mayor to execute a revised employment agreement with John A. Stipech for his services as Presiding Judge for 2004 and 2005 with an effective date of January 1, 2004. The motion carried unanimously.

COUNCILLOR'S BILL NO. 69 AMENDING SALARY OF MUNICIPAL JUDGE FOR 2004

Councillor Dittman moved, seconded by McNally to pass Councillor's Bill No. 69 on first reading amending the salary for the Municipal Judge for 2004. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 3064 RE MAYOR RUN-OFF ELECTION TIMEFRAME AMENDMENT

Mayor Pro-Tem Atchison moved, seconded by Dixon to adopt Councillor's Bill No. 70 as an emergency ordinance amending the election timeframe for mayoral run-off elections. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session item to discuss a land acquisition matter.

ADJOURNMENT:

The meeting was adjourned at 8:05 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003

SUBJECT: Historic Reenactment of the Opening of Two 1953 Ballot Boxes

Prepared By: Michele Kelley, City Clerk
Nicole Jenkins, Senior Public Information Specialist

Recommended City Council Action

Observe a special reenactment of the opening of two 1953 ballot boxes by the Westminster Election Board and Westminster Historical Society.

Summary Statement

Members of the Westminster Election Board and Westminster Historical Society will reenact the opening of two 1953 ballot boxes containing the official ballots of two Westminster Sanitation District elections.

These two ballot boxes were recently found in a storage area and donated anonymously to the Westminster Historical Society.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issues

No policy issues identified.

Alternatives

No alternatives identified.

Background Information

Recently the Westminster Historical Society received an anonymous donation of two 1953 ballot boxes found in storage containing the ballots of two Westminster Sanitation District elections. While ballots are usually destroyed six months after an election, these two boxes were tucked away in storage and long forgotten until their recent discovery by the donor. The boxes are now part of the historic displays at the Bowles House Museum.

Two separate elections are represented. The first election was held on August 11, 1953 for the Westminster Sanitation District Board of Directors. There were two seats up for election and two individuals ran for these positions, F. M. Day and Carl Jacobson. Running unopposed, both Day and Jacobson were elected to the board. The second election was held on November 10, 1953. This election asked Westminster Sanitation District voters to approve a \$200,000 sewer bond for an addition to the Westminster sewer plant located at 69th and Grove. The bond passed with a light voter turnout—63 for and 21 against. The Westminster Sanitation District was dissolved and absorbed by the City in the early 1970's.

Fifty years ago when these elections were held there was only one polling place in Westminster and all residents of the District came to the polls to vote. Paper ballots were used and at the end of the day the election judges would open the ballot box and manually count each ballot. These ballot boxes contained three individual locks that could only be opened by three different individuals present at the time of the opening. The keys were not found with the stored ballot boxes, so the Westminster Historical Society contacted a locksmith to create keys to open each ballot box.

Representatives of the Westminster Election Board and Westminster Historical Society will reenact the opening of the two 1953 ballot boxes with three judges to unlock each box. The donation of these ballot boxes to the Westminster Historical Society is a great asset to their growing collection of Westminster history and a great documentation of the electoral process fifty years ago.

Respectfully submitted,

J. Brent McFall
City Manager

NARRATIVE FOR BALLOT BOX REENACTMENT

Before there were hanging chads, before provisional ballots and before electronic voting machines, voters cast their ballots by marking an X next to their selections on a paper ballot.

Tonight, we will re-enact the opening of ballot boxes containing the official ballots cast in two Westminster Sanitation District elections. The ballot boxes were discovered recently in a storage area, and were donated anonymously to the Westminster Historical Society.

While ballots are usually destroyed six months after an election, these two boxes were tucked away in storage and long forgotten until their recent discovery by the donor.

Members of the Westminster Historical Society members, Ron Hellbusch and Gale Day are here tonight to help with this special reenactment, as well as the current Westminster Election Commission members, Mary Maher, Jeanne Nearing, Bill Noonning and me, Michele Kelley, City Clerk.

The ballot boxes represent two separate elections.

When these elections were held 50 years ago, there was only one polling place in Westminster, the Westminster Grange, and all residents of the district voted at the polls. Paper ballots were used and election judges manually counted all ballots after the closed of the polls at 7 PM. Then the official results were posted on the front door of the Westminster Grange.

Three election judges holding keys to three separate locks attached to each ballot box had to be present to open the ballot box. The original keys were not found with the stored ballot boxes, so the Westminster Historical Society contacted a locksmith to create keys to open each ballot box.

The first election was held on Aug. 11, 1953 for the Westminster Sanitation District Board of Directors. There were two seats up for election and two individuals who ran unopposed for these positions, F. M. Day and Carl Jacobson.

Opening this official ballot box will be:

Bill Noonning and Jeanne Nearing of the Westminster Election Commission and Gale Day. Gale is a member of the Westminster Historical Society and one of the 5 children of FM Day who was running as a candidate for the Westminster Sanitation District board of directors. Two of Gale's siblings are also present this evening: Carol Day Ranum and Rich Day.

Would Gale Day please read the Official Ballot and the election results..

The second election was held on Nov. 10, 1953, asking voters to approve a \$200,000 sewer bond for an addition to the Westminster sewer plant located at 69th and Grove.

Opening this official ballot box will be:

MaryAnn Mahr and Michele Kelley of the Westminster Election Commission and Ron Hellbusch. Ron is a member of the Westminster Historical Society and current Director of Public Works and Utilities for the City of Westminster.

Would Ron Hellbusch please read the Official Ballot and the election results.

The Westminster Sanitation District was dissolved and absorbed by the City in the early 1970s.

These ballot boxes are now part of the historic displays at the Bowles House Museum located at 3924 W. 72nd Avenue. Thank you to the Westminster Election Commission members and especially the Westminster Historical Society members for taking the time to share this treasure with us and participating in this reenactment.

Election Results
Westminster Sanitation District Election
held on August 11, 1953

22 ballots counted

Carl Jacobson 22 votes

F.M. Day 14 Votes

One write in vote for Frank Ayer

Election Results
Westminster Sanitation District Election
held on November 10, 1953

Ballot Question:

Shall the Westminster Sanitation District, Adams County, Colorado, issue its negotiable coupon bonds in a principal amount not exceeding \$200,000 for the purpose of improving the sewage disposal system of said District and extending sewer lines, such bonds to bear interest at a rate not exceeding the maximum statutory rate of 5% per annum, and to be due and payable serially within 20 years from the date thereof, such bonds to be redeemable at the option District as provided in the resolutions authorizing their issuance.

83 Ballots Counted

For the Bonds 62

Against the Bonds 21



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Financial Report for September 2003

Prepared By: Mary Ann Parrot, Finance Director

Recommended City Council Action

Accept the Financial Report for September as presented.

Summary Statement

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

- Overall shopping center sales and use tax returns (for 25 shopping centers) for the month of September 2003 were up 10% compared to last year September 2002. (Last month this figure was positive 2%).
- Overall shopping center sales and use tax returns (for 25 shopping centers) year-to-date for September were down 4%. (Last month this figure was a negative 5%).
- Westminster Mall sales and use tax returns year-to-date for September were down 10%. (Last month this figures was negative 10.8%).

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

- At the end of September, nine months of 12 months of the year have passed. This is 75% of the year.
- The Sales and Use Tax Fund revenues are currently \$1,842,952 under pro-rated budget for the year. The September figures reflect the sales in August, tax receipts received in September. Sales tax returns are up for September 2003 compared to September 2002 by 9.3% for the month. However, this increase is due to two anomalies: the City received two payments from each of two major retailers, which artificially inflates the figures by \$190,000. Without these returns, this figure would be 3.4%. Sales Tax Returns are up 0.1% year-to-date over last year, or \$21,639 above year-to-date 2002, due in part to the extra returns.
- For the entire Sales and Use Tax Fund (Sale and Use Tax Returns plus Audits), the fund is 0.1% above last year on a year-to-date basis. If this trend continues, the fund will still be significantly under budget. Staff presented to City Council at the annual budget retreat on September 29 a revised set of recommendations to address this short fall, which City Council approved.
- The General Fund revenue is currently 102% of pro-rated budget for nine months, assisted by surpluses in property tax collections, licenses and permits, charges for recreation services and miscellaneous payments.

Policy Issues

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

Alternatives

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

Background Information

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

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

General Fund

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

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

- Revenues over pro-rated budget (102% of budget) by \$1,090,091. This reflects the full budgeted transfer of funds from the Sales and Use Tax fund to the General Fund, which Staff is projecting will come in under budget. Starting with the October report, this transfer will be reduced by \$1.0 million per month, to accommodate the projected shortfall.
- Expenditures under pro-rated budget (86% of pro-rated budget) by \$7.3 million. This is due to several factors: expenditures do not flow evenly during the year, 38 positions are still frozen and the salary savings are included in these numbers and lastly, the unspent contingency funds are reflected in Central Charges.

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

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

- Sales & Use Tax Fund revenues are under pro-rated budget (95.2% of pro-rated budget) by \$1,842,952.
- Sales & Use Tax Fund expenditures are even with pro-rated budget because of the transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund. This will begin to vary starting next month with the reduction of transfers by \$1.0 million per month.
- Open Space Sales & Use Tax Fund revenues are slightly under pro-rated budget (98.6% of pro-rated budget) by \$46,977, due to overall returns being below budget, offset by a surplus of intergovernmental revenues.
- Open Space Sales & Use Tax Fund expenditures are under pro-rated budget (72% of pro-rated budget) by \$1,246,242, due primarily to appropriating carryover from 2002. This increased the budget by \$1.4 million. Expenditures for the month at \$302,244 were well below the \$1.4 million, leaving the fund's expenditures in a positive position.

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

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

- Combined Water & Wastewater revenues are over pro-rated budget for the first time this year (103% of budget) by \$875,441, due to significant increases this month in consumption and moderate increases in tap fees.
 - Water revenues are over pro-rated budget (103% of pro-rated budget) by \$566,568, due primarily to \$3.015 million in residential and commercial water sales, and tap fees of \$645,833. This is the first month that total revenues are over pro-rated budget. Water sales are still under pro-rated budget for the year, showing continuing conservation, but overall the water fund is over pro-rated budget for revenues.
 - Wastewater revenues are over pro-rated budget (104% of pro-rated budget) by \$308,873.
 - Storm Water Drainage revenues are over pro-rated budget (105% of pro-rated budget) by \$32,602.
- Combined Water & Wastewater expenses are under pro-rated budget (82% of budget) by \$4.05 million due primarily to under-spending in capital at this time of year:
 - Water expenses are under pro-rated budget (80% of pro-rated budget) by \$2.96 million.
 - Wastewater expenses are under pro-rated budget (85% of pro-rated budget) by \$1.09 million.
 - Storm Water Drainage expenses are under pro-rated budget (63% of pro-rated budget) by \$66,726.

Golf Course Enterprise (Legacy and Heritage Golf Courses)

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

- Legacy – Revenues are under pro-rated budget (93% of pro-rated budget) by \$111,886.
- Legacy – Expenses are under pro-rated budget (96% of pro-rated expenses) by \$41,848.
- Heritage – Revenues are under pro-rated budget (77% of pro-rated budget) by \$380,346.
- Heritage – Expenses are over pro-rated budget (100.4% of pro-rated budget) by \$4,771.

Staff will attend the October 27th City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
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Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Selection of Construction Manager/General Contractor for the City Hall Space Re-allocation and HVAC projects

Prepared By: Barbara Gadecki, Assistant to the City Manager
Ken Quenzer, Building Operations & Maintenance Manager

Recommended City Council Action

- Based on the report of the City Manager, that City Council finds that the public interest would be best served by accepting the bid for Construction Manager/General Contractor (CM/GC) services from Adams Mendel Allison Construction, Inc.
- Award the bid to Adams Mendel Allison Construction, Inc., and charge the expense to City Hall Space Re-allocation and City Hall HVAC Improvement projects, and authorize the City Manager to enter a contract for Construction Manager/General Contractor (CM/GC) services with Adams Mendel Allison Construction, Inc., with a 7% construction services fee.

Summary Statement

- The City Hall Space Re-allocation project and the City Hall HVAC improvement project were determined to be best implemented through a coordinated project effort. Both projects will be disruptive to citizens and Staff alike, thus the decision was made to coordinate the projects with the same Construction Manager/General Contractor to minimize the disruption within City Hall.
- Three general contractors were pre-qualified to bid on the City's request for proposals for the joint project. Allison Mendel Allison (AMA) Construction, Inc.; Saunders Construction Inc.; and BOA Construction Inc. were pre-qualified to bid on this proposal.
- The competitive combined bids were received on October 8, 2003, and interviews were conducted on October 13, 2003.
- All three pre-qualified contractors submitted proposals. After participating in an interview process with project team members, the evaluation team reviewed the candidates and evaluated their cost proposals. The evaluation team focused on selecting a contractor to partner with in planning the phasing and coordinating the demolition and construction of this project. The experience and fit of the team was an important component in selecting a firm to recommend to City Council.
- Upon evaluating these items, the project team selected AMA Construction to recommend to City Council to serve as the Construction Manager/General Contractor (CM/GC) for this joint project. While AMA Construction was not the low bidder, Staff believes that based on their recent experience with complicated renovation projects, selecting AMA Construction is in the best interest of the City.
- AMA is proposing a contractor's fee of 7% of the direct cost of the work that would be a fixed amount determined through a bid process at the completion of the construction drawings. Any cost savings under the guaranteed maximum price, up to 5% of the contract value, would be shared between the City and AMA, 60% and 40% respectively. Any savings greater than 5% of the contract value would go to the City 100%. Included in selecting AMA as the CM/GC are preconstruction services that value \$12,000, which are waived if AMA is selected as general contractor.

Expenditure Required: \$60,000-65,000 (estimate)

Source of Funds: City Hall Space Re-allocation and the City Hall HVAC Projects in the General Capital Improvement Fund

Policy Issue

Whether or not to approve the contract with AMA Construction, Inc., to serve as the Construction Manager/General Contractor (CM/GC) for the demolition and construction work for the tenant improvements to City Hall and replacement and improvements to City Hall's HVAC system.

Alternatives

- Do not approve the contracts with AMA Construction, Inc., selecting one of the other bids received. Staff does not recommend this alternative as AMA Construction has recent history dealing with complicated renovation projects with occupied space.
- Do not approve the contracts with AMA Construction, Inc., delaying the start of the projects to some future date. Staff does not recommend this alternative as the HVAC system continues to experience problems heating and cooling City Hall. In addition, the need to maximize utilization of the space available in City Hall for existing Staff continues to be a high priority.

Background Information

Three Construction Manager/General Contractor (CM/GC) candidates were pre-qualified based on their qualifications for successful completion of projects similar in scope, cost and complexity. All three firms submitted written qualifications for review. The following firms were pre-qualified: Boa Construction, Inc.; Adams Mendel Allison Construction, Inc. (AMA); and Saunders Construction, Inc.

Requests for proposals were sent out September 17 and proposals were submitted on October 8. On Monday, October 13, 2003, the following individuals served on the evaluation team and met to interview CM/GC candidates for the Westminster City Hall Tenant Improvements/HVAC renovations:

- Barbara Gadecki, Alan Miller, Carl Pickett and Ken Quenzer representing the City of Westminster;
- Keith Hayes and Theresa Rossmiller representing Barker Rinker Seacat Architecture, project architects; and
- Dave Olson representing Integrated Mechanical Systems, the mechanical engineer.

Each firm was given the opportunity to present their project approach and credentials. After review of the submitted written materials and interviews with the three candidates, the evaluation team is recommending Adams Mendel Allison Construction, Inc. (AMA) as the CM/GC for the work. Key reasons for the decision include:

- AMA has a clear grasp of the scope of the project.
- AMA has recent experience with a project of similar scope involving both tenant and HVAC improvements in occupied space.
- AMA demonstrated awareness of key challenges to the project, including doing work in the evenings and scheduling material delivery and inspections. AMA recommended a specific plan of action with respect to replacing the building HVAC components. This includes an understanding that much of the mechanical work must be completed at night and on weekends. AMA expressed a commitment to building security from their subcontractors working after hours and on weekends. AMA displayed a knowledge of issues and the importance of temporary heat and ventilation for the building occupants.
- AMA proposed a clear communications structure between the City, the Design Team and the Construction Staff.

- AMA's proposed fees and general conditions are competitive with the other proposals. Their mechanical bid was the most realistic of the three bids received as it relates to projected costs associated with the HVAC system improvements. The project team believes that this shows an increased awareness of the project scope and complexity.
- AMA expressed a willingness to work with the design team to complete the mechanical documents, with particular attention to staging and phasing.

A public bid opening was held on October 8, 2003 with the following price proposals were submitted:

| | BOA | AMA | Saunders |
|---------------------------|------|-----|----------|
| Construction Services Fee | 9.6% | 7% | 5.5% |

While Saunders appears to be the low bidder, in their proposal, they focused more on the tenant improvements to the space in City Hall and briefly reviewed the HVAC system improvements component of the project. Given the scope and complexity of the HVAC system improvements, the evaluation team felt this was a key item in selecting the CM/GC. AMA appears to have a greater understanding of the complexity of this joint project and has recent experience in similar projects, including a \$1 million renovation and 30,000 square foot expansion to FirstBank of Colorado Corporate Headquarters while the facility remained open and operational.

The project team is not recommending the low bid presented by Saunders to serve as the CM/GC of this project. Some of the reasons the evaluation team does not recommend utilizing Saunders includes:

- The list of five potential mechanical contractors suggests that they view this work predominantly as tenant improvement in nature. The City's mechanical engineer believes that three of the suggested five contractors are not qualified for this work.
- The mechanical bid was very low, which implied that they are not familiar with the project scope and the complexity associated with the HVAC improvements part of this project.
- Saunders did not attend the optional pre-bid walkthrough, nor to Staff's knowledge did they visit the project site after the optional pre-bid walkthrough occurred.
- Saunders suggested that temporary heat was not a concern in City Hall. They believe that the building perimeter will not become cold enough during HVAC system replacement to require heat to protect fire sprinkler piping systems. This suggests that costs associated with this heating will be treated as a change order.
- Saunders stated that they would decide their mechanical contractor after the design was completed and put out to bid. The City's mechanical engineer believes that Saunders did not understand the need for a coordinated effort between mechanical contractor and design team to attempt to minimize change orders and fully understand the complexity of the project prior to commencement.
- Saunders clearly did not understand the complexity of the heat pump removal and replacement. They believe that they could replace heat pumps one at a time, thus helping to maintain building occupant comfort, rather than one mechanical room at a time. Saunders mechanical phasing plan has not been adequately thought out and will likely be impossible to implement.

Staff will work with the selected CM/GC to develop the construction drawings and finalize an implementation timetable for the joint project. The joint project team (composed of Barbara Gadecki, Ken Quenzer, Keith Hayes, Theresa Rossmiller, and Dave Olson) believes it is important to select the CM/GC at this phase of the joint project to partner in developing the construction drawings and work through the details associated with the demolition and construction phases.

SUBJECT: Selection of Construction Manager/General Contractor for the City Hall Space
Re-allocation and HVAC projects Page 4

The construction budget for the City Hall tenant improvements is \$200,000 and \$529,200 for the HVAC improvements. As a joint project, the total construction budget is \$729,200. However, during the bid process, the CM/GC candidates were asked to review the initial cost estimates and provide feedback on the figures. All three candidates noted that the construction budget appeared low, especially as it relates to the tenant improvements portion of the project. Based on the discussions during the interviews with the candidates, it is anticipated that the joint project may need an additional \$100,000 to complete construction. However, Staff is waiting for the construction drawings to develop the guaranteed maximum price with AMA; at that time, if additional funds are needed, Staff would return to City Council to present options, which could include reducing the scope of the joint project or requesting additional project funds.

The estimate of CM/GC fees of \$60,000-65,000 is based on current estimates of total project construction costs. Staff will return to City Council at a later date to seek approval of the guaranteed maximum construction cost.

Construction is anticipated to begin on both projects by Spring 2004 and be completed by the end of 2004.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: 2004 Traffic Signal Maintenance Contract

Prepared By: Greg Olson, Transportation Systems Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with Integrated Electric, Inc. in the amount of \$162,465 for traffic signal maintenance for calendar year 2004.

Summary Statement

- The City utilizes the services of a private contractor to perform maintenance of the City's traffic signals. The current contract expires on December 31, 2003.
- A total of three bids were received on October 2, 2003 for the contract for signal maintenance in 2004. City Council action is requested to award the 2004 traffic signal maintenance contract to the lowest bidder, Integrated Electric, Inc.
- The contract amount is within that budgeted in the 2004 operating budget of the Department of Community Development.

Expenditure Required: \$162,465

Source of Funds: 2004 Department of Community Development operating budget for traffic signal maintenance

Policy Issues

Should the City continue the practice of outsourcing traffic signal maintenance to a private contractor?

Alternatives

One alternative is to not enlist the full-time services of a private contractor. This alternative would require the City to hire a minimum of one full-time employee and invest in the equipment necessary to perform basic traffic signal maintenance. The part time services of a contractor would still be required to perform assistance for major emergencies and repairs and share with the after hour maintenance responsibility. At this point in time, City Staff does not recommend performing the traffic signal maintenance “in-house.”

Background Information

The City utilizes the services of a traffic signal maintenance contractor to perform maintenance on traffic signals at 83 intersections and on 9 pedestrian crossing signals (total of 92 installations). The 2003 traffic signal maintenance contract, which was awarded to Integrated Electric, Inc. in October 2002, expires December 31, 2003.

City Staff requested and received formal bids from three qualified contractors for the 2004 traffic signal maintenance. The results of the October 2nd bid opening are as follows:

| <u>Contractor</u> | <u>Bid Amount</u> |
|---------------------------|-------------------|
| Integrated Electric, Inc. | \$102,465 |
| Sturgeon Electric, Inc. | \$104,907 |
| W.L. Contractors, Inc. | \$108,645 |

The low bidder, Integrated Electric, Inc., is the City’s current traffic signal maintenance contractor. City Staff believes that in 2004, Integrated Electric Inc. would be able to provide the high level of service that the City expects for traffic signal maintenance activities.

The 2004 bid documents utilize a conservative, estimated annual amount of labor and equipment hours for performance of all traffic signal maintenance items. There are two general categories of work activities that provide the basis for the estimated hours of equipment and labor unit prices in the traffic signal maintenance contract: annual preventive (routine) maintenance and additional traffic signal (occasional) maintenance. The bid document does not include the materials required to perform additional traffic signal maintenance items as expanded below. These materials represent a substantial cost of conducting traffic signal maintenance activities and the estimated amount is based upon expenditures from previous years. The estimated total project cost is as follows:

| <u>Item</u> | <u>Cost</u> |
|---------------------------|-------------|
| Integrated Electric, Inc. | \$102,465 |
| Estimated Material Costs | \$60,000 |
| Total Estimated Cost | \$162,465 |

Annual preventive maintenance: The first section of the contract addresses annual preventive maintenance at each of the traffic signal locations. The estimated hours of equipment and labor do not cover material costs associated with any repairs made as the result of the annual preventive maintenance inspection. These material costs are paid from the balance of the City’s traffic signal maintenance account. The components of annual preventive maintenance include the following:

1. Clean signal controller cabinets and components.
2. Check all field wiring for inadequacies (i.e., proper grounding etc.).

3. Check critical controller settings (i.e., amber time) with a stopwatch to insure adequate operation.
4. Check for adequate power levels in the communications cable, which links the signals in the computerized signal system.
5. Check and calibrate vehicle loop detectors to insure proper operation. (Vehicle loop detectors are wires embedded in the roadway, which detect the presence of a vehicle and trigger a change in the traffic signal.)
6. Check signal heads, signal poles and associated hardware for damage and make repairs as necessary.
7. Check and record incoming voltage at all intersections to prevent excessive wear on the signal control equipment.
8. Quarterly inspection at each signal location.
9. "Troubleshoot" and maintain the computerized signal system components to insure proper operation.
10. Maintain emergency vehicle preemption equipment (Opticom) to insure proper operation. (Emergency vehicle preemption equipment consists of an electric component, which preempts the traffic signal to allow a green signal indicator for fire equipment.)
11. Based on the activities listed above, provide the City with a prioritized list of items in need of repair.

Additional Traffic Signal Maintenance Items: The remaining section of the contract reflects estimated labor and equipment costs for additional traffic signal maintenance items. It should be noted that this section of the contract does not include material costs, with the exception of light bulbs, as it is difficult to estimate the type and amount of materials needed for emergency trouble calls and unscheduled maintenance items. Again, these material costs are paid for from the balance of the City's traffic signal maintenance account. Additional traffic signal maintenance items include emergency trouble calls, unscheduled maintenance items, the annual light bulb replacement program and an estimated cost for loop detector replacements. The contract also assures the City that the contractor will be available to perform emergency or other repairs as required. Therefore, it is necessary that the City have a contractor available seven days a week, 24 hours a day to respond to any emergency signal work that may arise.

The bids are based on a conservative, estimated amount of labor and equipment hours so that each bidder would provide unit prices based upon the same assumption. Staff typically estimates on the low side the number of labor and equipment hours that will be necessary so that the contractor will not rely on a higher workload than may be experienced.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Contract for Outside Legal Services – Urban Renewal Plans

Prepared By: Aaron B. Gagné, Senior Projects Coordinator

Recommended City Council Action:

Authorize the City Manager to enter into a contract with that Malcolm M. Murray and Gorsuch Kirgis, L.L.C., to provide legal services to draft urban renewal plans for the I-25/North Huron area, the Westminster Center area and the Federal Boulevard/84th Avenue area.

Summary Statement:

- At the direction of City Council and in furtherance of City of Westminster economic development and redevelopment efforts, Staff is advancing plans for the designation of three separate urban renewal areas.
- In order to satisfy the legal requirements of Colorado statutes governing urban renewal areas, it is strongly advisable to have urban renewal plans drafted by an individual or organization with a great deal of current urban renewal experience.
- The City of Westminster has successfully and cost-effectively utilized the services of Malcolm M. Murray and Gorsuch Kirgis, L.L.C., in the past for the preparation of similar urban renewal plans.

Expenditure Required: \$15,000

Source of Funds: Community Development Operating Budget

Policy Issues

The City of Westminster, as authorized by Colorado State statutes, has very effectively utilized urban renewal in different areas of the City to facilitate targeted neighborhood revitalization. This success has been in no small part due to the financing mechanisms enabled by the designation. By capturing both sales and property tax increment, the City of Westminster is able to accelerate investment in both public infrastructure and business assistance packages in support of the overall redevelopment efforts.

A key component of the designation of an urban renewal area is the drafting of a formal urban renewal plan. This document must be in strict compliance with the governing statutes and is best prepared by an expert in the field with sensitivity to both legal and political considerations. In the past, the City of Westminster has utilized Malcolm M. Murray of Gorsuch Kirgis, L.L.C., to complete these plans with excellent results. It is proposed to continue this relationship with Mr. Murray and Gorsuch Kirgis for the completion of urban renewal plans for the I-25/North Huron area, the Westminster Center area and the Federal Boulevard/84th Avenue area.

Alternatives

Two alternatives to retaining Mr. Murray to complete the Urban Renewal Plans exist. The first would be to retain another organization to complete the same plans. This would eliminate the value of the extensive experience that Mr. Murray has in the practice area of Urban Renewal, as well as his institutional knowledge of the processes and sensitivities of the City of Westminster. It is also unlikely that other organizations could complete the Plans in as cost-effective a manner, as they would have a substantial learning curve before they could successfully draft the documents.

The second alternative would be for Council to direct Staff to independently draft the Plans. Given the high volume of work at the City Attorney's office, this alternative is not recommended.

Background Information

The City of Westminster's City Attorney's Office and Department of Community Development both have extensive experience with Malcolm Murray. He has been a frequent team member in such projects as Mandalay Town Center, the South Westminster urban renewal area and the Westminster Plaza condemnation and redevelopment activities.

Mr. Murray's practice emphasizes land use, eminent domain, property tax and environmental law, including extensive litigation experience. He has represented both governmental and private clients in eminent domain actions, as well as property tax matters which involve property valuation. His land use experience has included complex litigation, as well as annexation and zoning of property in Denver, Aurora, Lakewood and other municipalities. Prior to joining Gorsuch Kirgis, Mr. Murray was the Assistant Attorney General for the State of Colorado, representing the State Department of Highways on eminent domain matters, construction claims, personnel issues, and access control matters.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Special Legal Services Contract

Prepared By: Margie Miller, Pension Administrator

Recommended City Council Action

Authorize the City Manager to sign a contract for legal services in the amount of \$500 with Reinhart Boerner Van Deuren S.C. for special legal services in connection with the preparation of a legal opinion concerning the IRS application of the additional 10% tax on early pension withdrawals.

Summary Statement

- Pension distributions received by an employee after separation of service may be subject to an additional 10% tax if distributed to the employee before they reach the age of 59 ½. An exception to the additional tax is allowed by the IRS if the employee retires in the year in which they reach the age of 55. The City Code, in contrast, defines eligibility for early retirement as a participant who has attained the age of 55. Staff desires a formal legal opinion that the IRS regulations control this issue and the exception to the additional tax applies to those employees who separate service during the calendar year in which they reach the age of 55, even if the separation occurs prior to their 55th birthday.
- Staff recommends that the City hire Mary Brauer of Reinhart Boerner Van Deuren S.C. as special legal counsel to prepare this opinion. Ms. Brauer has extensive legal expertise and experience advising governmental organizations on pension related matters. Ms. Brauer has agreed to a fee of \$500 for her legal opinion.

Expenditure Required: \$500

Source of Funds: City Pension Fund

Policy Issues

Should the City hire Reinhart Boerner Van Deuren S.C. for special legal services in connection with the preparation of a legal opinion concerning the exception from the additional 10% income tax if the pension payment is made to an employee whose separation of service occurred any time during or after the calendar year in which the employee reached the age of 55?

Alternative

Not hire outside counsel and proceed without the benefit of a legal opinion concerning possible tax consequences of pension plan payments during the calendar year in which the employee reaches the age of 55. This is not recommended as it does not protect the City in the same fashion as having a bona fide legal opinion.

Background Information

To discourage the use of pension funds for purposes other than normal retirement, the law governing federal taxation of pension distributions may impose an additional 10% tax on early distributions of pension funds. However, IRC § 72(t)(2)(A)(v) provides exceptions for participants of qualified retirement plans in which the additional 10% early withdrawal tax does not apply. One of the exceptions from the additional tax that § 72(t) allows is applied to pension distributions paid to employees who separate from service during or after the calendar year in which they reach the age of 55. Title XIV of the City of Westminster's Municipal Code, Employee Pension Plans and Trust Agreements, defines early retirement as the date a participant "has attained the age of fifty-five (55)." However, Ms. Brauer will opine that the actual application of the additional tax on early pension withdrawals is controlled by the IRS regulations, not the City Code, and therefore, employees who separate anytime during the year in which they turn 55 should qualify for the exemption. In order to conclusively advise employees on the taxation of their benefits following separation of service during the calendar year in which they turn 55, Staff seeks the written legal opinion of outside counsel concerning this issue. Staff would intend to propose an amendment to the City Code to conform it with this IRS regulation at such time as other amendments to the City's pension plan appear warranted. Amending the Code at this time is not recommended because it would require an election among the police and fire employees to approve it, which is a time consuming and costly process.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this ____ day of _____, 2003, by and between **REINHART BOERNER VAN DEUREN S.C.** (the "Firm") and the **CITY OF WESTMINSTER** (the "City").

RECITALS

1. The City is desirous of contracting with the Firm for legal services.
2. The Firm and its attorneys are authorized to practice law in the State of Colorado.

AGREEMENT

1. The Firm shall furnish special legal services in connection with providing legal consultation and preparing a legal opinion concerning the income tax exclusion of pension plan offsets.
2. Mary Brauer of the Firm shall be principally responsible for the Services.
3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.
4. This Contract may be terminated by the City with or without cause.
5. The Westminster City Council authorized this contract on October 27, 2003.
6. Payments for legal services pursuant to this Contract shall be \$500.00 unless further written authorization by the City is obtained.

REINHART BOERNER VAN DEUREN S.C.

By _____
Mary A Brauer

CITY OF WESTMINSTER

By _____
J. Brent McFall, City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Renewal of Contract for Municipal Court Security Services

Prepared By: Matt Lutkus, Deputy City Manager for Administration
Carol J. Barnhardt, Municipal Court Administrator

Recommended City Council Action:

Award the contract for Municipal Court Security Services to the Wackenhut Corporation based on the report and recommendation of the City Manager that the public interest will best be best served by a negotiated contract, and charge the expense to the General Fund Municipal Court Budget.

Summary Statement:

- The Municipal Court currently uses the services of The Wackenhut Corporation to screen Citizens entering the Court building for weapons and to provide a variety of other security-related services.
- City Council previously concluded that this type of service is more appropriately obtained through a negotiated agreement.
- Staff is recommending that the current contract be renewed and that Staff utilize a negotiated agreement with The Wackenhut Corporation to continue Court security services.
- The City uses the negotiated bid approach particularly when using consultants and in those areas where there are a limited number of contractors who are able to provide the quality of services required. Such a process is allowed under the City Charter and the Municipal Code.
- The hourly rate proposed in the contract is \$21.38 per hour.

Expenditure Required: \$88,941 for 2004

Source of Funds: General Fund Municipal Court Operating Budget

Policy Issues

Should City Council continue the prior practice of approving a negotiated bid approach for security services for the Municipal Court or direct Staff to pursue a competitive process?

Alternatives

Proceed with the development of a new request for proposal (RFP) and a competitive bid process for the purpose of selecting a firm to provide the services. This approach is not recommended because of the nature of security services work where there is a wide range of qualifications and capabilities of the firms currently in the market. Based on the Staff's previous experience, The Wackenhut Corporation is the only firm in the area that has the requisite qualifications to perform the level of services needed at the Municipal Court.

Background Information

As part of the 2003/2004 Budget, Council authorized funds for Court security utilizing the services of a private security firm. The firm is required to provide 80 security guard hours weekly for screening all visitors to the building and assisting Court Officers working in the Court with prisoner supervision and courtroom security. The Wackenhut Corporation currently provides these services.

Although the Court security guards do not have the same scope of day to day duties as Westminster Police Officers assigned as Court Officers, the level of responsibility required for these individuals is substantially greater than that normally associated with security personnel. The selection criteria for the contracted agency has included training in the handling of firearms for the guards and the firm's prior experience working in a court or similar setting.

The current agreement and the agreement that Staff would continue to recommend, is a one-year contract that is renewable for up to three years. The Wackenhut Corporation is presently completing its sixth year as the Court's security services firm. The agreement requires that the City provide a 30 day notice if services are not to be continued.

The initial security services contract for the Municipal Court was a one-year non-renewable contract awarded in 1992 to The Wackenhut Corporation. The City's experience with The Wackenhut Corporation was very favorable. Security officers were trained in firearms handling, each of the officers showed a high degree of professionalism and dependability, the officers demonstrated strong public relations skills, their relationship with the Court Staff was very positive, and the turnover rate among employees was relatively low. Although the City's experience with The Wackenhut Corporation was positive, the firm's bid for 1993 was not the lowest bid and, therefore, their services were not continued. From 1993 to 1997, the City contracted with two other firms and, despite ongoing efforts on the part of Court Staff, it was very difficult to maintain an acceptable service level. Ongoing communication with these contractors failed to result in the correction of performance issues. Based on experience during this time, Staff believes that the competitive bid approach to selecting a security service firm has proven to be unsatisfactory.

The Custom Protection Division of The Wackenhut Corporation specializes in court security. The firm currently provides Court facility security at Thornton Municipal Court, Douglas County Courts, Littleton Municipal Court, Larimer County Courts, Longmont Municipal Court, and Englewood Municipal Court. Wackenhut Custom Protection Officers do a full field background investigation, and complete testing and screening of applicants and provides an extensive training program for its employees. Given the advantages of utilizing Wackenhut Corporation's services, Staff's recommendation is to execute a negotiated contract with the Wackenhut Corporation.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**AGREEMENT TO FURNISH SECURITY SERVICES
TO THE CITY OF WESTMINSTER**

THIS AGREEMENT, made and entered into on this ___ day of _____, 2003, between the CITY OF WESTMINSTER, hereinafter called the "City", and The Wackenhut Corporation, hereinafter called "TWC", is as follows:

WHEREAS, the City wishes to obtain security services to supplement security provided by City employees at the Municipal Court Building; and

WHEREAS, the City desires to engage TWC to provide these services as described in this Agreement and TWC is qualified and willing to perform such services; and

WHEREAS, sufficient authority exists in charter and statute, sufficient funds have been budgeted for these purposes and are available, and other necessary approvals have been obtained;

NOW THEREFORE, in consideration of the mutual understandings and agreements set forth, the City and TWC agree as follows:

1. TWC will provide security services for the City of Westminster Municipal Court as described herein.
2. TWC will provide eighty (80) hours of security service per week, the number of hours each day to be determined by the Municipal Court Administrator.
3. Security service will be charges at \$21.38 per hour. It is estimated that the yearly cost will be \$88,941 based on an eighty (80)hour week and excluding eight (8) holidays. If TWC provides overtime or additional hours of work in any week, the overtime or additional hours shall reduce the hours of service for the following week. Should this agreement be renewed as provided in paragraph 12 below, the City Manager may increase the per hour rate by a percentage increase each year of the most current Consumer Price Index for Denver as provided by the Department of Labor, Bureau of Labor Statistics.
4. The primary responsibility of personnel will be the screening of all persons entering the Municipal Court building. Other duties will include assistance to the Court Officers as needed, such as escorting defendants, detaining individuals until the police department arrives, and administrative duties such as report writing, citizen information, and telephone contacts.
5. TWC personnel will be responsible to TWC, but shall be supervised on the job by the Municipal Court Administrator.
6. TWC will provide all wages and benefits to its personnel assigned to the Municipal Court, and such personnel shall at all times be employees of TWC and not the City. TWC will supply all necessary equipment to its personnel, including a uniform, handheld metal detector, and firearm.
7. All persons assigned to Municipal Court must be trained in the use of firearms and in the use of lethal force.
8. TWC will provide all necessary training, including training in public relations skills, and as a minimum, annual refresher training in handling firearms.
9. If a TWC employee regularly assigned to Municipal Court is on vacation, sick leave or is otherwise unavailable, TWC will provide a substitute equally trained and qualified.
10. The City will provide a walk-through metal detector.

11. TWC shall submit invoices to the City for services rendered during the preceding month, such invoice to be in such form and detail as shall reasonably be required by the City. The City agrees to pay TWC within thirty (30) days of receipt of properly documented invoices.
12. The term of this agreement shall commence on January 1, 2004 and shall remain in force for a period of one (1) year unless terminated sooner under Paragraph 13 below. The City, at its sole discretion and subject to the appropriation of funds, may renew this Agreement for an additional term of one (1) year at the conclusion of the first year and for an additional one (1) year term at the end of the second year, by notifying TWC of its intent to renew not less than sixty (60) days prior to the expiration date. TWC shall notify the City within ten (10) days of its acceptance of the renewed agreement for the following year.
13. (a) This agreement may be terminated by either party upon thirty (30) days prior written notice to the other party in the event of a substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party.

(b) This agreement may be terminated by the City for its convenience upon thirty (30) days prior written notice to TWC.

(c) In the event of termination as provided in this paragraph, the City shall pay TWC in full for services performed from the date of notice of termination plus any services the City deems necessary during the notice period.
14. During the course of the services, TWC shall maintain Worker's Compensation Insurance in accordance with the Worker's Compensation laws of the State of Colorado, Automobile Liability of \$5,000,000, and Comprehensive General Liability of \$5,000,000. The City will be an additional insured under TWC's Automobile and Comprehensive General Liability coverages. TWC shall provide certificates of insurance to the City indicating compliance with this paragraph.

TWC's naming of the City as an additional insured in its liability policy(ies) pursuant to this contract shall afford coverage only for the negligent performance of activity by TWC for the City pursuant to this contract, be limited by the terms and conditions appearing in such contract, and in no event be construed for any purpose so as to make TWC or its insurer liable for the acts or omission of the City, its agents, servants or employees.
15. In connection with the execution of this Agreement, TWC shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, or national origin. Such actions shall include, but not be limited to the following: employment; upgrading demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
16. (a) TWC agrees that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. TWC further agrees that in the performance of this Agreement, no person having any such interests shall be employed.

(b) No official or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.
17. In the performance of the services under this contract, TWC shall act as an independent contractor and not as agent of the City except to the extent TWC is specifically authorized to act as agent of the City.
18. TWC's books and records with respect to its services to the City shall be kept in accordance with recognized accounting principles and practices, consistently applied, and will be made available for the City's inspection at all reasonable times at the places where the same may be kept.

19. (a) TWC shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to reasonable attorneys' fees, arising out of or resulting from the performance of services, provided that any such claim, damage, loss or expense that: (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including the loss of use resulting therefrom, and (2) is caused in whole or in part by any negligent act or omission of TWC, any subcontractor of TWC, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this paragraph 19.
20. In the event it becomes necessary for the City to bring an action to enforce any provision of this Agreement or to recover any damages the City may incur as a result of the breach of this Agreement, and the City prevails in such litigation, TWC shall pay the City its reasonable attorney fees as determined by the Court.
21. All written notices and communications required or permitted hereunder shall be delivered personally to the respective representatives of the City and TWC set forth below or their successors shall be mailed by registered mail, postage prepaid, return receipt requested to the parties at their addresses shown herein. Notices hereunder shall be effective three (3) days after mailing.
22. TWC shall not assign this Agreement in whole or in part, including the right to receive compensation hereunder, without the prior written consent of the City; provided, however, that such consent shall not be unreasonably withheld with respect to assignments to TWC affiliated or subsidiary companies, and provided further, that any such assignment shall not relieve TWC of any of its obligations under this Agreement. This restriction on assignment includes, without limitation, assignment of TWC's right to payment to its surety or lender, if any.
23. This Agreement, and all questions concerning the execution, validity or invalidity, capacity of the parties, and the performance of this Agreement, shall be interpreted in all respects in accordance with the Charter and Code of the City of Westminster and the laws of the State of Colorado.
24. This Agreement shall constitute the entire agreement between the parties hereto and shall supersede all prior contracts, proposals, representations, negotiations and letters of intent, whether written or oral, pertaining to the services to be provided.

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

THE WACKENHUT CORPORATION

CITY OF WESTMINSTER

BY: _____

BY: _____

Address:
15290 East 6th #250
Aurora, CO 80011

Address:
4800 West 92nd Avenue
Westminster, CO 80031

ATTEST:

ATTEST:

City Clerk

Title _____

APPROVED AS TO LEGAL FORM

BY: _____



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003

SUBJECT: Revised Employment Agreement with City Attorney Martin McCullough

Prepared by: Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action

Authorize the Mayor to execute a revised employment agreement with Martin McCullough for his services as City Attorney for 2004 and 2005 with an effective date of January 1, 2004.

Summary Statement

- Each year, the employment contracts for the City Attorney, the City Manager and the Presiding Judge are reviewed and revised based on the results of the Council's performance evaluation of these positions. This year's evaluation of the City Attorney was completed on October 6. City Council action is requested to extend this contract for the calendar years 2004 and 2005.
- The continuation of this employment agreement reflects Council's positive appraisal of Mr. McCullough's work performance during 2003.
- Due to the continued poor economic conditions and resulting impact on City revenues, the revised contract does not provide for a salary increase beyond Mr. McCullough's current salary. Council has indicated that they will review the compensation for the City Attorney in Spring of 2004.
- The attached proposed agreement with Martin McCullough is identical to the current employment agreement with the exception of the change in the effective dates for the contract and a provision for the mid year review of compensation.

Expenditure Required: \$128,930

Source of Funds: General Fund - City Attorney's Office Budget

Policy Issue

Whether to continue essentially the same employment agreement with Martin McCullough for 2004/2005.

Alternative

Council could make further adjustments to the employment agreement with Mr. McCullough.

Background Information

Martin McCullough was appointed City Attorney on February 10, 1986, after holding the position of Acting City Attorney since September 1985. Prior to such positions, he was an attorney with the municipal law firm of Calkins, Kramer, Grimshaw and Haring. Mr. McCullough holds a B.A. from the University of Virginia, an M.S. from Florida State University and graduated magna cum laude from the University of Houston School of Law in 1982. He is admitted to practice law in Texas and Colorado and is a member of the National Institute of Municipal Law Officers and the Colorado and Denver Bar Associations. Mr. McCullough has served as president of the Attorneys Section of the Colorado Municipal League, is past president of the Metro City Attorney's Association, and is a member and past chairperson of the Local Government Committee of the Colorado Bar Association. Marty is also a past recipient of the Metro City Attorney's Association's "City Attorney of the Year" and "Leadership" awards.

At the time Council appointed Marty McCullough as City Attorney in February 1986, an employment agreement was formally approved by the Council to reflect the terms and conditions of his employment.

The City Attorney's employment agreement has typically followed substantially the same format and covered many of the same terms and conditions as the City Manager's employment contract. The existing contract between Mr. McCullough and the City is a two-year agreement that is renewed annually.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 2004, by and between the CITY OF WESTMINSTER, State of Colorado, a municipal corporation, hereinafter called "CITY" as party of the first part, and MARTIN R. McCULLOUGH, 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 MARTIN R. McCULLOUGH, as City Attorney of the City of Westminster as provided by City Charter, Chapter IV, Section 4.13; 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 Attorney of said CITY.

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

SECTION 1. DUTIES:

A. CITY hereby agrees to continue the employment of EMPLOYEE as City Attorney of CITY to perform the duties and functions specified in Section 4.13 of the City Charter, Chapter 16 of Title I of the City Code and such other legally and ethically permissible and proper duties and functions as the City Council shall from time to time assign.

B. EMPLOYEE shall prepare and submit a proposed budget for the City Attorney's Office following guidelines established by the City Manager. This budget shall be reviewed by the City Manager's Office and submitted to the City Council for final approval as part of the City Manager's recommended City Budget. Requests for changes in the budget during the fiscal year shall also be submitted through the City Manager's Office.

C. EMPLOYEE shall supervise the staff of the City Attorney's Office as may be authorized by the City Council. All employees of the City Attorney's Office shall be employed by the City Attorney in accordance with the provisions of section 1-16-3 of the City Code.

SECTION 2. TERMS:

A. During the term of this Agreement, EMPLOYEE agrees to remain in the exclusive employ of CITY. EMPLOYEE will serve as City Attorney for calendar years 2004 and 2005. 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 in Section 3, paragraph C of this Agreement.

D. This Agreement shall be considered for renewal annually, no later than October 31 of each year to address extending the Agreement, salary, and other changes negotiated between the parties. Each renewal of the Agreement shall be for a specified time. If this Agreement is not renewed, or terminated, as set forth in the Agreement, and the Agreement expires, EMPLOYEE shall continue to work under the terms of the last executed Agreement until a new Agreement 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 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 Attorney, 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 paragraph D in Section 2.

SECTION 4. SALARY:

A. Effective January 1, 2004, the CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual salary of \$128,930. EMPLOYEE'S salary shall be payable in installments at the same time as other employees of the CITY are paid, except that the EMPLOYEE may elect to receive a portion of this salary in the form of a lump sum amount of deferred compensation up to the then current maximum allowed by law. The City Council will review the EMPLOYEE'S salary again no later than May 1, 2004, to determine whether any mid-year adjustments will be made.

B. CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31 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 Attorney. City Council shall be the sole judge of such conflicts whose determination shall be final.

SECTION 6. 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 7. PROFESSIONAL DEVELOPMENT:

CITY agrees to budget and to pay registration, travel and subsistence expenses of EMPLOYEE for professional and official travel to meetings and occasions related to the professional development of EMPLOYEE and to official and other functions as a representative of the City, including, but not limited to, the Colorado Bar Association, NIMLO, the Colorado Municipal League, and continuing legal education courses and seminars related to the practice of municipal law. In addition to reasonably funding educational/training programs for EMPLOYEE's professional staff, sufficient funds shall be budgeted to permit EMPLOYEE to attend at least one national, one statewide, and one local educational/training program each year.

SECTION 8. 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 9. FRINGE BENEFITS:

EMPLOYEE will be allowed a monthly car allowance in the amount of \$300 per month and all benefits as are extended to all Department Head level employees, except that when such benefits are in conflict with this Agreement, said Agreement shall control.

SECTION 10. 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 11. 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, 2004, and shall be in effect through calendar years 2004 and 2005.

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

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

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 both effective as of the day and year first above written.

Approved by Westminster City Council this 27th day of October, 2003.

ATTEST:

Ed Moss, Mayor

City Clerk

Martin R. McCullough



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003

SUBJECT: Revised Employment Agreement with J. Brent McFall

Prepared by: Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action

Authorize the Mayor to execute a revised employment agreement with J. Brent McFall for his services as City Manager for 2004 and 2005 with an effective date of January 1, 2004.

Summary Statement

- City Council is requested to approve a revised employment agreement with J. Brent McFall for services as City Manager for the two-year period beginning January 1, 2004.
- Under the proposed revised agreement, Mr. McFall's base compensation will be \$167,137, an amount equal to his current annual compensation for 2004. This will be comprised of a salary of \$151,137 and City-paid deferred compensation of \$16,000. In addition, Mr. McFall will receive a one-time merit bonus of \$6,000 in recognition of significant accomplishments during 2003.
- The attached proposed agreement with Mr. McFall is identical to the current employment agreement with the exceptions of a reallocation of dollars between salary and deferred compensation, provisions for a one-time bonus and mid year salary review and the change in the effective dates for the contract.

Expenditure Required: \$173,137, plus the cost of other fringe benefits as described in the attached employment agreement

Source of Funds: General Fund, City Manager's Office Budget

Policy Issue

Whether to continue essentially the same employment agreement with J. Brent McFall for 2004 and 2005.

Alternatives

Council could make further adjustments to the employment agreement with Mr. McFall.

Background Information:

J. Brent McFall has been employed as City Manager since May 21, 2001. His previous experience includes holding city manager or city administrator positions in Merriam, Kansas; Emporia, Kansas; Federal Way, Washington; and Kent, Washington. He has also served as a consultant and facilitator for Sumek Associates, conducting organizational development activities and facilitating strategic planning sessions with various cities. Mr. McFall is an active member of both the International City County Management Association and the Colorado/City County Managers' Association. He is currently a member of the Westminster Rotary Club.

During the past year, the continuing poor economy continued to present challenges for the City as the organization coped with strained financial resources. Through a series of steps that included position-staffing freezes, tightening of all City department budgets, and postponement of several capital projects, the organization, under Mr. McFall's leadership, has been able to withstand the financial difficulties with minimal impact on day to day service delivery. Despite economic setbacks, the City continued to move forward on a number of fronts. Highlights for the year include continued progress on South Westminster revitalization, significant milestones for Mandalay Town Center, the interchange improvements in the vicinity of US 36 and 92nd Avenue, the near completion of the Standley Lake Dam renovations, considerable progress on the 136th Avenue and I-25 interchange project and a number of other major projects.

Two organizational efforts initiated and championed by Mr. McFall were the continuation of a strong emphasis on strategic planning and a refocus on the principles identified in the acronym SPIRIT. The first ever all employee meeting – held at the Westin Hotel – was the kick-off event for this renewed commitment to these key organizational values.

The proposed employment agreement with Mr. McFall is identical to the current agreement that Council approved in November 2002 with exception of: the effective dates of the agreement, the change in the portion of his compensation that is allocated to City paid deferred compensation, a provision for a one-time merit bonus and a provision for a mid year review of Mr. McFall's salary.

The revised agreement will provide for a base salary of \$151,137 and the \$16,000 in City-paid deferred compensation. In addition, the agreement calls for a one-time bonus of \$6,000 to be given in January 2004. This bonus is provided in recognition of Mr. McFall's leadership during a very challenging period.

Consistent with the employment agreements with the Presiding Judge and City Attorney, this agreement will continue to cover a two-year timeframe and includes a provision that the salary be reviewed annually. Funds are available in the City Manager's Office approved 2003-2004 Budget to provide for the salary and fringe benefits described in the agreement.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January 2004, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "CITY" as party of the first part, and J. BRENT McFALL, 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 J. BRENT McFALL, 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

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 J. BRENT McFALL 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 EMPLOYEE will serve as City Manager from January 1, 2004 through December 31, 2005. Further, EMPLOYEE agrees not 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.

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 eight (8) months' written notice or to pay EMPLOYEE a lump sum cash payment equal to his base salary for the ensuing eight (8) 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 eight (8) months' severance pay provisions herein.

C. The severance provisions contained in section A and B shall remain the same in 2005 except that the eight (8) months of notification or severance pay shall be increased to nine (9) months beginning January 1, 2005. Furthermore, it is Council's intent to increase the length of notice or the number of months of severance pay provided in lieu of such notice to ten (10) months on January 1, 2006, eleven (11) months on January 1, 2007, and twelve (12) months on January 1, 2008.

D. 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 sixty (60) days notice in advance in writing.

E. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in this section.

SECTION 4. SALARY:

The CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual base salary of \$151,137 payable in installments at the same time as other employees of the CITY are paid. In addition, the City will make a lump sum payment of \$16,000 to the EMPLOYEE's deferred compensation plan. The City further agrees to provide the EMPLOYEE with a one-time \$6,000 merit bonus payable in January 2004. The City Council shall review the employee's salary no later than May 1, 2004, to determine if any mid year adjustments will be made to his base compensation.

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 \$500 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, 2004 and shall be in effect through December 31, 2005.
- 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 27th day of October 2003.

Mayor

ATTEST:

City Clerk

J. Brent McFall

APPROVED AS TO FORM:

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Sanitary Sewer Manhole Rehabilitation Contract

Prepared By: Richard A. Clark, P.E., Utilities Operations Manager
Andy Mead, Utilities Operations Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with Levi Construction for Sanitary Sewer manhole rehabilitation as described in the project specifications; authorize a project budget of \$57,170 with a 10% contingency budget of \$5,717 to be held in a separate account, and charge the appropriate budget account within the Utility Enterprise Fund - Capital Improvement Program, Wastewater Capital Improvements Projects account.

Summary Statement

- This project consists of the improvements to approximately 238 sanitary sewer manholes.
- The specific project work includes: staking/marketing manholes that are located in remote areas such as in open space locations, installation of new manhole rings and covers, raising/lowering manholes to grade, and locking down manholes for security reasons.
- Formal bids were issued and a bid opening took place on October 8. A total of three contractors bid on this project.
- Funds were budgeted for this expenditure in the 2003 Utility Enterprise Fund – Capital Improvement Program.
- The lowest responsible bid was received from Levi Construction, a contractor that has been utilized for similar water/wastewater projects in the past. This contractor was selected in 2002 for a similar project.
- City Council is requested to approve the project contract with Levi Construction in the amount of \$57,170 plus a 10% contingency of \$5,717.

Expenditure Required: \$62,887

Source of Funds: Utility Fund – Capital Improvement Program

Policy Issue

Should the City utilize Utility Fund monies to complete the needed sewer manhole rehabilitation project using an outside contractor as specified in the contract documents?

Alternative

Delay this manhole rehabilitation project until some time in the future and continue to respond to problems caused by illegal access to manholes and subsequent vandalism or inflow of surface water to the sewer system through poorly sealed manholes.

Background Information

The project consists of exterior rehabilitation of approximately 238 sanitary sewer manholes. These manholes are located throughout the City in both the Big Dry Creek outfall (north area) and the Little Dry Creek outfall (south area). Also, 247 marker posts will be installed to assist in locating manholes in remote areas. Inflow & Infiltration (I&I) funds from the Capital Improvement Fund will be used for this project, as part of the intent is to reduce stormwater inflow into the sanitary sewer system.

The sanitary sewer manhole rehabilitation project was advertised and a public bid opening was held October 8, 2003. Three bids were received and read at that time. Levi Construction was the lowest responsible bidder. The City has utilized Levi Construction for past utility projects and is satisfied with their quality of work.

The results of the submitted bids are as follows:

| Contractor | Bid Amount |
|-------------------|-------------------|
| Levi Construction | \$ 57,170 |
| Eco Resources | \$ 59,909 |
| Ricor, Inc | \$ 65,920 |

The sanitary sewer manhole rehabilitation project is being performed to decrease the inflow of surface water into the manholes, to lock down manholes that are located in remote areas or in open space land, to minimize the damage caused by vandalism, and to clearly mark out manholes that are difficult to locate. This project should be completed by the end of this year.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: 2003 Construction Crew Utility Material

Prepared By: Richard A. Clark, P.E., Utilities Operations Manager

Recommended City Council Action

Authorize the City Manager to execute purchase orders with various vendors for the purchase of materials for use by the Utility Operations Construction Crew. These purchase are for seven lots of materials, from 2 different vendors, for an aggregate cost of \$138,557. Purchases to be charged to the appropriate Utilities Operations Division operating and capital improvement accounts.

Summary Statement

- This project consists of purchase of seven individual lots of related waterworks materials.
- Formal bids for this project were issued September 23, 2003, and a bid opening took place on October 7, 2003. A total of three vendors provided bids on this purchase.
- Dana Kepner Company was the lowest bidder on 5 lots totaling \$101,523. Hughes Supply was the lowest bidder on 2 lots totaling \$37,034. National Waterworks did not provide the lowest bid on any lot.

Expenditure Required: \$138,557

| | | |
|-------------------------|--|-----------|
| Source of Funds: | Utilities Operations Division Operating Budget (Water) | \$116,315 |
| | Utilities Capital Improvement Budget (Reclaimed) | \$ 22,242 |

Policy Issues

Should the City spend Utility Fund monies to purchase materials for watermain replacements as specified in the contract/project documents?

Alternatives

Purchase materials only on an as-needed basis and negotiate prices for every purchase individually. This would take a large amount of staff time and likely increase the prices for each piece of material purchased.

Background Information

The Construction Crew Utility Material Purchase is an annual purchase of commonly used waterworks materials for use by the Utilities Operations Division’s construction crew for the installation of the four miles of new watermains they install annually. This purchase is for most material, except for pipe itself, to be used by the crew for this purpose.

The Construction Crew Utility Material Purchase was advertised on the Internet site “Demand Star” with bids being submitted by October 7, 2003. As written, each lot was a separate purchase and a bidder could submit pricing for any or all lots of material. Delivery is to be immediate and in one shipment. This is not an annually renewable purchase, as pricing is to volatile to allow for long term pricing.

The results of the submitted bids are as follows:

| | <u>Kepner</u> | <u>Hughes</u> | <u>National</u> |
|--------------------------------|---------------|---------------|-----------------|
| Cast Iron Pipe Fittings | \$19,826.48 | \$20,536.40 | \$20,516.12 |
| Mechanical Restraints | \$11,300.00 | \$12,070.50 | \$11,589.00 |
| Fire Hydrants | \$37,332.78 | \$43,500.00 | \$42,755.82 |
| Valves | \$38,901.76 | \$35,064.56 | \$42,304.08 |
| Brass/Copper | \$2,263.00 | \$1,970.00 | \$2,033.00 |
| Miscellaneous | \$10,821.60 | \$23,962.00 | \$11,818.80 |
| Tapping Sleeves | \$22,242.49 | \$1,257.24* | \$0.00 |
| | \$101,523.35 | \$37,034.56 | \$0.00 |

*=did not meet specifications

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



Subject: Second Reading of Councillor's Bill No. 52 re 88th and Pierce Business Center LLLP Business Assistance Package

Prepared By: Becky Johnson, Economic Development Program Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 52 on second reading authorizing the City Manager to execute a business assistance package (BAP) between the City of Westminster and 88th and Pierce Business Center LLLP (88th and Pierce Business Center). The Business Assistance Package totals \$270,000 and includes \$90,000 in sales tax rebates per year for a total of three years.

Summary Statement

- 88th and Pierce Business Center LLLP is seeking to attract a new proto-type for JoAnn Stores, Inc. (JoAnn's) to fill the vacant space formerly leased by Phar-Mor, in Brookhill Towne Center III, at the northeast corner of 88th Avenue and Pierce Street.
- Funding for the business assistance package to 88th and Pierce Business Center LLLP will come from sales tax collected from JoAnn Stores, Inc.
- The attraction of JoAnn Stores, Inc. will bring new revenue to Westminster, as the current location at the southeast corner of 88th Avenue and Wadsworth Boulevard in Arvada, is outside the City. No additional funding will be requested by JoAnn's Fabrics.
- The assistance is based on the City's desire to attract new tenants to existing retail centers, and will also result in an upgrade of the building façade and signage for Brookhill Towne Center III.
- This Councillor's Bill was passed on first reading on October 13, 2003.

Expenditure Required: \$270,000 (Sales Tax Rebate)

Source of Funds: The business assistance package to 88th and Pierce Business Center will be funded through the rebate of sales tax directly generated from the new revenue produced by JoAnn Stores, Inc.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **52**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN 88th AND PIERCE BUSINESS CENTER LLLP (88th and Pierce Business Center) AND THE CITY OF WESTMINSTER TO AID WITH THE UPGRADING OF BROOKHILL TOWNE CENTER III AND THE ATTRACTION OF JOANN STORES, INC.

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

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

WHEREAS, 88TH and Pierce Business Center LLLP plans to continue to improve the façade and signage at Brookhill Towne Center, located at 88th Avenue and Pierce Street in Westminster, and

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

WHEREAS, the intent of this agreement is based upon the attraction and funding provided by JoAnn Stores, Inc. to the former Pharmoor space at Brookhill Towne Center III, and

WHEREAS, a proposed Assistance Agreement between the City and 88th and Pierce LLLP is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with 88th and Pierce Business Center in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October 2003.

ATTEST:

Mayor

City Clerk

BUSINESS ASSISTANCE AGREEMENT WITH 88th AND PIERCE BUSINESS CENTER LLLP FOR THE ATTRACTION OF JOANN STORES, INC. AND THE FAÇADE AND SIGNAGE IMPROVEMENTS AT BROOKHILL TOWNE CENTER III IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 2003, between the CITY OF WESTMINSTER (the "City"), and 88th and Pierce Business Center LLLP (88th and Pierce Business Center)

WHEREAS, the City wishes to provide certain assistance to 88th and Pierce Business Center to aid in the attraction of JoAnn Stores (JoAnn's), Inc. to the existing space formerly leased by Pharmoor in Brookhill Towne Center III, located at 88th and Pierce Street in Westminster.

WHEREAS, JoAnn's will provide new revenue to the City.

WHEREAS, 88th and Pierce Business Center has committed to building façade and signage upgrades to Brookhill Towne Center III.

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 assisting this economic development project within the City.

In consideration of the mutual promises set forth below, the City and 88th and Pierce Business Center LLLP agrees as follows:

1. Sales Tax Rebate

The City shall rebate to 88th and Pierce Business Center LLLP, 50% of the sales tax collected from JoAnn Store, Inc. Such rebate shall be payable exclusively from sales tax revenues collected by the City from JoAnn's and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax). The rebate shall be paid by the City in quarterly installments and shall not exceed a total of \$270,000 or three years from the date on the agreement. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter. Payments will be submitted electronically to 88th and Pierce Business Center designated financial institution.

2. Façade and Signage Improvements

It is the intent of the City to attract new retailers to the City and to improve the overall image of Brookhill Towne Center III. Therefore, 88th and Pierce Business Center agrees to improve the building façade of the entire center (to include paint and upgrades required by current City standards), and improve the current signage, within 12 months of the execution of said improvement. All façade upgrades must be in compliance to current City standards.

3. Entire Agreement

This instrument shall constitute the entire agreement between the City and 88th and Pierce Business Center 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. In the event of sale, staff may assign the business assistance package to 88th and Pierce Business Center successor.

4. Termination

The City obligations of this agreement will terminate in the event that JoAnn Stores fails to occupy and be operational in the former Pharmoor space at Brookhill Towne Center III by October 1, 2004. In addition, JoAnn's must remain operational in the center for a minimum of 4 years following the certificate of occupancy. Any funds paid to 88th and Pierce Business Center must be repaid to the City upon termination of the agreement

The City obligations of this agreement will terminate in the event that the owners of 88th and Pierce Business Center fail to receive an approved administrative amendment for the building façade and signage on or before July 1, 2004, with work completed on or before December 31, 2004. Any funds paid to 88th and Pierce Business Center must be repaid to the City upon termination of the agreement.

5. Subordination.

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

6. Annual Appropriation

Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

7. Governing Law: Venue

This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Jefferson County, Colorado.

88TH AND PIERCE BUSINESS CENTER LLLP

CITY OF WESTMINSTER

By _____
Bruce Etkin, President

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Title

Michele Kelley
City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Second Reading of Councillor's Bill No. 54 re Amendments to the Adopted 2004 Budget

Prepared By: Steve Smithers, Assistant City Manager
Barbara Gadecki, Assistant to the City Manager
Emily Moon, Management Analyst

Recommended City Council Action:

Pass Councillor's Bill No. 54 on second reading amending the FY2004 budgets of the General, Utility, General Reserve, Utility Reserve, Golf Course, Fleet Maintenance, Property Liability, Workers Compensation, Sales & Use Tax, Open Space, and General Capital Improvement Funds.

Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading to amend the FY2004 budgets of the General, Utility, General Reserve, Utility Reserve, Golf Course, Fleet Maintenance, Property Liability, Workers Compensation, Sales & Use Tax, Open Space, and General Capital Improvement Funds. City Council reviewed the proposed changes at the Budget Review conducted September 29.
- This Councillor's Bill was passed on first reading on October 13, 2003.

Expenditure Required: \$129,167,838, plus \$16,770,011 in reserves and \$2,417,581 in contingency accounts

Source of Funds: General, Utility, General Reserve, Utility Reserve, Golf Course, Fleet Maintenance, Property Liability, Workers Compensation, Sales & Use Tax, Open Space, and General Capital Improvement Funds

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **54**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND, UTILITY FUND, FLEET MAINTENANCE FUND, GENERAL CAPITAL OUTLAY REPLACEMENT FUND, SALES AND USE TAX FUND, GENERAL CAPITAL IMPROVEMENT FUND, GENERAL RESERVE FUND, UTILITY RESERVE FUND, OPEN SPACE FUND, GOLF COURSE FUND OPEN AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION OR UN-APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$1,497,745 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$73,326,062. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004 as well as the elimination of the Utility Fund split.

Section 2. The \$1,497,745 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------|-----------------|--------------|-----------|--------------|
| Prop Tax Adco | 1000.40035.0010 | \$1,840,000 | \$188,200 | \$2,028,200 |
| Prop Tax Jeffco | 1000.40035.0020 | 1,522,500 | 267,609 | 1,790,109 |
| Bus Tax Qwest | 1000.40040.0050 | 200,000 | (15,000) | 185,000 |
| Admis Movies | 1000.40050.0006 | 225,000 | 100,000 | 325,000 |
| Admis Bowling | 1000.40050.0810 | 50,000 | (10,000) | 40,000 |
| Admis Cover Chrgs | 1000.40050.0820 | 3,000 | 1,000 | 4,000 |
| Admis Butterfly Pav | 1000.40050.0830 | 70,000 | (40,000) | 30,000 |
| Lic Contractors | 1000.40160.0000 | 60,000 | 10,000 | 70,000 |
| Lic Beer & Liq | 1000.40165.0000 | 50,000 | 15,000 | 65,000 |
| Other Licenses | 1000.40170.0000 | 65,000 | (25,000) | 40,000 |
| Bldg Permit Adco | 1000.40185.0010 | 400,000 | (100,000) | 300,000 |
| Bldg Permit Jeffco | 1000.40185.0020 | 425,000 | (125,000) | 300,000 |
| Bldg Permit Adco | 1000.40190.0010 | 625,000 | 100,000 | 725,000 |
| Bldg Permit Jeffco | 1000.40190.0020 | 250,000 | (25,000) | 225,000 |
| Cigarette | 1000.40340.0000 | 375,000 | (35,000) | 340,000 |
| Vehicle Reg Adco | 1000.40360.0010 | 200,000 | (20,000) | 180,000 |
| Admis Standley | 1000.40820.0256 | 390,000 | (15,000) | 375,000 |
| Admis City Park | 1000.40820.0861 | 720,000 | 30,000 | 750,000 |
| Admis Kings Mill | 1000.40820.0964 | 4,000 | 2,500 | 6,500 |
| Admis Cntryside | 1000.40820.0965 | 40,000 | 10,000 | 50,000 |
| Admis West View | 1000.40820.0967 | 320,000 | 30,000 | 350,000 |
| Lease pymts Ice | 1000.41010.0000 | 1,035,000 | 65,000 | 1,100,000 |
| Adult Activities | 1000.41030.0503 | 775,000 | 75,000 | 850,000 |
| Franchise Fees | 1000.41180.0000 | 10,000 | (5,000) | 5,000 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------|-----------------|--------------|-------------|--------------|
| Franch Fee Xcel | 1000.41180.0040 | 2,000,000 | 50,000 | 2,050,000 |
| WHA Svc Fee | 1000.41250.0000 | 67,000 | 3,000 | 70,000 |
| Maint Promenade | 1000.41280.0106 | 407,940 | (11,500) | 396,440 |
| Security Promenade | 1000.41290.0106 | 115,060 | (11,500) | 103,560 |
| Record & Filing | 1000.41300.0000 | 40,000 | 35,000 | 75,000 |
| PD Training | 1000.41360.0000 | 10,000 | 1,000 | 11,000 |
| Fines Traffic | 1000.42030.0000 | 1,800,000 | (50,000) | 1,750,000 |
| Int Earnings | 1000.42510.0000 | 520,000 | (120,000) | 400,000 |
| Sale of Assets | 1000.43040.0000 | 30,000 | 10,000 | 40,000 |
| General | 1000.43060.0000 | 153,308 | 1,558 | 154,866 |
| Trf Sales & Use Tax | 1000.45000.0530 | 47,235,009 | (4,075,866) | 43,159,143 |
| Trf GIDs | 1000.45000.0620 | 15,000 | 10,000 | 25,000 |
| Trf Water | 1000.45000.0200 | 0 | 1,500,083 | 1,500,083 |
| Trf Wastewater | 1000.45000.0210 | 0 | 838,016 | 838,016 |
| Carryover | 1000.40020.0000 | 0 | 2,838,645 | 2,838,645 |

Total Change to Revenues

\$1,497,745

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|----------------------------|---------------------|--------------|-------------|--------------|
| City Council | | | | |
| Salaries | 10001010.60800.0000 | \$55,800 | \$21,700 | \$77,500 |
| Meeting Expense | 10001010.61400.0000 | 7,567 | 2,943 | 10,510 |
| Career Dev | 10001010.61800.0000 | 25,275 | 9,829 | 35,104 |
| Telephone | 10001010.66900.0000 | 4,536 | 1,764 | 6,300 |
| Spec Promo | 10001010.67600.0000 | 4,320 | 1,680 | 6,000 |
| Contract Svcs | 10001010.67800.0000 | 27,886 | 10,844 | 38,730 |
| Supplies | 10001010.70200.0000 | 3,791 | 1,474 | 5,265 |
| Food | 10001010.70400.0000 | 2,592 | 1,008 | 3,600 |
| City Attorney's Off | | | | |
| Regular Salaries | 10003120.60200.0000 | 433,577 | 150,048 | 583,625 |
| Reg Salaries Pros | 10003120.60200.0125 | 197,975 | (36,127) | 161,848 |
| Career Dev | 10003120.61800.0000 | 8,582 | 2,937 | 11,519 |
| Outside Comp Chgs | 10003120.67000.0000 | 9,780 | 3,804 | 13,584 |
| Train & Ref Mtrls | 10003120.71400.0000 | 15,360 | 5,258 | 20,618 |
| Budget Hold | 10003120.76800.0000 | 0 | 27,197 | 27,197 |
| City Manager's Off | | | | |
| Regular Salaries | 10005050.60200.0000 | 459,314 | 182,119 | 641,433 |
| Reg Salaries PIO | 10005050.60200.0387 | 130,694 | 30,944 | 161,638 |
| Career Dev | 10005050.61800.0000 | 8,784 | 3,416 | 12,200 |
| Career Dev PIO | 10005050.61800.0387 | 1,440 | 560 | 2,000 |
| Printing PIO | 10005050.66600.0387 | 24,192 | 9,408 | 33,600 |
| Postage PIO | 10005050.66700.0387 | 30,564 | 11,886 | 42,450 |
| Contract Svc PIO | 10005050.67800.0387 | 32,688 | 12,712 | 45,400 |
| Supplies | 10005050.70200.0000 | 6,041 | 2,349 | 8,390 |
| Budget Hold | 10005050.76800.0000 | 0 | 24,725 | 24,725 |
| Central Charges | | | | |
| Regular Salaries | 10010900.60200.0000 | 1,280,883 | (1,260,883) | 20,000 |
| Retire City Contrib | 10010900.62600.0000 | 3,600,000 | (116,134) | 3,483,866 |
| Non Med Ins Life | 10010900.62800.0590 | 117,705 | (15,247) | 102,458 |
| Non Med Ins LTD | 10010900.62800.0591 | 306,075 | 16,857 | 322,932 |
| Non Med Ins Surv | 10010900.62800.0592 | 219,000 | (34,419) | 184,581 |
| Med Ins ER BCBS | 10010900.63000.0594 | 2,680,788 | 367,974 | 3,048,762 |
| Med Ins ER Delta | 10010900.63000.0595 | 311,725 | 28,339 | 340,064 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------|-------------------------------|---------------------|------------------|---------------------|
| Med Ins ER Kaiser | 10010900.63000.0596 | 1,042,787 | 94,614 | 1,137,401 |
| Medicare | 10010900.63600.0000 | 418,000 | (1,000) | 417,000 |
| Prof Serv | 10010900.65100.0000 | 91,611 | 45,259 | 136,870 |
| City Memberships | 10010900.67500.0000 | 97,344 | 37,856 | 135,200 |
| Contract Svcs | 10010900.67800.0000 | 40,000 | 88,000 | 128,000 |
| Contract Svcs Rec | 10010900.67800.0535 | 30,960 | 12,040 | 43,000 |
| Tfr Prop/Liab | 10010900.79800.0460 | 439,287 | 150,000 | 589,287 |
| Tfr Workers Comp | 10010900.79800.0480 | 342,326 | 150,000 | 492,326 |
| Gen Svcs – Admin | | | | |
| Regular Salaries | 10012050.60200.0000 | 108,366 | (2,679) | 105,687 |
| Budget Hold | 10012050.76800.0000 | 0 | 115,827 | 115,827 |
| General Services | Human Resources | | | |
| Regular Salaries | 10012060.60200.0000 | 470,469 | 84,960 | 555,429 |
| Reg Salaries Wellness | 10012060.60200.0544 | 42,361 | 7,013 | 49,374 |
| Employ Recruit | 10012060.61600.0000 | 26,036 | 4,239 | 30,275 |
| Employ Med Exp | 10012060.64000.0000 | 24,123 | 3,927 | 28,050 |
| Prof Svc | 10012060.65100.0000 | 39,491 | 6,429 | 45,920 |
| Prof Svc Wellness | 10012060.65100.0544 | 40,850 | 6,650 | 47,500 |
| General Services | City Clerk | | | |
| Regular Salaries | 10012070.60200.0000 | 194,509 | 78,524 | 273,033 |
| Ads & Leg Notices | 10012070.65200.0000 | 7,776 | 3,024 | 10,800 |
| Maint/Rep Equip | 10012070.66100.0000 | 10,440 | 4,060 | 14,500 |
| Supplies | 10012070.70200.0000 | 22,320 | 8,680 | 31,000 |
| General Services | Organizational Support | | | |
| Regular Salaries | 10012110.60200.0000 | 258,679 | 92,060 | 350,739 |
| Reg Sal – Envir | 10012110.60200.0552 | 41,731 | 64,039 | 105,770 |
| Overtime – Envir | 10012110.60400.0552 | 1,040 | 1,560 | 2,600 |
| Career Dev Envir | 10012110.61800.0552 | 648 | 972 | 1,620 |
| Educ Reimb Prog | 10012110.63800.0000 | 21,500 | 3,500 | 25,000 |
| Prof Svcs Envir | 10012110.65100.0552 | 14,600 | 21,900 | 36,500 |
| Prof Svcs Train | 10012110.65100.0612 | 52,202 | 8,498 | 60,700 |
| General Services | Court | | | |
| Regular Salaries | 10012130.60200.0000 | 773,085 | (24,133) | 748,952 |
| Reg Salaries – Prob | 10012130.60200.0130 | 131,659 | (2,732) | 128,927 |
| General Services | BO & M | | | |
| Regular Salaries | 10012390.60200.0000 | 356,905 | 40,725 | 397,630 |
| Salaries Overtime | 10012390.60400.0000 | 7,900 | 2,100 | 10,000 |
| Unif & Equip Allow | 10012390.61000.0000 | 2,844 | 756 | 3,600 |
| Maint/Rep Equip | 10012390.66100.0000 | 21,409 | 5,691 | 27,100 |
| Maint/Rep Infra | 10012390.66200.0000 | 81,262 | 21,602 | 102,864 |
| Supplies | 10012390.70200.0000 | 5,530 | 1,470 | 7,000 |
| Build & Grd Mtls | 10012390.71800.0000 | 33,970 | 9,030 | 43,000 |
| Parts | 10012390.73600.0000 | 33,970 | 9,030 | 43,000 |
| Finance | Administration | | | |
| Regular Salaries | 10015050.60200.0000 | 118,568 | 43,353 | 161,921 |
| Supplies | 10015050.70200.0000 | 13,788 | 5,362 | 19,150 |
| Budget Hold | 10015050.76800.0000 | 0 | 53,952 | 53,952 |
| Finance | Accounting | | | |
| Regular Salaries | 10015220.60200.0000 | 359,045 | 101,437 | 460,482 |
| Prof Svcs | 10015220.65100.0000 | 39,690 | 15,435 | 55,125 |
| Printing | 10015220.66600.0000 | 4,896 | 1,904 | 6,800 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------------|-----------------------------|---------------------|------------------|---------------------|
| Finance – | Utility Billing | | | |
| Regular Salaries | 10015240.60200.0000 | 144,336 | 56,587 | 200,923 |
| Finance | Sales Tax | | | |
| Regular Salaries | 10015250.60200.0000 | 376,051 | (3,526) | 372,525 |
| Police Department | Administration | | | |
| Regular Salaries | 10020050.60200.0000 | 190,664 | 18 | 190,682 |
| Elec & Gas | 10020050.67200.0000 | 84,000 | 36,000 | 120,000 |
| Budget Hold | 10020050.76800.0000 | 0 | 180,901 | 180,901 |
| Police Department | Community Svcs | | | |
| Regular Salaries | 10020270.60200.0000 | 645,341 | 2,071 | 647,412 |
| Prof Svcs | 10020270.65100.0000 | 23,000 | (5,000) | 18,000 |
| Supplies | 10020270.70200.0000 | 15,000 | (5,000) | 10,000 |
| Police Department | Neighborhood | | | |
| Regular Salaries | 10020271.60200.0000 | 567,605 | (43,595) | 524,010 |
| Police Department– | Tech Svcs | | | |
| Regular Salaries | 10020272.60200.0000 | 1,637,522 | (149,983) | 1,487,539 |
| Office Equip | 10020272.75200.0000 | 20,000 | (20,000) | 0 |
| Police Department | Investigative Svcs | | | |
| Regular Salaries | 10020300.60200.0000 | 2,223,699 | 108,551 | 2,332,250 |
| Police Department | Patrol | | | |
| Regular Salaries | 10020500.60200.0000 | 7,350,158 | (441,750) | 6,908,408 |
| Reg Salaries Prom | 10020500.60200.0106 | 146,897 | 48,241 | 195,138 |
| Fleet Rental | 10020500.65800.0000 | 291,849 | (16,800) | 275,049 |
| Maint/Rep Equip | 10020500.66100.0000 | 7,200 | 16,800 | 24,000 |
| Fire Department | | | | |
| Regular Salaries | 10025260.60200.0000 | 4,676,045 | 6,767 | 4,682,812 |
| Reg Salaries EMS | 10025260.60200.0546 | 1,459,868 | 26,592 | 1,486,460 |
| Reg Salaries Fire Prev | 10025260.60200.0547 | 347,911 | 31,917 | 379,828 |
| Lab Sup EMS | 10025260.70800.0546 | 22,966 | 49,000 | 71,966 |
| Community Dev | Administration | | | |
| Regular Salaries | 10030050.60200.0000 | 246,418 | 94,741 | 341,159 |
| Contract Svcs | 10030050.67800.0000 | 27,108 | 2,893 | 30,001 |
| Budget Hold | 10030050.76800.0000 | 0 | 110,720 | 110,720 |
| Community Dev | Economic Development | | | |
| Regular Salaries | 10030340.60200.0000 | 140,956 | 67,732 | 208,688 |
| Spec Promo | 10030340.67600.0000 | 26,900 | (7,300) | 19,600 |
| Contract Svcs | 10030340.67800.0000 | 41,039 | 15,960 | 56,999 |
| Community Dev | Planning | | | |
| Regular Salaries | 10030360.60200.0000 | 625,736 | 200,743 | 826,479 |
| Prof Svcs | 10030360.65100.0000 | 14,479 | 3,397 | 17,876 |
| Community Dev | Building | | | |
| Regular Salaries | 10030370.60200.0000 | 870,782 | (2,474) | 868,308 |
| Prof Svcs | 10030370.65100.0000 | 47,000 | 3,000 | 50,000 |
| Community Dev | Engineering | | | |
| Regular Salaries | 10030380.60200.0000 | 817,434 | 152,890 | 970,324 |
| Career Dev | 10030380.61800.0000 | 7,189 | 1,911 | 9,100 |
| Maint/Rep Infra | 10030380.66200.0000 | 216,000 | (10,000) | 206,000 |
| PW&U – | Infrastructure | | | |
| Regular Salaries | 10035430.60200.0000 | 185,580 | 22,929 | 208,509 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------------------|---------------------|--------------|-----------|--------------|
| PW&U – | Streets | | | |
| Regular Salaries | 10035450.60200.0000 | 968,050 | 87,910 | 1,055,960 |
| Salaries – Temp | 10035450.60600.0000 | 38,021 | 4,489 | 42,510 |
| Street Lights | 10035450.67400.0000 | 1,203,408 | 60,000 | 1,263,408 |
| Budget Hold | 10035450.76800.0000 | 0 | 35,968 | 35,968 |
| PR&L – Admin | | | | |
| Regular Salaries | 10050050.60200.0000 | 469,376 | 1,114 | 470,490 |
| Budget Hold | 10050050.76800.0000 | 0 | 367,359 | 367,359 |
| PR&L – Park Svcs | | | | |
| Regular Salaries | 10050550.60200.0000 | 859,851 | (254,181) | 605,670 |
| Reg Salaries – Prom | 10050550.60200.0106 | 186,052 | 2,331 | 188,383 |
| Salaries Temp | 10050550.60600.0000 | 283,418 | 24,645 | 308,063 |
| Elec & Gas | 10050550.67200.0000 | 45,000 | 25,000 | 70,000 |
| PR&L – Library | | | | |
| Regular Salaries | 10050620.60200.0000 | 1,634,345 | (32,621) | 1,601,724 |
| Contract Svcs | 10050620.67800.0000 | 133,870 | 15,000 | 148,870 |
| PR&L – Standley Lake | | | | |
| Regular Salaries | 10050660.60200.0000 | 132,420 | 7,500 | 139,920 |
| Build & Grd Mtls | 10050660.71800.0000 | 16,700 | (4,100) | 12,600 |
| PR&L – Design | | | | |
| Regular Salaries | 10050690.60200.0000 | 356,078 | (35,731) | 320,347 |
| PR&L – Rec Fac | | | | |
| Regular Salaries | 10050720.60200.0000 | 191,583 | (9,238) | 182,345 |
| Reg Salaries Fitness | 10050720.60200.0505 | 46,139 | 21,861 | 68,000 |
| Reg Salaries CP | 10050720.60200.0860 | 922,247 | (69,405) | 852,842 |
| Reg Salaries CP Fit | 10050720.60200.0861 | 312,814 | (43,733) | 269,081 |
| Reg Salaries Swim & Fit | 10050720.60200.0963 | 482,623 | (79,055) | 403,568 |
| Reg Salaries West View | 10050720.60200.0967 | 323,551 | (26,348) | 297,203 |
| Elec & Gas CP | 10050720.67200.0860 | 172,000 | 3,000 | 175,000 |
| Elec & Gas CP Fit | 10050720.67200.0861 | 65,600 | 3,000 | 68,600 |
| Elec & Gas Swim & Fit | 10050720.67200.0963 | 116,500 | 3,000 | 119,500 |
| Elec & Gas Cntrysd | 10050720.67200.0965 | 10,000 | 3,000 | 13,000 |
| Elec & Gas West View | 10050720.67200.0967 | 79,000 | 3,000 | 82,000 |
| PR&L – Rec Programs | | | | |
| Regular Salaries | 10050760.60200.0000 | 372,184 | 2,827 | 375,011 |
| Reg Salaries Senior | 10050760.60200.0017 | 187,490 | 269 | 187,759 |
| Reg Salaries Arts | 10050760.60200.0532 | 26,360 | 1,352 | 27,712 |
| Bank Charges | 10050760.66800.0000 | 5,970 | 2,500 | 8,470 |
| Wtr & Sewer Seniors | 10050760.67100.0017 | 3,800 | 2,500 | 6,300 |
| Rec Supplies Preschool | 10050760.71200.0508 | 51,100 | (4,300) | 46,800 |

Total Change to Expenses

\$1,497,745

Section 3. The 2004 appropriation for the General Reserve Fund initially appropriated by Ordinance No. 2977 in the amount of \$7,400,100 is hereby increased by \$213,330 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$7,613,430.

The actual amount in the General Reserve 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 appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 4. The \$213,330 increase in the General Reserve Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------|-----------------|--------------|-----------|--------------|
| Carryover | 1100.40020.0000 | \$7,290,745 | \$136,992 | \$7,427,737 |
| Int Earnings | 1100.42510.0000 | 109,355 | 76,338 | 185,693 |

Total Change to Revenues \$213,330

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-------------|---------------------|--------------|-----------|--------------|
| Contingency | 11010900.79900.0000 | \$7,400,100 | \$213,330 | \$7,613,430 |

Total Change to Expenses \$213,330

Section 5. The 2004 appropriation for the Utility Reserve Fund initially appropriated by Ordinance No. 2977 in the amount of \$6,963,291 is hereby increased by \$2,193,290 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$9,156,581. The actual amount in the Utility Reserve 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 appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 6. The \$2,193,290 increase in the Utility Reserve Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------|-----------------|--------------|-------------|--------------|
| Carryover | 2050.40020.0000 | \$6,860,385 | \$2,121,645 | \$8,982,030 |
| Int Earnings | 2050.42510.0000 | 102,906 | 71,645 | 174,551 |

Total Change to Revenues \$2,193,290

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-------------|---------------------|--------------|-------------|--------------|
| Contingency | 20510900.79900.0000 | \$6,963,291 | \$2,193,290 | \$9,156,581 |

Total Change to Expenses \$2,193,290

Section 7. The 2004 appropriation for the Utility Fund initially appropriated by Ordinance No. 2977 in the amount of \$39,156,200 is hereby increased by \$554,075 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$39,710,275. The actual amount in the Utility 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 appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004 as well as the elimination of the Utility Fund split.

Section 8. The \$554,075 increase in the Utility Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-----------------|-----------------|--------------|-----------|--------------|
| Reimbursements | 2000.43080.0000 | \$25,000 | \$75,000 | \$100,000 |
| W/WW Sales Res | 2100.40730.0027 | 5,015,276 | 119,018 | 5,134,294 |
| W/WW Sales Comm | 2100.40730.0028 | 3,931,109 | 354,196 | 4,285,305 |
| General Misc | 2100.43060.0000 | 4,139 | 5,861 | 10,000 |

Total Change to Revenues \$554,075

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---|---------------------|--------------|------------|--------------|
| City Council | | | | |
| Salaries | 20001010.60800.0000 | \$14,725 | \$(14,725) | \$0 |
| Meeting Expense | 20001010.61400.0000 | 1,997 | (1,997) | 0 |
| Career Dev | 20001010.61800.0000 | 6,670 | (6,670) | 0 |
| Telephone | 20001010.66900.0000 | 1,197 | (1,197) | 0 |
| Spec Promo | 20001010.67600.0000 | 1,140 | (1,140) | 0 |
| Contract Svcs | 20001010.67800.0000 | 7,358 | (7,358) | 0 |
| Supplies | 20001010.70200.0000 | 1,000 | (1,000) | 0 |
| Food | 20001010.70400.0000 | 684 | (684) | 0 |
| City Attorney's Off | | | | |
| Regular Salaries | 20003120.60200.0000 | 98,937 | (98,937) | 0 |
| Career Dev | 20003120.61800.0000 | 1,958 | (1,958) | 0 |
| Outside Comp Chgs | 20003120.67000.0000 | 2,581 | (2,581) | 0 |
| Train & Ref Mtrls | 20003120.71400.0000 | 3,505 | (3,505) | 0 |
| City Manager's Off | | | | |
| Regular Salaries | 20005050.60200.0000 | 121,208 | (121,208) | 0 |
| Reg Salaries PIO | 20005050.60200.0387 | 34,489 | (34,489) | 0 |
| Career Dev | 20005050.61800.0000 | 2,318 | (2,318) | 0 |
| Career Dev PIO | 20005050.61800.0387 | 380 | (380) | 0 |
| Printing PIO | 20005050.66600.0387 | 6,384 | (6,384) | 0 |
| Postage PIO | 20005050.66700.0387 | 8,065 | (8,065) | 0 |
| Contract Svc PIO | 20005050.67800.0387 | 8,626 | (8,626) | 0 |
| Supplies | 20005050.70200.0000 | 1,594 | (1,594) | 0 |
| Central Charges | | | | |
| Regular Salaries | 20010900.60200.0000 | 185,954 | (185,954) | 0 |
| Retire City Contrib | 20010900.62600.0000 | 450,000 | 20,800 | 470,800 |
| Non Med Ins Life | 20010900.62800.0590 | 18,700 | (2,588) | 16,112 |
| Non Med Ins LTD | 20010900.62800.0591 | 51,600 | (90) | 51,510 |
| Non Med Ins Surv | 20010900.62800.0592 | 35,000 | (5,367) | 29,633 |
| Med Ins ER BCBS | 20010900.63000.0594 | 367,444 | 59,545 | 426,989 |
| Med Ins ER Delta | 20010900.63000.0595 | 43,700 | 578 | 44,278 |
| Med Ins ER Kaiser | 20010900.63000.0596 | 177,444 | 14,947 | 192,391 |
| Medicare | 20010900.63600.0000 | 56,300 | (1,300) | 55,000 |
| Prof Serv | 20010900.65100.0000 | 23,750 | (23,750) | 0 |
| City Memberships | 20010900.67500.0000 | 25,688 | (25,688) | 0 |
| Contract Svcs Rec | 20010900.67800.0535 | 8,170 | (8,170) | 0 |
| Tfr General Fund | 20010900.79800.0100 | 0 | 1,500,083 | 1,500,083 |
| Tfr Prop/Liab | 20010900.79800.0460 | 0 | 190,359 | 190,359 |
| Tfr Workers Comp | 20010900.79800.0480 | 0 | 58,684 | 58,684 |
| General Services – Administration | | | | |
| Regular Salaries | 20012050.60200.0000 | 28,597 | (28,597) | 0 |
| General Services – Human Resources | | | | |
| Regular Salaries | 20012060.60200.0000 | 32,823 | (32,823) | 0 |
| Reg Salaries Wellness | 20012060.60200.0544 | 2,955 | (2,955) | 0 |
| Employ Recruit | 20012060.61600.0000 | 1,817 | (1,817) | 0 |
| Employ Med Exp | 20012060.64000.0000 | 1,683 | (1,683) | 0 |
| Prof Svc | 20012060.65100.0000 | 2,755 | (2,755) | 0 |
| Prof Svc Wellness | 20012060.65100.0544 | 2,850 | (2,850) | 0 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------------|---------------------------------|---------------------|------------------|---------------------|
| General Services | City Clerk | | | |
| Regular Salaries | 20012070.60200.0000 | 51,329 | (51,329) | 0 |
| Ads & Leg Notices | 20012070.65200.0000 | 2,052 | (2,052) | 0 |
| Maint/Rep Equip | 20012070.66100.0000 | 2,755 | (2,755) | 0 |
| Supplies | 20012070.70200.0000 | 5,890 | (5,890) | 0 |
| General Services – | Org Support Services | | | |
| Regular Salaries | 20012110.60200.0000 | 68,262 | (68,262) | 0 |
| Reg Sal – Envir | 20012110.60200.0552 | 31,298 | (31,298) | 0 |
| Overtime – Envir | 20012110.60400.0552 | 780 | (780) | 0 |
| Career Dev Envir | 20012110.61800.0552 | 486 | (486) | 0 |
| Educ Reimb Prog | 20012110.63800.0000 | 1,500 | (1,500) | 0 |
| Prof Svcs Envir | 20012110.65100.0552 | 10,950 | (10,950) | 0 |
| Prof Svcs Train | 20012110.65100.0612 | 3,642 | (3,642) | 0 |
| General Services | – BO&M | | | |
| Regular Salaries | 20012390.60200.0000 | 67,767 | (67,767) | 0 |
| Salaries Overtime | 20012390.60400.0000 | 1,500 | (1,500) | 0 |
| Unif & Equip Allow | 20012390.61000.0000 | 540 | (540) | 0 |
| Maint/Rep Equip | 20012390.66100.0000 | 4,065 | (4,065) | 0 |
| Maint/Rep Infra | 20012390.66200.0000 | 15,430 | (15,430) | 0 |
| Supplies | 20012390.70200.0000 | 1,050 | (1,050) | 0 |
| Build & Grd Mtls | 20012390.71800.0000 | 6,450 | (6,450) | 0 |
| Parts | 20012390.73600.0000 | 6,450 | (6,450) | 0 |
| Finance – | Administration | | | |
| Regular Salaries | 20015050.60200.0000 | 31,289 | (31,289) | 0 |
| Supplies | 20015050.70200.0000 | 3,638 | (3,638) | 0 |
| Finance | Accounting | | | |
| Regular Salaries | 20015220.60200.0000 | 94,748 | (94,748) | 0 |
| Prof Svcs | 20015220.65100.0000 | 10,474 | (10,474) | 0 |
| Printing | 20015220.66600.0000 | 1,292 | (1,292) | 0 |
| Finance – | Utility Billing | | | |
| Regular Salaries | 20015240.60200.0000 | 261,797 | (35,646) | 226,151 |
| Fire Department | | | | |
| Reg Salaries Fire Prev | 20025260.60200.0547 | 22,285 | (22,285) | 0 |
| Community Dev | Administration | | | |
| Regular Salaries | 20030050.60200.0000 | 65,027 | (65,027) | 0 |
| Contract Svcs | 20030050.67800.0000 | 7,154 | (7,154) | 0 |
| Community Dev | Economic Development | | | |
| Regular Salaries | 20030340.60200.0000 | 37,197 | (37,197) | 0 |
| Contract Svcs | 20030340.67800.0000 | 10,830 | (10,830) | 0 |
| Community Dev | Planning | | | |
| Regular Salaries | 20030360.60200.0000 | 100,427 | (100,427) | 0 |
| Prof Svcs | 20030360.65100.0000 | 2,324 | (2,324) | 0 |
| Community Dev | Building | | | |
| Regular Salaries | 20030370.60200.0000 | 37,055 | (37,055) | 0 |
| Prof Svcs | 20030370.65100.0000 | 2,000 | (2,000) | 0 |
| Community Dev | Engineering | | | |
| Regular Salaries | 20030380.60200.0000 | 144,862 | (144,862) | 0 |
| Career Dev | 20030380.61800.0000 | 1,274 | (1,274) | 0 |
| PW&U – | Infrastructure | | | |
| Regular Salaries | 20035430.60200.0000 | 10,310 | (10,310) | 0 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-----------------------------------|------------------------|---------------------|------------------|---------------------|
| PW&U – Admin | | | | |
| Regular Salaries | 20035050.60200.0000 | 346,583 | 4,856 | 351,439 |
| PW&U – Streets | | | | |
| Regular Salaries | 20035450.60200.0000 | 60,178 | (60,178) | 0 |
| Salaries – Temp | 20035450.60600.0000 | 2,363 | (2,363) | 0 |
| PW&U – Field Ops | | | | |
| Regular Salaries | 20035470.60200.0000 | 1,005,603 | 46,090 | 1,051,693 |
| Reg Salaries – wtrline replace | 20035470.60200.0497 | 497,837 | (49,652) | 448,185 |
| PW&U – | Water Resources | | | |
| Regular Salaries | 20035480.60200.0000 | 542,122 | (33,133) | 508,989 |
| Reg Salaries – Wtr Quality | 20035480.60200.0943 | 68,098 | 1,072 | 69,170 |
| PW&U – | Water Plants | | | |
| Regular Salaries | 20035490.60200.0000 | 720,815 | (14,779) | 706,036 |
| Reg Salaries- Rec Svc | 20035490.60200.0023 | 40,765 | 1 | 40,766 |
| Reg Salaries – Wtr Qual | 20035490.60200.0943 | 224,485 | (1,469) | 223,016 |
| PR&L – Park Svcs | | | | |
| Regular Salaries | 20050550.60200.0000 | 28,039 | (28,039) | 0 |
| Salaries Temp | 20050550.60600.0000 | 9,242 | (9,242) | 0 |
| Information Tech | | | | |
| Regular Salaries | 20060230.60200.0000 | 1,582,734 | 28,171 | 1,610,905 |
| Prop/Liab | Central Charges | | | |
| Self Ins Claim | 20010900.68200.0460 | 190,359 | (190,359) | 0 |
| Worker’s Comp - | Central Charges | | | |
| Self Ins Claim | 21010900.68200.0480 | 58,684 | (58,684) | 0 |
| City Council | | | | |
| Salaries | 21001010.60800.0000 | 6,975 | (6,975) | 0 |
| Meeting Expense | 21001010.61400.0000 | 946 | (946) | 0 |
| Career Dev | 21001010.61800.0000 | 3,159 | (3,159) | 0 |
| Telephone | 21001010.66900.0000 | 567 | (567) | 0 |
| Spec Promo | 21001010.67600.0000 | 540 | (540) | 0 |
| Contract Svcs | 21001010.67800.0000 | 3,486 | (3,486) | 0 |
| Supplies | 21001010.70200.0000 | 474 | (474) | 0 |
| Food | 21001010.70400.0000 | 324 | (324) | 0 |
| City Attorney’s Off | | | | |
| Regular Salaries | 21003120.60200.0000 | 49,469 | (49,469) | 0 |
| Career Dev | 21003120.61800.0000 | 979 | (979) | 0 |
| Outside Comp Chgs | 21003120.67000.0000 | 1,223 | (1,223) | 0 |
| Train & Ref Mtrls | 21003120.71400.0000 | 1,753 | (1,753) | 0 |
| City Manager’s Off | | | | |
| Regular Salaries | 21005050.60200.0000 | 57,414 | (57,414) | 0 |
| Reg Salaries PIO | 21005050.60200.0387 | 16,336 | (16,336) | 0 |
| Career Dev | 21005050.61800.0000 | 1,098 | (1,098) | 0 |
| Career Dev PIO | 21005050.61800.0387 | 180 | (180) | 0 |
| Printing PIO | 21005050.66600.0387 | 3,024 | (3,024) | 0 |
| Postage PIO | 21005050.66700.0387 | 3,821 | (3,821) | 0 |
| Contract Svc PIO | 21005050.67800.0387 | 4,086 | (4,086) | 0 |
| Supplies | 21005050.70200.0000 | 755 | (755) | 0 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--|-----------------------|---------------------|------------------|---------------------|
| Central Charges | | | | |
| Regular Salaries | 21010900.60200.0000 | 51,185 | (51,185) | 0 |
| Retire City Contrib | 21010900.62600.0000 | 154,300 | (18,100) | 136,200 |
| Non Med Ins Life | 21010900.62800.0590 | 5,300 | (1,538) | 3,762 |
| Non Med Ins LTD | 21010900.62800.0591 | 15,000 | (615) | 14,385 |
| Non Med Ins Surv | 21010900.62800.0592 | 9,900 | (1,607) | 8,293 |
| Med Ins ER BCBS | 21010900.63000.0594 | 105,000 | 39,150 | 144,150 |
| Med Ins ER Delta | 21010900.63000.0595 | 15,900 | (1,166) | 14,734 |
| Med Ins ER Kaiser | 21010900.63000.0596 | 75,000 | (8,332) | 66,668 |
| Medicare | 21010900.63600.0000 | 13,600 | (1,600) | 12,000 |
| Prof Serv | 21010900.65100.0000 | 11,250 | (11,250) | 0 |
| City Memberships | 21010900.67500.0000 | 12,168 | (12,168) | 0 |
| Contract Svcs Rec | 21010900.67800.0535 | 3,870 | (3,870) | 0 |
| Tfr General Fund | 21010900.79800.0100 | 0 | 838,016 | 838,016 |
| Tfr Prop/Liab | 21010900.79800.0460 | 0 | 102,500 | 102,500 |
| Tfr Workers Comp | 21010900.79800.0480 | 0 | 88,027 | 88,027 |
| Gen Svcs - Admin | | | | |
| Regular Salaries | 21012050.60200.0000 | 13,546 | (13,546) | 0 |
| Gen Svcs – Human Resources | | | | |
| Regular Salaries | 21012060.60200.0000 | 43,765 | (43,765) | 0 |
| Reg Salaries Wellness | 21012060.60200.0544 | 3,940 | (3,940) | 0 |
| Employ Recruit | 21012060.61600.0000 | 2,422 | (2,422) | 0 |
| Employ Med Exp | 21012060.64000.0000 | 2,244 | (2,244) | 0 |
| Prof Svc | 21012060.65100.0000 | 3,674 | (3,674) | 0 |
| Prof Svc Wellness | 21012060.65100.0544 | 3,800 | (3,800) | 0 |
| Gen Svcs – City Clerk | | | | |
| Regular Salaries | 21012070.60200.0000 | 24,314 | (24,314) | 0 |
| Ads & Leg Notices | 21012070.65200.0000 | 972 | (972) | 0 |
| Maint/Rep Equip | 21012070.66100.0000 | 1,305 | (1,305) | 0 |
| Supplies | 21012070.70200.0000 | 2,790 | (2,790) | 0 |
| Gen Svcs – Org Support Services | | | | |
| Regular Salaries | 21012110.60200.0000 | 32,335 | (32,335) | 0 |
| Reg Sal – Envir | 21012110.60200.0552 | 31,298 | (31,298) | 0 |
| Overtime – Envir | 21012110.60400.0552 | 780 | (780) | 0 |
| Career Dev Envir | 21012110.61800.0552 | 486 | (486) | 0 |
| Educ Reimb Prog | 21012110.63800.0000 | 2,000 | (2,000) | 0 |
| Prof Svcs Envir | 21012110.65100.0552 | 10,950 | (10,950) | 0 |
| Prof Svcs Train | 21012110.65100.0612 | 4,856 | (4,856) | 0 |
| Gen Svcs – BO&M | | | | |
| Regular Salaries | 21012390.60200.0000 | 27,107 | (27,107) | 0 |
| Salaries Overtime | 21012390.60400.0000 | 600 | (600) | 0 |
| Unif & Equip Allow | 21012390.61000.0000 | 216 | (216) | 0 |
| Maint/Rep Equip | 21012390.66100.0000 | 1,626 | (1,626) | 0 |
| Maint/Rep Infra | 21012390.66200.0000 | 6,172 | (6,172) | 0 |
| Supplies | 21012390.70200.0000 | 420 | (420) | 0 |
| Build & Grd Mtls | 21012390.71800.0000 | 2,580 | (2,580) | 0 |
| Parts | 21012390.73600.0000 | 2,580 | (2,580) | 0 |
| Finance – Admin | | | | |
| Regular Salaries | 21015050.60200.0000 | 14,821 | (14,821) | 0 |
| Supplies | 21015050.70200.0000 | 1,724 | (1,724) | 0 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--|----------------------------|---------------------|------------------|---------------------|
| Finance – Acctg | | | | |
| Regular Salaries | 21015220.60200.0000 | 44,880 | (44,880) | 0 |
| Prof Svcs | 21015220.65100.0000 | 4,961 | (4,961) | 0 |
| Printing | 21015220.66600.0000 | 612 | (612) | 0 |
| Finance – Utility Billing | | | | |
| Regular Salaries | 21015240.60200.0000 | 18,042 | (18,042) | 0 |
| Fire Department | | | | |
| Reg Salaries Fire Prev | 21025260.60200.0547 | 14,856 | (14,856) | 0 |
| Comm Dev – Admin | | | | |
| Regular Salaries | 21030050.60200.0000 | 30,802 | (30,802) | 0 |
| Contract Svcs | 21030050.67800.0000 | 3,389 | (3,389) | 0 |
| Comm Dev – Eco Devo | | | | |
| Regular Salaries | 21030340.60200.0000 | 17,619 | (17,619) | 0 |
| Contract Svcs | 21030340.67800.0000 | 5,130 | (5,130) | 0 |
| Comm Dev – Planning | | | | |
| Regular Salaries | 21030360.60200.0000 | 46,351 | (46,351) | 0 |
| Prof Svcs | 21030360.65100.0000 | 1,073 | (1,073) | 0 |
| Comm Dev – Building | | | | |
| Regular Salaries | 21030370.60200.0000 | 18,527 | (18,527) | 0 |
| Prof Svcs | 21030370.65100.0000 | 1,000 | (1,000) | 0 |
| Comm Dev – Engineering | | | | |
| Regular Salaries | 21030380.60200.0000 | 72,431 | (72,431) | 0 |
| Career Dev | 21030380.61800.0000 | 637 | (637) | 0 |
| PW&U – Infrastructure | | | | |
| Regular Salaries | 21035430.60200.0000 | 10,310 | (10,310) | 0 |
| PW&U – Streets | | | | |
| Regular Salaries | 21035450.60200.0000 | 54,118 | (54,118) | 0 |
| Salaries – Temp | 21035450.60600.0000 | 2,126 | (2,126) | 0 |
| PW&U – Field Ops | | | | |
| Regular Salaries | 21035470.60200.0000 | 613,631 | (9,597) | 604,034 |
| PW&U – Wastewater Plants | | | | |
| Regular Salaries | 21035490.60200.0000 | 578,177 | 9,877 | 588,054 |
| Reg Salaries – Wtr Qual | 21035490.60200.0943 | 112,966 | 2,789 | 115,755 |
| PR&L – Park Svcs | | | | |
| Regular Salaries | 21050550.60200.0000 | 46,731 | (46,731) | 0 |
| Salaries Temp | 21050550.60600.0000 | 15,403 | (15,403) | 0 |
| Prop/Liab Central Charges | | | | |
| Self Ins Claim | 21010900.68200.0460 | 102,500 | (102,500) | 0 |
| Worker’s Comp - Central Charges | | | | |
| Self Ins Claim | 21010900.68200.0480 | 88,027 | (88,027) | 0 |
| Capital Projects | | | | |
| BDCWTP Expansion | 80121035044.80400.888 8 | 0 | 668,144 | 668,144 |

Total Change to Expenses

\$554,075

Section 9. The 2004 appropriation for the Golf Course Fund initially appropriated by Ordinance No. 2977 in the amount of \$3,934,702 is hereby amended by a net amount of \$0 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$3,934,702. The actual amount in the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions.

The amendments reflect changes between the business units of Legacy Ridge and Heritage Golf Courses and have a net change in the Golf Course Fund of \$0.

Section 10. The amendments in the Golf Course Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

| | | | |
|--------------------------|----------------|-----------|--------------|
| Description | Current Budget | Amendment | Final Budget |
| REVENUES | | | |
| Total Change to Revenues | | \$0 | |

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------------|------------------------|--------------|-----------|--------------|
| Legacy Ridge- | Central Charges | | | |
| Regular Salaries | 22010900.60200.0000 | \$9,280 | \$(9,280) | \$0 |
| Retire City Contrib | 22010900.62600.0000 | 10,000 | (1,148) | 8,852 |
| Non Med Ins ER Life | 22010900.62800.0590 | 1,800 | (473) | \$1,327 |
| Non Med Ins ER LTF | 22010900.62800.0591 | 4,600 | (14) | 4,586 |
| Non Med Ins ER SIB | 22010900.62800.0592 | 3,200 | (520) | 2,680 |
| Med Ins ER BCBS | 22010900.63000.0594 | 48,400 | 1,010 | 49,410 |
| Med Ins ER Dental | 22010900.63000.0595 | 5,400 | (326) | 5,074 |
| Med Ins ER Kaiser | 22010900.63000.0596 | 1,300 | 5,947 | 7,247 |
| Medicare | 22010900.63600.0000 | 8,800 | 2,300 | 11,100 |
| Legacy Ridge – | Rec Facilities | | | |
| Regular Salaries | 22050720.60200.0000 | 319,853 | 4,046 | 323,899 |
| Reg Salaries – Club Operations | 22050720.60200.0249 | 144,175 | (2,099) | 142,076 |
| Irrigation Mtls | 22050720.72200.0000 | 11,000 | (1,850) | 9,150 |
| Heritage- | Central Charges | | | |
| Regular Salaries | 23010900.60200.0000 | 6,061 | (6,061) | 0 |
| Retire City Contrib | 23010900.62600.0000 | 10,000 | (1,148) | 8,852 |
| Non Med Ins ER Life | 23010900.62800.0590 | 1,500 | (175) | 1,325 |
| Non Med Ins ER LTF | 23010900.62800.0591 | 4,400 | 148 | 4,548 |
| Non Med Ins ER SIB | 23010900.62800.0592 | 2,900 | (273) | 2,627 |
| Med Ins ER BCBS | 23010900.63000.0594 | 33,700 | (3,643) | 30,057 |
| Med Ins ER Dental | 23010900.63000.0595 | 6,000 | (483) | 5,517 |
| Med Ins ER Kaiser | 23010900.63000.0596 | 23,400 | 11,439 | 34,839 |
| Medicare | 23010900.63600.0000 | 7,700 | 2,700 | 10,400 |
| Heritage – | Rec Facilities | | | |
| Regular Salaries | 23050720.60200.0000 | 309,693 | 1,801 | 311,494 |
| Reg Salaries – Club Operations | 23050720.60200.0249 | 143,372 | 787 | 144,159 |
| Irrigation Mtls | 23050720.72200.0000 | 13,000 | (1,897) | 11,103 |
| Merch for Resale | 23050720.73400.0249 | 140,000 | (788) | 139,212 |

Total Change to Expenses \$0

Section 11. The 2004 appropriation for the Fleet Fund initially appropriated by Ordinance No. 2977 in the amount of \$1,161,081 is hereby increased by \$302,504 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$1,463,585.

The actual amount in the Fleet 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 appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 12. The \$302,504 increase in the Fleet Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------|-----------------|------------------|-----------|--------------|
| Internal Billings | 3000.43140.0000 | \$1,161,081 | \$302,504 | \$1,463,585 |
| Total Change to Revenues | | <u>\$302,504</u> | | |

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------|---------------------|------------------|-----------|--------------|
| Regular Salaries | 30010900.60200.0000 | \$480,172 | \$116,840 | \$597,012 |
| Parts | 30012460.73600.0000 | 143,246 | 40,000 | 183,246 |
| Tires | 30012460.73800.0000 | 55,394 | 17,606 | 73,000 |
| Fuel & Lubricants | 30012460.74000.0000 | 257,299 | 80,024 | 337,323 |
| Budget Hold | 30012460.76800.0000 | 0 | 48,034 | 48,034 |
| Subtotal Fleet | | | \$302,504 | |
| Total Change to Expenses | | <u>\$302,504</u> | | |

Section 13. The 2004 appropriation for the Sales Tax Fund initially appropriated by Ordinance No. 2977 in the amount of \$53,035,009 is hereby decreased by \$4,600,866 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$48,434,143. The actual amount in the Sales Tax 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 un-appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 14. The \$4,600,866 decrease in the Sales Tax Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------|-----------------|----------------------|---------------|--------------|
| Sales Tax Returns | 5300.40070.0000 | \$42,755,009 | \$(4,250,866) | \$38,504,143 |
| Sales Tax Audit | 5300.40075.0000 | 500,000 | 50,000 | 550,000 |
| Use Tax Returns | 5300.40095.0000 | 2,100,000 | (100,000) | 2,000,000 |
| Use Tax Building | 5300.40100.0000 | 2,000,000 | 100,000 | 2,100,000 |
| Use Tax Auto | 5300.40105.0000 | 5,600,000 | (400,000) | 5,200,000 |
| Total Change to Revenues | | <u>\$(4,600,866)</u> | | |

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------|---------------------|----------------------|---------------|--------------|
| Transfers | 53010900.79800.0100 | \$47,235,009 | \$(4,075,866) | \$43,159,143 |
| Transfers | 53010900.79800.0750 | 1,500,000 | (525,000) | 975,000 |
| Total Change to Expenses | | <u>\$(4,600,866)</u> | | |

Section 15. The 2004 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,663,797 is hereby decreased by \$357,969 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$4,305,828. The actual amount in the Open Space 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 un-appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 16. The \$357,969 decrease in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-------------------|-----------------|--------------|-------------|--------------|
| Sales Tax Returns | 5400.40070.0000 | \$3,845,672 | \$(371,844) | \$3,473,828 |
| Use Tax Returns | 5400.40095.0000 | 181,125 | (11,125) | 170,000 |
| Use Tax Building | 5400.40100.0000 | 150,000 | 25,000 | 175,000 |

Total Change to Revenues \$(357,969)

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------|---------------------|--------------|------------|--------------|
| Regular Salaries | 54010900.60200.0000 | \$89,953 | \$(24,042) | \$65,911 |
| Reg Salaries Vol Cord | 54010900.60200.0531 | 49,355 | (1) | 49,354 |
| Land Purchases | 54010900.76600.0000 | 816,209 | (175,725) | 640,484 |
| Budget Hold | 54010900.76800.0000 | 0 | 20,783 | 20,783 |
| Transfers | 54010900.79800.0750 | 1,181,276 | (178,984) | 1,002,292 |

Total Change to Expenses \$(357,969)

Section 17. The 2004 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby decreased by \$653,984 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$8,382,016. 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 unappropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004

Section 18. The \$653,984 decrease in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|----------------------------|-----------------|--------------|-----------|--------------|
| Trans S/T Adco | 7500.40470.0010 | \$1,745,000 | \$105,000 | \$1,850,000 |
| Int Earnings | 7500.42510.0000 | 966,000 | (105,000) | 861,000 |
| Trf Sales & Use | 7500.45000.0530 | 1,500,000 | (525,000) | 975,000 |
| OS Attrib Shares Jeffco | 7501.40450.0020 | 1,000,000 | 50,000 | 1,050,000 |
| Trf Open Space | 7501.45000.0540 | 1,181,276 | (178,984) | 1,002,292 |

Total Change to Revenues \$(653,984)

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------------------------|----------------------------|--------------|-------------|--------------|
| 99 th Ave Wads/Railroad | 80275030503.80400.888 8 | \$275,000 | \$(275,000) | \$0 |
| Microsoft License | 80475060605.80400.888 8 | 250,000 | (250,000) | \$0 |
| City Park Fitness Expansion | 80475050608.80400.888 8 | \$200,000 | (128,984) | 71,016 |

Total Change to Expenses \$(653,984)

Section 19. Although formal adoption of a budget for the Property & Liability Self Insurance Fund is not required, changes in the Fund are being shown here for clarification purposes. These changes are due to a budget amendment for revised revenue projections and expenditure estimates for 2004 as well as the elimination of the Utility Fund split.

Section 20. The \$442,859 increase in the Property & Liability Self Insurance Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------|-----------------|--------------|-----------|--------------|
| Trf Gen Fund | 4600.45000.0100 | \$439,287 | \$150,000 | \$589,287 |
| Trf Water Fund | 4600.45000.0200 | 0 | 190,359 | 190,359 |
| Trf Wastewater Fund | 4600.45000.0210 | 0 | 102,500 | 102,500 |

Total Change to Revenues \$442,859

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------|---------------------|--------------|-----------|--------------|
| Regular Salaries | 46010900.60200.0000 | \$91,148 | \$(2,414) | \$88,734 |
| Self Ins Claim Pay | 46010900.68200.0000 | 10,141 | 445,273 | 455,414 |

Total Change to Expenses \$442,859

Section 21. Although formal adoption of a budget for the Worker’s Compensation Self Insurance Fund is not required, changes in the Fund are being shown here for clarification purposes. These changes are due to a budget amendment for revised revenue projections and expenditure estimates for 2004 as well as the elimination of the Utility Fund split.

Section 22. The \$296,711 increase in the Worker’s Compensation Self Insurance Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------|-----------------|--------------|-----------|--------------|
| Trf Gen Fund | 4800.45000.0100 | \$342,326 | \$150,000 | \$492,326 |
| Trf Water Fund | 4800.45000.0200 | 0 | 58,684 | 58,684 |
| Trf Wastewater Fund | 4800.45000.0210 | 0 | 88,027 | 88,027 |

Total Change to Revenues \$296,711

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------|---------------------|--------------|-----------|--------------|
| Self Ins Claim Pay | 48010900.68200.0000 | \$192,289 | \$296,711 | \$489,000 |

Total Change to Expenses \$296,711

Section 23. – 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 24. This ordinance shall take effect upon its passage after the second reading.

Section 25. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 13th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

ATTEST:

Mayor

City Clerk

Westminster Human Services Board Recommended 2004 Funding

| AGENCY | 2004 REQUESTED | 2004 RECOMMENDED |
|---|-------------------|---------------------|
| ✓ <i>Access Housing - Proposed CDBG</i> | \$10,000 | \$7,500 |
| ✓ <i>ADCO Housing Authority - Proposed CDBG</i> | \$25,000 | \$8,000 |
| ✓ <i>Community Reach (ADCO Mental Health) - Proposed CDBG</i> | \$28,000 | \$24,000 |
| ADCO Inter-Church ARMS | \$4,000 | \$2,000 |
| ADCO Interfaith Hospitality Network (IHN) | \$8,000 | \$2,500 |
| ✓ <i>Alternatives to Family Violence - Proposed CDBG</i> | \$25,000 | \$15,000 |
| Arapahoe House (previously HSI Adolescent Shelter) | \$6,180 | \$1,500 |
| Arvada Child Advocacy Center | \$4,000 | \$4,000 |
| Catholic Charities of Denver (North Area CARES) | \$5,000 | \$3,500 |
| Children's Outreach | \$2,000 | \$2,000 |
| Clinica Campesina Family Health Services, Inc. | \$6,000 | \$6,000 |
| ✓ <i>Colorado Homeless Families - Proposed CDBG</i> | \$12,000 | \$11,000 |
| Community Awareness Action Team (CAAT) | \$5,000 | \$1,000 |
| Exempla Healthcare (Lutheran Hospice) | \$10,000 | \$3,000 |
| ✓ <i>Family Tree, Inc. - Proposed CDBG</i> | \$16,723 | \$13,000 |
| FISH | \$5,000 | \$4,350 |
| Food Bank of the Rockies | \$5,000 | \$3,000 |
| Have a Heart Project, Inc. | \$5,000 | \$4,000 |
| Hospice of Metro Denver | \$11,000 | \$6,000 |
| ✓ <i>Jefferson Center for Mental Health</i> | \$20,000 | \$10,000 |
| North Metro Community Svcs/DD | \$1,000 | \$1,500 |
| Project Safeguard | \$2,000 | \$1,000 |
| RAAP | \$4,000 | \$2,000 |
| Santa Claus Workshop | \$3,300 | \$3,300 |
| ✓ <i>Senior Hub (1)</i> | \$11,875 | \$11,850 |
| Senior Resource Center | \$10,000 | \$1,000 |
| The New Club | \$1,500 | \$1,500 |
| Westminster Sunrise Lions Club | \$2,000 | \$0 |
| SANE | \$1,500 | \$1,500 |
| Kempe Children's Foundation | \$4,000 | \$1,500 |
| FACES | \$15,000 | \$1,500 |
| Colorado Housing Enterprises | \$1,500 | \$1,000 |
| Center for People with Disabilities | \$15,000 | \$1,000 |
| TOTAL | \$285,578 | \$160,000 |

New agencies' requests are noted in **BOLD** (new agencies for 2004 funding)

(1) In 2002, Senior Hub requested submitting one application for their three programs (Meals on Wheels, RSVP, and Respite & In-Home Supportive Services) that the City has traditionally funded. The HSB concurred and therefor the request shown for 2004 reflects one application for the three programs.

✓ = Agency is proposed to be supported with CDBG funding in 2004.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Second Reading of Councillor's Bill No. 55 re Mandatory Protection Orders

Prepared By: Ron Clark, Lead Prosecutor
Marty McCullough, City Attorney

Recommended City Council Action

Pass Councillor's Bill No. 55 on second reading amending the Westminster Municipal Code concerning mandatory protection orders.

Summary Statement

- Westminster Municipal Code section 6-1-7 authorizes our Municipal Court Judges to issue mandatory restraining orders pursuant to state law (C.R.S. section 18-1-1001, et seq.) New legislation effective July 1, 2003, changed the designation of what were previously referred to as "mandatory restraining orders" to "mandatory protection orders."
- The proposed amendments, paragraphs (A) through (F) of W.M.C. section 6-1-7, merely reflect the new name for these orders created by the recent state legislation. Section (G) defines the elements of violation of the mandatory protection orders for purposes of allowing the Courts to enforce the orders once issued. This provision appears in the state law, but is being carried over into our City Code at the suggestion of our Judges. Doing so eliminates any argument that our City Code fails to provide the requisite authority to prosecute violations of these orders in our Municipal Court.
- This Councillor's Bill was passed on first reading on October 13, 2003.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **55**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING
RESTRAINING AND MANDATORY PROTECTION ORDERS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 6-1-7, W.M.C., is hereby AMENDED to read as follows:

6-1-7: ~~RESTRAINING~~ MANDATORY PROTECTION ORDER AGAINST DEFENDANT:

(A) PURSUANT TO SECTION 18-1-1001 C.R.S, THE MUNICIPAL COURT SHALL ISSUE A ~~There is hereby created a~~ mandatory ~~restraining~~ PROTECTION order against any person charged with a violation of any of the provisions of this title, which order shall remain in effect from the time that the person is advised of his rights at arraignment or the person's first appearance before the Court and informed of such order until final disposition of the action or until further order of the Court. Such order shall restrain the person charged from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts charged.

(B) At the time of arraignment or the person's first appearance before the Court, the Court shall inform the defendant of the ~~restraining~~ MANDATORY PROTECTION order effective pursuant to this Section and shall inform the defendant that a violation of such order is punishable by contempt or by fine or imprisonment as provided by this Section.

(C) The Court is authorized to order any further appropriate restraint on the conduct of the defendant or to continue, dismiss or modify any existing ~~restraining~~ MANDATORY PROTECTION order.

(D) IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE A MANDATORY PROTECTION ORDER. Violation of a ~~restraining~~ MANDATORY PROTECTION order is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.

(E) A PERSON COMMITS THE CRIME OF VIOLATION OF A MANDATORY PROTECTION ORDER IF SUCH PERSON CONTACTS, HARASSES, INJURES, INTIMIDATES, MOLESTS, THREATENS, OR TOUCHES ANY PROTECTED PERSON OR ENTERS OR REMAINS ON PREMISES OR COMES WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES OR VIOLATES ANY OTHER PROVISION OF A MANDATORY PROTECTION ORDER TO PROTECT THE PROTECTED PERSON FROM IMMINENT DANGER TO LIFE OR HEALTH, AND SUCH CONDUCT IS PROHIBITED BY A MANDATORY PROTECTION ORDER, AFTER SUCH PERSON HAS BEEN PERSONALLY SERVED WITH ANY SUCH ORDER OR OTHERWISE HAS ACQUIRED FROM THE COURT ACTUAL KNOWLEDGE OF THE CONTENTS OF ANY SUCH ORDER.

~~(E)~~(F) Any sentence imposed pursuant to subsection (D) of this Section shall run consecutively and not concurrently with any sentence imposed for any crime which gave rise to the issuing of the ~~restraining~~ MANDATORY PROTECTION order.

(G) AS USED IN THIS SECTION:

1. "PROTECTED PERSON" MEANS THE PERSON OR PERSONS IDENTIFIED IN THE MANDATORY PROTECTION ORDER AS THE PERSON OR PERSONS FOR WHOSE BENEFIT THE MANDATORY PROTECTION ORDER WAS ISSUED.

2. "REGISTRY" MEANS THE COMPUTERIZED INFORMATION SYSTEM CREATED IN C.R.S. SECTION 18-6-803.7 OR THE NATIONAL CRIME INFORMATION CENTER CREATED PURSUANT TO 28 U.S.C. SEC. 534.

3. "RESTRAINED PERSON" MEANS THE PERSON IDENTIFIED IN THE ORDER AS THE PERSON PROHIBITED FROM DOING THE SPECIFIED ACT OR ACTS.

4. "PROTECTION ORDER" MEANS ANY ORDER THAT PROHIBITED THE RESTRAINED PERSON FROM CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, OR TOUCHING ANY PROTECTED PERSON, OR FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES OR ANY OTHER PROVISION TO PROTECT THE PROTECTED PERSON FROM IMMINENT DANGER TO LIFE OR HEALTH, THAT IS ISSUED BY A COURT OF THIS STATE OR A MUNICIPAL COURT, AND THAT IS ISSUED PURSUANT TO ARTICLE 14 OF TITLE 13, C.R.S., SECTIONS 14-4-101 TO 14-4-105, C.R.S., SECTION 14-10-107, C.R.S., SECTION 14-10-108, C.R.S., SECTION 18-1-1001, SECTION 19-2-707, C.R.S. SECTION 19-3-316, C.R.S. SECTION 19-4-111, OR RULE 365 OF THE COLORADO RULES OF THE COUNTY COURT CIVIL PROCEDURE, AN ORDER ISSUED AS PART OF THE PROCEEDINGS CONCERNING A CRIMINAL MUNICIPAL ORDINANCE VIOLATION, OR ANY OTHER ORDER OF A COURT THAT PROHIBITED A PERSON FROM CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, OR TOUCHING ANY PERSON, OR FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES. FOR PURPOSES OF THIS SECTION ONLY, "MANDATORY PROTECTION ORDER" INCLUDES ANY ORDER THAT AMENDS, MODIFIES, SUPPLEMENTS, OR SUPERSEDES THE INITIAL MANDATORY PROTECTION ORDER. "MANDATORY PROTECTION ORDER" ALSO INCLUDES ANY RESTRAINING ORDER ENTERED PRIOR TO JULY 1, 2003, AND ANY FOREIGN PROTECTION ORDER AS DEFINED IN C.R.S. SECTION 18-6-803.8.

5. WHENEVER A PROTECTION ORDER IS ISSUED, THE PROTECTED PERSON SHALL BE PROVIDED WITH A COPY OF SUCH ORDER. A PEACE OFFICER SHALL USE EVERY REASONABLE MEANS TO ENFORCE A PROTECTION ORDER.

~~(F)~~(H) Nothing in this Section shall be construed to alter or diminish the inherent authority of the Court to enforce its orders through civil or criminal contempt proceedings.

~~(G)~~(I) No person charged with violation of a ~~restraining~~ MANDATORY PROTECTION order pursuant to this section shall be permitted, in the criminal action resulting from such charge, to collaterally attack the validity of the order which such person is accused of violating.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Second Reading of Councillor’s Bill No. 56 re Community Development Block Grant (CDBG) Supplemental Budget Appropriation

Prepared By: Robin Byrnes, Community Development Programs Coordinator

Recommended City Council Action:

Pass Councillor’s Bill No. 56 on second reading providing for a supplemental appropriation in the amount of \$29,872 to the 2003 City budget of the Community Development Block Grant Fund (CDBG).

Summary Statement

- City Council action is requested to pass the attached Councillor’s Bill No. 56 on second reading for a supplemental appropriation to the 2003 City budget for the Community Development Block Grant Fund (CDBG).
- From 1994 – 2001 the Community Development Block Grant (CDBG) administered a single-family housing rehabilitation loan program. Loans were provided to eligible low to moderate income homeowners to replace and repair major housing systems (i.e., heating, plumbing, electrical).
- Repayment on these loans over the course of several years produced CDBG program income.
- The City’s housing rehabilitation loan program generated \$29,872 in loan repayments from 1994 – 2001. The program income has been in the CDBG account and is separate from the City’s annual CDBG grant allocation.
- The CDBG program income now needs to be allocated to an eligible CDBG project in order to expense these funds. It is proposed that the Program Income funds be allocated to increase the 73rd Avenue/Meade Street improvement project budget.
- The Adams County Office of Community Development on behalf of the City of Westminster through the Adams County HOME program consortia currently provides the Housing Rehabilitation loan program to eligible Westminster residents.
- This Councillor’s Bill was passed on first reading on October 13, 2003.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **56**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the Community Development Block Grant (CDBG) Fund initially appropriated by Ordinance No. 3033 in the amount of \$696,000 is hereby increased by \$29,872 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$725,872. The actual amount in the CDBG 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 cumulative carryover from excess program income.

Section 2. The \$29,872 increase in the CDBG Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description | Current Budget | Increase | Final Budget |
|------------------------------|----------------|-----------------|--------------|
| REVENUES | | | |
| Carryover | | | |
| 7600.40020.0000 | \$0 | <u>\$29,872</u> | \$29,872 |
| Total Change to Revenues | | <u>\$29,872</u> | |
| EXPENSES | | | |
| 80176030191.80400.8888 | \$0 | <u>\$29,872</u> | \$29,872 |
| Total Change to Expenditures | | <u>\$29,872</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 AND PUBLISHED this 13th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Second Reading of Councillor's Bill No. 57 re Conveyance of City Owned Property to Habitat for Humanity of Metro Denver

Prepared By: Robin Byrnes, Community Development Programs Coordinator

Recommended City Council Action:

Pass Councillor's Bill No. 57 on second reading authorizing conveyance of City-owned property to Habitat of Humanity of Metro Denver, authorizing the city Manager to execute all necessary documents to convey the parcel, and authorizing waiver of development fees totaling \$8,398.00.

Summary Statement

- City Council action is requested to pass the attached Councillors Bill No. 57 on second reading which conveys city owned property at 3155 West 80th Avenue to Habitat for Humanity of Metro Denver, authorizing the city Manager to execute all necessary documents to convey the parcel, and authorizing waiver of development fees totaling \$8,398.00.
- Conveyance of City owned property and waiving of certain development fees is required by ordinance pursuant to Section 15-2-1 of the Westminster Municipal Code.
- Habitat for Humanity of Metro Denver is proposing the new construction of two single-family homes on the parcel.
- In order to prevent the delay of this project, with approved consent of the City, Habitat for Humanity of Metro Denver has begun construction of the two single-family homes given Council's previous authorization to convey the property.
- A closing date of October 28, 2003 has been established at which time the City will transfer ownership of the property to Habitat for Humanity of Metro Denver.
- This Councillor's Bill was passed on first reading on October 13, 2003.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **57**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE CITY LOCATED AT 3155 WEST 80TH AVENUE TO HABITAT FOR HUMANITY OF METRO DENVER FOR THE NEW CONSTRUCTION OF TWO SINGLE FAMILY HOMES, AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS THAT CONVEY THIS REAL PROPERTY TO HABITAT FOR HUMANITY OF METRO DENVER, AND AUTHORIZING THE WAIVER OF DEVELOPMENT FEES IN THE AMOUNT OF \$8,398.00.

WHEREAS, the City of Westminster owns real property located at 3155 West 80th Avenue; and

WHEREAS, this property was purchased utilizing Community Development Block Grant Funds; and

WHEREAS, the disposition of this property must adhere to the U.S. Department of Housing and Urban Development Code of Federal Register that stipulates that property purchased with Community Development Block Grant funds must be utilized for an eligible purpose; and

WHEREAS, Habitat for Humanities of Metro Denver has proposed the new construction of two single family homes on this site to be sold to low to moderate income families; and

WHEREAS, the proposed use and disposition of the property adheres to Community Development Block Grant regulations that govern the use of property purchased with Community Development Block Grant Funds; and

WHEREAS, pursuant to Section 15-2-1 of the Westminster Municipal Code, the City is authorized to dispose of City-owned property; and

WHEREAS, the legal description of the parcel to be conveyed to Habitat for Humanity of Metro Denver is attached hereto.

NOW, THEREFORE, the City Council hereby finds that conveyance of the City-owned real property located at 3155 West 80th Avenue to Habitat for Humanity of Metro Denver for \$1.00 is in accordance with Community Development Block Grant regulations and the City Charter and Westminster Municipal Code that governs disposal of City property.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes the conveyance of City-owned property located at 3155 West 80th Avenue to Habitat for Humanities of Metro Denver for \$1.00 and authorizes the City Manager to execute all necessary documents that convey the parcel, including an agreement with Habitat for Humanity of Metro Denver that waives development fees in the amount of \$8,398.00.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of October 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Second Reading of Councillor's Bill No. 58 re Cedar Bridge Subdivision, Vacation of Easement

Prepared By: Mikele Wright, Senior Civil Engineer

Recommended City Council Action:

City Council action is requested to pass the attached Councillor's Bill on second reading to vacate a portion of a certain easement located within Cedar Bridge Subdivision, Filing No. 1.

Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading to vacate a portion of a certain easement located within Cedar Bridge Subdivision, Filing No. 1.
- A 20-foot wide utility easement was granted to the City by the final plat for Cedar Bridge Subdivision Filing No. 1 on January 4, 1984.
- No utilities were constructed within this easement.
- The property owner is requesting the easement vacation since no utilities need to be constructed in this easement.
- City Staff has determined that the subject easement is no longer needed by the City.
- This Councillor's Bill was passed on first reading on October 13, 2003.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **58**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT WITHIN CEDAR BRIDGE SUBDIVISION FILING NO. 1.

WHEREAS, a certain easement was dedicated on the final plat for Cedar Bridge Subdivision Filing No. 1, File No. 16, Map 30, and Reception No. B479823 in the County of Adams; and

WHEREAS, this portion of utility easement is not necessary for maintaining the City of Westminster's utility lines; and

WHEREAS, the vacation is necessary since no utility lines were constructed within the utility easement and no utility lines will be constructed within the utility easement in the future.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the portions of utility easement in Sections 2 and 3 hereof.

Section 2. Legal Description of Utility Easements: See attached legal description for Exhibit A.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Second Reading of Councillor's Bill No. 59 re Formal Bidding Requirements for Purchasing

Prepared By: Carl F. Pickett, Purchasing Specialist
Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action

Pass Councillor's Bill No. 59 on second reading amending the Westminster Municipal Code concerning formal bidding requirements for purchasing.

Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading which updates Chapter 1, Title 15 of the Westminster Municipal Code pertaining to purchasing procedures.
- This Councillor's Bill was passed on first reading on October 13, 2003

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **59**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING
FORMAL BIDDING REQUIREMENTS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 15-1-4, W.M.C., is hereby AMENDED to read as follows:

15-1-4: FORMAL BIDDING REQUIRED:

(A) Formal bidding procedures shall be followed when the amount of a purchase exceeds thirty thousand dollars (\$30,000), unless:

1. City Council determines by unanimous resolution of those present at the meeting that the public interest will be best served by joint purchase with or from another unit of government, or

2. City Council determines, upon recommendation of the City Manager, that the public interest will be best served by negotiated contract with a single vendor or contractor, OR

3. THE AMOUNT OF THE PURCHASE IS FIFTY THOUSAND DOLLARS (\$50,000) OR LESS
AND:

a. THE CITY MANAGER DETERMINES THAT THE PUBLIC INTEREST WILL BE
BEST SERVED BY JOINT PURCHASE WITH OR FROM ANOTHER UNIT OF
GOVERNMENT, OR

b. THE CITY MANAGER DETERMINES THAT THE PUBLIC INTEREST WILL BE
BEST SERVED BY NEGOTIATED CONTRACT WITH A SINGLE VENDOR OR
CONTRACTOR.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 13th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 27th day of October, 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Second Reading of Councillor's Bill No. 60 re Animal Sale and Possession Code Amendments

Prepared By: Marty McCullough, City Attorney
Janice Kraft, Neighborhood Services Administrator

Recommended City Council Action

Pass Councillor's Bill No. 60 on second reading amending Title 6, Chapter 7, of the Westminster Municipal Code concerning the sale and possession of animals.

Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading to amend the Animal Sale and Possession Ordinance.
- This Councillor's Bill was passed on first reading on October 13, 2003.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

SERIES OF 2003

COUNCILLOR'S BILL NO. 60

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING RESTRICTIONS ON SALE AND POSSESSION OF ANIMALS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 6-7-1, W.M.C., is hereby AMENDED to read as follows:

6-7-1: DEFINITIONS: When used in this Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

DOMESTIC ANIMAL: ~~All species of animals commonly accepted as being domesticated.~~ DOMESTICATED DOGS, CATS, RABBITS, GUINEA PIGS, HAMSTERS, RATS, MICE, FERRETS, BIRDS, REPTILES, AMPHIBIANS, AND INVERTEBRATES, EXCEPT LIVESTOCK AND EXOTIC, ENDANGERED AND PROHIBITED ANIMALS.

EXOTIC ANIMALS: ~~Domestic ferrets (*mustela furo*)~~ Arachnids, crocodilians over one foot in length and other reptiles which are not prohibited animals, which are not commonly kept or harbored as a household pet.

Section 2. Section 6-7-8, subsection (C), W.M.C., is hereby DELETED:

6-7-8: VICIOUS ANIMALS AND GUARD DOGS:

~~(C) The animal control supervisor is authorized to establish rules and regulations for the keeping of guard dogs. A copy of such rules and regulations shall be available at the Westminster Police Department and furnished upon request.~~

Section 3. Section 6-7-12, subsections (A), (C), (D) and (E), W.M.C., are hereby AMENDED to read as follow:

6-7-12: RESTRICTIONS ON SALE AND POSSESSION OF ANIMALS:

(A) ~~Residences:~~ ANIMALS IN RESIDENTIAL DISTRICTS:

1. It shall be unlawful for anyone to KNOWINGLY possess, harbor, keep, maintain, or permit ~~at his dwelling within the City more than a total of five (5) animals, of which no more than three (3) may be dogs and cats and of which no more than one (1) may be a potbellied pig, except that up to ten non-livestock animals may be kept, if five (5) or more are birds. The term "birds" shall be deemed to exclude pigeons.~~ ON ANY PROPERTY WITHIN THE CITY ZONED FOR RESIDENTIAL USE:

- a. A COMBINATION OF MORE THAN THREE (3) DOGS OR CATS;
- b. MORE THAN ONE (1) POTBELLIED PIG;
- c. MORE THAN THREE (3) RABBITS;
- d. MORE THAN FIVE (5) EXOTIC ANIMALS OR A COMBINATION OF MORE THAN FIVE (5) DOMESTIC AND EXOTIC ANIMALS; OR
- e. MORE THAN TEN (10) DOMESTIC ANIMALS.

2. IN ADDITION TO BEING A VIOLATION OF THIS SECTION, THE SAME IS HEREBY DECLARED TO BE A PUBLIC NUISANCE WHICH MAY BE ABATED

PURSUANT TO THE PROVISIONS SPECIFIED IN CHAPTER 4 OF TITLE VIII OF THIS CODE.

(C) Prohibited, ENDANGERED and Exotic Animals: It shall be unlawful for any person to import, offer for sale, sell, keep, maintain, harbor or permit ANYWHERE in the City any prohibited animal OR ENDANGERED SPECIES as defined in this Chapter. It shall be unlawful for any person to offer for sale, sell, or permit the sale of any exotic animal unless in a pet shop with a Class "B" License.

~~(D) It shall be unlawful to sell domestic ferrets (mustelia furo) without a sign conspicuously posted on the animal display cage or enclosure stating, in letters at least one half inch high, "WARNING – FERRETS SHOULD NOT BE PURCHASED FOR FAMILIES WITH CHILDREN UNDER SEVEN YEARS OF AGE BECAUSE OF THE ROUGH PLAY HABITS OF FERRETS."~~

~~(E)~~(D) Federal and State Statutes and Regulations: It shall be unlawful for any person to import, offer for sale, sell, keep or willfully maintain, harbor or permit in the City any animal in violation of any state or federal statute or regulation.

Section 4. Section 6-7-16, subsection (C), W.M.C., is hereby AMENDED to read as follows:

6-7-16: ENFORCEMENT:

(C) Minimum Fines: Minimum fines upon conviction shall be imposed as listed below, and the Municipal Court Judge shall not have discretion to suspend or reduce these fines:

1. First Offense – fine of not less than ~~fifty dollars (\$50)~~ SEVENTY-FIVE DOLLARS (\$75).
Second and subsequent offenses – fine of not less than ~~seventy five dollars (\$75)~~ ONE HUNDRED DOLLARS (\$100):

- 6-7-2(C) Refusal to Provide Proof of Vaccination
- 6-7-2(D) Harboring Unvaccinated Dogs and Cats
- 6-7-2(E) Non-Transferability – Vaccination Certificates or Tags
- 6-7-3(A) Duty to Report Animal Bite
- 6-7-3(C) Failing to Report Suspected Rabies
- 6-7-3(D) Refusal to Produce Animal
- 6-7-3(E) Removal of Animals from Confinement
- 6-7-5(B) Failure to Confine
- 6-7-6(A) Removal of Animal Excrement
- 6-7-6(B) Damage to Property
- 6-7-7(A) Disturbance
- 6-7-7(C) Failure to exercise control
- 6-7-10(E) Failure to care for animals
- 6-7-11(D) Failure to care for animals
- 6-7-12~~(G)~~(F) Potbellied pig requirements

2. First Offense – Fine of not less than ~~seventy five dollars (\$75)~~ ONE HUNDRED DOLLARS (\$100). Second and subsequent offenses – fine of not less than ~~one hundred twenty five dollars (\$125)~~ ONE HUNDRED FIFTY DOLLARS (\$150):

- 6-7-2(A) Failure to have Dog or Cat Inoculated
- 6-7-2(B) Failure to Inoculate Against Rabies
- 6-7-8(B) Guard Dog
- 6-7-10(A) Unlicensed Kennel
- 6-7-11(A) Unlicensed Pet Shop
- 6-7-12(A) ~~Pet~~ Animals IN RESIDENTIAL DISTRICTS Limited
- 6-7-12(B) Livestock Limited
- 6-7-12(C) PROHIBITED, ENDANGERED AND Exotic Animals ~~Prohibited~~
- 6-7-12~~(E)~~(D) ~~Endangered Species~~ FEDERAL OR STATE Prohibited ANIMALS

- 6-7-13(A) Cruelty to Animals
- 6-7-13(B) Poisoning Animals
- 6-7-13(C) Neglect of Animals
- 6-7-13(E) Abandoning Animals
- 6-7-13(G) Displaying or Sale of Dyed or Immature Animals
- 6-7-13(H) Fighting Animals
- 6-7-16(A) Interference

~~1.Fine~~ 3. Reduced fine for neuter or spay:

6-7-5(A) Animals running at Large: First Offense – A fine of not less than ~~two hundred fifty dollars (\$250)~~ TWO HUNDRED SEVENTY-FIVE DOLLARS (\$275), except that if the animal has been neutered or spayed, the fine shall be reduced to ~~fifty dollars (\$50)~~ SEVENTY-FIVE DOLLARS (\$75). Second and subsequent offenses – fine of not less than ~~two hundred seventy five dollars (\$275)~~ THREE HUNDRED DOLLARS (\$300), except that if the animal has been neutered or spayed, the fine shall be reduced to ~~seventy five dollars (\$75)~~ ONE HUNDRED DOLLARS (\$100).

6-7-8(A) Harboring a Vicious Animal: First Offense – A fine of not less than ~~two hundred seventy five dollars (\$275)~~ THREE HUNDRED DOLLARS (\$300), except that if the animal has been neutered or spayed, the fine shall be reduced to ~~seventy five dollars (\$75)~~ ONE HUNDRED DOLLARS (\$100). Second and subsequent offenses – fine of not less than ~~three hundred twenty five dollars (\$325)~~ THREE HUNDRED FIFTY DOLLARS (\$350), except that if the animal has been neutered or spayed, the fine shall be reduced to ~~one hundred twenty five dollars (\$125)~~ ONE HUNDRED FIFTY DOLLARS (\$150).

4. Any other section hereof not specifically listed above: First offense – fine of not less than ~~twenty five dollars (\$25)~~ FIFTY DOLLARS (\$50). Second and subsequent offenses – fine of not less than ~~fifty dollars (\$50)~~ SEVENTY-FIVE DOLLARS (\$75).

Section 5. This ordinance shall take effect upon its passage after second reading.

Section 6. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Second Reading of Councillor's Bill No. 61 re Great Outdoors Colorado Trust Fund Grant Supplemental Appropriation for Open Space Land Acquisitions

Prepared By: Lynn Wodell, Open Space Coordinator

Recommended City Council Action

City Council action is requested to pass Councillor's Bill No. 61 on second reading authorizing a supplemental appropriation in the amount of \$100,000 reflecting the City's receipt of a Great Outdoors Colorado Trust Fund for the open space acquisition of the Fairways Office Park property on the Big Dry Creek open space and trail corridor.

Summary Statement

- In 2001, Staff received City Council's approval to submit an application for a grant to Great Outdoors Colorado Trust Fund (GOCO) for the open space acquisition of the 31.5-acre Fairways Office Park property located at approximately Federal Boulevard at W. 124th Avenue and Zuni Street (if extended) on the Big Dry Creek open space and trail corridor.
- The City had previously applied for and received a grant of \$300,000 from Adams County Open Space Program for this acquisition.
- The \$100,000 check was received on May 15, 2003 and a supplemental appropriation is required in order for the funds to be applied to the Open Space Land Purchases Account.
- This Councillor's Bill was passed on first reading on October 13, 2003.

Expenditure Required: \$100,000

Source of Funds: Great Outdoors Colorado Trust Fund Grant

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **61**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE OPEN SPACE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,486,775 is hereby increased by \$100,000 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$6,009,150. The actual amount in the Open Space 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 grant from Great Outdoors Colorado Trust Fund for the open space acquisition of the Fairways Office Park property on the Big Dry Creek Open Space and Trail Corridor.

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

| Description | Current Budget | Increase | Final Budget |
|--------------------------------------|----------------|------------------|--------------|
| REVENUES | | | |
| State Shared Revenue 5400.40320.0000 | \$0 | <u>\$100,000</u> | \$100,000 |
| Total Change to Revenues | | <u>\$100,000</u> | |
| EXPENSES | | | |
| Land Purchases 54010900.76600.0000 | \$1,997,028 | <u>\$100,000</u> | \$2,097,028 |
| 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.

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 AND PUBLISHED this 13th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Public Hearing and Action on the Alpine Vista Annexation, Zoning and Comprehensive Land Use Plan Amendment

Prepared By: David Falconieri, Planner III

Recommended City Council Action:

1. Hold a public hearing.
2. Pass Councillor's Bill No. 53 authorizing the City Manager to sign the Annexation and Development Agreement for the Alpine Vista project.
3. Adopt Resolution No. 46 making certain findings as required by Section 31-12-110 C.R.S. for the Alpine Vista annexation No. 1.
4. Pass Councillor's Bill No. 62 annexing the Alpine Vista Annexation No. 1 property to the City.
5. Adopt Resolution No. 47 making certain findings as required by Section 31-12-110 C.R.S. for the Alpine Vista annexation No. 2
6. Pass Councillor's Bill No. 63 annexing the Alpine Vista Annexation No. 2 property to the City.
7. Pass Councillor's Bill No. 64 amending the Westminster Comprehensive Land Use Plan (CLUP) to designate the residential portion of the Alpine Vista property as Single-Family Attached and the two commercial properties along Lowell Boulevard as Retail Commercial. This recommendation is based on the following findings set forth in the Westminster Comprehensive Land Use Plan:
 - a. The proposed amendment is in conformance with the overall purpose and intent, and the goals and policies of the Comprehensive Land Use Plan.
 - b. The proposed amendment is compatible with existing and planned surrounding land uses.
 - c. The proposed amendment would not result in excessive impacts to the City's existing or planned infrastructure systems.
8. Pass Councillor's Bill No. 65 zoning the residential portion of the Alpine Vista annexation area Planned Unit Development (PUD) and the commercial areas B-1.

Summary Statement:

- The Alpine Vista Property consists of approximately 13.4 acres located at the northwest corner of 88th Avenue and Lowell Boulevard. A single-family attached development has already been approved for the site by Adams County that permits 108 single-family attached units.
- The staff approached the owner about annexing to the City and making certain improvements to the plan. The applicant agreed and submitted a petition for annexation.
- The improvements include slightly less density, a larger central park, and the orientation of some buildings to the adjacent streets. These changes and the City's commitments will be detailed in the proposed annexation attached agreement.
- The convenience store at the corner of 88th Avenue and Lowell Boulevard has been included in the annexation in order to create better contiguity and to avoid leaving an enclave. The owner of the convenience store property has been notified of the proposed annexation by a letter sent on September 29, 2003.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

This case was heard by the Planning Commission on October 14, 2003. No one appeared in support or opposition to the request. The Planning Commission voted unanimously (7-0) to recommend that the annexation of the Alpine Vista property be approved, and that the property be zoned Planned Unit Development and B1. The Planning Commission also unanimously recommended that the property be designated as Single-Family Attached and Retail/Commercial in the Comprehensive Land Use Plan.

Policy Issue

Should the Alpine Vista property be annexed at this time and classified as single-family attached in the Comprehensive Land Use Plan?

Alternative

Make a finding that the Alpine Vista property not be annexed at this time and take no further action. If this action is taken, the property will be developed as approved by Adams County once service commitments are allocated by the City of Westminster.

Background Information

The Alpine Vista project was approved by the Adams County Commissioners earlier this year. At that time a number of improvements to the site plan were suggested by City staff, but were not included in the approval plan. Due to the fact that no Service Commitments were available this year, the developer was not able to acquire all of the commitments needed to complete the project. After discussions with the developer, it was agreed that he would petition for annexation and make the originally suggested changes in exchange for expedited Service Commitments.

The revised plan will eliminate 8 units bringing the overall density to 9.85 units per acre, this is in compliance with the Single-Family Attached category in the Comprehensive Land Use Plan. The revised plan will also create a 1.2-acre private park near the center of the development, and Buildings 13 and 14 will be re-oriented to face 88th Avenue to present a better streetscape. The applicant has also agreed to add additional masonry to the units that face the streets and the private park. These changes are specified in the annexation agreement.

The annexation includes two commercial parcels located along Lowell Boulevard, a small strip center that is owned by the applicant, and a convenience store at the corner of the two streets. Staff is recommending that both properties be classified as Retail/Commercial in the Comprehensive Land Use Plan and that they be zoned B1 Business. Any major future improvements or redevelopment to those properties would require rezoning to Planned Unit Development and a separate Preliminary Development Plan and Official Development Plan approval.

Applicant/Property Owner

Chad Pinson
AV Development, LLC

Surrounding Land Use and Comprehensive Land Use Plan Designations

The property is bordered on all sides by unincorporated Adams County. To the north and west is single-family detached residential; to the east is retail/commercial, and to the south an elementary and middle school.

SUBJECT: Public Hearing and Action on the Alpine Vista Annexation, Zoning and Comprehensive Land Use Plan Amendment Page 3

Site Plan Information

The combined Preliminary Development Plan/Official Development Plan will be presented to the Planning Commission and City Council separately for the town home development. The annexation agreement contemplates a single-family attached residential development with 100 units in 14 buildings. City parking requirements will be met, however the development will not meet several of the normal requirements set forth in the City's Single-Family Attached Design Guidelines. These differences will be discussed in detail when the Preliminary Development Plan/Official Development Plan is presented to the Planning Commission and City Council for approval.

Traffic and Transportation

Access to the site will be provided from 88th Avenue and Lowell Boulevard. The internal streets will be private drives maintained by the homeowners association.

Service Commitment Category

The annexation agreement will specify that the Service Commitments for this project will be allocated out of Category A-2. The development will require 70 Service Commitments.

Referral Agency Responses

No comments have been received.

Public Comments

No neighborhood meeting was held regarding the annexation of the property since the development has already been approved.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **53**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH AV
DEVELOPMENT, LLC

WHEREAS, AV Development, LLC, has petitioned the City for annexation of certain property located generally at the northwest corner of 88th Avenue and Lowell Boulevard, said property currently being within the jurisdiction of Adams County; and

WHEREAS, the City and AV Development wish to set forth the terms upon which such annexation will occur.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Annexation and Development Agreement attached hereto as Exhibit "A" is hereby approved and the City Manager is authorized to execute it in substantially the same form as attached with such non-substantive changes as the City Attorney may approve.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

Mayor

ATTEST:

City Clerk

ANNEXATION AND DEVELOPMENT AGREEMENT

THIS ANNEXATION AND DEVELOPMENT AGREEMENT (the “Agreement”) is made and entered into as of the 24th day of November, 2003 (the “Effective Date”) by and between the CITY OF WESTMINSTER, a Colorado municipal corporation (“City”), and AV DEVELOPMENT LLC, a Colorado limited liability company (as more specifically defined hereafter, the “Owner”) as the Effective Date (defined below).

WHEREAS, AV Development LLC is the current owner of the property described in Exhibit A attached hereto (the “Property”), including that portion of the Property described on Exhibit B attached hereto (the “Development”); and

WHEREAS, the Owner intends to petition the City for annexation of the Property to the City (the “Petition”); and

WHEREAS, the City and the Owner agree that there would be mutual benefits to be realized from the annexation of the Property to the City; and

WHEREAS, the City and the Owner wish to set forth the terms upon which such annexation will occur.

NOW, THEREFORE, in consideration of the above premises, the covenants, promises, and agreements set forth below, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Annexation. Except as otherwise specifically modified by this Agreement, including but not limited to the provisions of paragraph 2. below, the annexation and subsequent development of the Property shall be subject to all City ordinances, rules, regulations and policies.

2. Conditions Precedent to Annexation of Owner’s Property. The annexation of the Property shall be subject to all of the following conditions precedent, and the failure of any one condition shall be grounds for the Owner to withdraw Owner’s petition for annexation and terminate the annexation proceedings contemplated by this Agreement. In order to recognize the Owner’s interest in protecting the Property from being annexed by the City in the event that land use and development approvals satisfactory to the Owner are not obtained, second and final reading of the ordinance annexing the Property shall not be acted upon by the City Council until all of the following conditions precedent have been satisfied. The following are the conditions precedent to the annexation of the Property pursuant to this paragraph 2:

2.1 Final passage on second reading of an ordinance zoning the Development “Planned Unit Development.”

2.2 Final approval of a Preliminary Development Plan/Official Development Plan for the Development satisfactory to the Owner.

2.3 Approval by the City Manager of a Final Plat for the Property.

2.4 Final passage on second reading of an ordinance amending the City’s Comprehensive Land Use Plan to permit the development of the Development as single-family attached residential, up to a maximum density of ten (10) units per acre, and the development of the remainder of the Property as retail commercial.

2.5 Final passage on second reading of an ordinance approving this Agreement.

2.6 Recording of the ordinance annexing the Property, which ordinance shall not be recorded sooner than thirty (30) days following the passage on second reading of the ordinance annexing the Property.

3. Referendum Period. Colorado law provides a right of referendum with regard to any legislative acts of the City, except as otherwise provided by law. In the event petitions for referendum of any of the actions described in paragraphs 2.1 through 2.4 are received, prior to the deadline for filing such referendum petitions, the Owner, in his sole discretion, may elect to either withdraw his petition for annexation and terminate the annexation proceedings, or suspend the annexation proceedings until the matter made the subject of the referendum petition has been finally determined as provided for by law.

In the event a petition for referendum with respect to the final ordinance annexing the Property is received by the City within the time allowed for filing such petitions, the City, at the election of the Owner, shall take all steps necessary to repeal the annexation ordinance as provided for by law, and to repeal all actions set forth in paragraphs 2.1 through 2.4 above.

4. Development Undertakings.

4.1 Street Improvements. Owner agrees to construct monolithic curb, gutter, sidewalk and radius return with handicap ramps along the frontage of West 88th Avenue and Lowell Blvd. in accordance with Stipulation 3 to the Adams County development plan approval of the Development, dated August 9, 2002 (the "County Stipulation). All plans and studies prepared for the County shall be submitted to the City by the Owner and no further plans, specifications or reports shall be required.

4.2 Water and Sewer Services. The City agrees to provide water and sanitary sewer service to the Property in accordance with the provisions of the City Code and in accordance with all City ordinances and policies, all on terms and conditions provide generally to other similar properties in the City. The City shall allocate, set aside and provide for the dwellings on the Development through the term of this Agreement, 70 service commitments for 100 single family attached units as provided in Chapter 3 of Title XI of the City Code and any additional service commitments necessary to service the irrigation system shown on the approved irrigation plan (the "Service Commitments"). The Development shall be categorized as an active single family attached development and the Service Commitments shall be allocated from category A-2 of the City's Growth Management Plan. The Service Commitments shall be deemed issued when a corresponding building permit has been issued by the City Building Division.

4.3 Annexation and Development Fees. Any fees and costs due for the annexation of the Property, review of the PUD, the review of the preliminary and official development plans, and Final Plat shall be waived by the City and not charged the Owner. The City shall waive or incur the cost of preparing the annexation impact report set forth in Section 31-12-108.5, C.R.S. Public Land Dedication Fees, Park Development Fees, and School Land Dedication Fees shall be paid by the Owner in accordance with Section 11-6-8(A) of the City Code except that the City shall waive and reduce the fee payable by an amount of \$79,694.12 to reflect the amount of similar fees paid to Adams County. Owner shall not be required to make further dedication or conveyances or pay further recovery costs as may be allowed under Section 11-6-8 of the City Code.

4.4 Commercial Property. Staff will recommend to the Planning Commission and City Council that the existing commercial development (which includes a licensed liquor store, bar and tavern) be zoned B-1. All current legally permitted uses and structures under current County laws and regulations shall be permitted after annexation to the City. Any future expansion or change in use of the commercial property shall be subject to normal City Code provisions and standards. Any minor exterior building modifications shall be approved administratively through an Official Development Plan waiver. This provision shall survive termination of this Agreement.

4.5 Building Permits. The City agrees and acknowledges that the Owner will construct and perform the work for the initial 16 units and related improvements of the Development ("Phase One") with building permits issued by Adams County and in accordance with the building, electrical, plumbing, mechanical and other codes adopted by Adams County, without the requirement of any further building permits, permit fees or taxes, or further code compliance as provided under the City Code. Adams County will conduct all inspections of Phase One and Adams County's certificates of occupancy will be accepted by the City as a full equivalent for the certificates issued under Section 11-9-4 of the City Code. Any Phase One work which is or may be considered noncompliant with the City Code (but is found by Adams County to be compliant with its code) shall be deemed acceptable by the City and exempt from further compliance or revocation of the building permits or certificates of occupancy.

5. Vested Rights.

5.1 Sections 24-68-101, et seq., C.R.S., "the Vested Rights Statute," provide for the establishment of vested property rights in order to ensure reasonable certainty, stability, and fairness in the land use planning process and in order to stimulate economic growth, secure reasonable investment-backed expectations of landowners, and foster cooperation between the public and private sectors in the area of land use planning. The Vested Rights Statute has been implemented by the City through the procedures set forth in Section 11-5-18 of the City Code.

5.2 Pursuant to the provisions of the Vested Rights Statue and Section 11-5-18 of the City Code, the parties find that the PDP/ODP is a site specific property plan for the purposes of developing the Development and that all rights to develop and engage in land use as set forth in the PUD and the PDP/ODP shall be vested property rights.

5.3 The vested rights associated with the Development, as set forth in this Section 4, will run with the land and will remain in effect throughout the term of this Agreement. No other vested rights are created or intended to be created by this Agreement, the PDP/OPD or any of the other documents relating to the Property. Upon expiration or termination of this Agreement all vested rights will expire, except as otherwise provided by Section 6 below.

5.4 The City finds the three (3) year duration of such vested property rights to be warranted in light of all relevant circumstances, including, but not limited to, the size and location of the Development, the scale and phasing of the Development, economic cycles and market conditions.

6. Term of Agreement.

6.1 This Agreement shall expire on December 31, 2006 ("Expiration Date"). After the Expiration Date, this Agreement will be deemed terminated and of no further force and effect; provided, however, such termination will not affect (a) annexation of the Property into the City; (b) any vested rights obtained prior to such termination and contemplated to continue after such termination; or (c) any right arising from City permits, approvals or other entitlements for the Property which were granted or approved prior to, concurrently with, or subsequent to the approval of this Agreement that were contemplated to continue after termination of this Agreement.

6.2 The Owner or the City may terminate this Agreement prior to the Expiration Date upon five (5) business days notice to the other in the event the Property is not finally annexed by June 30, 2004.

7. Services. The City agrees to provide the Property such other municipal services currently provided within the City and on terms and conditions on which such services are provided generally to other properties within the City. These provisions will not be construed as a limitation upon the authority of the City to adopt different ordinances, rules, regulations, resolutions, policies or codes which change charges or costs for any service or class of service or any other charges so long as they apply throughout the City uniformly or to the class of service uniformly or to all users of a particular utility system such as a particular water system or sewer system, uniformly.

8. Owner. "Owner" will initially refer to AV Development LLC, as well as any entity that subsequently acquired a fee simple interest of record in any portion of the Property as a transferee, grantee, assignee or successor of AV Development LLC. "Owner" will include collectively, all of the foregoing persons or entities, all of whom will be jointly and severally liable for the obligations and liabilities of the Owner to the extent such liability relates to the portion of the Property they purchase or otherwise obtain. The liabilities and obligations of a transferee, grantee, assignee or successor of AV Development LLC under this Agreement will extend only to liabilities and obligations that relate to the specific property acquired and will not impose any liabilities or obligations relating to other portions of the Property. All such persons and entities will be deemed to have had actual and constructive notice of the provisions of this Agreement and of their obligations and liabilities arising under it, as a consequence of their purchase of all or a portion of the Property subsequent to the date of recording of this Agreement in the records of Adams County. Likewise, as the result of such sale or transfer by AV Development LLC, it will be relieved of the liabilities and obligations relating solely to the specific site sold and that have no affect or impact, either direct or indirect, on any of the other portions of the Property. Notwithstanding the foregoing, the term "Owner" will not include (1) purchasers of subdivided residential lots or condominium units or non-residential space in an approved PUD, common interest community or subdivision area or (2) holders of a security interest in the Property or a portion thereof.

9. Waiver.

9.1 This Agreement and the other provisions incorporated as part of the approved PUD and approved PDP/ODP are intended to prescribe a general plan for the use and development of the Development. However, except as expressly provided herein, in the PUD and in the PDP/ODP, they do not supplant the City's land use regulations and other ordinances and regulations as they relate to the Property and will not be construed to limit the authority of the City to adopt different ordinances, resolutions, regulations, rules, policies or codes so long as they apply throughout the City uniformly or to classes of individuals or properties uniformly.

9.2 The provisions of this Agreement, the PUD and the PDP/ODP reflect the requirements of the City's utilities at the time of annexation of the Property. Except with respect to the allocation of the Service Commitments, these provisions will not be construed as a limitation upon the authority of the city to adopt different ordinances, rules, regulations, resolutions, policies or codes which change charges or costs for any service or class of service or any other charge so long as they apply throughout the City uniformly or to the class of service uniformly or to all users of a particular utility system, such as a particular water system or sewer system, uniformly.

9.3 Except as otherwise expressly provided in this Agreement or the PDP/ODP, the establishment of vested property rights under this Agreement will not preclude the application on a uniform and non-discriminatory basis of City regulations of general applicability (including, but not limited to, building, fire, plumbing, electrical and mechanical codes) as all of such regulations exist on the date of this Agreement or as they may be enacted or amended after the date of this Agreement. The Owner does not waive its right to oppose the enactment or amendment of any such ordinance, resolution or regulation on the same basis that any other member of the public would present such opposition.

9.4 Nothing contained in this Agreement will be constitute or be interpreted as a repeal of any provision of the existing City Code as a waiver or abnegation of the City's legislative, executive, administrative, or judicial governmental or police powers to promote and protect the health, safety, or general welfare of the City or its inhabitants.

9.5 In the event of an inconsistency between the City Code and the more specific provisions that have been negotiated in connection with the Property and are reflected in this Agreement, the provisions of this Agreement will govern and take precedence over the City Code.

10. Severability. The fact that any portion of this Agreement may be held unenforceable shall not affect the enforceability of the remaining portions hereof, it being the intent of the parties that any such unenforceable provisions shall be deemed severable from the remaining provisions of this Agreement. No waiver of any provision hereof in any circumstance shall constitute a waiver of such provision in other instances.

11. Entire Agreement. This Agreement, the ordinances adopting the Petition and the PUD, and the PDP/ODP embody the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein and therein. Except as specifically modified herein, this Agreement shall be construed in a manner which makes it consistent with the City Code and City Charter. If adopted by the City, the parties agree that the ordinances approving annexation of the Property and adoption of the PUD and PDP/ODP may contain additional matters pertinent to the integration of the Property into the City and development of the Property. Therefore, this Agreement must be interpreted and applied in a manner consistent with such ordinances. This Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties. This Agreement may not be modified except in writing and executed with the same formalities as this Agreement.

12. Cooperative Drafting. This Agreement is the product of a cooperative drafting effort by the City and the Owner and will not be construed or interpreted against either party solely on the basis that one party or its attorney drafted this Agreement or any portion of it.

13. No Third Party Beneficiaries. Nothing expressed or implied in this Agreement is intended or will be construed to confer upon, or give to, any legal person other than the parties, any right, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all of the covenants, terms, conditions, and provisions in this Agreement by and on behalf of the parties will be for the sole and exclusive benefit of the parties. Nothing in this Agreement is intended to interfere with the agreements of the parties with third parties.

CITY OF WESTMINSTER

By _____
J. Brent McFall
City Manager

ATTEST:
City Clerk: _____

APPROVED AS TO FORM:
City Attorney: _____

AV DEVELOPMENT LLC, a
Colorado limited liability company

By: Northstar Properties, LLC, its Manager

By: _____
Chad J. Pinson, its Manager

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2003,
by Chad J. Pinson, Manager of Northstar Properties, LLC, Manager of AV Development LLC, a
Colorado limited liability company.

Witness my hand and official seal.

My commission expires: _____

(S E A L)

Notary Public

**Approved by City of Westminster
Ordinance No. 3073**

Exhibit A

Block 1 and Block 2, Alpine Vista Subdivision, in accordance with the subdivision plat of Alpine Vista Subdivision, recorded September 18, 2002, at Reception No. C1025617, File No. 18, Map No. 764 in the office of the Clerk and Recorder of Adams County, Colorado.

Exhibit B

Block 2, Alpine Vista Townhomes, in accordance with the resubdivision plat of Block 2, Alpine Vista subdivision, recorded December 18, 2002, at Reception No. C1069144, File No. 18, Map No. 812 in the office of the Clerk and Recorder of Adams County, Colorado.

Exhibit C

Preliminary and Official Development Plan for Alpine Vista Townhomes, Planned Unit Development, Sheets 1 through 11, prepared by CJW Architects and its consultants.

RESOLUTION

RESOLUTION NO. **46**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN PORTIONS OF SECTIONS 19, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 26 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;

b. A community of interest exists between the area proposed to be annexed and the City;

c. The area is urban or will be urbanized in the near future; and

d. The area is integrated with or is capable of being integrated with the City.

2. The City Council further finds:

a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and

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

3. The City Council further finds:

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

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

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

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

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

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

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

PASSED AND ADOPTED this 27th day of October, 2003.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **62**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN PORTIONS OF SECTIONS 119, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land in parts of Sections 19, 20 and 30 of Township 2 south, Range 68 west of the Sixth Principal Meridian in the County of Adams in the State of Colorado, more particularly described as follows:

Commencing at the corner common to said sections the true point of beginning, a point on the original corporate boundary of the City of Westminster; thence along said boundary along the east line of said Section 30 S00°42'34"E, 713.70 feet; thence leaving said boundary S89°17'26"W, 30.00 feet to a point on the west line of Lowell Boulevard as shown on Shaw Heights Fourth Filing; thence along said west line N00°42'34"W, 714.49 feet to a point on the south line of West 88th Avenue, a point on the south line of said Section 19; thence N00°34'42"W, 80.02 feet to a point on the north line of 88th Avenue; thence along said north line N89°12'27"W, 125.00 feet to the southeast corner of Alpine Vista Subdivision; thence along the east line of said subdivision N00 34'47"W, 125.00 feet; thence N00°34'47"W, 101.64 feet to a point on the south line of Block 1 of said subdivision; thence along the lines of said Block 1 and the following 3 courses; 1) N89 12'27"W, 1.52 feet to a point of curve right; 2) along said curve with a central angle of 70°44'33", a radius of 27.10 feet and an arc length of 33.46 feet, long chord bears N53°50'11"W, 31.37 feet; 3) N00°08'09"E, 325.06 feet to a point on the north line of said subdivision; thence along said north line S89°12'30"E 147.61 feet; to the northeast corner of said

subdivision on the west line of Lowell Boulevard; thence S89°12'30"E, 30.00 feet to a point on the east line of said Section 19; thence S89°12'30"E 50.02 feet to a point on the east line of said boulevard, a point on the west line of Shaw Height Filing 7; thence along said line S00°34'47"E, 578.79 feet to a point on the north line of 88th Avenue; thence along said north line S89°27'06"W, 50.00 feet to a point on the east line of said Section 19; thence along said line S00°34'47"E, 70.00 feet to the true point of beginning;

Said property contains 149484 square feet or 3.4317 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. 47

INTRODUCED BY COUNCILLORS

SERIES OF 2003

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN PORTIONS OF SECTIONS 119, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 26 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;

b. A community of interest exists between the area proposed to be annexed and the City;

c. The area is urban or will be urbanized in the near future; and

d. The area is integrated with or is capable of being integrated with the City.

2. The City Council further finds:

a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and

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

3. The City Council further finds:

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

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

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

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

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

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

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

PASSED AND ADOPTED this 27th day of October, 2003.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **63**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PORTION OF SECTIONS 19, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land, a part of the Alpine Vista Subdivision in the southeast quarter of Section 19, Township 2 south, Range 68 west of the Sixth Principal Meridian in the County of Adams in the State of Colorado more particularly described as follows:

Commencing at the southeast corner of said Section 19; thence along the east line of said section N00°34'47"W, 80.02 feet; thence N89°12'27"W, 30.01 feet to a point on the west line of Lowell Boulevard, a point on the north line of 88th Avenue; thence along said north line N89°12'27"W, 125.00 feet to the southeast corner of said subdivision, the true point of beginning;

Thence along said line N89°12'27"W, 427.93 feet; thence N00°08'09"E, 140.00 feet; thence N89°12'27"W, 110.00 feet; thence S00°08'09"W, 40.00 feet; thence N89°12'27"W, 50.00 feet; thence N00°08'09"E, 20.00 feet; thence N89°12'27"W, 140.00 feet; thence S00°08'09"W, 120.00 feet; thence N89°12'27"W, 20.00 feet; thence N00°08'09"W, 135.00 feet; thence N89°12'27"W, 130.60 feet to a point on the east line of Shaw Heights Filing 6; thence along said east line N00°08'09"E, 434.80 feet to the southwest corner of Shaw Heights Filing 11; thence along the south line of said filing 11 S89°12'30"E, 190.00 feet to the southwest corner of Hyland Creek Subdivision; thence along the south line of said subdivision S89°12'30"E, 658.80 feet to the northwest corner of Block 1 of said Alpine Vista Subdivision,

a point on the corporate boundary of Westminster as established by the Alpine Vista Annexation No. 1; thence along said corporate boundary and the following five courses and along the lines of said Block 1; 1) S00°08'09"W, 325.06 feet to a point of on a non-tangent curve left; 2) along said curve with a central angle of 70°44'33", a radius of 27.10 feet and an arc length of 33.46 feet, long chord bears S53°50'11"E, 31.37 feet; 3) S89°12'27"E, 1.52 feet; thence leaving the lines of said Block 1; 4) S00°34'47"E, 101.64 feet to an angle point on the east line of said Alpine Vista Subdivision; 5) along said east line S00°34'47"E, 125.00 feet to the true point of beginning.

Said parcel contains 9.9938 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **64**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

Blocks 1 and 2, Alpine Vista Subdivision, and the property known as 8801 Lowell Boulevard.

The Alpine Vista annexation property shall be changed from Unincorporated Adams County, to Single Family Attached Residential, and as Retail Commercial, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **65**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 19, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Adams County zoning to City of Westminster PUD and B-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County zoning to City of Westminster PUD and B-1.

Parcel to be zoned PUD:

A parcel of land located in Sections 19, 20, 29, and 30, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as Block 2, Alpine Vista Subdivision.

Parcels to be zoned B-1:

A parcel of land located in Sections 19, 20, 29, and 30, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as Block 1, Alpine Vista Subdivision, and the property known as 8801 Lowell Boulevard.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Councillor's Bill No. 66 re RED Development Business Assistance Package

Prepared By: Alan Miller, Special Project Director

Recommended City Council Action

Pass Councillor's Bill No. 66 on first reading authorizing the City Manager to execute and implement the business assistance agreement with RED Development, in the estimated amount of \$200,000, which is based on a rebate of Building Use Tax only on core and shell construction costs incurred by RED Development in the construction of the Phase II development of Mandalay Town Center. This does not include the Target Store construction nor does it include any tenant finishes or construction by tenants in "Pad" retail stores/restaurants.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill, which authorizes the execution of the attached business assistance agreement with RED Development.
- This assistance package is based upon the City's goal to redevelop the Mandalay Gardens area and to create a unique, attractive retail center adjacent to the Westminster Promenade.
- The primary purpose of this assistance package is to allow RED development Company to redevelop Mandalay Town Center and receive a reasonable return on investment.
- Staff has worked with RED Development to reach a Redevelopment Agreement describing responsibilities for WEDA, the City and RED Development. This rebate of Building Use Tax for buildings that RED Development constructs (which excludes the Super Target store and pad sites) was anticipated as part of the redevelopment agreement.

Expenditure Required: Not to Exceed \$200,000

Source of Funds: The business assistance package to Red Development will be funded through Building Use Tax directly rebated to RED Development from construction at Mandalay Town Center.

Policy Issue

Does City Council desire to provide a Building Use Tax rebate on construction materials to RED Development as part of the City assistance for the redevelopment of the Mandalay Town Center project as anticipated in the redevelopment agreement.

Alternative

Do Nothing: One alternative to offering the recommended business assistance package is to offer nothing to this company. Though the City may not lose the project if this assistance is not provided, the result would be that the City would receive a lower quality project than planned and anticipated.

Background Information

The City and the Westminster Economic Development Authority (WEDA) entered into a Redevelopment Agreement with RED Development for the redevelopment of Mandalay Town Center area. The redevelopment agreement was approved on June 23, 2003. The agreement called for WEDA to issue bonds to complete a number of public improvement projects including widening Church Ranch Boulevard, Reed Street, parking areas, and the US 36 Underpass.

RED Development is committed to developing a site and completing agreements that bring a Super Target store to the project, as well as to develop and lease retail space for a "town center" type project. As part of the discussions with RED it became important to them that use tax on building materials be returned for only those buildings they construct. The rebate helps RED achieve a reasonable rate of return on their investment in the project and helped WEDA by reducing the amount of the bond issue.

Currently all the properties have been acquired by WEDA, Target has committed to the project and RED Development is in the process of handling environmental issues prior to demolishing the buildings on site. This action to approve the rebate is one more important step to achieve the redevelopment of Mandalay Town Center. The rebate is estimated to amount to less than \$200,000 for the entire project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**ASSISTANCE AGREEMENT FOR
RED DEVELOPMENT IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this ____ day of _____, 2003, between the CITY OF WESTMINSTER (the "City"), and RED Development.

WHEREAS, the City wishes to provide certain assistance to RED Development as part of the efforts to redevelop Mandalay Town Center; and

WHEREAS, RED Development plans to construct approximately 500,000 square feet of new retail space at Mandalay Town Center thus providing added tax base and job creation within the City; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

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

1. Building Use Tax Rebate. The City shall rebate 100% of the Building Use Tax on the construction materials, which are to be used in construction of core and shell retail space in the Mandalay Town Center project required under W.M.C. sections 4-2-9 and 4-2-3 to RED Development. The rebate shall not apply to tenant finishes or to buildings constructed on pad sites or other sites within the project by the end user. This rebate shall be in effect only until December 31, 2008.
2. Term. This Agreement shall terminate on December 31, 2008.
3. Payment of Rebates. The Building Use Tax rebate will be paid by check upon issuance of a certificate of occupancy for each building. The payment shall be made 20 days after the end of the quarter in which the issuance of the certificate of occupancy occurs.
4. Entire Agreement. This instrument shall constitute the entire agreement with respect to rebate of use taxes between the City and RED Development and supersedes any prior agreements regarding use taxes between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.
5. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.
6. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder as expressly conditional upon annual appropriation by the City Council.

7. Governing Law Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith, the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court of Jefferson County, Colorado.

RED DEVELOPMENT

CITY OF WESTMINSTER

Dan Lowe, RED Development

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Michele Kelley
City Clerk

Adopted by Ordinance No. 3065

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **66**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH RED DEVELOPMENT
FOR THE CONSTRUCTION OF CORE AND SHELL BUILDINGS AT MANDALAY TOWN CENTER

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

WHEREAS, it is important for the City of Westminster to assist in the redevelopment of the Mandalay Town Center that is part of an urban renewal project; and

WHEREAS, RED Development has committed to construct several thousand square feet of new retail space as part of the Mandalay Town Center project; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 27th day of October, 2003

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 10th day of November, 2003

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003

SUBJECT: Exclusion of Properties From North Metro Fire Rescue District

Prepared by: Tami Cannon, Paralegal

Recommended City Council Action

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

Summary Statement

The City has been negotiating with the District regarding the exclusion of recently annexed properties from the District.

This Stipulation (copy attached) will allow the City to proceed in an uncontested manner in Adams County District Court for the purpose of obtaining an Order excluding the five (5) recently annexed parcels of property covered under the Stipulation. Four of the parcels are within Jefferson County and one is within Adams County.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

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

Alternative

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

Background Information

The important components of the Stipulation are as follows: (1) An agreement that the quality of fire protection service to be provided by the City will be comparable and not inferior to the fire protection service now provided by the District; (2) Existing indebtedness of the District for which the excluded properties would remain liable; (3) An agreement that the District shall have the right to levy a mill levy not to exceed 0.5 mill against the excluded properties for five consecutive years for the District's Volunteer Firemen's Pension Fund; and (4) Transfer of fire protection service responsibilities to be effective January 1, 2004. Vicinity maps showing the areas to be excluded are also attached.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

| | |
|--|--|
| District Court, Adams County, Colorado Adams County Justice Center 1100 Judicial Center Drive Brighton, CO 80601 303-659-1161 | ▲ COURT USE ONLY ▲ |
| <p>Petitioners:</p> <p>THE CITY OF WESTMINSTER, COLORADO, a home-rule City, and THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER</p> <p>Defendant:</p> <p>THE BOARD OF DIRECTORS OF THE NORTH METRO FIRE RESCUE DISTRICT, and All Taxpaying Electors of the NORTH METRO FIRE RESCUE DISTRICT, as a class.</p> | |
| City of Westminster Sharon Widener, #12571 Assistant City Attorney 4800 West 92 nd Avenue Westminster, CO 80031 Phone: 303-430-2400 Fax: 303-650-0158 E-mail: swidener@ci.westminster.co.us | Case Number: 4825 Division: A Courtroom: |
| STIPULATION AND PLAN FOR EXCLUSION OF CERTAIN TERRITORY FROM THE NORTH METRO FIRE RESCUE DISTRICT | |

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

PREAMBLE

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

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

agree upon a single plan and enter into a contract incorporating its provisions, the court shall review such contract, and if it finds the contract to be fair and equitable, the court shall approve the contract and incorporate its provisions into its exclusion order.

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

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

STIPULATION AND PLAN

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

6. The parties further stipulate that:

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

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

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

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

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

F. The District has an outstanding bonded indebtedness of \$47,025.00.

7. Commencing the taxable year 2004, the District, for a period of five (5) years, shall have the right to assess and collect the proceeds of a mill levy of one-half (1/2) mill against the assessed value of the applicable excluded property, which proceeds shall be paid to and for the exclusive benefit of the District's Firemen's Pension Fund.

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

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

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

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

D. All other resources of the City Fire Department will be available to respond as the circumstances of any emergency or other situation may require. This includes a total of ten (10) major pieces of firefighting equipment based at six (6) fire stations throughout the City.

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

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

9. The City of Westminster shall assume fire protection service responsibility to the excluded area from the District effective January 1, 2004. Nothing in this Stipulation and Plan shall impair or negate the validity or effectiveness of any existing mutual aid agreement between the parties.

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

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

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

B. For the taxable year 2004 and thereafter, the excluded property shall not be subject to any property tax levied by the District for operating costs.

C. For the purpose of retiring the District's outstanding indebtedness and the interest thereon existing at the effective date of the exclusion order, the applicable excluded territory shall be obligated only for that proportion of the District's outstanding indebtedness and the interest thereon existing immediately prior to January 1, 2004.

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

12. This Court may, immediately upon presentation of this Stipulation and Plan, enter an Order consistent herewith excluding the territory described in Exhibit "A" from the District. The Order shall become effective, as provided by statute, on January 1, 2004. The form of the Order is attached hereto as Exhibit "B" and all of the terms of said Order are hereby incorporated by reference in this Stipulation and Plan.

13. The Court's Exclusion Order shall become effective January 1, 2004.

Respectfully submitted,

IRELAND, STAPLETON, PRYOR
& PASCOE, PC

CITY OF WESTMINSTER

By: _____
Dino Ross #20965
Attorney for Respondent
1675 Broadway, Suite 2600
Denver, CO 80202
303-628-3686

By: _____
Sharon Widener #12571
Attorney for Petitioners
4800 W. 92nd Avenue
Westminster, CO 80031
303-430-2400

APPROVED:

NORTH METRO FIRE
RESCUE DISTRICT

CITY OF WESTMINSTER, a
home-rule City

By _____
President

By _____
Ed Moss, Mayor

By _____
Fire District Manager

By _____
Brent McFall
City Manager

ATTEST:

ATTEST:



Agenda Item 10 K

WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
October 27, 2003

SUBJECT: Resolution No. 48 re Exclusion From North Metro Fire Rescue District

Prepared by: Tami Cannon, Paralegal

Recommended City Council Action

Adopt Resolution No. 48 approving the exclusion of recently annexed properties from the North Metro Fire Rescue District.

Summary Statement

This item is related to the approval of the Stipulation and Plan for exclusion appearing previously on Council's agenda. Four of the parcels to be excluded are within Jefferson County and one parcel is within Adams County.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

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

Alternative

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

Background Information

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 48

INTRODUCED BY COUNCILLORS

SERIES OF 2003

EXCLUSION OF TERRITORY FROM THE NORTH METRO FIRE RESCUE DISTRICT

WHEREAS, it is in the public interest and a policy of the City of Westminster to eliminate the overlapping of services provided by local governments and the double taxation 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 North Metro Fire Rescue District (hereinafter "District") and double taxation resulting from the territory described in Exhibit "A" being within the boundaries of both the City and the District; and

WHEREAS, the City Council, based upon information provided by its Staff, has found that the quality of service to be provided by the City of Westminster will not be inferior to the service provided by the District in the territory described in Exhibit "A" attached hereto, based upon the Westminster Fire Department's service capability, which includes operations out of six (6) existing fire stations which are strategically located throughout the City; an extensive fleet of sophisticated firefighting and emergency medical vehicles including four (4) fire engines, two (2) ladder trucks, one (1) Tele-Squirt, two (2) reserve fire engines, three (3) ambulances, two (2) reserve ambulances, two (2) attack units, and other support apparatus, operated by an authorized full-time career staff of one hundred and five (105), ninety-two (92) of which are highly trained 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 District are negotiating the City's proposal to exclude from the Fire District, and are working towards a mutually acceptable exclusion agreement; and

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

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

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

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

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

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

PASSED AND ADOPTED this 27th day of October, 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Councillor's Bill No. 67 re 2003 Budget Supplemental Appropriation

Prepared By: Karen Creager, Internal Auditor

Recommended City Council Action

Pass Councillor's Bill No. 67 on first reading providing for supplementary appropriations to the 2003 budget of the General Fund and General Capital Outlay Replacement Fund.

Summary Statement

City Council action is requested to pass the attached Councillor's Bill on first reading amending the 2003 budget appropriations in the General Fund and General Capital Outlay Replacement Fund.

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2003 3rd quarter supplemental appropriation.
- General Fund amendments:
 - \$19,056 Police Department overtime reimbursement
 - \$1,250 Police Department grants
 - \$34,000 FEMA funds
 - \$15,755 Business Appreciation Event sponsorships
 - \$84,100 Parks, Recreation and Libraries additional program revenue
 - \$4,409 Parks, Recreation and Libraries various grants
- General Capital Outlay Replacement Fund amendments:
 - \$11,684 Auction proceeds
- Appropriation of these unbudgeted funds allows the funds to be spent in 2003.

Expenditure Required: \$170,254

Source of Funds: The funding sources for these expenditures include reimbursements, sponsorships, auction proceeds, general recreation program revenue and various grants.

Policy Issue

Does City Council support amending the appropriations for the 2003 budget of the General Fund and General Capital Outlay Replacement Fund?

Alternative

The alternative would be not to amend the 2003 budget appropriations for the General and General Capital Outlay Replacement Funds and utilize these funds to increase reserves. Staff does not recommend this alternative as the various departments have in many cases already incurred these expenses and covered them in their current budget in anticipation of receipt of the funds.

Background Information

This agenda memo and attached Councillor's Bill is a routine action addressing the need to appropriate additional revenues and offsetting expenditures that resulted from increased activity or events that were not anticipated during the normal budget process.

The Police Department (PD) received \$13,179 and \$5,877 from the City of Thornton and the City of Lakewood, respectively, for High Intensity Drug Trafficking Area (HIDTA) Drug Investigations overtime. (General Fund)

Additionally, the PD has received two small grants of \$1,000 and \$250 from Jefferson County Victim Assistance Fund and Adams County Victim Assistance Funds, respectively. These grants will allow for several of the PD's Victim Advocates to attend the Colorado Organization for Victim Assistance (COVA) annual fall conference. (General Fund)

Public Works and Utilities Street Operation Division is requesting that a portion of the funds received from the Federal Emergency Management Association (FEMA) be appropriated to their contractual services account. The \$34,000 request represents reimbursement funds from FEMA for the City providing contractual snow removal services as a result of the March 2003 snowstorm that was declared a Federal emergency. The funds will be used to reimburse the Street Operations Division for "up fronting" the funds to bring contractual snow removal assistance on-board to fight the 30 plus inches of snow that fell in Westminster. (General Fund)

Community Development received sponsorships in the amount of \$15,755 from various businesses to offset the expenses of the annual Business Appreciation Event. (General Fund)

Parks, Recreation and Libraries Department received grants totaling \$4,409 from the Scientific and Cultural Facilities District, the Thornton Arts, Science and Humanities Council and the Westminster Community Artists Series. These grants will be used to offset the costs of a cultural program at the Senior Center and the 2003 Summer Concert Series. (General Fund)

The demand for recreation programs in 2003 continues to be high as well as the popularity of tournaments at Christopher Fields. Staff managed their budget to maximize the programs offered while covering expenses. Additional youth, preschool and adult recreation activities were offered, resulting in an additional \$84,100 expended in Park, Recreation & Library's (PR&L) Recreation Program Division for temporary salaries, professional services, supplies and electricity. Staff fully anticipated that the additional programs would generate sufficient revenues to offset the expenses and in reality, the programs generated significantly more revenues than the additional expenditures. Therefore, PR&L is requesting that \$84,100 of the additional revenue be appropriated to help cover the additional costs of the programs. (General Fund)

SUBJECT: Councillor's Bill re 2003 Budget Supplemental Appropriation

Page 3

The City received \$11,684 of auction proceeds for police vehicles that were replaced. These auction funds are being appropriated to the General Capital Outlay Replacement Fund to help offset the cost of the replacement vehicles. (General Capital Outlay Replacement Fund)

These adjustments will bring the City's accounting records up to date to reflect the various detailed transactions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **67**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL AND GENERAL CAPITAL OUTLAY REPLACEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$158,570 which, when added to the fund balance as of the City Council action on October 27, 2003 will equal \$71,073,433. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of grants, sponsorships, reimbursements and additional program revenue received by the City.

Section 2. The \$158,570 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description | Current Budget | Increase | Final Budget |
|---|----------------|------------------|--------------|
| REVENUES | | | |
| Contributions 1000.43100.0000 | \$53,802 | \$15,755 | \$65,427 |
| Other County Grants 1000.40640.0000 | 0 | 5,659 | 5,659 |
| Adult Activities 1000.41030.0503 | 750,000 | 84,100 | 834,100 |
| General – Miscellaneous 1000.43060.0000 | 189,434 | <u>53,056</u> | 242,490 |
| Total Change to Revenues | | <u>\$158,570</u> | |

| Description | Current Budget | Increase | Final Budget |
|--|----------------|------------------|--------------|
| EXPENSES | | | |
| PD – Investigations 10020300.60200.0000 | \$2,171,108 | \$19,056 | \$2,190,164 |
| PD Inv Career Dev 10020300.61800.0000 | 6,500 | 1,250 | 7,750 |
| Street Maintenance 10035450.67800.000 | 372,765 | 34,000 | 406,765 |
| CD – Special Promotions 10030340.67600.0000 | 43,319 | 15,755 | 59,074 |
| Temp Salaries – Adult Sports 10050760.60600.0504 | 70,400 | 20,000 | 90,400 |
| Temp Salaries – Preschool 10050760.60600.0508 | 160,400 | 10,000 | 170,400 |
| Temp Salaries – Youth Activities 10050760.60600.0529 | 88,900 | 8,000 | 96,900 |
| Bank Charges 10050760.66800.0000 | 5,686 | 2,100 | 7,786 |
| Prof Svcs – Adult Sports 10050760.65100.0504 | 53,020 | 14,000 | 67,020 |
| Cont Svcs – Youth Sports 10050760.67800.0507 | 2,600 | 2,000 | 4,600 |
| Rec Supplies – Adult Sports 10050760.71200.0504 | 29,750 | 8,000 | 37,750 |
| Electric & Gas 10050550.67200.0000 | 45,000 | 20,000 | 65,000 |
| Cont Svcs – Special Events 10050760.67800.0533 | 32,200 | 3,600 | 35,800 |
| Cont Svcs – Seniors 10050760.67800.0017 | 78,100 | <u>809</u> | 78,909 |
| Total Change to Expenditures | | <u>\$158,570</u> | |

Section 3. The 2003 appropriation for the General Capital Outlay Replacement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$1,509,075 is hereby increased by \$11,684 which, when added to the fund balance as of the City Council action on October 27, 2003 will equal \$1,175,115. The actual amount in the General Capital Outlay Replacement 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 auction proceeds.

Section 4. The \$11,684 increase in the General Capital Outlay Replacement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description | Current Budget | Increase | Final Budget |
|------------------------------------|----------------|-----------------|--------------|
| REVENUES | | | |
| Sale of Assets 4500.43040.0000 | \$0 | <u>\$11,684</u> | \$11,684 |
| Total Change to Revenues | | <u>\$11,684</u> | |
| EXPENSES | | | |
| Capital Outlay 45010900.75600.0000 | \$1,022,594 | <u>\$11,684</u> | \$1,034,278 |
| Total Change to Expenses | | <u>\$11,684</u> | |

Section 5. – 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 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 27th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of November, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Councillor's Bill No. 68 re Pillar of Fire, Vacation of Easement

Prepared by: Dave Downing, City Engineer

Recommended City Council Action

Pass Councillor's Bill No. 68 on first reading, vacating a sanitary sewer easement that was dedicated to the City of Westminster by the Pillar of Fire in 1978.

Summary Statement

- City Council action is requested to pass on first reading the attached Councillor's Bill to vacate a sanitary sewer easement that is located on land owned by the Pillar of Fire to the south of 84th Avenue and east of Federal Boulevard.
- A 20 foot wide, non-exclusive sanitary sewer easement was dedicated by the Pillar of Fire to the City in 1978 for the extension of a sanitary sewer main to serve the Summit Square Shopping Center, which is located at the northeast corner of the intersection of Federal Boulevard and 84th Avenue.
- In 1998, the City installed a storm sewer main parallel to the sanitary sewer main extension across the Pillar of Fire property in order to improve the drainage conditions from 84th Avenue. A new easement document was prepared to accommodate both the previously existing sanitary sewer main and the new storm sewer main. Furthermore, during the course of the construction of the storm sewer main, it was discovered that the existing sanitary sewer line was not fully located within the limits of the 1978 easement.
- Representatives of the Pillar of Fire have requested the vacation of the 1978 easement since both utility mains are now located within a more recently defined easement.
- A legal description of the easement to be vacated is included within the attached Councillor's Bill.
- City Staff has determined that the subject easement is no longer needed by the City, and the vacation of this easement would remove an unnecessary encumbrance from the Pillar of Fire property.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City Council vacate this sanitary sewer easement, which by City Code, must be vacated by an ordinance of the City Council?

Alternative

Do not vacate this sanitary sewer easement. This alternative is not recommended because the subject easement is no longer needed by the City and there is no reason for this encumbrance to exist upon the property.

Background Information

Pillar of Fire representatives have been very cooperative with the City in the provision of necessary utility easements across their property. They were also very patient while waiting several years for the City to correct a substantial erosion problem upon their private property that was caused by storm runoff from 84th Avenue and developments to the north.

The landowner has requested that the City's old sanitary sewer easement be vacated. Staff has determined that the original easement can be vacated since a more recent and more accurate easement has been prepared to accommodate the City's ownership and maintenance of all public utilities in this area.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **68**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING A SANITARY SEWER EASEMENT WITHIN UNPLATTED PROPERTY OWNED BY THE PILLAR OF FIRE

WHEREAS, a certain sanitary sewer easement was dedicated by a Deed Of Easement recorded at Book 2339, Pages 49-50 in the County of Adams; and

WHEREAS, this sanitary sewer easement is not necessary for maintaining the City of Westminster's utility lines; and

WHEREAS, the vacation is necessary since the legal description of the easement does not accurately describe the limits of the property containing the sanitary sewer main, a substitute easement has been provided for the sanitary sewer main and no utility lines will be constructed within the sanitary sewer easement in the future.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the sanitary sewer easement in Sections 2 and 3 hereof.

Section 2. Legal Description of Sanitary Sewer Easement:

A strip of land 20 feet in width to be used as a non-exclusive easement for a sanitary sewer extension to the Westminster Square Shopping Center site, all being a portion of the Northwest One-Quarter of the Southeast One-Quarter of Section 29, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, County of Adams, State of Colorado. The centerline of said strip being described as follows:

Commencing at a point of intersection of the east right-of-way line of Federal Boulevard and the north right-of-way line of West 84th Avenue, said point also being 50 feet north and 50-feet east of the southwest corner of the Northeast One-Quarter of said Section 29; Thence South 89°46'00" East along the north right-of-way line of West 84th Avenue a distance of 582.50 feet; Thence South 00°12'00" East a distance of 100.00 Feet to the True Point of Beginning; Thence continuing South 00°12'00" East a distance of 10.00 feet; Thence South 89°46'00" East a distance of 137.45 feet; Thence South 00°14'00" West a distance of 391.13 feet; Thence South 45°14'00" West a distance of 108.38 feet to the Point of Terminus, Containing 12,600 square feet or 0.290 Acres, More or less.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of October 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of November 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003



SUBJECT: Continuation of Intergovernmental Agreement with the Rocky Flats Coalition of Local Governments

Prepared by: Al Nelson, Rocky Flats Coordinator
Ronald A. Hellbusch, Director Public Works and Utilities

Recommended City Council Action

Authorize the Mayor to sign the Intergovernmental Agreement continuing the City's relationship with the Rocky Flats Coalition of Local Governments.

Summary Statement

- Elected officials and Staff from the local governments of Arvada, Boulder, Westminster, City and County of Broomfield, and Boulder and Jefferson Counties and the town of Superior have been working on the modifications to the Intergovernmental Agreement (IGA) in order to officially continue the Rocky Flats Coalition of Local Governments (RFCLOG), for an additional five year period.
- The IGA is now ready for approval and signature by the governmental entities of the seven local governments named above. The effectiveness of the Agreement is conditioned upon its approval by each of the seven local governments named above. Upon unanimous approval, the original Intergovernmental Agreement approved in 1999 establishing the RFCLOG will be superseded by this new IGA.
- There is no change in structure or scope of work of the Rocky Flats Coalition of Local Governments, only a timeline extension of the IGA to continue to serve in an oversight role through 2008.
- Each City appoints a Director and two alternates. Councillors Sam Dixon, Herb Atchison, and Director of Public Works and Utilities Ron Hellbusch have been representing Westminster on the RFCLOG Board.
- The Office of Worker and Community Transition has provided funding for the operational budget for the Coalition annually. In addition, the Office of Long-Term Stewardship and the Colorado Department of Public Health and Environment fund the Coalition.
- Each member is being asked to provide approximately \$1,800 per annum for professional lobbying services. A workplan has been developed, budgeted and approved by the organizing committee for the Coalition.

Expenditure Required: Approximately \$1,800/year

Source of Funds: Utility Fund - Public Works and Utility Operating Account

Policy Issue

Should the City agree to the IGA continuing to be a member of RFCLOG through 2008?

Alternatives

Determine that it is not in the best interest of the City of Westminster to remain a part of the Coalition of Local Governments for Rocky Flats. Westminster would continue to provide recommendations to the Department of Energy on cleanup and closure issues that are of importance to the City. By not signing the IGA the City would lose an opportunity to work with the six other local governments that are contiguous to Rocky Flats in order to "speak with one voice" to the Department of Energy, State and Federal Governments, and elected delegations on issues related to the cleanup and closure of Rocky Flats.

Background Information

The Rocky Flats Local Impacts Initiative (RFLII) was eliminated on July 1, 1999 with the formation of the Rocky Flats Coalition of Local Governments.

The Agreement to form this Coalition must be reviewed every fifth calendar year, beginning on the effective date of the agreement, which was February 18, 1999, the parties agree to consider whether to continue the Coalition's existence. An annual report will be prepared at the end of each year of operation in order to evaluate the effectiveness. Any party may withdraw from participation in this Agreement upon 30-day's written notice to the Board of its intent to withdraw.

The purpose of the Coalition is to provide an effective mechanism for local governments in the vicinity of Rocky Flats and their citizens to work together on issues of mutual concern relative to the safe, prompt and effective cleanup and closure of Rocky Flats; its future use and long term protection; and to serve as a focal point for local government communication and advocacy with state and federal agencies regarding Rocky Flats issues.

The Board of Directors of the RFLCOG will consist of seven members, each with one equal vote. A Director and two alternates will be designated by each local government upon execution of the agreement and annually thereafter. Alternates may serve in lieu of Directors in the event of absence, resignation or removal of directors. Councillors Sam Dixon, Herb Atchison, and Director of Public Works and Utilities Ron Hellbusch have been serving as the elected and staff representatives for the City of Westminster.

Council provides a formal letter to the Coalition designating elected and staff representative for the City annually in February. Local Government staff representatives will meet and work with the Coalition staff to prepare agendas, develop work plans, prepare recommendations for the Board's approval as well as keep the elected official current on Rocky Flats site activities and concerns. Council will be kept apprised by the City's designees of the Coalition's activities and of any recommendation requiring a formal position from the City.

Actions of the RFCLOG Board: Actions of the Board require an affirmative vote of at least five Directors. In the event a decision is made with less than a unanimous vote, a Party in the minority may include a statement reflecting their views.

Budget: \$334,852 from the Department of Energy Office of Worker and Community Transition; \$25,548 from the Department of Energy Office of Long-Term Stewardship; and, \$26,684 from the Colorado Department of Public Health and Environment.

A local government contribution of approximately \$1,800 per year for lobbying is being requested from each city, with the Town of Superior contributing \$1,000 due to the size of their town and budget.

2003 Strategic Plan

A detailed strategic plan has been developed and approved by the organizing committee and is attached.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 27, 2003

Subject: Revised Employment Agreement with John A. Stipech and Councillor's Bill No. 69 re Municipal Judge Salary

Prepared by: Matt Lutkus, Deputy City Manager for Administration

Recommendation City Council Action

- Authorize the Mayor to execute a revised employment agreement with John A. Stipech for his services as Presiding Judge for 2004 and 2005 with an effective date of January 1, 2004.
- Pass Councillor's Bill No. 69 amending the salary for the Municipal Judge for 2004.

Summary Statement

- City Council is requested to approve a revised employment agreement with John A. Stipech for services as Presiding Judge.
- The Presiding Judge again received a positive annual appraisal from City Council.
- Due to the current poor economic climate and the resulting decrease in City revenues, City Council has decided not to provide the Judge with a pay increase at this time. However, Council will be reviewing the Judge's salary again in Spring, 2004.
- The attached proposed agreement with John Stipech is identical to the current employment agreement with the exception of the change in the effective dates for the contract, a reallocation of salary dollars to deferred compensation and a provision for the mid year review of compensation.

Expenditure Required: \$105,984 plus the cost of fringe benefits as described in the attached employment agreement

Source of Funds: General Fund, Municipal Court Division Budget

Policy Issue

Whether to continue essentially the same agreement with John A. Stipech for 2004-2005?

Alternatives

Council could make further adjustments to the employment agreement with Judge Stipech.

Background Information

Since July 1991, City Council has used an employment contract for Presiding Judge services. This approach is consistent with the practice of having employment contracts with the City Manager and the City Attorney who also serve at the pleasure of City Council. The contract with the Presiding Judge addresses the overall duties of the position, the term of the agreement, compensation and benefits, professional development, and termination and separation provisions.

Judge Stipech was appointed July 1979 as an Associate Judge and as Presiding Judge January 1, 1996. He graduated from the University of Utah in 1967 with a Bachelor of Arts Degree and received his Juris Doctorate degree from the University of Denver Law School in 1971. He is a member of the Colorado and Adams County Bar Associations. Judge Stipech is an advisor to recipients of Habitat for Humanity homes, a member of the Westminster Rotary Club, and a member of the School District 50 Education Foundation Board of Directors.

The proposed employment agreement with John A. Stipech mirrors the agreements that Council approved starting in October 2000, with the exception of the change in the allocation of dollars in salary versus deferred compensation, a provision for a mid year review of compensation and the effective dates for the contract. The revised agreement provides no increase in compensation over the Judge's current annual salary. The total of \$105,984 in compensation is comprised of \$89,984 in salary and \$16,000 in deferred compensation. This is maximum deferred compensation allowed under the Internal Revenue Service Code for 2004.

Similar to the Council's employment agreements with the City Manager and the City Attorney, this agreement would again cover a two-year period, 2004 and 2005, with the provision that the salary be reviewed annually.

Section 16.2 of the Westminster City Charter requires that the Council set the Presiding Judge's salary by ordinance. Although the revised contract does not include an overall increase in compensation, the change in the salary—deferred compensation allocation requires approval of the attached ordinance. The attached Councillor's Bill addresses this requirement by updating the salary to reflect the amount listed in the proposed employment agreement.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 2004, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "CITY," and JOHN A. STIPECH, hereinafter called "EMPLOYEE," both of whom understand as follows:

WHEREAS, the CITY desires to continue to employ the services of John A. Stipech, as Presiding Municipal Judge of the City of Westminster as provided by City Charter, Chapter XVI, Section 16.2; 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

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

SECTION 1. DUTIES:

A. CITY hereby agrees to commence the employment of EMPLOYEE as Presiding Municipal Judge of CITY to perform the duties and functions specified in Section 16.2 of the City Charter, Chapter 22 of Title I of the City Code and such other legally and ethically permissible and proper duties and functions as the City Council shall from time to time assign.

B. EMPLOYEE shall administer the judicial component of the Municipal Court and shall be responsible for providing judicial coverage to insure efficient and expeditious hearing of all matters scheduled for hearing in the Court.

C. EMPLOYEE and the Court Administrator shall prepare and submit jointly a proposed budget for the Municipal Court following guidelines established by the City Manager. This budget shall be reviewed by the City Manager's Office and submitted to the City Council for final approval as part of the City Manager's recommended City Budget. Requests for changes in the budget during the fiscal year shall also be submitted through the City Manager's Office.

D. EMPLOYEE shall supervise the judicial staff of the Municipal Court as may be authorized by the City Council. EMPLOYEE shall provide advice and direction to the Court Administrator in connection with the governance of the Court staff.

SECTION 2. TERMS:

A. During the term of this Agreement, EMPLOYEE agrees to remain in the exclusive employ of CITY. Subject to the provisions of Section 2.D. and Section 3 of this Agreement, EMPLOYEE will serve as Presiding Municipal Judge for calendar years 2004 and 2005. EMPLOYEE is employed as a full-time employee and shall be compensated based upon his devoting normal business hours to his duties as Presiding Municipal Judge.

The term "employed" shall not be construed to include other judicial service, private law practice, 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 in Section 3, paragraph C of this Agreement.

D. This Agreement shall be considered for renewal annually, no later than October 31 of each year to address extending the Agreement, salary, and other changes negotiated between the parties, unless written notice is given to the EMPLOYEE that such Agreement will not be renewed, and such written notice is forwarded to EMPLOYEE at least ninety (90) days prior to the scheduled expiration of this Agreement. Each renewal of the Agreement shall be for a specified time. If for any reason this Agreement expires prior to its renewal, EMPLOYEE shall continue to work under the terms of the last executed Agreement until a new agreement is executed or the Agreement is terminated in accordance with section 3 below.

SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAY:

A. In the event City Council decides 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 Presiding Municipal Judge, 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 thirty (30) days. In the event the City elects to terminate this Agreement without giving EMPLOYEE four (4) months' advance written notice thereof, the EMPLOYEE shall have as his sole and exclusive remedy the severance payment equal to thirty (30) days of EMPLOYEE'S base salary as provided in this paragraph and EMPLOYEE shall have no other rights or claims against the CITY and hereby expressly waives and releases the same, 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 thirty (30) days' 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 paragraph D in Section 2.

SECTION 4. SALARY:

A. The CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual base salary of eighty-nine thousand, nine hundred eighty four dollars (\$89,984) effective January 1, 2004, payable in installments at the same time as other employees of the CITY are paid. In addition, the City will make a lump sum payment of \$16,000 to the Employee's deferred compensation plan. The City Council will review the EMPLOYEE'S salary again no later than May 1, 2004, to determine whether any mid-year adjustments will be made.

B. CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31 of each year. Salary evaluation each year shall be at the discretion of the CITY. Such evaluation shall consider the salary of judges of similar municipalities.

SECTION 5. HOURS OF WORK:

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.

SECTION 6. 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 7. PROFESSIONAL DEVELOPMENT:

CITY agrees to budget and to pay registration, travel and subsistence expenses of EMPLOYEE for professional and official travel to meetings and occasions related to the professional development of EMPLOYEE and to official and other functions as a representative of the City, including, but not limited to, the American Bar Association, the Colorado Bar Association, the Colorado Municipal Judges Association, and continuing legal education courses and seminars related to topics of the judiciary. In addition to reasonably funding educational/training programs for EMPLOYEE'S professional staff, sufficient funds shall be budgeted to permit EMPLOYEE to attend at least one national, one statewide, and one local educational/training program each year.

SECTION 8. 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 9. FRINGE BENEFITS:

EMPLOYEE will be allowed all benefits as are extended to Department Head level employees, including the monthly car allowance, except that when such benefits are in conflict with this contract, said contract shall control. The EMPLOYEE'S years of service with the City in an unbenefited capacity will be treated as years of continuous municipal service when the level of employee benefits is computed.

SECTION 10. 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.

C. EMPLOYEE is ultimately responsible for providing judicial coverage of all docketed matters in the Westminster Municipal Court.

SECTION 11. 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, 2004, and shall be in effect through calendar years 2004 and 2005.

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

F. Effective January 1, 2004, this Agreement replaces and supercedes prior employment agreements between CITY and employer.

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.

Approved by the Westminster City Council on October 27, 2003, contingent upon approval of the Councillor's Bill amending Municipal Judge salary.

ATTEST:

City Clerk

Mayor

John A. Stipech

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **69**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE
THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 1, Chapter 7 of the Westminster Municipal Code is hereby amended as follows:

1-7-2: MUNICIPAL JUDGE: The salary of the Municipal Judge shall be as follows:

~~\$89,880 \$89,906~~ \$89,984 per annum payable bi-weekly plus ~~\$14,000~~ \$16,000 in City-paid deferred compensation. ~~This salary shall be increased by an amount equal to the Council approved mid-year across the board increase but not to exceed two percent with the percentage increase to be based on the Judge's total salary plus City paid deferred compensation.~~

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

Section 3. This ordinance shall take effect on January 1, 2004.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 27th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 10th day of November, 2003.

ATTEST:

Mayor

City Clerk



City Council Meeting
October 27, 2003

SUBJECT: Councillor's Bill No. 70 re Mayor Run-Off Election Timeframe Amendment

Prepared By: Michele Kelley, City Clerk

Recommended City Council Action

Adopt Councillor's Bill No. 70 as an emergency ordinance amending the election timeframe for mayoral run-off elections.

Summary Statement

- City Code Section 1-10-1 (A) currently requires that a Mayoral candidate must receive at least 40% of the vote to be elected Mayor.
- Should no candidate for the office of Mayor receive at least 40% of votes cast, City Code requires that a run-off election be held twenty-eight days after the regular election.
- That requirement, however, directly contradicts other conditions imposed by state law as well as by restrictions of elapsed time.
- These contradictions make it highly unlikely that the City will be able to conduct a run-off election within the timeframe specified by City Code, which currently states a run-off election shall be held 28 days after the regular City election.
- In 1995 when the City Code was adopted pertaining to mayoral run off elections, conducting an election 28 days after the regular election was possible. Since 1995, the election laws have changed to allow the County more time to determine the final election results.

Expenditure Required: N/A

Source of Funds: N/A

Policy Issues

Should the City Code be amended to change the date for a mayoral run-off election?

Alternatives

- Amend the City Code to state that any run-off election would be held at the earliest possible date after the regular election. This would allow the City to comply with all state requirements.

Amend the City Code to state that the Mayoral candidate receiving the greatest number of votes be elected to office. This would allow the candidate with the highest number of votes to be sworn into office upon certification of election results. In addition to resolving those contradictions arising between conflicting requirements of City Code and State statute, this alternative would save the City approximately \$50,000 to \$60,000. That amount represents the estimated cost of a mailed ballot run-off election for the approximately 45,000 active registered voters in the City of Westminster.

Background Information

Colorado law requires legal notice of a runoff election be published at least twenty days prior to such election. The publication date to meet that state requirement would be Thursday, November 6. The deadline to have such legal notice to the newspaper is Friday, October 31st.

However, preliminary election results will not be available until Tuesday, November 4th after 7:00 PM, and the county has until November 17th to count provisional ballots. That the county may have provisional ballots counted prior to November 17th is supposition only. Finally, the county has until November 19th to have election results certified.

Further, under State law, an automatic recount of the county election results is required if the difference between any two candidates for an office is less than one-half of one per cent. Since election results may not be known until November 19th, a recount would not take place until after that date.

A candidate requesting a recount cannot request a recount until election results have been certified. Further, a candidate requesting a recount has fifteen days, after election results are certified, to make such request, a date possibly as late as December 4.

Although the above dates represent the extremes allowed under state law, election results available prior to latest date projections *may* change those projected dates. The validity of such conjecture will, of course, not be known until after the election.

Preparation for a Mayoral run-off election would necessarily include printing of ballots, a process which cannot begin until election results have been certified. Ballot envelopes would then be addressed to each voter, with voting instructions and numbered ballot inserted into each envelope, and ballots mailed 15 to 25 days prior to election day.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **70**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE TIMEFRAME FOR MAYOR RUN OFF ELECTIONS TO BE CONDUCTED

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Title1, Chapter 10 of the Westminster Municipal Code is hereby amended as follows:

1-10-1: ELECTION AND TERM LIMITATION OF MAYOR: (2308)

(A) The Mayor shall be elected for a four-year term by a vote of the electorate at a regular City election. To be elected, a candidate must receive at least forty percent of the votes cast for the office of Mayor. If no candidate receives at least forty percent, the two candidates with the highest number of votes for Mayor shall participate in a run-off election which shall be held ~~twenty-eight days~~ AT THE EARLIEST POSSIBLE DATE after the regular City election, and subject to the rules and procedures for municipal elections adopted by the City, as applicable. The successful candidate in the run-off election shall take office at the first regular Council meeting following the run-off election. Until the newly elected Mayor takes office, the previous Mayor shall continue in office.

Section 2. In order to conduct a mayor run-off election within the state election law requirements, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on October 27, 2003, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 27th day of October, 2003.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, October 27, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Kauffman and McNally. Councillor Hicks arrived at 7:15 p.m.

The minutes of the October 13, 2003 meeting was approved.

Westminster Election Commission and Historical Society members reenacted the opening of the recently found 1953 ballot boxes from the Westminster Sanitation District.

Council approved the following: Financial Report for September 2003; Awarded bid and authorized contract for Construction/General Contractor services for City Hall Space reallocation and HVAC projects to Adams Mendel Allison Construction Inc., for \$60,000-\$65,000; 2004 Traffic Signal Maintenance Contract with Integrated Electric for \$162,465; Contract for Outside Legal Services for Urban Renewal Plans with Malcolm M. Murray for \$15,000; Special Legal Services Contract with Reinhart Boerner Van Deuren S.C. in connection with pension withdrawals for \$500; Renewal of Contract for Municipal Court Security Services with Wackenhut Corporation for \$99,941; Revised Employment Agreement with City Attorney Martin McCullough for \$128,930; Revised Employment Agreement with J. Brent McFall for \$173,137; Sanitary Sewer Manhole Rehabilitation Contract with Levi Construction for \$62,887; 2003 Construction Crew Utility Material with Dana Hepner Company for \$101,523 and Hughes Supply for \$37,034; Stipulation and Plan for exclusion of recently annexed territory from the North Metro Fire Rescue District; Continuation of IGA with the Rocky Flats Coalition of Local Governments; and Revised Employment Agreement with John A. Stipech.

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

A BILL FOR AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH AV DEVELOPMENT LLC purpose: Annexation agreement for Alpine Vista project

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN PORTIONS OF SECTIONS 119, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO purpose: annexation of Alpine Vista No. 1

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PORTION OF SECTIONS 19, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO purpose: annexation of Alpine Vista No. 2

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: CLUP Amendment for Alpine Vista property

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 19, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO purpose: Zoning Alpine Vista property

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH RED DEVELOPMENT FOR THE CONSTRUCTION OF CORE AND SHELL BUILDING AT MANDALAY TOWN CENTER purpose: Business Assistance package for RED Development

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL AND GENERAL CAPITAL OUTLAY REPLACEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS purpose: 2003 Budget supplemental appropriation

A BILL FOR AN ORDINANCE VACATING A SANITARY SEWER EASEMENT WITHIN UNPLATTED PROPERTY OWNED BY THE PILLAR OF FIRE purpose: vacate easement with Pillar of Fire

A BILL FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE purpose: approving salary for Municipal Judge

The following Councillor's Bills were adopted as an emergency ordinance:

A BILL FOR AN ORDINANCE AMENDING THE TIMEFRAME FOR MAYOR RUN OFF ELECTIONS TO BE CONDUCTED purpose: amending the election timeframe for mayoral run-off elections

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

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN 88TH AND PIERCE BUSINESS CENTER LLLP (88th and Pierce Business Center) AND THE CITY OF WESTMINSTER TO AID WITH THE UPGRADING OF BROOKHILL TOWNE CENTER III AND THE ATTRACTION OF JOANN STORES INC

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND, UTILITY FUND, FLEET MAINTENANCE FUND, GENERAL CAPITAL OUTLAY REPLACEMENT FUND, SALES AND USE TAX FUND, GENERAL CAPITAL IMPROVEMENT FUND, GENERAL RESERVE FUND, UTILITY RESERVE FUND, OPEN SPACE FUND, GOLF COURSE FUND OPEN AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION OR UN-APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING RESTRAINING AND MANDATORY PROTECTION ORDERS

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND

A BILL FOR ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE CITY LOCATED AT 3155 WEST 80TH AVENUE TO HABITAT FOR HUMANITY OF METRO DENVER FOR THE NEW CONSTRUCTION OF TWO SINGLE FAMILY HOMES, AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS THAT CONVEY THIS REAL PROPERTY TO HABITAT FOR HUMANITY OF METRO DENVER, AND AUTHORIZING THE WAIVER OF DEVELOPMENT FEES IN THE AMOUNT OF \$8,398.00

A BILL FOR AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT WITHIN CEDAR BRIDGE SUBDIVISION FILING NO 1

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING FORMAL BIDDING REQUIREMENTS

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING RESTRICTIONS ON SALE AND POSSESSION OF ANIMALS

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE OPEN SPACE FUND AND AUTHORIZINT A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND

The following Resolutions were adopted:

Resolution No. 46 re Findings of fact for Alpine Vista Annexation No. 1

Resolution No. 47 re Findings of fact for Alpine Vista Annexation No. 2

Resolution NO. 48 re Exclusion from North Metro Fire Rescue District

At 8:05P.M. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on November 7, 2003

ORDINANCE NO. **3055**

COUNCILLOR'S BILL NO. **52**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Hicks-McNally

A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN 88th AND PIERCE BUSINESS CENTER LLLP (88th and Pierce Business Center) AND THE CITY OF WESTMINSTER TO AID WITH THE UPGRADING OF BROOKHILL TOWNE CENTER III AND THE ATTRACTION OF JOANN STORES, INC.

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

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

WHEREAS, 88TH and Pierce Business Center LLLP plans to continue to improve the façade and signage at Brookhill Towne Center, located at 88th Avenue and Pierce Street in Westminster, and

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

WHEREAS, the intent of this agreement is based upon the attraction and funding provided by JoAnn Stores, Inc. to the former Pharmoor space at Brookhill Towne Center III, and

WHEREAS, a proposed Assistance Agreement between the City and 88th and Pierce LLLP is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with 88th and Pierce Business Center in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October 2003.

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Dittman-Dixon

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND, UTILITY FUND, FLEET MAINTENANCE FUND, GENERAL CAPITAL OUTLAY REPLACEMENT FUND, SALES AND USE TAX FUND, GENERAL CAPITAL IMPROVEMENT FUND, GENERAL RESERVE FUND, UTILITY RESERVE FUND, OPEN SPACE FUND, GOLF COURSE FUND OPEN AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION OR UN-APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$1,497,745 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$73,326,062. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004 as well as the elimination of the Utility Fund split.

Section 2. The \$1,497,745 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------|-----------------------|---------------------|------------------|---------------------|
| Prop Tax Adco | 1000.40035.0010 | \$1,840,000 | \$188,200 | \$2,028,200 |
| Prop Tax Jeffco | 1000.40035.0020 | 1,522,500 | 267,609 | 1,790,109 |
| Bus Tax Qwest | 1000.40040.0050 | 200,000 | (15,000) | 185,000 |
| Admis Movies | 1000.40050.0006 | 225,000 | 100,000 | 325,000 |
| Admis Bowling | 1000.40050.0810 | 50,000 | (10,000) | 40,000 |
| Admis Cover Chrgs | 1000.40050.0820 | 3,000 | 1,000 | 4,000 |
| Admis Butterfly Pav | 1000.40050.0830 | 70,000 | (40,000) | 30,000 |
| Lic Contractors | 1000.40160.0000 | 60,000 | 10,000 | 70,000 |
| Lic Beer & Liq | 1000.40165.0000 | 50,000 | 15,000 | 65,000 |
| Other Licenses | 1000.40170.0000 | 65,000 | (25,000) | 40,000 |
| Bldg Permit Adco | 1000.40185.0010 | 400,000 | (100,000) | 300,000 |
| Bldg Permit Jeffco | 1000.40185.0020 | 425,000 | (125,000) | 300,000 |
| Bldg Permit Adco | 1000.40190.0010 | 625,000 | 100,000 | 725,000 |
| Bldg Permit Jeffco | 1000.40190.0020 | 250,000 | (25,000) | 225,000 |
| Cigarette | 1000.40340.0000 | 375,000 | (35,000) | 340,000 |
| Vehicle Reg Adco | 1000.40360.0010 | 200,000 | (20,000) | 180,000 |
| Admis Standley | 1000.40820.0256 | 390,000 | (15,000) | 375,000 |
| Admis City Park | 1000.40820.0861 | 720,000 | 30,000 | 750,000 |
| Admis Kings Mill | 1000.40820.0964 | 4,000 | 2,500 | 6,500 |
| Admis Cntryside | 1000.40820.0965 | 40,000 | 10,000 | 50,000 |
| Admis West View | 1000.40820.0967 | 320,000 | 30,000 | 350,000 |
| Lease pymts Ice | 1000.41010.0000 | 1,035,000 | 65,000 | 1,100,000 |
| Adult Activities | 1000.41030.0503 | 775,000 | 75,000 | 850,000 |
| Franchise Fees | 1000.41180.0000 | 10,000 | (5,000) | 5,000 |
| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
| Franch Fee Xcel | 1000.41180.0040 | 2,000,000 | 50,000 | 2,050,000 |
| WHA Svc Fee | 1000.41250.0000 | 67,000 | 3,000 | 70,000 |
| Maint Promenade | 1000.41280.0106 | 407,940 | (11,500) | 396,440 |

| | | | | |
|---------------------|-----------------|------------|-------------|------------|
| Security Promenade | 1000.41290.0106 | 115,060 | (11,500) | 103,560 |
| Record & Filing | 1000.41300.0000 | 40,000 | 35,000 | 75,000 |
| PD Training | 1000.41360.0000 | 10,000 | 1,000 | 11,000 |
| Fines Traffic | 1000.42030.0000 | 1,800,000 | (50,000) | 1,750,000 |
| Int Earnings | 1000.42510.0000 | 520,000 | (120,000) | 400,000 |
| Sale of Assets | 1000.43040.0000 | 30,000 | 10,000 | 40,000 |
| General | 1000.43060.0000 | 153,308 | 1,558 | 154,866 |
| Trf Sales & Use Tax | 1000.45000.0530 | 47,235,009 | (4,075,866) | 43,159,143 |
| Trf GIDs | 1000.45000.0620 | 15,000 | 10,000 | 25,000 |
| Trf Water | 1000.45000.0200 | 0 | 1,500,083 | 1,500,083 |
| Trf Wastewater | 1000.45000.0210 | 0 | 838,016 | 838,016 |
| Carryover | 1000.40020.0000 | 0 | 2,838,645 | 2,838,645 |

Total Change to Revenues

\$1,497,745

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|----------------------------|---------------------|--------------|-------------|--------------|
| City Council | | | | |
| Salaries | 10001010.60800.0000 | \$55,800 | \$21,700 | \$77,500 |
| Meeting Expense | 10001010.61400.0000 | 7,567 | 2,943 | 10,510 |
| Career Dev | 10001010.61800.0000 | 25,275 | 9,829 | 35,104 |
| Telephone | 10001010.66900.0000 | 4,536 | 1,764 | 6,300 |
| Spec Promo | 10001010.67600.0000 | 4,320 | 1,680 | 6,000 |
| Contract Svcs | 10001010.67800.0000 | 27,886 | 10,844 | 38,730 |
| Supplies | 10001010.70200.0000 | 3,791 | 1,474 | 5,265 |
| Food | 10001010.70400.0000 | 2,592 | 1,008 | 3,600 |
| City Attorney's Off | | | | |
| Regular Salaries | 10003120.60200.0000 | 433,577 | 150,048 | 583,625 |
| Reg Salaries Pros | 10003120.60200.0125 | 197,975 | (36,127) | 161,848 |
| Career Dev | 10003120.61800.0000 | 8,582 | 2,937 | 11,519 |
| Outside Comp Chgs | 10003120.67000.0000 | 9,780 | 3,804 | 13,584 |
| Train & Ref Mtrls | 10003120.71400.0000 | 15,360 | 5,258 | 20,618 |
| Budget Hold | 10003120.76800.0000 | 0 | 27,197 | 27,197 |
| City Manager's Off | | | | |
| Regular Salaries | 10005050.60200.0000 | 459,314 | 182,119 | 641,433 |
| Reg Salaries PIO | 10005050.60200.0387 | 130,694 | 30,944 | 161,638 |
| Career Dev | 10005050.61800.0000 | 8,784 | 3,416 | 12,200 |
| Career Dev PIO | 10005050.61800.0387 | 1,440 | 560 | 2,000 |
| Printing PIO | 10005050.66600.0387 | 24,192 | 9,408 | 33,600 |
| Postage PIO | 10005050.66700.0387 | 30,564 | 11,886 | 42,450 |
| Contract Svc PIO | 10005050.67800.0387 | 32,688 | 12,712 | 45,400 |
| Supplies | 10005050.70200.0000 | 6,041 | 2,349 | 8,390 |
| Budget Hold | 10005050.76800.0000 | 0 | 24,725 | 24,725 |
| Central Charges | | | | |
| Regular Salaries | 10010900.60200.0000 | 1,280,883 | (1,260,883) | 20,000 |
| Retire City Contrib | 10010900.62600.0000 | 3,600,000 | (116,134) | 3,483,866 |
| Non Med Ins Life | 10010900.62800.0590 | 117,705 | (15,247) | 102,458 |
| Non Med Ins LTD | 10010900.62800.0591 | 306,075 | 16,857 | 322,932 |
| Non Med Ins Surv | 10010900.62800.0592 | 219,000 | (34,419) | 184,581 |
| Med Ins ER BCBS | 10010900.63000.0594 | 2,680,788 | 367,974 | 3,048,762 |
| Med Ins ER Delta | 10010900.63000.0595 | 311,725 | 28,339 | 340,064 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------|-------------------------------|---------------------|------------------|---------------------|
| Med Ins ER Kaiser | 10010900.63000.0596 | 1,042,787 | 94,614 | 1,137,401 |
| Medicare | 10010900.63600.0000 | 418,000 | (1,000) | 417,000 |
| Prof Serv | 10010900.65100.0000 | 91,611 | 45,259 | 136,870 |
| City Memberships | 10010900.67500.0000 | 97,344 | 37,856 | 135,200 |
| Contract Svcs | 10010900.67800.0000 | 40,000 | 88,000 | 128,000 |
| Contract Svcs Rec | 10010900.67800.0535 | 30,960 | 12,040 | 43,000 |
| Tfr Prop/Liab | 10010900.79800.0460 | 439,287 | 150,000 | 589,287 |
| Tfr Workers Comp | 10010900.79800.0480 | 342,326 | 150,000 | 492,326 |
| Gen Svcs – Admin | | | | |
| Regular Salaries | 10012050.60200.0000 | 108,366 | (2,679) | 105,687 |
| Budget Hold | 10012050.76800.0000 | 0 | 115,827 | 115,827 |
| General Services | Human Resources | | | |
| Regular Salaries | 10012060.60200.0000 | 470,469 | 84,960 | 555,429 |
| Reg Salaries Wellness | 10012060.60200.0544 | 42,361 | 7,013 | 49,374 |
| Employ Recruit | 10012060.61600.0000 | 26,036 | 4,239 | 30,275 |
| Employ Med Exp | 10012060.64000.0000 | 24,123 | 3,927 | 28,050 |
| Prof Svc | 10012060.65100.0000 | 39,491 | 6,429 | 45,920 |
| Prof Svc Wellness | 10012060.65100.0544 | 40,850 | 6,650 | 47,500 |
| General Services | City Clerk | | | |
| Regular Salaries | 10012070.60200.0000 | 194,509 | 78,524 | 273,033 |
| Ads & Leg Notices | 10012070.65200.0000 | 7,776 | 3,024 | 10,800 |
| Maint/Rep Equip | 10012070.66100.0000 | 10,440 | 4,060 | 14,500 |
| Supplies | 10012070.70200.0000 | 22,320 | 8,680 | 31,000 |
| General Services | Organizational Support | | | |
| Regular Salaries | 10012110.60200.0000 | 258,679 | 92,060 | 350,739 |
| Reg Sal – Envir | 10012110.60200.0552 | 41,731 | 64,039 | 105,770 |
| Overtime – Envir | 10012110.60400.0552 | 1,040 | 1,560 | 2,600 |
| Career Dev Envir | 10012110.61800.0552 | 648 | 972 | 1,620 |
| Educ Reimb Prog | 10012110.63800.0000 | 21,500 | 3,500 | 25,000 |
| Prof Svcs Envir | 10012110.65100.0552 | 14,600 | 21,900 | 36,500 |
| Prof Svcs Train | 10012110.65100.0612 | 52,202 | 8,498 | 60,700 |
| General Services | Court | | | |
| Regular Salaries | 10012130.60200.0000 | 773,085 | (24,133) | 748,952 |
| Reg Salaries – Prob | 10012130.60200.0130 | 131,659 | (2,732) | 128,927 |
| General Services | BO & M | | | |
| Regular Salaries | 10012390.60200.0000 | 356,905 | 40,725 | 397,630 |
| Salaries Overtime | 10012390.60400.0000 | 7,900 | 2,100 | 10,000 |
| Unif & Equip Allow | 10012390.61000.0000 | 2,844 | 756 | 3,600 |
| Maint/Rep Equip | 10012390.66100.0000 | 21,409 | 5,691 | 27,100 |
| Maint/Rep Infra | 10012390.66200.0000 | 81,262 | 21,602 | 102,864 |
| Supplies | 10012390.70200.0000 | 5,530 | 1,470 | 7,000 |
| Build & Grd Mtls | 10012390.71800.0000 | 33,970 | 9,030 | 43,000 |
| Parts | 10012390.73600.0000 | 33,970 | 9,030 | 43,000 |
| Finance | Administration | | | |
| Regular Salaries | 10015050.60200.0000 | 118,568 | 43,353 | 161,921 |
| Supplies | 10015050.70200.0000 | 13,788 | 5,362 | 19,150 |
| Budget Hold | 10015050.76800.0000 | 0 | 53,952 | 53,952 |
| Finance | Accounting | | | |
| Regular Salaries | 10015220.60200.0000 | 359,045 | 101,437 | 460,482 |
| Prof Svcs | 10015220.65100.0000 | 39,690 | 15,435 | 55,125 |
| Printing | 10015220.66600.0000 | 4,896 | 1,904 | 6,800 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------------|-----------------------------|---------------------|------------------|---------------------|
| Finance – | Utility Billing | | | |
| Regular Salaries | 10015240.60200.0000 | 144,336 | 56,587 | 200,923 |
| Finance | Sales Tax | | | |
| Regular Salaries | 10015250.60200.0000 | 376,051 | (3,526) | 372,525 |
| Police Department | Administration | | | |
| Regular Salaries | 10020050.60200.0000 | 190,664 | 18 | 190,682 |
| Elec & Gas | 10020050.67200.0000 | 84,000 | 36,000 | 120,000 |
| Budget Hold | 10020050.76800.0000 | 0 | 180,901 | 180,901 |
| Police Department | Community Svcs | | | |
| Regular Salaries | 10020270.60200.0000 | 645,341 | 2,071 | 647,412 |
| Prof Svcs | 10020270.65100.0000 | 23,000 | (5,000) | 18,000 |
| Supplies | 10020270.70200.0000 | 15,000 | (5,000) | 10,000 |
| Police Department | Neighborhood | | | |
| Regular Salaries | 10020271.60200.0000 | 567,605 | (43,595) | 524,010 |
| Police Department– | Tech Svcs | | | |
| Regular Salaries | 10020272.60200.0000 | 1,637,522 | (149,983) | 1,487,539 |
| Office Equip | 10020272.75200.0000 | 20,000 | (20,000) | 0 |
| Police Department | Investigative Svcs | | | |
| Regular Salaries | 10020300.60200.0000 | 2,223,699 | 108,551 | 2,332,250 |
| Police Department | Patrol | | | |
| Regular Salaries | 10020500.60200.0000 | 7,350,158 | (441,750) | 6,908,408 |
| Reg Salaries Prom | 10020500.60200.0106 | 146,897 | 48,241 | 195,138 |
| Fleet Rental | 10020500.65800.0000 | 291,849 | (16,800) | 275,049 |
| Maint/Rep Equip | 10020500.66100.0000 | 7,200 | 16,800 | 24,000 |
| Fire Department | | | | |
| Regular Salaries | 10025260.60200.0000 | 4,676,045 | 6,767 | 4,682,812 |
| Reg Salaries EMS | 10025260.60200.0546 | 1,459,868 | 26,592 | 1,486,460 |
| Reg Salaries Fire Prev | 10025260.60200.0547 | 347,911 | 31,917 | 379,828 |
| Lab Sup EMS | 10025260.70800.0546 | 22,966 | 49,000 | 71,966 |
| Community Dev | Administration | | | |
| Regular Salaries | 10030050.60200.0000 | 246,418 | 94,741 | 341,159 |
| Contract Svcs | 10030050.67800.0000 | 27,108 | 2,893 | 30,001 |
| Budget Hold | 10030050.76800.0000 | 0 | 110,720 | 110,720 |
| Community Dev | Economic Development | | | |
| Regular Salaries | 10030340.60200.0000 | 140,956 | 67,732 | 208,688 |
| Spec Promo | 10030340.67600.0000 | 26,900 | (7,300) | 19,600 |
| Contract Svcs | 10030340.67800.0000 | 41,039 | 15,960 | 56,999 |
| Community Dev | Planning | | | |
| Regular Salaries | 10030360.60200.0000 | 625,736 | 200,743 | 826,479 |
| Prof Svcs | 10030360.65100.0000 | 14,479 | 3,397 | 17,876 |
| Community Dev | Building | | | |
| Regular Salaries | 10030370.60200.0000 | 870,782 | (2,474) | 868,308 |
| Prof Svcs | 10030370.65100.0000 | 47,000 | 3,000 | 50,000 |
| Community Dev | Engineering | | | |
| Regular Salaries | 10030380.60200.0000 | 817,434 | 152,890 | 970,324 |
| Career Dev | 10030380.61800.0000 | 7,189 | 1,911 | 9,100 |
| Maint/Rep Infra | 10030380.66200.0000 | 216,000 | (10,000) | 206,000 |
| PW&U – | Infrastructure | | | |
| Regular Salaries | 10035430.60200.0000 | 185,580 | 22,929 | 208,509 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------------------|-----------------------|---------------------|------------------|---------------------|
| PW&U – | Streets | | | |
| Regular Salaries | 10035450.60200.0000 | 968,050 | 87,910 | 1,055,960 |
| Salaries – Temp | 10035450.60600.0000 | 38,021 | 4,489 | 42,510 |
| Street Lights | 10035450.67400.0000 | 1,203,408 | 60,000 | 1,263,408 |
| Budget Hold | 10035450.76800.0000 | 0 | 35,968 | 35,968 |
| PR&L – Admin | | | | |
| Regular Salaries | 10050050.60200.0000 | 469,376 | 1,114 | 470,490 |
| Budget Hold | 10050050.76800.0000 | 0 | 367,359 | 367,359 |
| PR&L – Park Svcs | | | | |
| Regular Salaries | 10050550.60200.0000 | 859,851 | (254,181) | 605,670 |
| Reg Salaries – Prom | 10050550.60200.0106 | 186,052 | 2,331 | 188,383 |
| Salaries Temp | 10050550.60600.0000 | 283,418 | 24,645 | 308,063 |
| Elec & Gas | 10050550.67200.0000 | 45,000 | 25,000 | 70,000 |
| PR&L – Library | | | | |
| Regular Salaries | 10050620.60200.0000 | 1,634,345 | (32,621) | 1,601,724 |
| Contract Svcs | 10050620.67800.0000 | 133,870 | 15,000 | 148,870 |
| PR&L – Standley Lake | | | | |
| Regular Salaries | 10050660.60200.0000 | 132,420 | 7,500 | 139,920 |
| Build & Grd Mtls | 10050660.71800.0000 | 16,700 | (4,100) | 12,600 |
| PR&L – Design | | | | |
| Regular Salaries | 10050690.60200.0000 | 356,078 | (35,731) | 320,347 |
| PR&L – Rec Fac | | | | |
| Regular Salaries | 10050720.60200.0000 | 191,583 | (9,238) | 182,345 |
| Reg Salaries Fitness | 10050720.60200.0505 | 46,139 | 21,861 | 68,000 |
| Reg Salaries CP | 10050720.60200.0860 | 922,247 | (69,405) | 852,842 |
| Reg Salaries CP Fit | 10050720.60200.0861 | 312,814 | (43,733) | 269,081 |
| Reg Salaries Swim & Fit | 10050720.60200.0963 | 482,623 | (79,055) | 403,568 |
| Reg Salaries West View | 10050720.60200.0967 | 323,551 | (26,348) | 297,203 |
| Elec & Gas CP | 10050720.67200.0860 | 172,000 | 3,000 | 175,000 |
| Elec & Gas CP Fit | 10050720.67200.0861 | 65,600 | 3,000 | 68,600 |
| Elec & Gas Swim & Fit | 10050720.67200.0963 | 116,500 | 3,000 | 119,500 |
| Elec & Gas Cntrysd | 10050720.67200.0965 | 10,000 | 3,000 | 13,000 |
| Elec & Gas West View | 10050720.67200.0967 | 79,000 | 3,000 | 82,000 |
| PR&L – Rec Programs | | | | |
| Regular Salaries | 10050760.60200.0000 | 372,184 | 2,827 | 375,011 |
| Reg Salaries Senior | 10050760.60200.0017 | 187,490 | 269 | 187,759 |
| Reg Salaries Arts | 10050760.60200.0532 | 26,360 | 1,352 | 27,712 |
| Bank Charges | 10050760.66800.0000 | 5,970 | 2,500 | 8,470 |
| Wtr & Sewer Seniors | 10050760.67100.0017 | 3,800 | 2,500 | 6,300 |
| Rec Supplies Preschool | 10050760.71200.0508 | 51,100 | (4,300) | 46,800 |

Total Change to Expenses

\$1,497,745

Section 3. The 2004 appropriation for the General Reserve Fund initially appropriated by Ordinance No. 2977 in the amount of \$7,400,100 is hereby increased by \$213,330 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$7,613,430.

The actual amount in the General Reserve 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 appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 4. The \$213,330 increase in the General Reserve Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------|-----------------|--------------|-----------|--------------|
| Carryover | 1100.40020.0000 | \$7,290,745 | \$136,992 | \$7,427,737 |
| Int Earnings | 1100.42510.0000 | 109,355 | 76,338 | 185,693 |

Total Change to Revenues \$213,330

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-------------|---------------------|--------------|-----------|--------------|
| Contingency | 11010900.79900.0000 | \$7,400,100 | \$213,330 | \$7,613,430 |

Total Change to Expenses \$213,330

Section 5. The 2004 appropriation for the Utility Reserve Fund initially appropriated by Ordinance No. 2977 in the amount of \$6,963,291 is hereby increased by \$2,193,290 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$9,156,581. The actual amount in the Utility Reserve 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 appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 6. The \$2,193,290 increase in the Utility Reserve Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------|-----------------|--------------|-------------|--------------|
| Carryover | 2050.40020.0000 | \$6,860,385 | \$2,121,645 | \$8,982,030 |
| Int Earnings | 2050.42510.0000 | 102,906 | 71,645 | 174,551 |

Total Change to Revenues \$2,193,290

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-------------|---------------------|--------------|-------------|--------------|
| Contingency | 20510900.79900.0000 | \$6,963,291 | \$2,193,290 | \$9,156,581 |

Total Change to Expenses \$2,193,290

Section 7. The 2004 appropriation for the Utility Fund initially appropriated by Ordinance No. 2977 in the amount of \$39,156,200 is hereby increased by \$554,075 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$39,710,275. The actual amount in the Utility 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 appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004 as well as the elimination of the Utility Fund split.

Section 8. The \$554,075 increase in the Utility Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-----------------|-----------------|--------------|-----------|--------------|
| Reimbursements | 2000.43080.0000 | \$25,000 | \$75,000 | \$100,000 |
| W/WW Sales Res | 2100.40730.0027 | 5,015,276 | 119,018 | 5,134,294 |
| W/WW Sales Comm | 2100.40730.0028 | 3,931,109 | 354,196 | 4,285,305 |
| General Misc | 2100.43060.0000 | 4,139 | 5,861 | 10,000 |

Total Change to Revenues \$554,075

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---|-----------------------|---------------------|------------------|---------------------|
| City Council | | | | |
| Salaries | 20001010.60800.0000 | \$14,725 | \$(14,725) | \$0 |
| Meeting Expense | 20001010.61400.0000 | 1,997 | (1,997) | 0 |
| Career Dev | 20001010.61800.0000 | 6,670 | (6,670) | 0 |
| Telephone | 20001010.66900.0000 | 1,197 | (1,197) | 0 |
| Spec Promo | 20001010.67600.0000 | 1,140 | (1,140) | 0 |
| Contract Svcs | 20001010.67800.0000 | 7,358 | (7,358) | 0 |
| Supplies | 20001010.70200.0000 | 1,000 | (1,000) | 0 |
| Food | 20001010.70400.0000 | 684 | (684) | 0 |
| City Attorney's Off | | | | |
| Regular Salaries | 20003120.60200.0000 | 98,937 | (98,937) | 0 |
| Career Dev | 20003120.61800.0000 | 1,958 | (1,958) | 0 |
| Outside Comp Chgs | 20003120.67000.0000 | 2,581 | (2,581) | 0 |
| Train & Ref Mtrls | 20003120.71400.0000 | 3,505 | (3,505) | 0 |
| City Manager's Off | | | | |
| Regular Salaries | 20005050.60200.0000 | 121,208 | (121,208) | 0 |
| Reg Salaries PIO | 20005050.60200.0387 | 34,489 | (34,489) | 0 |
| Career Dev | 20005050.61800.0000 | 2,318 | (2,318) | 0 |
| Career Dev PIO | 20005050.61800.0387 | 380 | (380) | 0 |
| Printing PIO | 20005050.66600.0387 | 6,384 | (6,384) | 0 |
| Postage PIO | 20005050.66700.0387 | 8,065 | (8,065) | 0 |
| Contract Svc PIO | 20005050.67800.0387 | 8,626 | (8,626) | 0 |
| Supplies | 20005050.70200.0000 | 1,594 | (1,594) | 0 |
| Central Charges | | | | |
| Regular Salaries | 20010900.60200.0000 | 185,954 | (185,954) | 0 |
| Retire City Contrib | 20010900.62600.0000 | 450,000 | 20,800 | 470,800 |
| Non Med Ins Life | 20010900.62800.0590 | 18,700 | (2,588) | 16,112 |
| Non Med Ins LTD | 20010900.62800.0591 | 51,600 | (90) | 51,510 |
| Non Med Ins Surv | 20010900.62800.0592 | 35,000 | (5,367) | 29,633 |
| Med Ins ER BCBS | 20010900.63000.0594 | 367,444 | 59,545 | 426,989 |
| Med Ins ER Delta | 20010900.63000.0595 | 43,700 | 578 | 44,278 |
| Med Ins ER Kaiser | 20010900.63000.0596 | 177,444 | 14,947 | 192,391 |
| Medicare | 20010900.63600.0000 | 56,300 | (1,300) | 55,000 |
| Prof Serv | 20010900.65100.0000 | 23,750 | (23,750) | 0 |
| City Memberships | 20010900.67500.0000 | 25,688 | (25,688) | 0 |
| Contract Svcs Rec | 20010900.67800.0535 | 8,170 | (8,170) | 0 |
| Tfr General Fund | 20010900.79800.0100 | 0 | 1,500,083 | 1,500,083 |
| Tfr Prop/Liab | 20010900.79800.0460 | 0 | 190,359 | 190,359 |
| Tfr Workers Comp | 20010900.79800.0480 | 0 | 58,684 | 58,684 |
| General Services – Administration | | | | |
| Regular Salaries | 20012050.60200.0000 | 28,597 | (28,597) | 0 |
| General Services – Human Resources | | | | |
| Regular Salaries | 20012060.60200.0000 | 32,823 | (32,823) | 0 |
| Reg Salaries Wellness | 20012060.60200.0544 | 2,955 | (2,955) | 0 |
| Employ Recruit | 20012060.61600.0000 | 1,817 | (1,817) | 0 |
| Employ Med Exp | 20012060.64000.0000 | 1,683 | (1,683) | 0 |
| Prof Svc | 20012060.65100.0000 | 2,755 | (2,755) | 0 |
| Prof Svc Wellness | 20012060.65100.0544 | 2,850 | (2,850) | 0 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------------|---------------------------------|---------------------|------------------|---------------------|
| General Services | City Clerk | | | |
| Regular Salaries | 20012070.60200.0000 | 51,329 | (51,329) | 0 |
| Ads & Leg Notices | 20012070.65200.0000 | 2,052 | (2,052) | 0 |
| Maint/Rep Equip | 20012070.66100.0000 | 2,755 | (2,755) | 0 |
| Supplies | 20012070.70200.0000 | 5,890 | (5,890) | 0 |
| General Services – | Org Support Services | | | |
| Regular Salaries | 20012110.60200.0000 | 68,262 | (68,262) | 0 |
| Reg Sal – Envir | 20012110.60200.0552 | 31,298 | (31,298) | 0 |
| Overtime – Envir | 20012110.60400.0552 | 780 | (780) | 0 |
| Career Dev Envir | 20012110.61800.0552 | 486 | (486) | 0 |
| Educ Reimb Prog | 20012110.63800.0000 | 1,500 | (1,500) | 0 |
| Prof Svcs Envir | 20012110.65100.0552 | 10,950 | (10,950) | 0 |
| Prof Svcs Train | 20012110.65100.0612 | 3,642 | (3,642) | 0 |
| General Services | – BO&M | | | |
| Regular Salaries | 20012390.60200.0000 | 67,767 | (67,767) | 0 |
| Salaries Overtime | 20012390.60400.0000 | 1,500 | (1,500) | 0 |
| Unif & Equip Allow | 20012390.61000.0000 | 540 | (540) | 0 |
| Maint/Rep Equip | 20012390.66100.0000 | 4,065 | (4,065) | 0 |
| Maint/Rep Infra | 20012390.66200.0000 | 15,430 | (15,430) | 0 |
| Supplies | 20012390.70200.0000 | 1,050 | (1,050) | 0 |
| Build & Grd Mtls | 20012390.71800.0000 | 6,450 | (6,450) | 0 |
| Parts | 20012390.73600.0000 | 6,450 | (6,450) | 0 |
| Finance – | Administration | | | |
| Regular Salaries | 20015050.60200.0000 | 31,289 | (31,289) | 0 |
| Supplies | 20015050.70200.0000 | 3,638 | (3,638) | 0 |
| Finance | Accounting | | | |
| Regular Salaries | 20015220.60200.0000 | 94,748 | (94,748) | 0 |
| Prof Svcs | 20015220.65100.0000 | 10,474 | (10,474) | 0 |
| Printing | 20015220.66600.0000 | 1,292 | (1,292) | 0 |
| Finance – | Utility Billing | | | |
| Regular Salaries | 20015240.60200.0000 | 261,797 | (35,646) | 226,151 |
| Fire Department | | | | |
| Reg Salaries Fire Prev | 20025260.60200.0547 | 22,285 | (22,285) | 0 |
| Community Dev | Administration | | | |
| Regular Salaries | 20030050.60200.0000 | 65,027 | (65,027) | 0 |
| Contract Svcs | 20030050.67800.0000 | 7,154 | (7,154) | 0 |
| Community Dev | Economic Development | | | |
| Regular Salaries | 20030340.60200.0000 | 37,197 | (37,197) | 0 |
| Contract Svcs | 20030340.67800.0000 | 10,830 | (10,830) | 0 |
| Community Dev | Planning | | | |
| Regular Salaries | 20030360.60200.0000 | 100,427 | (100,427) | 0 |
| Prof Svcs | 20030360.65100.0000 | 2,324 | (2,324) | 0 |
| Community Dev | Building | | | |
| Regular Salaries | 20030370.60200.0000 | 37,055 | (37,055) | 0 |
| Prof Svcs | 20030370.65100.0000 | 2,000 | (2,000) | 0 |
| Community Dev | Engineering | | | |
| Regular Salaries | 20030380.60200.0000 | 144,862 | (144,862) | 0 |
| Career Dev | 20030380.61800.0000 | 1,274 | (1,274) | 0 |
| PW&U – | Infrastructure | | | |
| Regular Salaries | 20035430.60200.0000 | 10,310 | (10,310) | 0 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-----------------------------------|------------------------|---------------------|------------------|---------------------|
| PW&U – Admin | | | | |
| Regular Salaries | 20035050.60200.0000 | 346,583 | 4,856 | 351,439 |
| PW&U – Streets | | | | |
| Regular Salaries | 20035450.60200.0000 | 60,178 | (60,178) | 0 |
| Salaries – Temp | 20035450.60600.0000 | 2,363 | (2,363) | 0 |
| PW&U – Field Ops | | | | |
| Regular Salaries | 20035470.60200.0000 | 1,005,603 | 46,090 | 1,051,693 |
| Reg Salaries – wtrline replace | 20035470.60200.0497 | 497,837 | (49,652) | 448,185 |
| PW&U – | Water Resources | | | |
| Regular Salaries | 20035480.60200.0000 | 542,122 | (33,133) | 508,989 |
| Reg Salaries – Wtr Quality | 20035480.60200.0943 | 68,098 | 1,072 | 69,170 |
| PW&U – | Water Plants | | | |
| Regular Salaries | 20035490.60200.0000 | 720,815 | (14,779) | 706,036 |
| Reg Salaries- Rec Svc | 20035490.60200.0023 | 40,765 | 1 | 40,766 |
| Reg Salaries – Wtr Qual | 20035490.60200.0943 | 224,485 | (1,469) | 223,016 |
| PR&L – Park Svcs | | | | |
| Regular Salaries | 20050550.60200.0000 | 28,039 | (28,039) | 0 |
| Salaries Temp | 20050550.60600.0000 | 9,242 | (9,242) | 0 |
| Information Tech | | | | |
| Regular Salaries | 20060230.60200.0000 | 1,582,734 | 28,171 | 1,610,905 |
| Prop/Liab | Central Charges | | | |
| Self Ins Claim | 20010900.68200.0460 | 190,359 | (190,359) | 0 |
| Worker’s Comp - | Central Charges | | | |
| Self Ins Claim | 21010900.68200.0480 | 58,684 | (58,684) | 0 |
| City Council | | | | |
| Salaries | 21001010.60800.0000 | 6,975 | (6,975) | 0 |
| Meeting Expense | 21001010.61400.0000 | 946 | (946) | 0 |
| Career Dev | 21001010.61800.0000 | 3,159 | (3,159) | 0 |
| Telephone | 21001010.66900.0000 | 567 | (567) | 0 |
| Spec Promo | 21001010.67600.0000 | 540 | (540) | 0 |
| Contract Svcs | 21001010.67800.0000 | 3,486 | (3,486) | 0 |
| Supplies | 21001010.70200.0000 | 474 | (474) | 0 |
| Food | 21001010.70400.0000 | 324 | (324) | 0 |
| City Attorney’s Off | | | | |
| Regular Salaries | 21003120.60200.0000 | 49,469 | (49,469) | 0 |
| Career Dev | 21003120.61800.0000 | 979 | (979) | 0 |
| Outside Comp Chgs | 21003120.67000.0000 | 1,223 | (1,223) | 0 |
| Train & Ref Mtrls | 21003120.71400.0000 | 1,753 | (1,753) | 0 |
| City Manager’s Off | | | | |
| Regular Salaries | 21005050.60200.0000 | 57,414 | (57,414) | 0 |
| Reg Salaries PIO | 21005050.60200.0387 | 16,336 | (16,336) | 0 |
| Career Dev | 21005050.61800.0000 | 1,098 | (1,098) | 0 |
| Career Dev PIO | 21005050.61800.0387 | 180 | (180) | 0 |
| Printing PIO | 21005050.66600.0387 | 3,024 | (3,024) | 0 |
| Postage PIO | 21005050.66700.0387 | 3,821 | (3,821) | 0 |
| Contract Svc PIO | 21005050.67800.0387 | 4,086 | (4,086) | 0 |
| Supplies | 21005050.70200.0000 | 755 | (755) | 0 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--|-----------------------|---------------------|------------------|---------------------|
| Central Charges | | | | |
| Regular Salaries | 21010900.60200.0000 | 51,185 | (51,185) | 0 |
| Retire City Contrib | 21010900.62600.0000 | 154,300 | (18,100) | 136,200 |
| Non Med Ins Life | 21010900.62800.0590 | 5,300 | (1,538) | 3,762 |
| Non Med Ins LTD | 21010900.62800.0591 | 15,000 | (615) | 14,385 |
| Non Med Ins Surv | 21010900.62800.0592 | 9,900 | (1,607) | 8,293 |
| Med Ins ER BCBS | 21010900.63000.0594 | 105,000 | 39,150 | 144,150 |
| Med Ins ER Delta | 21010900.63000.0595 | 15,900 | (1,166) | 14,734 |
| Med Ins ER Kaiser | 21010900.63000.0596 | 75,000 | (8,332) | 66,668 |
| Medicare | 21010900.63600.0000 | 13,600 | (1,600) | 12,000 |
| Prof Serv | 21010900.65100.0000 | 11,250 | (11,250) | 0 |
| City Memberships | 21010900.67500.0000 | 12,168 | (12,168) | 0 |
| Contract Svcs Rec | 21010900.67800.0535 | 3,870 | (3,870) | 0 |
| Tfr General Fund | 21010900.79800.0100 | 0 | 838,016 | 838,016 |
| Tfr Prop/Liab | 21010900.79800.0460 | 0 | 102,500 | 102,500 |
| Tfr Workers Comp | 21010900.79800.0480 | 0 | 88,027 | 88,027 |
| Gen Svcs - Admin | | | | |
| Regular Salaries | 21012050.60200.0000 | 13,546 | (13,546) | 0 |
| Gen Svcs – Human Resources | | | | |
| Regular Salaries | 21012060.60200.0000 | 43,765 | (43,765) | 0 |
| Reg Salaries Wellness | 21012060.60200.0544 | 3,940 | (3,940) | 0 |
| Employ Recruit | 21012060.61600.0000 | 2,422 | (2,422) | 0 |
| Employ Med Exp | 21012060.64000.0000 | 2,244 | (2,244) | 0 |
| Prof Svc | 21012060.65100.0000 | 3,674 | (3,674) | 0 |
| Prof Svc Wellness | 21012060.65100.0544 | 3,800 | (3,800) | 0 |
| Gen Svcs – City Clerk | | | | |
| Regular Salaries | 21012070.60200.0000 | 24,314 | (24,314) | 0 |
| Ads & Leg Notices | 21012070.65200.0000 | 972 | (972) | 0 |
| Maint/Rep Equip | 21012070.66100.0000 | 1,305 | (1,305) | 0 |
| Supplies | 21012070.70200.0000 | 2,790 | (2,790) | 0 |
| Gen Svcs – Org Support Services | | | | |
| Regular Salaries | 21012110.60200.0000 | 32,335 | (32,335) | 0 |
| Reg Sal – Envir | 21012110.60200.0552 | 31,298 | (31,298) | 0 |
| Overtime – Envir | 21012110.60400.0552 | 780 | (780) | 0 |
| Career Dev Envir | 21012110.61800.0552 | 486 | (486) | 0 |
| Educ Reimb Prog | 21012110.63800.0000 | 2,000 | (2,000) | 0 |
| Prof Svcs Envir | 21012110.65100.0552 | 10,950 | (10,950) | 0 |
| Prof Svcs Train | 21012110.65100.0612 | 4,856 | (4,856) | 0 |
| Gen Svcs – BO&M | | | | |
| Regular Salaries | 21012390.60200.0000 | 27,107 | (27,107) | 0 |
| Salaries Overtime | 21012390.60400.0000 | 600 | (600) | 0 |
| Unif & Equip Allow | 21012390.61000.0000 | 216 | (216) | 0 |
| Maint/Rep Equip | 21012390.66100.0000 | 1,626 | (1,626) | 0 |
| Maint/Rep Infra | 21012390.66200.0000 | 6,172 | (6,172) | 0 |
| Supplies | 21012390.70200.0000 | 420 | (420) | 0 |
| Build & Grd Mtls | 21012390.71800.0000 | 2,580 | (2,580) | 0 |
| Parts | 21012390.73600.0000 | 2,580 | (2,580) | 0 |
| Finance – Admin | | | | |
| Regular Salaries | 21015050.60200.0000 | 14,821 | (14,821) | 0 |
| Supplies | 21015050.70200.0000 | 1,724 | (1,724) | 0 |

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-----------------------------|----------------------------|---------------------|------------------|---------------------|
| Finance – Acctg | | | | |
| Regular Salaries | 21015220.60200.0000 | 44,880 | (44,880) | 0 |
| Prof Svcs | 21015220.65100.0000 | 4,961 | (4,961) | 0 |
| Printing | 21015220.66600.0000 | 612 | (612) | 0 |
| Finance – | Utility Billing | | | |
| Regular Salaries | 21015240.60200.0000 | 18,042 | (18,042) | 0 |
| Fire Department | | | | |
| Reg Salaries Fire Prev | 21025260.60200.0547 | 14,856 | (14,856) | 0 |
| Comm Dev – | Admin | | | |
| Regular Salaries | 21030050.60200.0000 | 30,802 | (30,802) | 0 |
| Contract Svcs | 21030050.67800.0000 | 3,389 | (3,389) | 0 |
| Comm Dev – | Eco Devo | | | |
| Regular Salaries | 21030340.60200.0000 | 17,619 | (17,619) | 0 |
| Contract Svcs | 21030340.67800.0000 | 5,130 | (5,130) | 0 |
| Comm Dev – | Planning | | | |
| Regular Salaries | 21030360.60200.0000 | 46,351 | (46,351) | 0 |
| Prof Svcs | 21030360.65100.0000 | 1,073 | (1,073) | 0 |
| Comm Dev – | Building | | | |
| Regular Salaries | 21030370.60200.0000 | 18,527 | (18,527) | 0 |
| Prof Svcs | 21030370.65100.0000 | 1,000 | (1,000) | 0 |
| Comm Dev – | Engineering | | | |
| Regular Salaries | 21030380.60200.0000 | 72,431 | (72,431) | 0 |
| Career Dev | 21030380.61800.0000 | 637 | (637) | 0 |
| PW&U – | Infrastructure | | | |
| Regular Salaries | 21035430.60200.0000 | 10,310 | (10,310) | 0 |
| PW&U – Streets | | | | |
| Regular Salaries | 21035450.60200.0000 | 54,118 | (54,118) | 0 |
| Salaries – Temp | 21035450.60600.0000 | 2,126 | (2,126) | 0 |
| PW&U – Field Ops | | | | |
| Regular Salaries | 21035470.60200.0000 | 613,631 | (9,597) | 604,034 |
| PW&U – | Wastewater Plants | | | |
| Regular Salaries | 21035490.60200.0000 | 578,177 | 9,877 | 588,054 |
| Reg Salaries – Wtr Qual | 21035490.60200.0943 | 112,966 | 2,789 | 115,755 |
| PR&L – Park Svcs | | | | |
| Regular Salaries | 21050550.60200.0000 | 46,731 | (46,731) | 0 |
| Salaries Temp | 21050550.60600.0000 | 15,403 | (15,403) | 0 |
| Prop/Liab | Central Charges | | | |
| Self Ins Claim | 21010900.68200.0460 | 102,500 | (102,500) | 0 |
| Worker’s Comp - | Central Charges | | | |
| Self Ins Claim | 21010900.68200.0480 | 88,027 | (88,027) | 0 |
| Capital Projects | | | | |
| BDCWTP Expansion | 80121035044.80400.888 8 | 0 | 668,144 | 668,144 |

Total Change to Expenses

\$554,075

Section 9. The 2004 appropriation for the Golf Course Fund initially appropriated by Ordinance No. 2977 in the amount of \$3,934,702 is hereby amended by a net amount of \$0 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$3,934,702. The actual amount in the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions.

The amendments reflect changes between the business units of Legacy Ridge and Heritage Golf Courses and have a net change in the Golf Course Fund of \$0.

Section 10. The amendments in the Golf Course Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

| | | | |
|--------------------------|----------------|-----------|--------------|
| Description | Current Budget | Amendment | Final Budget |
| REVENUES | | | |
| Total Change to Revenues | | \$0 | |

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------------|------------------------|--------------|-----------|--------------|
| Legacy Ridge- | Central Charges | | | |
| Regular Salaries | 22010900.60200.0000 | \$9,280 | \$(9,280) | \$0 |
| Retire City Contrib | 22010900.62600.0000 | 10,000 | (1,148) | 8,852 |
| Non Med Ins ER Life | 22010900.62800.0590 | 1,800 | (473) | \$1,327 |
| Non Med Ins ER LTF | 22010900.62800.0591 | 4,600 | (14) | 4,586 |
| Non Med Ins ER SIB | 22010900.62800.0592 | 3,200 | (520) | 2,680 |
| Med Ins ER BCBS | 22010900.63000.0594 | 48,400 | 1,010 | 49,410 |
| Med Ins ER Dental | 22010900.63000.0595 | 5,400 | (326) | 5,074 |
| Med Ins ER Kaiser | 22010900.63000.0596 | 1,300 | 5,947 | 7,247 |
| Medicare | 22010900.63600.0000 | 8,800 | 2,300 | 11,100 |
| Legacy Ridge – | Rec Facilities | | | |
| Regular Salaries | 22050720.60200.0000 | 319,853 | 4,046 | 323,899 |
| Reg Salaries – Club Operations | 22050720.60200.0249 | 144,175 | (2,099) | 142,076 |
| Irrigation Mtls | 22050720.72200.0000 | 11,000 | (1,850) | 9,150 |
| Heritage- | Central Charges | | | |
| Regular Salaries | 23010900.60200.0000 | 6,061 | (6,061) | 0 |
| Retire City Contrib | 23010900.62600.0000 | 10,000 | (1,148) | 8,852 |
| Non Med Ins ER Life | 23010900.62800.0590 | 1,500 | (175) | 1,325 |
| Non Med Ins ER LTF | 23010900.62800.0591 | 4,400 | 148 | 4,548 |
| Non Med Ins ER SIB | 23010900.62800.0592 | 2,900 | (273) | 2,627 |
| Med Ins ER BCBS | 23010900.63000.0594 | 33,700 | (3,643) | 30,057 |
| Med Ins ER Dental | 23010900.63000.0595 | 6,000 | (483) | 5,517 |
| Med Ins ER Kaiser | 23010900.63000.0596 | 23,400 | 11,439 | 34,839 |
| Medicare | 23010900.63600.0000 | 7,700 | 2,700 | 10,400 |
| Heritage – | Rec Facilities | | | |
| Regular Salaries | 23050720.60200.0000 | 309,693 | 1,801 | 311,494 |
| Reg Salaries – Club Operations | 23050720.60200.0249 | 143,372 | 787 | 144,159 |
| Irrigation Mtls | 23050720.72200.0000 | 13,000 | (1,897) | 11,103 |
| Merch for Resale | 23050720.73400.0249 | 140,000 | (788) | 139,212 |

| | |
|--------------------------|-----|
| Total Change to Expenses | \$0 |
|--------------------------|-----|

Section 11. The 2004 appropriation for the Fleet Fund initially appropriated by Ordinance No. 2977 in the amount of \$1,161,081 is hereby increased by \$302,504 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$1,463,585.

The actual amount in the Fleet 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 appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 12. The \$302,504 increase in the Fleet Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------|-----------------|------------------|-----------|--------------|
| Internal Billings | 3000.43140.0000 | \$1,161,081 | \$302,504 | \$1,463,585 |
| Total Change to Revenues | | <u>\$302,504</u> | | |

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------|---------------------|------------------|-----------|--------------|
| Regular Salaries | 30010900.60200.0000 | \$480,172 | \$116,840 | \$597,012 |
| Parts | 30012460.73600.0000 | 143,246 | 40,000 | 183,246 |
| Tires | 30012460.73800.0000 | 55,394 | 17,606 | 73,000 |
| Fuel & Lubricants | 30012460.74000.0000 | 257,299 | 80,024 | 337,323 |
| Budget Hold | 30012460.76800.0000 | 0 | 48,034 | 48,034 |
| Subtotal Fleet | | | \$302,504 | |
| Total Change to Expenses | | <u>\$302,504</u> | | |

Section 13. The 2004 appropriation for the Sales Tax Fund initially appropriated by Ordinance No. 2977 in the amount of \$53,035,009 is hereby decreased by \$4,600,866 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$48,434,143. The actual amount in the Sales Tax 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 un-appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 14. The \$4,600,866 decrease in the Sales Tax Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------|-----------------|----------------------|---------------|--------------|
| Sales Tax Returns | 5300.40070.0000 | \$42,755,009 | \$(4,250,866) | \$38,504,143 |
| Sales Tax Audit | 5300.40075.0000 | 500,000 | 50,000 | 550,000 |
| Use Tax Returns | 5300.40095.0000 | 2,100,000 | (100,000) | 2,000,000 |
| Use Tax Building | 5300.40100.0000 | 2,000,000 | 100,000 | 2,100,000 |
| Use Tax Auto | 5300.40105.0000 | 5,600,000 | (400,000) | 5,200,000 |
| Total Change to Revenues | | <u>\$(4,600,866)</u> | | |

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------------|---------------------|----------------------|---------------|--------------|
| Transfers | 53010900.79800.0100 | \$47,235,009 | \$(4,075,866) | \$43,159,143 |
| Transfers | 53010900.79800.0750 | 1,500,000 | (525,000) | 975,000 |
| Total Change to Expenses | | <u>\$(4,600,866)</u> | | |

Section 15. The 2004 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,663,797 is hereby decreased by \$357,969 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$4,305,828. The actual amount in the Open Space 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 un-appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 16. The \$357,969 decrease in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-------------------|-----------------|--------------|-------------|--------------|
| Sales Tax Returns | 5400.40070.0000 | \$3,845,672 | \$(371,844) | \$3,473,828 |
| Use Tax Returns | 5400.40095.0000 | 181,125 | (11,125) | 170,000 |
| Use Tax Building | 5400.40100.0000 | 150,000 | 25,000 | 175,000 |

Total Change to Revenues \$(357,969)

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-----------------------|---------------------|--------------|------------|--------------|
| Regular Salaries | 54010900.60200.0000 | \$89,953 | \$(24,042) | \$65,911 |
| Reg Salaries Vol Cord | 54010900.60200.0531 | 49,355 | (1) | 49,354 |
| Land Purchases | 54010900.76600.0000 | 816,209 | (175,725) | 640,484 |
| Budget Hold | 54010900.76800.0000 | 0 | 20,783 | 20,783 |
| Transfers | 54010900.79800.0750 | 1,181,276 | (178,984) | 1,002,292 |

Total Change to Expenses \$(357,969)

Section 17. The 2004 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby decreased by \$653,984 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$8,382,016. 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 un-appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004

Section 18. The \$653,984 decrease in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|-------------------------|-----------------|--------------|-----------|--------------|
| Trans S/T Adco | 7500.40470.0010 | \$1,745,000 | \$105,000 | \$1,850,000 |
| Int Earnings | 7500.42510.0000 | 966,000 | (105,000) | 861,000 |
| Trf Sales & Use | 7500.45000.0530 | 1,500,000 | (525,000) | 975,000 |
| OS Attrib Shares Jeffco | 7501.40450.0020 | 1,000,000 | 50,000 | 1,050,000 |
| Trf Open Space | 7501.45000.0540 | 1,181,276 | (178,984) | 1,002,292 |

Total Change to Revenues \$(653,984)

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|------------------------------------|------------------------|--------------|-------------|--------------|
| 99 th Ave Wads/Railroad | 80275030503.80400.8888 | \$275,000 | \$(275,000) | \$0 |
| Microsoft License | 80475060605.80400.8888 | 250,000 | (250,000) | \$0 |
| City Park Fitness Expansion | 80475050608.80400.8888 | \$200,000 | (128,984) | 71,016 |

Total Change to Expenses \$(653,984)

Section 19. Although formal adoption of a budget for the Property & Liability Self Insurance Fund is not required, changes in the Fund are being shown here for clarification purposes. These changes are due to a budget amendment for revised revenue projections and expenditure estimates for 2004 as well as the elimination of the Utility Fund split.

Section 20. The \$442,859 increase in the Property & Liability Self Insurance Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------|-----------------------|---------------------|------------------|---------------------|
| Trf Gen Fund | 4600.45000.0100 | \$439,287 | \$150,000 | \$589,287 |
| Trf Water Fund | 4600.45000.0200 | 0 | 190,359 | 190,359 |
| Trf Wastewater Fund | 4600.45000.0210 | 0 | 102,500 | 102,500 |

Total Change to Revenues \$442,859

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------|-----------------------|---------------------|------------------|---------------------|
| Regular Salaries | 46010900.60200.0000 | \$91,148 | \$(2,414) | \$88,734 |
| Self Ins Claim Pay | 46010900.68200.0000 | 10,141 | 445,273 | 455,414 |

Total Change to Expenses \$442,859

Section 21. Although formal adoption of a budget for the Worker's Compensation Self Insurance Fund is not required, changes in the Fund are being shown here for clarification purposes. These changes are due to a budget amendment for revised revenue projections and expenditure estimates for 2004 as well as the elimination of the Utility Fund split.

Section 22. The \$296,711 increase in the Worker's Compensation Self Insurance Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|---------------------|-----------------------|---------------------|------------------|---------------------|
| Trf Gen Fund | 4800.45000.0100 | \$342,326 | \$150,000 | \$492,326 |
| Trf Water Fund | 4800.45000.0200 | 0 | 58,684 | 58,684 |
| Trf Wastewater Fund | 4800.45000.0210 | 0 | 88,027 | 88,027 |

Total Change to Revenues \$296,711

EXPENSES

| Description | Account Number | 2004 Adopted | Amendment | 2004 Revised |
|--------------------|-----------------------|---------------------|------------------|---------------------|
| Self Ins Claim Pay | 48010900.68200.0000 | \$192,289 | \$296,711 | \$489,000 |

Total Change to Expenses \$296,711

Section 23. – 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 24. This ordinance shall take effect upon its passage after the second reading.

Section 25. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 13th day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING
RESTRAINING AND MANDATORY PROTECTION ORDERS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 6-1-7, W.M.C., is hereby AMENDED to read as follows:

6-1-7: ~~RESTRAINING~~ MANDATORY PROTECTION ORDER AGAINST DEFENDANT:

(A) PURSUANT TO SECTION 18-1-1001 C.R.S, THE MUNICIPAL COURT SHALL ISSUE A ~~There is hereby created~~ a mandatory ~~restraining~~ PROTECTION order against any person charged with a violation of any of the provisions of this title, which order shall remain in effect from the time that the person is advised of his rights at arraignment or the person's first appearance before the Court and informed of such order until final disposition of the action or until further order of the Court. Such order shall restrain the person charged from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts charged.

(B) At the time of arraignment or the person's first appearance before the Court, the Court shall inform the defendant of the ~~restraining~~ MANDATORY PROTECTION order effective pursuant to this Section and shall inform the defendant that a violation of such order is punishable by contempt or by fine or imprisonment as provided by this Section.

(C) The Court is authorized to order any further appropriate restraint on the conduct of the defendant or to continue, dismiss or modify any existing ~~restraining~~ MANDATORY PROTECTION order.

(D) IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE A MANDATORY PROTECTION ORDER. Violation of a ~~restraining~~ MANDATORY PROTECTION order is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.

(E) A PERSON COMMITS THE CRIME OF VIOLATION OF A MANDATORY PROTECTION ORDER IF SUCH PERSON CONTACTS, HARASSES, INJURES, INTIMIDATES, MOLESTS, THREATENS, OR TOUCHES ANY PROTECTED PERSON OR ENTERS OR REMAINS ON PREMISES OR COMES WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES OR VIOLATES ANY OTHER PROVISION OF A MANDATORY PROTECTION ORDER TO PROTECT THE PROTECTED PERSON FROM IMMINENT DANGER TO LIFE OR HEALTH, AND SUCH CONDUCT IS PROHIBITED BY A MANDATORY PROTECTION ORDER, AFTER SUCH PERSON HAS BEEN PERSONALLY SERVED WITH ANY SUCH ORDER OR OTHERWISE HAS ACQUIRED FROM THE COURT ACTUAL KNOWLEDGE OF THE CONTENTS OF ANY SUCH ORDER.

~~(E)~~(F) Any sentence imposed pursuant to subsection (D) of this Section shall run consecutively and not concurrently with any sentence imposed for any crime which gave rise to the issuing of the ~~restraining~~ MANDATORY PROTECTION order.

(G) AS USED IN THIS SECTION:

1. "PROTECTED PERSON" MEANS THE PERSON OR PERSONS IDENTIFIED IN THE MANDATORY PROTECTION ORDER AS THE PERSON OR PERSONS FOR WHOSE BENEFIT THE MANDATORY PROTECTION ORDER WAS ISSUED.

2. "REGISTRY" MEANS THE COMPUTERIZED INFORMATION SYSTEM CREATED IN C.R.S. SECTION 18-6-803.7 OR THE NATIONAL CRIME INFORMATION CENTER CREATED PURSUANT TO 28 U.S.C. SEC. 534.

3. "RESTRAINED PERSON" MEANS THE PERSON IDENTIFIED IN THE ORDER AS THE PERSON PROHIBITED FROM DOING THE SPECIFIED ACT OR ACTS.

4. "PROTECTION ORDER" MEANS ANY ORDER THAT PROHIBITED THE RESTRAINED PERSON FROM CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, OR TOUCHING ANY PROTECTED PERSON, OR FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES OR ANY OTHER PROVISION TO PROTECT THE PROTECTED PERSON FROM IMMINENT DANGER TO LIFE OR HEALTH, THAT IS ISSUED BY A COURT OF THIS STATE OR A MUNICIPAL COURT, AND THAT IS ISSUED PURSUANT TO ARTICLE 14 OF TITLE 13, C.R.S., SECTIONS 14-4-101 TO 14-4-105, C.R.S., SECTION 14-10-107, C.R.S., SECTION 14-10-108, C.R.S., SECTION 18-1-1001, SECTION 19-2-707, C.R.S. SECTION 19-3-316, C.R.S. SECTION 19-4-111, OR RULE 365 OF THE COLORADO RULES OF THE COUNTY COURT CIVIL PROCEDURE, AN ORDER ISSUED AS PART OF THE PROCEEDINGS CONCERNING A CRIMINAL MUNICIPAL ORDINANCE VIOLATION, OR ANY OTHER ORDER OF A COURT THAT PROHIBITED A PERSON FROM CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, OR TOUCHING ANY PERSON, OR FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES. FOR PURPOSES OF THIS SECTION ONLY, "MANDATORY PROTECTION ORDER" INCLUDES ANY ORDER THAT AMENDS, MODIFIES, SUPPLEMENTS, OR SUPERSEDES THE INITIAL MANDATORY PROTECTION ORDER. "MANDATORY PROTECTION ORDER" ALSO INCLUDES ANY RESTRAINING ORDER ENTERED PRIOR TO JULY 1, 2003, AND ANY FOREIGN PROTECTION ORDER AS DEFINED IN C.R.S. SECTION 18-6-803.8.

5. WHENEVER A PROTECTION ORDER IS ISSUED, THE PROTECTED PERSON SHALL BE PROVIDED WITH A COPY OF SUCH ORDER. A PEACE OFFICER SHALL USE EVERY REASONABLE MEANS TO ENFORCE A PROTECTION ORDER.

~~(F)~~(H) Nothing in this Section shall be construed to alter or diminish the inherent authority of the Court to enforce its orders through civil or criminal contempt proceedings.

~~(G)~~(I) No person charged with violation of a ~~restraining~~ MANDATORY PROTECTION order pursuant to this section shall be permitted, in the criminal action resulting from such charge, to collaterally attack the validity of the order which such person is accused of violating.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

ORDINANCE NO. **3058**

COUNCILOR'S BILL NO. **56**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Dittman-Dixon

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the Community Development Block Grant (CDBG) Fund initially appropriated by Ordinance No. 3033 in the amount of \$696,000 is hereby increased by \$29,872 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$725,872. The actual amount in the CDBG 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 cumulative carryover from excess program income.

Section 2. The \$29,872 increase in the CDBG Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| Description | Current Budget | Increase | Final Budget |
|------------------------------|----------------|-----------------|--------------|
| REVENUES | | | |
| Carryover 7600.40020.0000 | \$0 | <u>\$29,872</u> | \$29,872 |
| Total Change to Revenues | | <u>\$29,872</u> | |
| EXPENSES | | | |
| 80176030191.80400.8888 | \$0 | <u>\$29,872</u> | \$29,872 |
| Total Change to Expenditures | | <u>\$29,872</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 AND PUBLISHED this 13th day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

ORDINANCE NO. **3059**

COUNCILLOR'S BILL NO. **57**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Kauffman-Dittman

A BILL

FOR AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE CITY LOCATED AT 3155 WEST 80TH AVENUE TO HABITAT FOR HUMANITY OF METRO DENVER FOR THE NEW CONSTRUCTION OF TWO SINGLE FAMILY HOMES, AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS THAT CONVEY THIS REAL PROPERTY TO HABITAT FOR HUMANITY OF METRO DENVER, AND AUTHORIZING THE WAIVER OF DEVELOPMENT FEES IN THE AMOUNT OF \$8,398.00.

WHEREAS, the City of Westminster owns real property located at 3155 West 80th Avenue; and
WHEREAS, this property was purchased utilizing Community Development Block Grant Funds;
and

WHEREAS, the disposition of this property must adhere to the U.S. Department of Housing and Urban Development Code of Federal Register that stipulates that property purchased with Community Development Block Grant funds must be utilized for an eligible purpose; and

WHEREAS, Habitat for Humanities of Metro Denver has proposed the new construction of two single family homes on this site to be sold to low to moderate income families; and

WHEREAS, the proposed use and disposition of the property adheres to Community Development Block Grant regulations that govern the use of property purchased with Community Development Block Grant Funds; and

WHEREAS, pursuant to Section 15-2-1 of the Westminster Municipal Code, the City is authorized to dispose of City-owned property; and

WHEREAS, the legal description of the parcel to be conveyed to Habitat for Humanity of Metro Denver is attached hereto.

NOW, THEREFORE, the City Council hereby finds that conveyance of the City-owned real property located at 3155 West 80th Avenue to Habitat for Humanity of Metro Denver for \$1.00 is in accordance with Community Development Block Grant regulations and the City Charter and Westminster Municipal Code that governs disposal of City property.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes the conveyance of City-owned property located at 3155 West 80th Avenue to Habitat for Humanities of Metro Denver for \$1.00 and authorizes the City Manager to execute all necessary documents that convey the parcel, including an agreement with Habitat for Humanity of Metro Denver that waives development fees in the amount of \$8,398.00.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of October 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October 2003.

ORDINANCE NO. 3060

COUNCILLOR'S BILL NO. 58

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Dixon-McNally

A BILL

FOR AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT WITHIN CEDAR BRIDGE SUBDIVISION FILING NO. 1.

WHEREAS, a certain easement was dedicated on the final plat for Cedar Bridge Subdivision Filing No. 1, File No. 16, Map 30, and Reception No. B479823 in the County of Adams; and

WHEREAS, this portion of utility easement is not necessary for maintaining the City of Westminster's utility lines; and

WHEREAS, the vacation is necessary since no utility lines were constructed within the utility easement and no utility lines will be constructed within the utility easement in the future.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the portions of utility easement in Sections 2 and 3 hereof.

Section 2. Legal Description of Utility Easements: See attached legal description for Exhibit A.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October 2003.

ORDINANCE NO. **3061**

COUNCILLOR'S BILL NO. **59**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Atchison-Hicks

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING FORMAL BIDDING REQUIREMENTS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 15-1-4, W.M.C., is hereby AMENDED to read as follows:

15-1-4: FORMAL BIDDING REQUIRED:

(A) Formal bidding procedures shall be followed when the amount of a purchase exceeds thirty thousand dollars (\$30,000), unless:

1. City Council determines by unanimous resolution of those present at the meeting that the public interest will be best served by joint purchase with or from another unit of government, or

2. City Council determines, upon recommendation of the City Manager, that the public interest will be best served by negotiated contract with a single vendor or contractor, OR

3. THE AMOUNT OF THE PURCHASE IS FIFTY THOUSAND DOLLARS (\$50,000) OR LESS AND:

a. THE CITY MANAGER DETERMINES THAT THE PUBLIC INTEREST WILL BE BEST SERVED BY JOINT PURCHASE WITH OR FROM ANOTHER UNIT OF GOVERNMENT, OR

b. THE CITY MANAGER DETERMINES THAT THE PUBLIC INTEREST WILL BE BEST SERVED BY NEGOTIATED CONTRACT WITH A SINGLE VENDOR OR CONTRACTOR.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Atchison-Dittman

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING
RESTRICTIONS ON SALE AND POSSESSION OF ANIMALS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 6-7-1, W.M.C., is hereby AMENDED to read as follows:

6-7-1: DEFINITIONS: When used in this Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

DOMESTIC ANIMAL: ~~All species of animals commonly accepted as being domesticated.~~ DOMESTICATED DOGS, CATS, RABBITS, GUINEA PIGS, HAMSTERS, RATS, MICE, FERRETS, BIRDS, REPTILES, AMPHIBIANS, AND INVERTEBRATES, EXCEPT LIVESTOCK AND EXOTIC, ENDANGERED AND PROHIBITED ANIMALS.

EXOTIC ANIMALS: ~~Domestic ferrets (mustelia furo)~~ Arachnids, crocodilians over one foot in length and other reptiles which are not prohibited animals, which are not commonly kept or harbored as a household pet.

Section 2. Section 6-7-8, subsection (C), W.M.C., is hereby DELETED:

6-7-8: VICIOUS ANIMALS AND GUARD DOGS:

~~(C) — The animal control supervisor is authorized to establish rules and regulations for the keeping of guard dogs. A copy of such rules and regulations shall be available at the Westminster Police Department and furnished upon request.~~

Section 3. Section 6-7-12, subsections (A), (C), (D) and (E), W.M.C., are hereby AMENDED to read as follow:

6-7-12: RESTRICTIONS ON SALE AND POSSESSION OF ANIMALS:

(A) ~~Residences:~~ ANIMALS IN RESIDENTIAL DISTRICTS:

1. It shall be unlawful for anyone to KNOWINGLY possess, harbor, keep, maintain, or permit ~~at his dwelling within the City more than a total of five (5) animals, of which no more than three (3) may be dogs and cats and of which no more than one (1) may be a potbellied pig, except that up to ten non-livestock animals may be kept, if five (5) or more are birds. The term "birds" shall be deemed to exclude pigeons.~~ ON ANY PROPERTY WITHIN THE CITY ZONED FOR RESIDENTIAL USE:

- a. A COMBINATION OF MORE THAN THREE (3) DOGS OR CATS;
- b. MORE THAN ONE (1) POTBELLIED PIG;
- c. MORE THAN THREE (3) RABBITS;
- d. MORE THAN FIVE (5) EXOTIC ANIMALS OR A COMBINATION OF MORE THAN FIVE (5) DOMESTIC AND EXOTIC ANIMALS; OR
- e. MORE THAN TEN (10) DOMESTIC ANIMALS.

2. IN ADDITION TO BEING A VIOLATION OF THIS SECTION, THE SAME IS HEREBY DECLARED TO BE A PUBLIC NUISANCE WHICH MAY BE ABATED PURSUANT TO THE PROVISIONS SPECIFIED IN CHAPTER 4 OF TITLE VIII OF THIS CODE.

(C) Prohibited, ENDANGERED and Exotic Animals: It shall be unlawful for any person to import, offer for sale, sell, keep, maintain, harbor or permit ANYWHERE in the City any prohibited animal OR ENDANGERED SPECIES as defined in this Chapter. It shall be unlawful for any person to offer for sale, sell, or permit the sale of any exotic animal unless in a pet shop with a Class “B” License.

~~(D) It shall be unlawful to sell domestic ferrets (mustelia furo) without a sign conspicuously posted on the animal display cage or enclosure stating, in letters at least one half inch high, “WARNING — FERRETS SHOULD NOT BE PURCHASED FOR FAMILIES WITH CHILDREN UNDER SEVEN YEARS OF AGE BECAUSE OF THE ROUGH PLAY HABITS OF FERRETS.”~~

~~(E)~~(D) Federal and State Statutes and Regulations: It shall be unlawful for any person to import, offer for sale, sell, keep or willfully maintain, harbor or permit in the City any animal in violation of any state or federal statute or regulation.

Section 4. Section 6-7-16, subsection (C), W.M.C., is hereby AMENDED to read as follows:

6-7-16: ENFORCEMENT:

(C) Minimum Fines: Minimum fines upon conviction shall be imposed as listed below, and the Municipal Court Judge shall not have discretion to suspend or reduce these fines:

1. First Offense – fine of not less than ~~fifty dollars (\$50)~~ SEVENTY-FIVE DOLLARS (\$75).
Second and subsequent offenses – fine of not less than ~~seventy five dollars (\$75)~~ ONE HUNDRED DOLLARS (\$100):

- 6-7-2(C) Refusal to Provide Proof of Vaccination
- 6-7-2(D) Harboring Unvaccinated Dogs and Cats
- 6-7-2(E) Non-Transferability – Vaccination Certificates or Tags
- 6-7-3(A) Duty to Report Animal Bite
- 6-7-3(C) Failing to Report Suspected Rabies
- 6-7-3(D) Refusal to Produce Animal
- 6-7-3(E) Removal of Animals from Confinement
- 6-7-5(B) Failure to Confine
- 6-7-6(A) Removal of Animal Excrement
- 6-7-6(B) Damage to Property
- 6-7-7(A) Disturbance
- 6-7-7(C) Failure to exercise control
- 6-7-10(E) Failure to care for animals
- 6-7-11(D) Failure to care for animals
- 6-7-12(G)(F) Potbellied pig requirements

2. First Offense – Fine of not less than ~~seventy five dollars (\$75)~~ ONE HUNDRED DOLLARS (\$100).
Second and subsequent offenses – fine of not less than ~~one hundred twenty five dollars (\$125)~~ ONE HUNDRED FIFTY DOLLARS (\$150):

- 6-7-2(A) Failure to have Dog or Cat Inoculated
- 6-7-2(B) Failure to Inoculate Against Rabies
- 6-7-8(B) Guard Dog
- 6-7-10(A) Unlicensed Kennel
- 6-7-11(A) Unlicensed Pet Shop
- 6-7-12(A) ~~Pet~~ Animals IN RESIDENTIAL DISTRICTS Limited
- 6-7-12(B) Livestock Limited
- 6-7-12(C) PROHIBITED, ENDANGERED AND Exotic Animals ~~Prohibited~~
- 6-7-12(E)(D) ~~Endangered Species~~ FEDERAL OR STATE Prohibited ANIMALS
- 6-7-13(A) Cruelty to Animals
- 6-7-13(B) Poisoning Animals
- 6-7-13(C) Neglect of Animals

- 6-7-13(E) Abandoning Animals
- 6-7-13(G) Displaying or Sale of Dyed or Immature Animals
- 6-7-13(H) Fighting Animals
- 6-7-16(A) Interference

~~1.Fine~~ 3. Reduced fine for neuter or spay:

6-7-5(A) Animals running at Large: First Offense – A fine of not less than ~~two hundred fifty dollars (\$250)~~ TWO HUNDRED SEVENTY-FIVE DOLLARS (\$275), except that if the animal has been neutered or spayed, the fine shall be reduced to ~~fifty dollars (\$50)~~ SEVENTY-FIVE DOLLARS (\$75). Second and subsequent offenses – fine of not less than ~~two hundred seventy five dollars (\$275)~~ THREE HUNDRED DOLLARS (\$300), except that if the animal has been neutered or spayed, the fine shall be reduced to ~~seventy five dollars (\$75)~~ ONE HUNDRED DOLLARS (\$100).

6-7-8(A) Harboring a Vicious Animal: First Offense – A fine of not less than ~~two hundred seventy five dollars (\$275)~~ THREE HUNDRED DOLLARS (\$300), except that if the animal has been neutered or spayed, the fine shall be reduced to ~~seventy five dollars (\$75)~~ ONE HUNDRED DOLLARS (\$100). Second and subsequent offenses – fine of not less than ~~three hundred twenty five dollars (\$325)~~ THREE HUNDRED FIFTY DOLLARS (\$350), except that if the animal has been neutered or spayed, the fine shall be reduced to ~~one hundred twenty five dollars (\$125)~~ ONE HUNDRED FIFTY DOLLARS (\$150).

4. Any other section hereof not specifically listed above: First offense – fine of not less than ~~twenty five dollars (\$25)~~ FIFTY DOLLARS (\$50). Second and subsequent offenses – fine of not less than ~~fifty dollars (\$50)~~ SEVENTY-FIVE DOLLARS (\$75).

Section 5. This ordinance shall take effect upon its passage after second reading.

Section 6. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

ORDINANCE NO. **3063**

COUNCILOR'S BILL NO. **61**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Kauffman-McNally

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE OPEN SPACE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,486,775 is hereby increased by \$100,000 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$6,009,150. The actual amount in the Open Space 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 grant from Great Outdoors Colorado Trust Fund for the open space acquisition of the Fairways Office Park property on the Big Dry Creek Open Space and Trail Corridor.

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

| Description | Current Budget | Increase | Final Budget |
|--------------------------------------|----------------|------------------|--------------|
| REVENUES | | | |
| State Shared Revenue 5400.40320.0000 | \$0 | <u>\$100,000</u> | \$100,000 |
| Total Change to Revenues | | <u>\$100,000</u> | |
| EXPENSES | | | |
| Land Purchases 54010900.76600.0000 | \$1,997,028 | <u>\$100,000</u> | \$2,097,028 |
| 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.

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 AND PUBLISHED this 13th day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

ORDINANCE NO. **3064**

COUNCILLOR'S BILL NO. **70**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Atchison-Dixion

A BILL

FOR AN ORDINANCE AMENDING THE TIMEFRAME FOR MAYOR RUN OFF ELECTIONS TO BE CONDUCTED

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Title1, Chapter 10 of the Westminster Municipal Code is hereby amended as follows:

1-10-1: ELECTION AND TERM LIMITATION OF MAYOR:

(A) The Mayor shall be elected for a four-year term by a vote of the electorate at a regular City election. To be elected, a candidate must receive at least forty percent of the votes cast for the office of Mayor. If no candidate receives at least forty percent, the two candidates with the highest number of votes for Mayor shall participate in a run-off election which shall be held ~~twenty-eight days~~ AT THE EARLIEST POSSIBLE DATE after the regular City election, and subject to the rules and procedures for municipal elections adopted by the City, as applicable. The successful candidate in the run-off election shall take office at the first regular Council meeting following the run-off election. Until the newly elected Mayor takes office, the previous Mayor shall continue in office.

Section 2. In order to conduct a mayor run-off election within the state election law requirements, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on October 27, 2003, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 27th day of October, 2003.