



CITY COUNCIL AGENDA

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

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

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

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

8. Consent Agenda

- A. Financial Report for October 2008
- B. 2009 Ambulance Purchase
- C. 2008 Utilities Crews Material Purchase
- D. 2009 Proposed Community Development Block Grant and HOME Projects
- E. IGA with the UDFCD for Major Drainageway Planning and Flood Hazard Area Delineation for Big Dry Creek

9. Appointments and Resignations

10. Public Hearings and Other New Business

- A. Public Hearing re Application to Designate the Red & White Grocery Store as a Local Historic Landmark
- B. Resolution No. 55 re Designate the Red & White Grocery Store on West 73rd Avenue as a Local Historic Landmark
- C. Resolution No. 56 re Local Review of Tax Credit Applications for Rehabilitation Costs of Historic Properties
- D. Resolution No. 57 re Spring 2009 Adams County Open Space Grant Applications
- E. Resolution No. 58 re 2009 Jefferson County Joint Venture Grant Application
- F. Councillor's Bill No. 48 re Redeeming the 2002 Water Wastewater Variable Rate Revenue Bonds
- G. Transfer of Interest Earned on the Parks, Open Space and Trails Bond Funds to WEDA for Open Space Properties
- H. Councillor's Bill No. 49 re 2008 General Capital Improvement Fund Supplemental Appropriation

11. Old Business and Passage of Ordinances on Second Reading

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

- A. City Council
- B. Executive Session –

Obtain direction from City Council re proposed Economic Development Assistance Agreement with the Hyatt Place Hotel pursuant to WMC 1-11-3(C)(7) and CRS 24-6-402(4)(e)

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, NOVEMBER 17, 2008 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Mark Kaiser, Mary Lindsey, Scott Major, and Faith Winter were present at roll call. Councillor Bob Briggs was absent. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Dittman, to approve the minutes of the regular meeting of October 27, 2008, as distributed. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that the redesign and renovation of the Municipal Service Center was complete and staff was occupying the facility. A rededication ceremony would be held December 9 and the shops traditional luncheon would be held at the new facility on December 18. This property would serve the City well into the future. At the conclusion of this meeting, Council would conduct a post-meeting in the Board Room. The public was welcome to attend. In conclusion, Mr. McFall noted that the City Charter was being honored on the occasion of its 50th anniversary and commended those who had the foresight to write a document that crossed decades, providing the framework for governance then and now. Judge Phil Roan, the City's first City Manager, and other former city managers and mayors of the City were in attendance. Judge Roan would address the audience later in the meeting.

CITY COUNCIL COMMENTS

Councillor Winter reported that six members of City Council had traveled to Orlando, Florida, last week to attend the National League of Cities Annual Conference. Each Councillor attended leadership seminars, policy meetings, and had opportunities to speak with elected officials from throughout the nation who faced the same types of issues the Westminster City Council faced.

Councillor Major reported that he had been unable to attend the conference due to a death in his family. He thanked Councillors for the sympathy extended to him and his loved ones.

Councillor Kaiser said that the conference had presented opportunities to learn from other community's successes and mistakes. He appreciated the ability to attend.

Mayor Pro Tem Dittman announced that Mayor McNally was one of five finalists nationwide for the Outstanding Woman in Government Award. While she was not selected as the recipient of the award, her leadership and service to the City is remarkable.

Councillor Lindsey reported that in addition to traditional seminars, there were mobile workshops where conference attendees toured facilities and programs to get ideas that could be used in their hometowns. She noted, too, that Westminster was honored to receive the Digital City Award and Council had enjoyed being present when David Puntteny, Information Technology Director, accepted the award.

Mayor McNally said it had been an honor to be included among the women nominated for the Outstanding Woman in Government Award. She was quick to point out that her ability to perform her Mayoral responsibilities rested on her colleagues on City Council and the City Staff. Other elected officials with whom she had spoken were not as fortunate and fractures in their governing bodies or City administration handicapped progress.

PRESENTATIONS

In celebration of the 50th anniversary of the Westminster City Charter, the guiding document for the governance and management of the City, Mayor McNally read a proclamation marking the occasion. In attendance were Judge Phil Roan, Westminster's first City Manager, along with other past city managers and mayors and their families. Judge Roan autographed the Mayor's commemorative copy of the 50th Anniversary Edition of the City Charter, after which he reminisced about Westminster 50 years ago, the birth of the Charter, and the commitment of those who had served on the Charter Commission. The City Charter had provided the framework to govern Westminster well over the years.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: authorize the trade-in of one spreader box paver and approve the purchase of a new Bomag self-propelled paver from Power Equipment Company, the low bidder, as approved in the City's 2009 Operating Budget for a total cost of \$52,782; authorize the City Manager to execute a contract with the low bidder, W.L. Contractors, Inc., in the amount of \$223,900 for traffic signal maintenance for calendar year 2009; adopt and direct City Staff to follow the Beaver Management Plan for City open space properties; authorize the City to enter into an agreement with other jurisdictions in Adams County to participate in "The Link," a community assessment and resource center; authorize the City Manager to enter into agreements with consultants Mary Beth Jenkins and John Mullins to assist with the redevelopment of the Westminster Mall; based on the report and recommendation of the City Manager, determine that the public interest would best be served by authorizing the City Manager to execute a two-year sole source fee agreement with Carlson, Hammond and Paddock, L.L.C. for special water counsel services in an amount not to exceed \$250,000 for 2009 and not to exceed \$250,000 for 2010; based on the report and recommendation of the City Manager, determine that the public interest would best be served by authorizing the City Manager to execute a two-year sole source fee agreement with Slattery Aqua Engineering, L.L.C. for water resources engineering services in an amount not to exceed \$60,000

for 2009 and not to exceed \$60,000 for 2010; authorize the City Manager to execute a contract with the low bidder, Arapahoe Utilities and Infrastructure, Inc., in the amount of \$1,376,242 with a 10% contingency of \$137,624, authorize a contract amendment with URS Corporation in an amount not to exceed \$160,000 for construction phase services; and authorize the City Manager to enter into an easement agreement with Hyland Hills Parks and Recreation District for the new sewer line located within the Hyland Hills Golf Course; authorize the City Manager to execute an Intergovernmental Agreement with the Regional Transportation District, in substantially the same form as Attachment A in the agenda memorandum for the funding and administration of federal grant proceeds to be used in conjunction with the preparation of a conceptual development and improvement plan for the immediate area around the planned transit rail station at Hooker Street and the Burlington Northern & Santa Fe Railroad tracks, and authorize the expenditure of \$64,930 as the City's matching funds for this project; authorize the City Manager to sign a contract with the IBI Group in the amount of \$169,930 for planning, design and engineering services for the preparation of conceptual development and improvement plans for the immediate area incorporating and adjacent to the planned transit rail station at Hooker Street and the Burlington Northern Santa Fe Railroad tracks; authorize the Amendment of the Purchase and Sale Agreement with Resolute Investment, Inc. to clarify the conveyance of Reed Street, allow for the sale of 0.170 acres of Open Space south of Reed Street to Resolute Investments, Inc., allow the land exchange of 0.131 acres of Open Space for 0.822 acres of floodplain with Resolute Investments, Inc., and authorize the City Manager to execute all documents necessary to complete the closing of this transaction; final passage of Councillor's Bill No. 40 amending the salary for the Municipal Judge for 2008; final passage of Councillor's Bill No. 41 providing for supplemental appropriation of funds to the 2008 budget of the General and General Capital Improvement Funds; final passage of Councillor's Bill No. 42 approving a concession agreement between the City of Westminster, Hyland Hills Recreation District Enterprise and Benders Bar & Grill to operate a restaurant in the former Jackson's All-American Grill located in the Ice Centre at the Promenade; final passage of Councillor's Bill No. 43 implementing water and sewer rate adjustments and meter service charges for 2009 and 2010; and final passage of Councillor's Bill No. 44 authorizing the execution of a lease agreement in substantially the same form as that attached to the agenda memorandum for the Feldman property located at 12661 Pecos Street, currently in unincorporated Adams County.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. Councillor Major removed Item 8B for individual consideration.

It was moved by Councillor Major, seconded by Councillor Lindsey, to approve all items on the consent agenda except Item 8B. The motion passed unanimously.

2009 TRAFFIC SIGNAL MAINTENANCE CONTRACT

Councillor Kaiser announced that he had a potential conflict of interest due to a business relationship with W. L. Contractors, Inc. and would recuse himself from discussion of and voting on this matter.

It was moved by Councillor Major and seconded by Mayor Pro Tem Dittman to authorize the City Manager to execute a contract with the low bidder, W.L. Contractors, Inc., in the amount of \$223,900 for traffic signal maintenance for calendar year 2009. The motion passed by a 5:1 margin with Councillor Kaiser abstaining.

PUBLIC HEARING RE WESTMINSTER GATEWAY CLUP AMENDMENT AND PDP

At 7:30 p.m., Mayor McNally opened a public hearing to consider the Westminster Gateway Comprehensive Land Use Plan (CLUP) amendment and Preliminary Development Plan. Mac Cummins, Planning Manager, provided background information. The property was 5.5 acres in size and was located at the southwest corner of US 36 and Church Ranch Boulevard. Resolute Investment, the developer, planned retail commercial, office and/or hotel uses. The notice of public hearing had been published, the property posted, and written notification of this hearing mailed to property owners within 300 feet of the parcel being considered. The agenda memorandum and attachments were entered into the record. The Planning Commission had considered this request on October 28, 2008, and had recommended approval.

Russell Lee of BFR Designs in Fort Collins testified about the location and geology of the property, access to and from it, as well as design plans.

No others wished to speak. When questions from Council about the adequacy of US 36 right-of-way dedication, internal access, the proposed exchange of open space parcels between the City and the developer, and preservation of view corridors had been answered, the Mayor closed the public hearing. The time was 7:42 p.m.

COUNCILLOR'S BILL NO. 45 RE WESTMINSTER GATEWAY CLUP AMENDMENT

It was moved by Mayor Pro Tem Dittman and seconded by Councillor Major to pass Councillor's Bill No. 45 amending the Comprehensive Land Use Plan for the Westminster Gateway development by changing the designation of the northern portion of the property from Public/Quasi Public to Retail Commercial, and other parcels of the property from Retail Commercial to City Owned Open Space, and from City Owned Open Space to Retail Commercial based on the finding that the proposed amendment would be in the public good, there was justification for the proposed change and the Plan was in need of revision as proposed, the amendment was in conformance with the overall purpose and intent and the goals and policies of the Plan, the proposed amendment was compatible with existing and planned surrounding land uses, and the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems. At roll call, the motion passed unanimously.

WESTMINSTER GATEWAY PRELIMINARY DEVELOPMENT PLAN

It was moved by Mayor Pro Tem Dittman, seconded by Councillor Major, to approve the Westminster Gateway Preliminary Development Plan based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code had been met. The motion carried with all Council members voting affirmatively.

RESOLUTION NO. 54 RE ROW ACQUISITION—112TH AVENUE, CLAY TO HURON STREET

Upon a motion by Councillor Lindsey, seconded by Councillor Kaiser, the Council voted unanimously at roll call to adopt Resolution No. 54 authorizing City Staff to proceed with the acquisition of rights-of-way and easements necessary for the 112th Avenue, Clay to Huron Streets improvement project, including the use of eminent domain, if necessary, and authorize up to \$230,000 for acquisition costs and all related expenses.

COUNCILLOR’S BILL NO. 46 RE ACQUISITION OF WATER RIGHTS

It was moved by Councillor Winter, seconded by Mayor Pro Tem Dittman, to pass Councillor’s Bill No. 41 on first reading authorizing an amendment to Title 15 of the City Code regarding the acquisition of water rights. At roll call, the motion passed unanimously.

COUNCILLOR’S BILL NO. 47 AMENDING HOME OCCUPATION & MASSAGE THERAPIST LICENSES

Councillor Major moved, seconded by Councillor Lindsey, to pass Councillor’s Bill No. 47 on first reading amending Title V of the Westminster Municipal Code concerning home occupation and massage therapist licenses. At roll call, the motion passed unanimously.

ADJOURNMENT

There being no further business to come before the City Council, it was moved by Councillor Kaiser and seconded by Councillor Major to adjourn. The motion passed unanimously, and the Mayor adjourned the meeting at 7:47 p.m.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 24, 2008



SUBJECT: Financial Report for October 2008

Prepared By: Tammy Hitchens, Finance Director

Recommended City Council Action

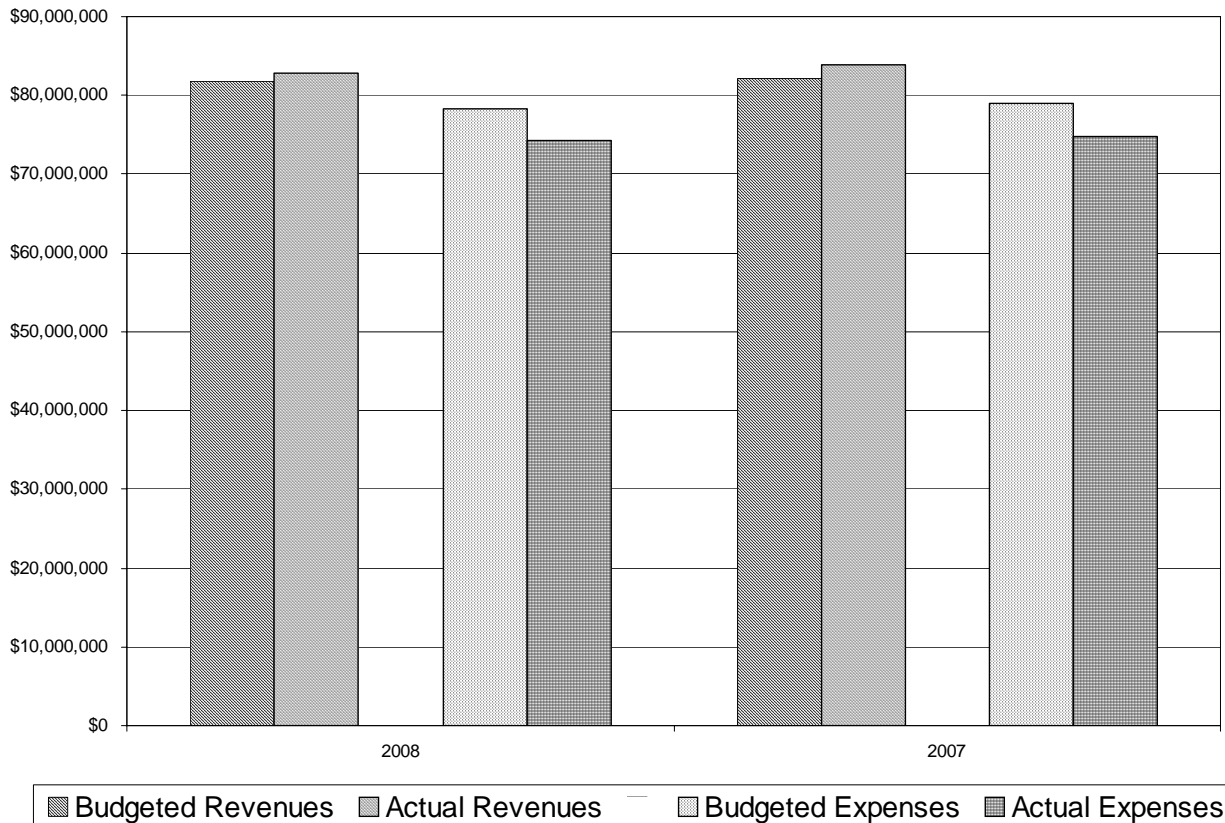
Accept the Financial Report for October as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 5-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$8,639,982. The following graph represents Budget vs. Actual for 2007 – 2008.

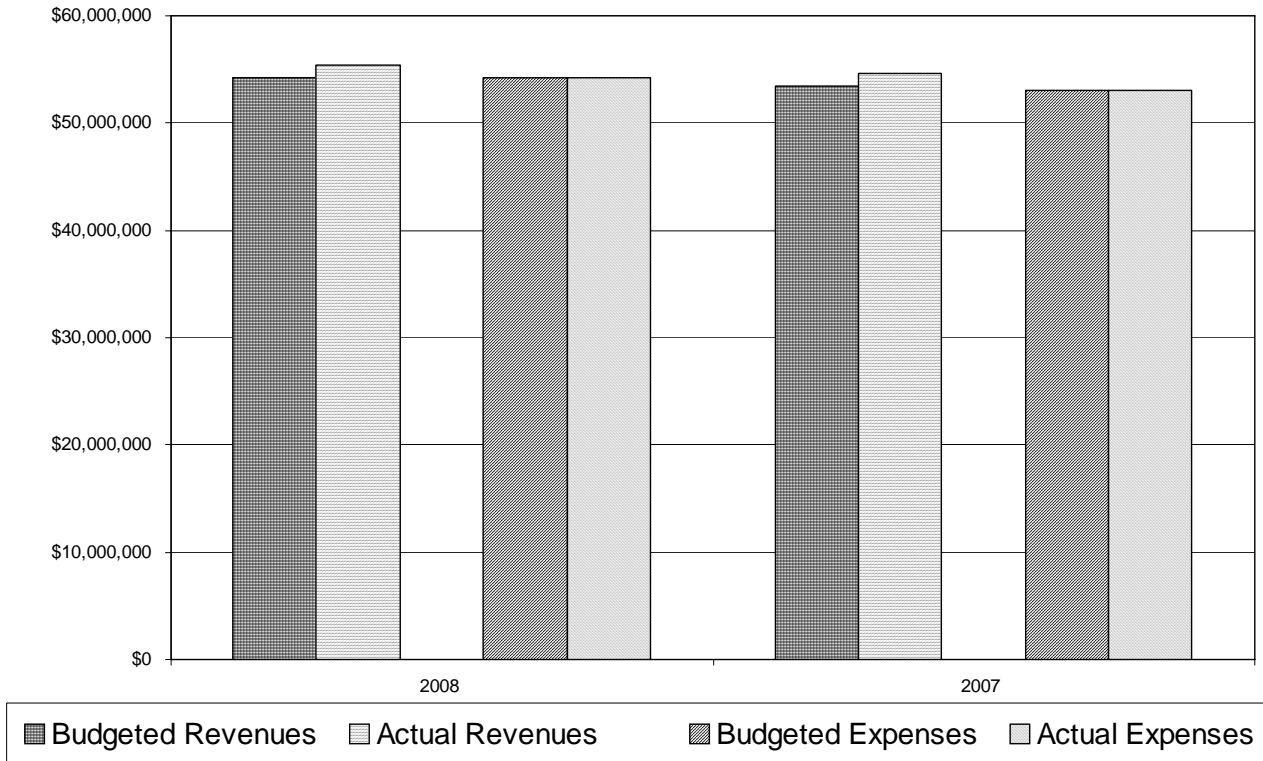
**General Fund
Budget vs Actual**



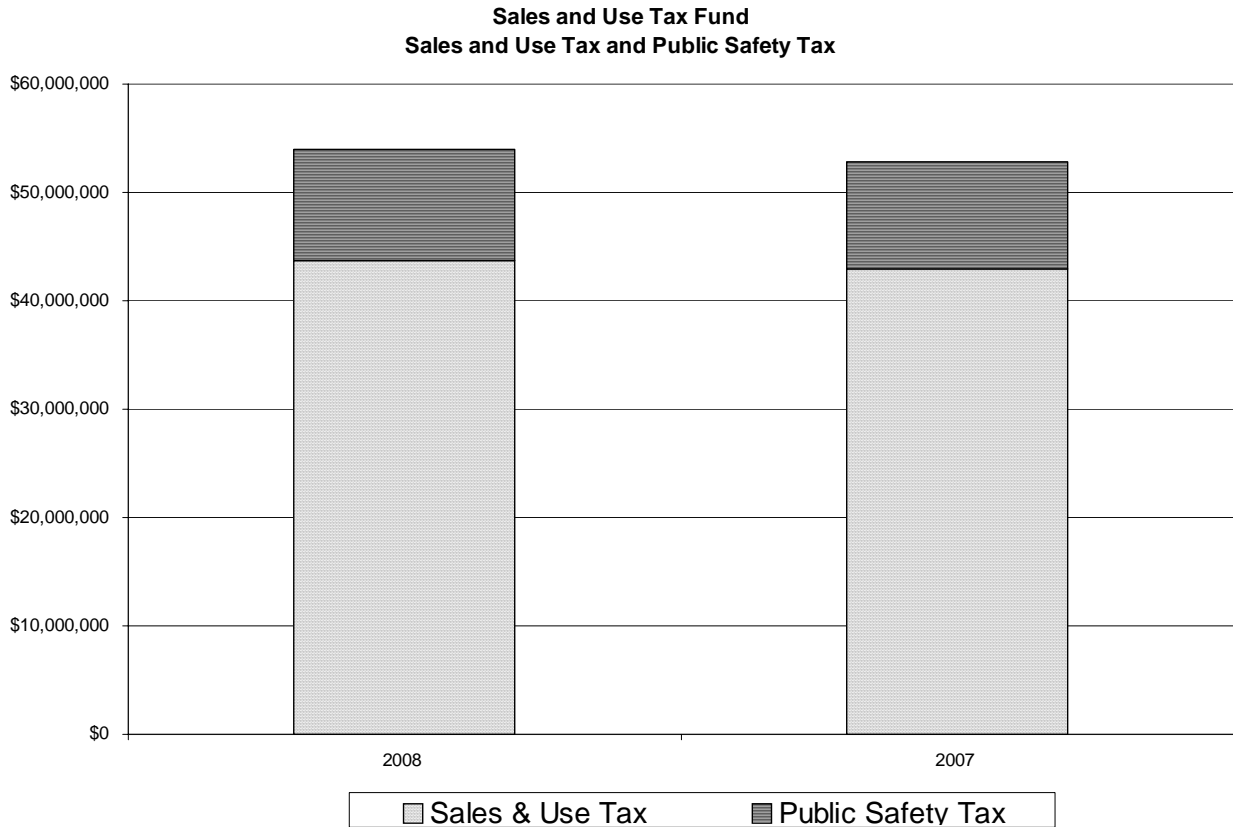
The Sales and Use Tax Fund revenues and carryover exceed expenditures by \$1,154,354.

- On a year-to-date cash basis, sales & use tax returns are up 5.0% over 2007.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 4.8% from the prior year. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are down 3.0%.
- The top 50 Sales Taxpayers, who represent about 62% of all collections, were down .17% after adjusting for Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 21% on a year-to-date basis.
- Building Use Tax is down 10.6% year-to-date from 2007.

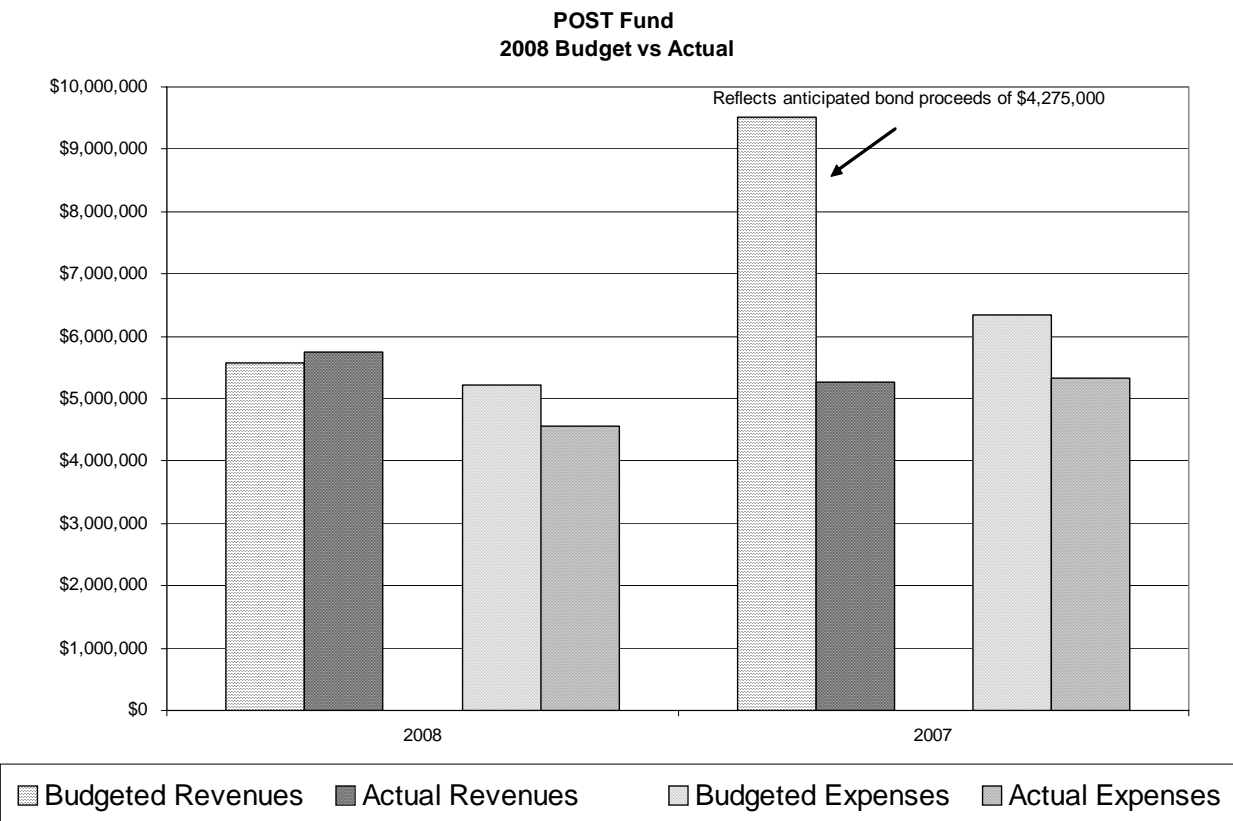
**Sales & Use Tax Fund
Budget vs Actual**



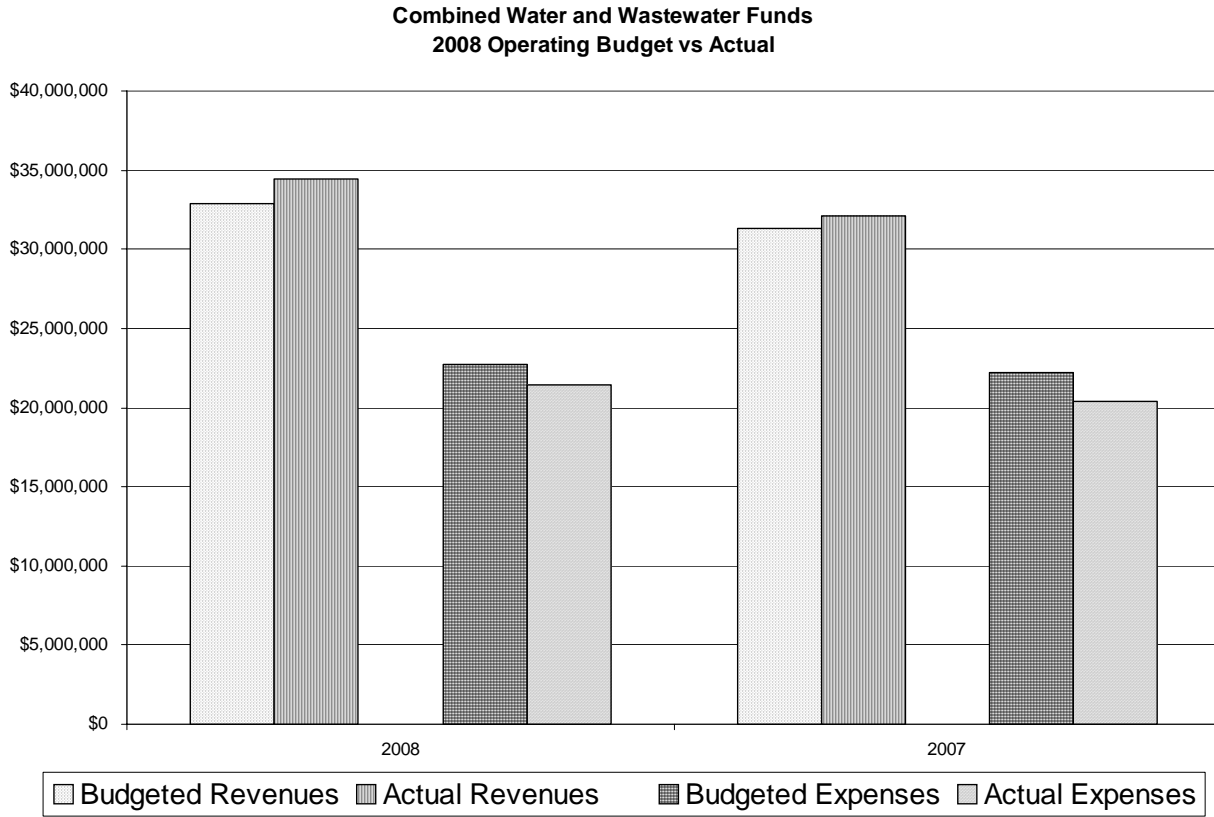
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



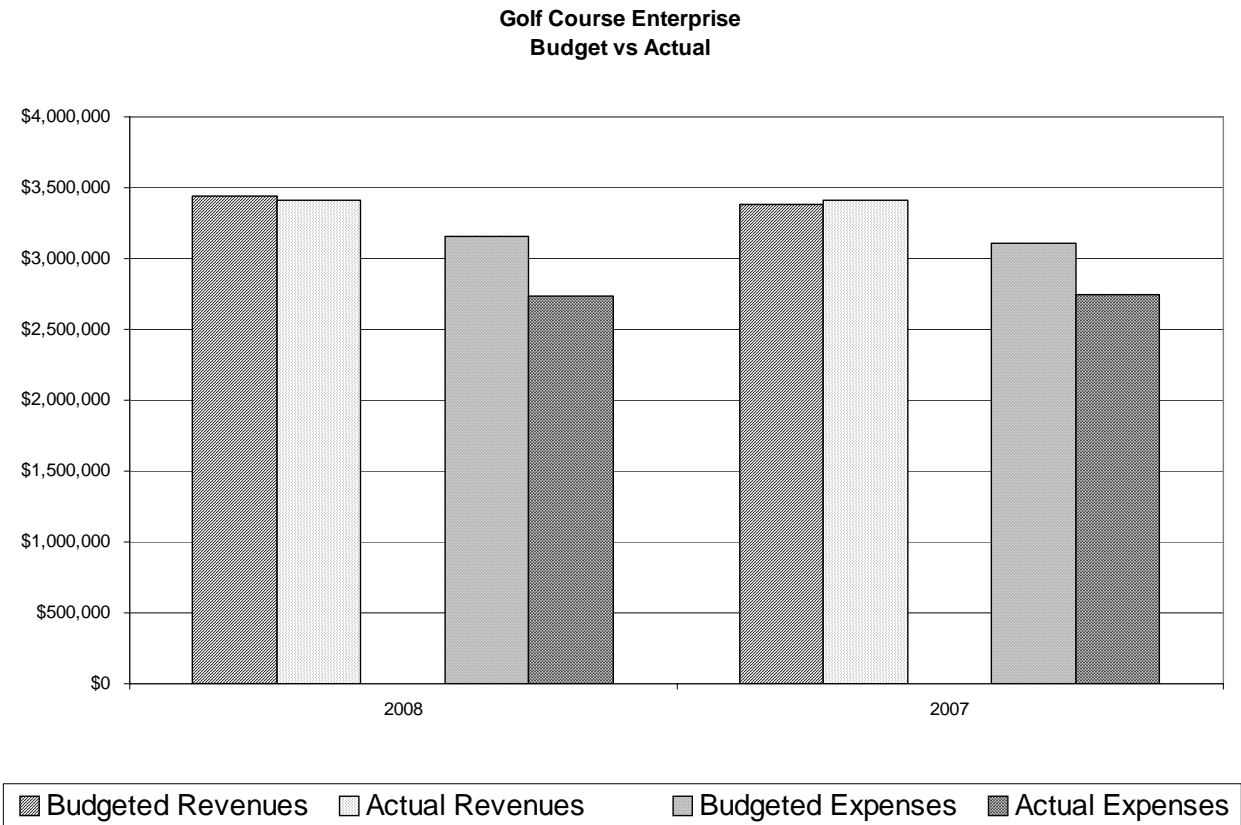
The Parks Open Space and Trails Fund revenues exceed expenditures by \$1,201,377.



The combined Water & Wastewater Fund revenues and carryover exceed expenses by \$30,644,245. \$25,298,993 is budgeted for capital projects and reserves.



The combined Golf Course Fund revenues exceed expenditures by \$683,074.



Policy Issue

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

Alternative

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

Background Information

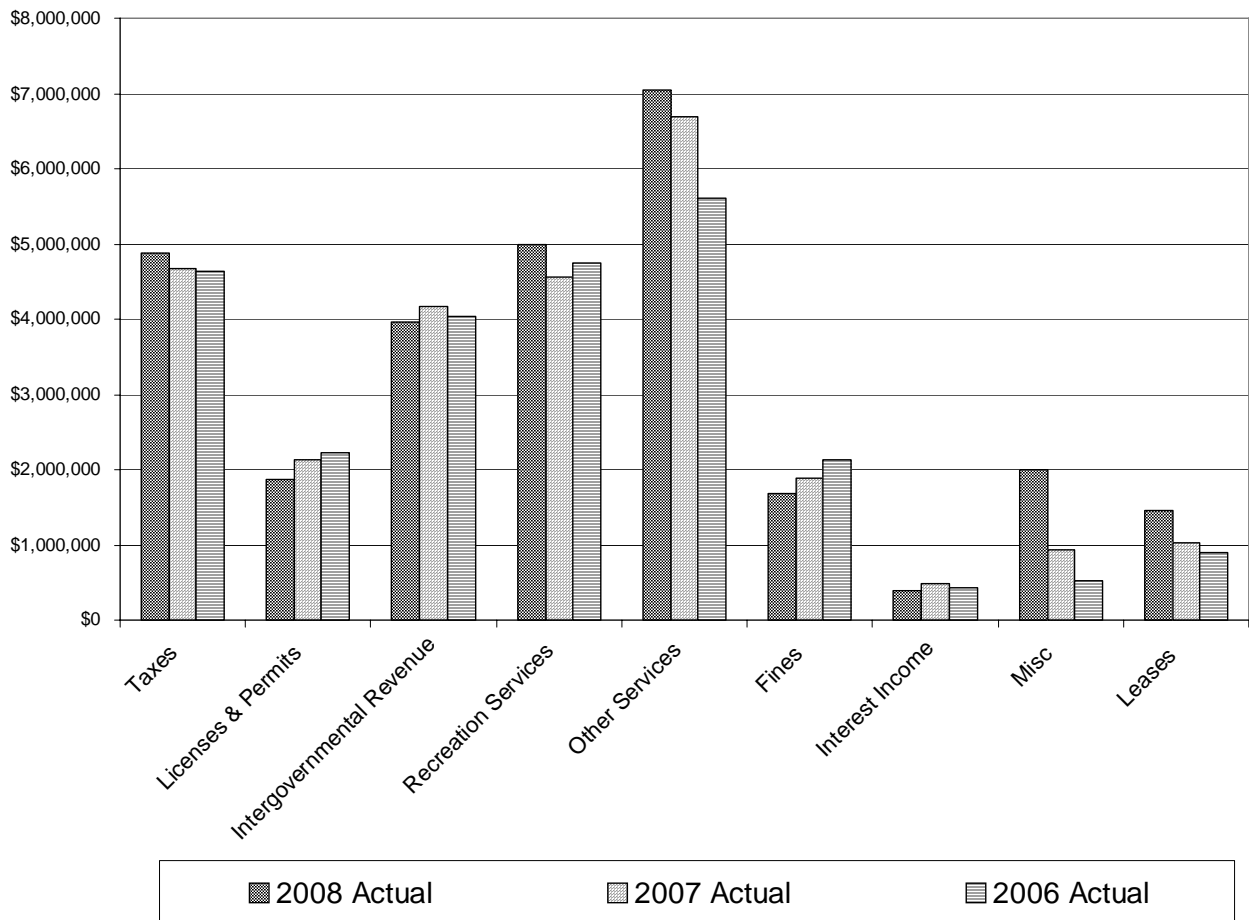
This section includes a discussion of highlights of each fund presented.

General Fund

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

The following chart represents the trend in actual revenues from 2006 – 2008 year-to-date.

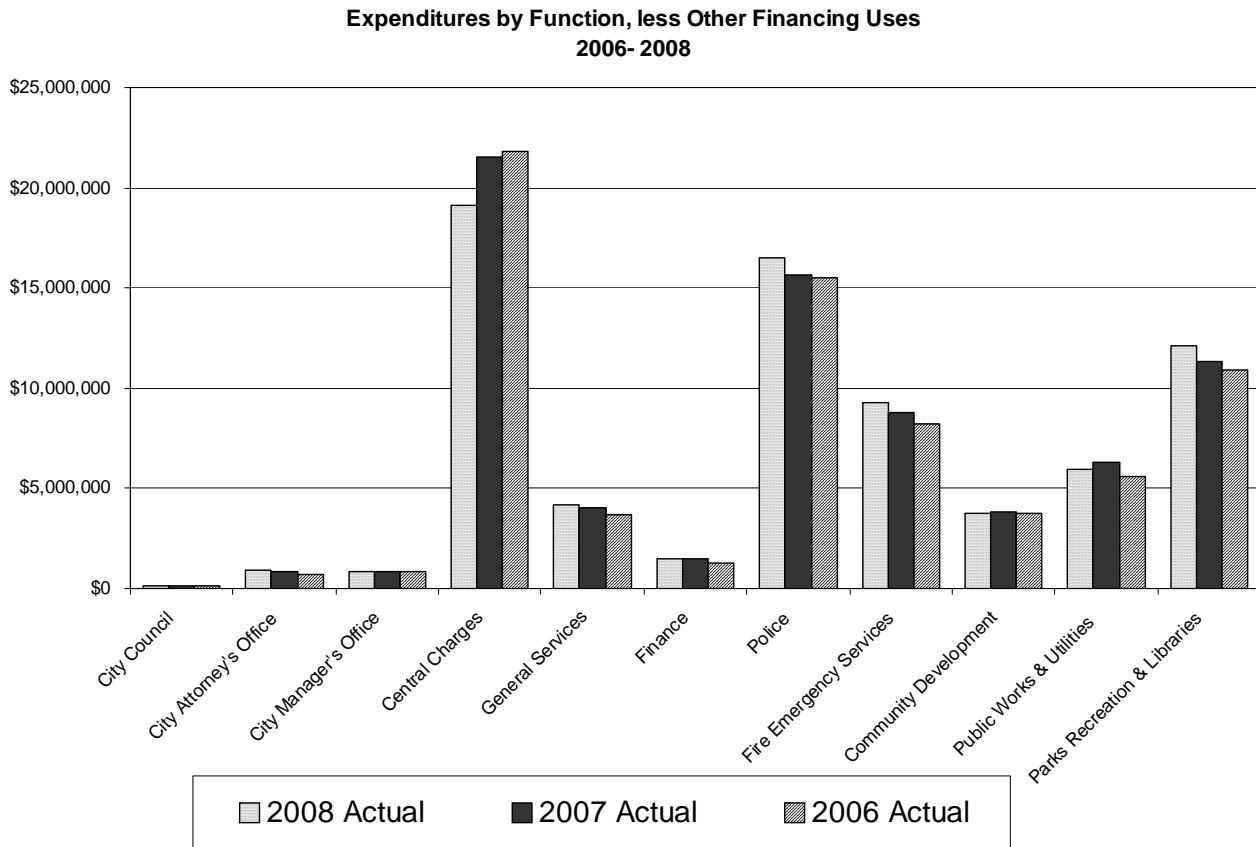
**General Fund Revenues without Transfers, Carryover, and Other Financing Sources
2006 - 2008**



Increases in General Fund revenue categories are explained as follows:

- Miscellaneous reflects a reimbursement from Thornton relating to the 144th Avenue bridge construction IGA
- Leases reflects rental income for the former police building at 88th Avenue and Sheridan Boulevard as well as the final lease payments for the Conference Center and Lakeview Pavillion

The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2006 –2008.

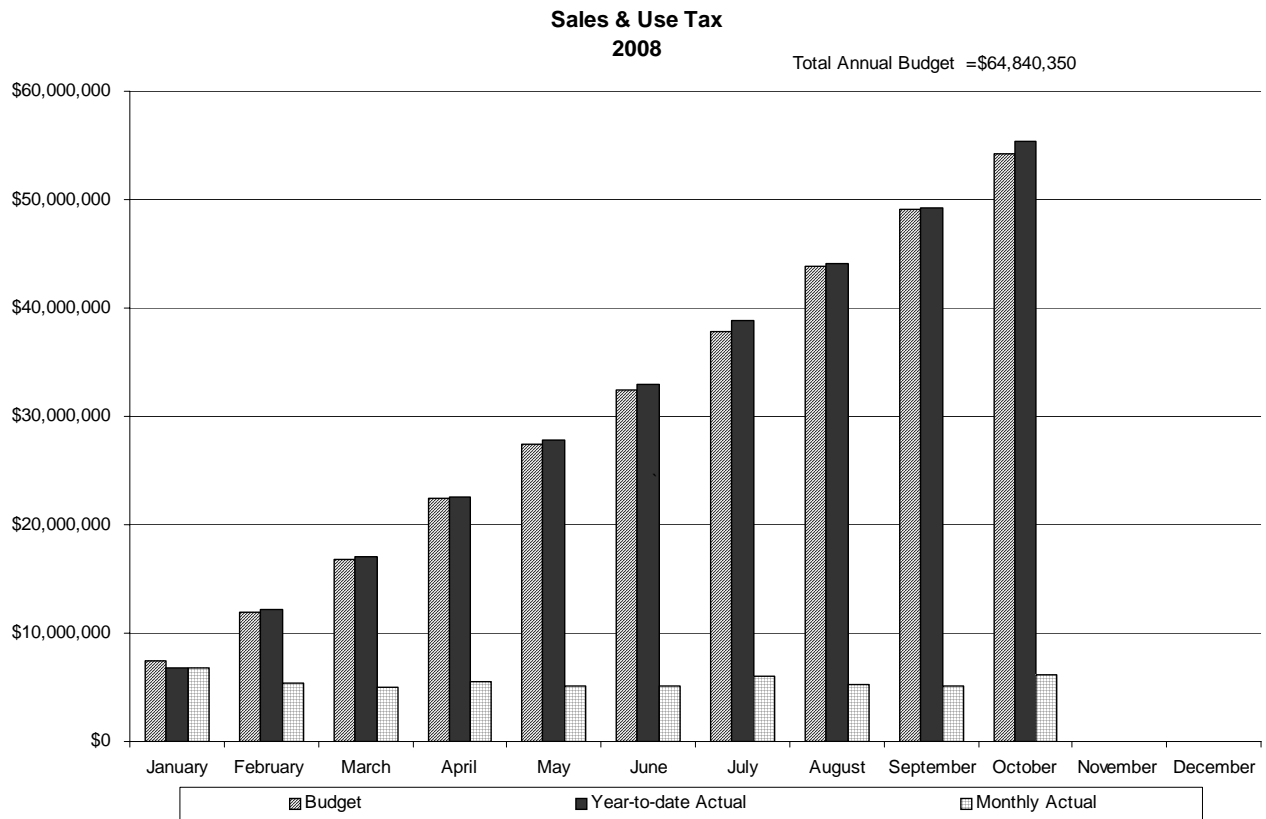


In 2008, Central Charges expenditures were less than in prior years due to a variance in the annual carryover appropriation of transfers to the General Capital Improvement Fund. Police and Fire expenditures are higher than normal in part because of personnel services relating to the Democratic National Convention and other special assignments, which will be reimbursed.

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

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the General Capital Improvement Fund, the Debt Service Fund and the Heritage Golf Course Fund. The Parks, Open Space, and Trails Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space land, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

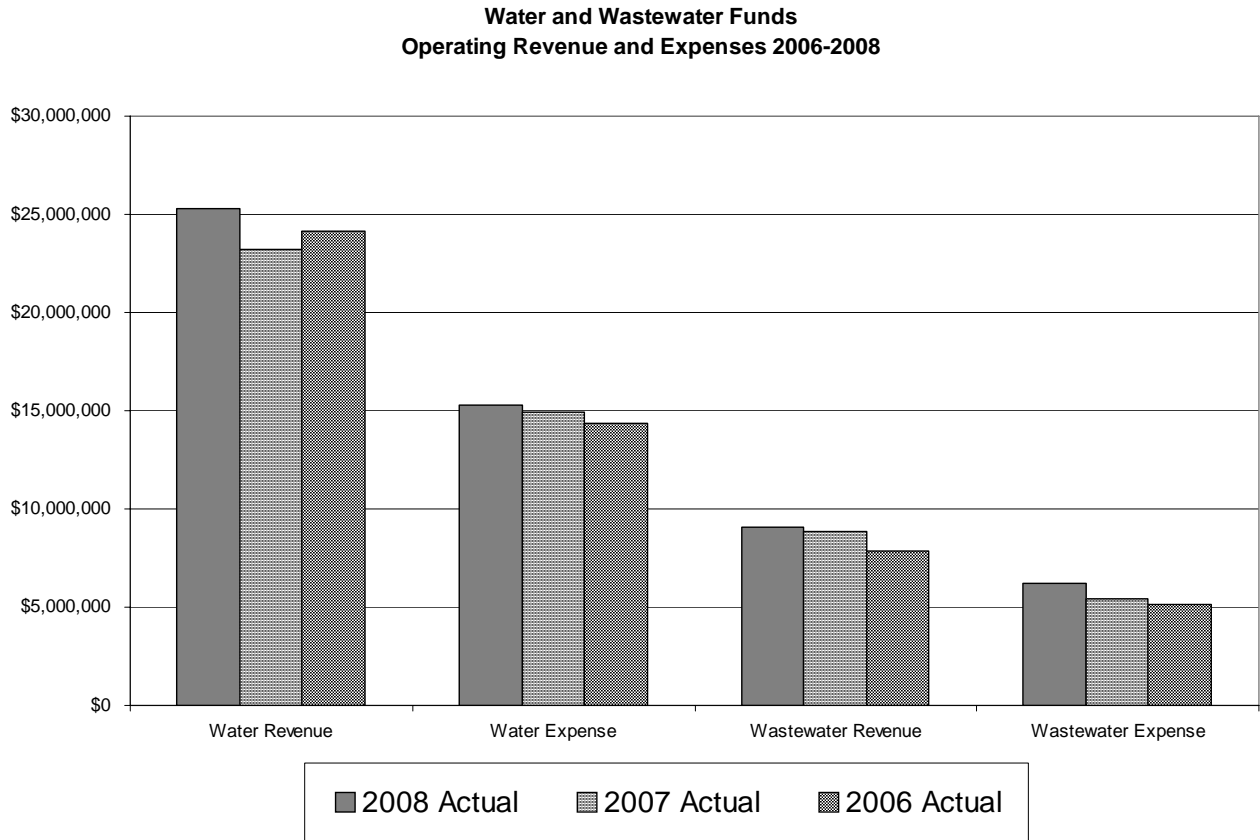
This chart indicates how the City’s Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.



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

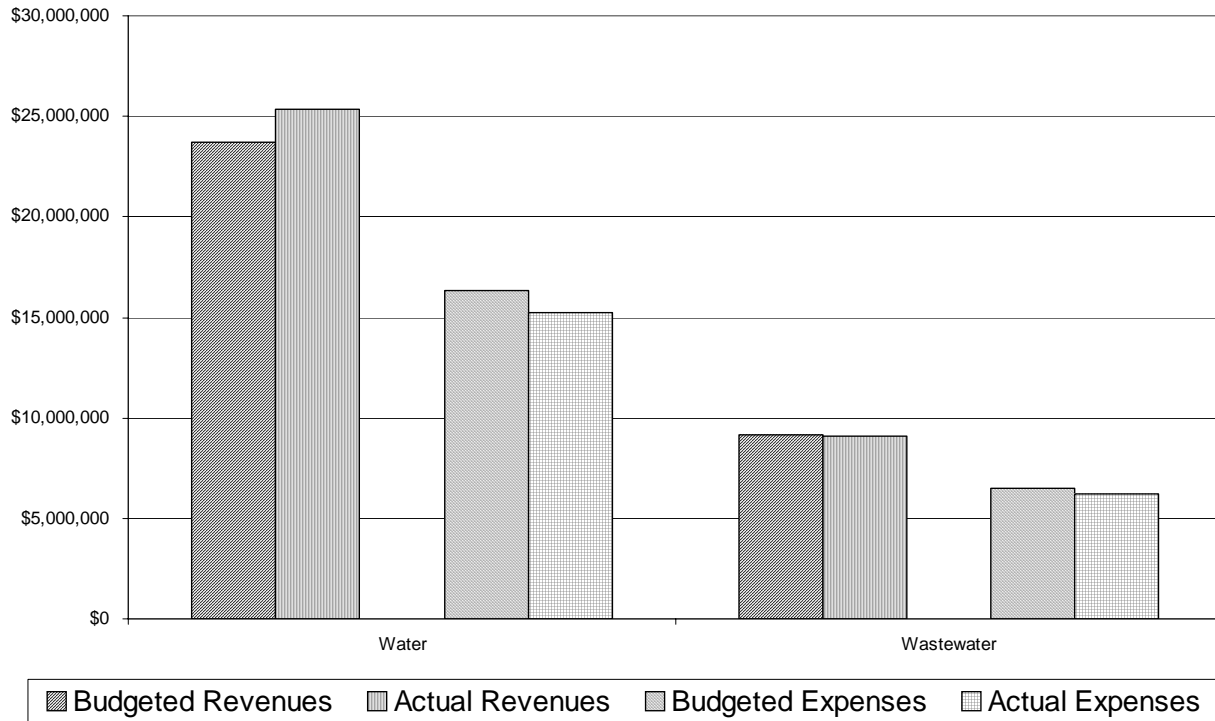
This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects and reserves.

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



Fluctuation in water revenue between years reflects the effect of weather variations on water consumption.

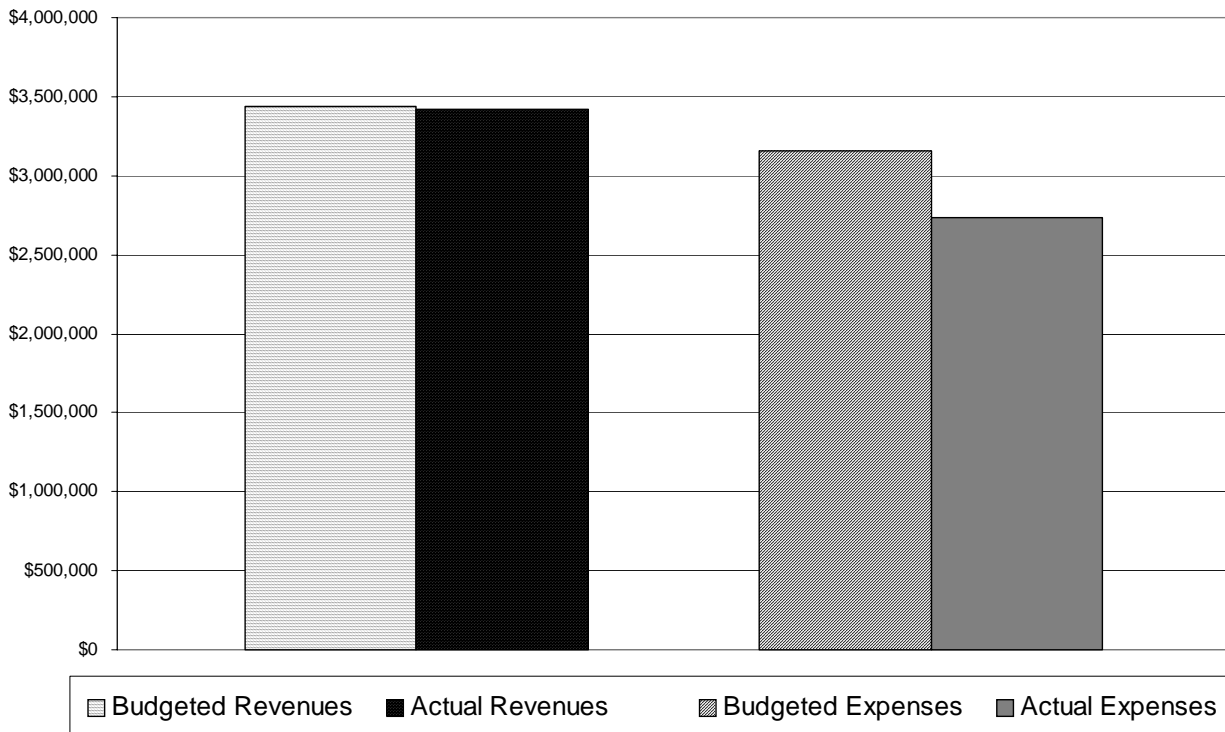
**Water and Wastewater Funds
2008 Operating Budget vs Actual**



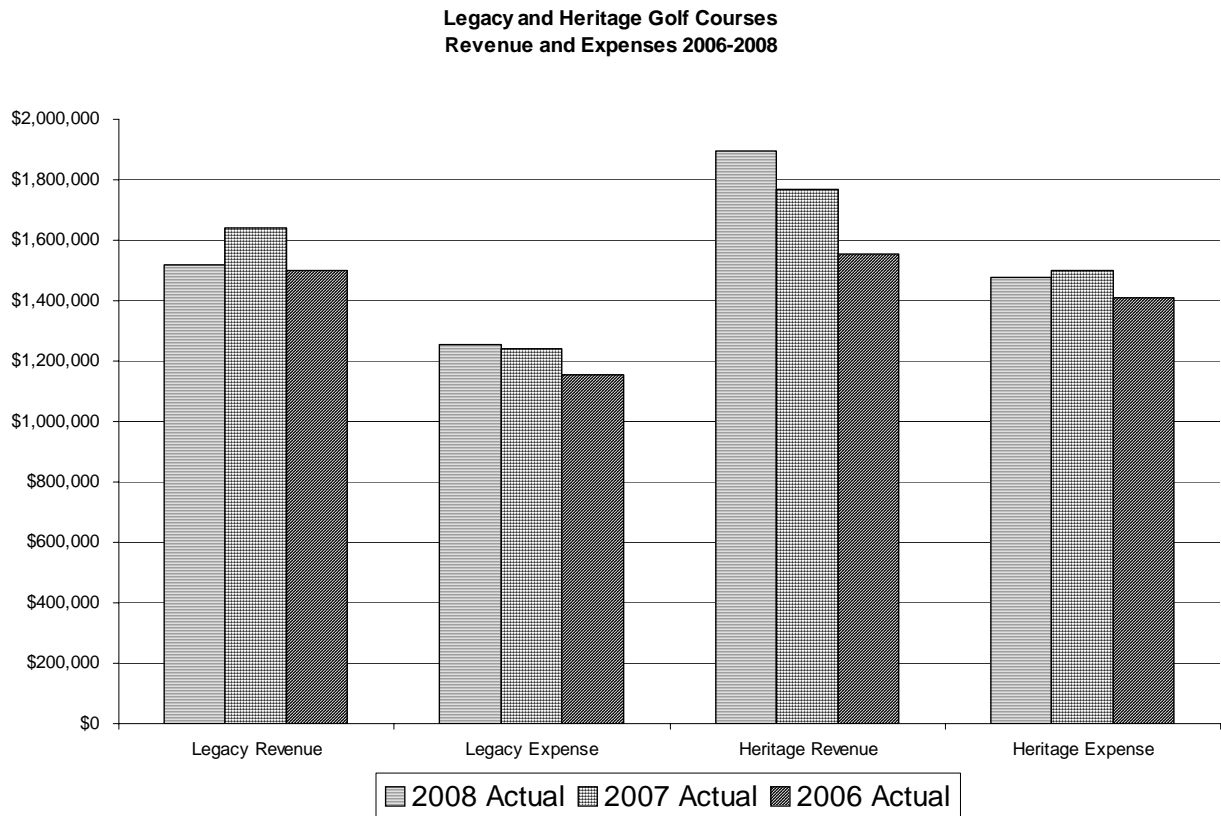
Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City's two municipal golf courses.

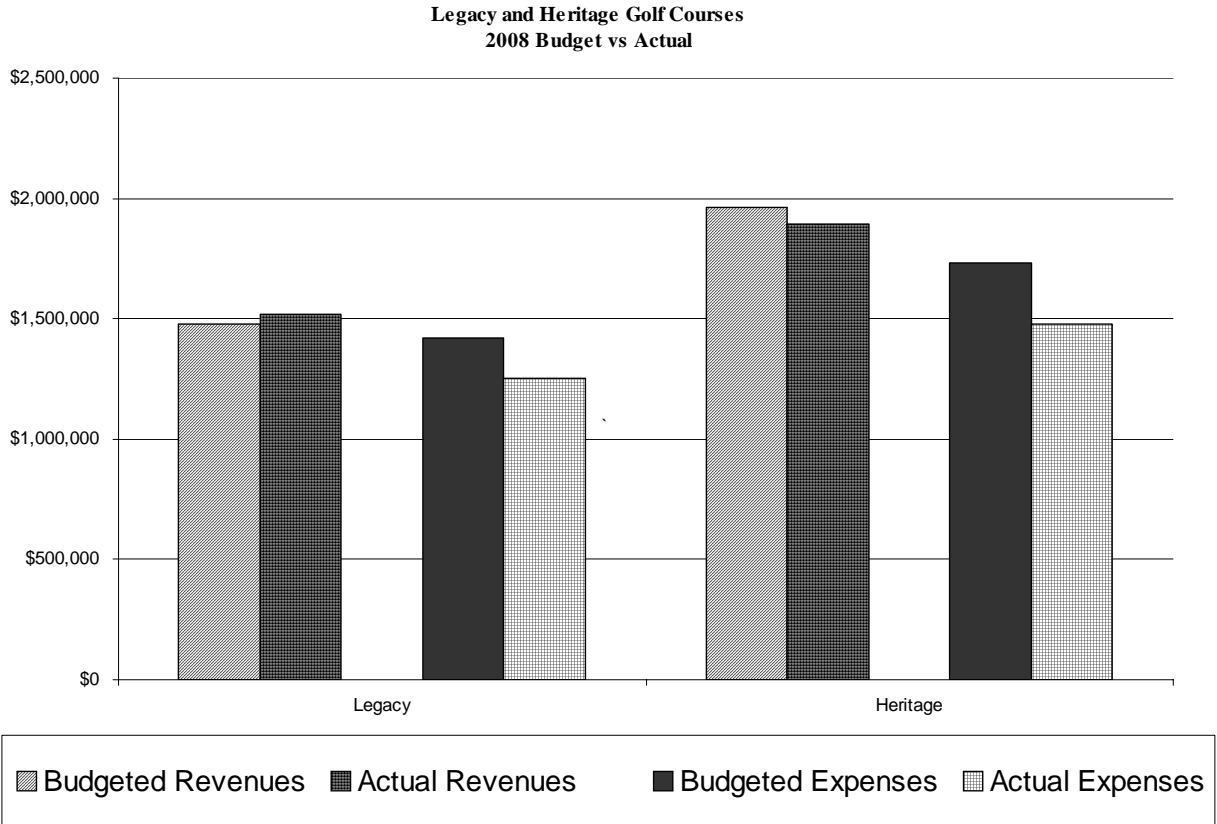
**Combined Golf Courses
2008 Budget vs Actual**



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



A one time Other Financing Source and Use of \$582,144 for a lease purchase of golf carts, was omitted from 2006 Heritage revenues and expenses for comparison purposes. One time transfers from the General Fund for the write off of inter-fund loans in the amounts of \$521,678 and \$228,322 for Heritage and Legacy, respectively, have been omitted from 2006 revenues for comparison purposes.



Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2008**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues and Carryover						
Taxes	5,012,710	4,863,166		4,883,556	20,390	100.4%
Licenses & Permits	1,575,000	1,317,110	(1)	1,862,856	545,746	141.4%
Intergovernmental Revenue	4,870,905	4,046,052		3,956,806	-89,246	97.8%
Recreation Services	5,689,173	4,533,605		4,996,891	463,286	110.2%
Other Services	8,577,178	6,963,256		7,046,764	83,508	101.2%
Fines	2,353,275	2,007,662		1,678,688	-328,974	83.6%
Interest Income	505,798	412,334		399,093	-13,241	96.8%
Misc	1,863,505	1,853,848	(2)	1,998,711	144,863	107.8%
Leases	1,697,251	1,180,645		1,454,990	274,345	123.2%
Interfund Transfers	60,167,072	50,157,583		50,159,283	1,700	100.0%
Sub-total Revenues	<u>92,311,867</u>	<u>77,335,261</u>		<u>78,437,638</u>	<u>1,102,377</u>	<u>101.4%</u>
Carryover	4,420,614	4,420,614		4,420,614	0	100.0%
Revenues and Carryover	<u>96,732,481</u>	<u>81,755,875</u>		<u>82,858,252</u>	<u>1,102,377</u>	<u>101.3%</u>
Expenditures						
City Council	208,772	175,457		142,013	-33,444	80.9%
City Attorney's Office	1,105,473	935,018		906,113	-28,905	96.9%
City Manager's Office	1,191,924	1,006,397		871,515	-134,882	86.6%
Central Charges	28,225,813	20,377,046		19,093,084	-1,283,962	93.7%
General Services	5,357,775	4,503,070		4,156,723	-346,347	92.3%
Finance	1,899,205	1,605,978		1,455,062	-150,916	90.6%
Police	20,712,943	17,508,706		16,518,057	-990,649	94.3%
Fire Emergency Services	11,403,308	9,636,937		9,293,691	-343,246	96.4%
Community Development	4,723,775	3,988,426		3,738,414	-250,012	93.7%
Public Works & Utilities	7,278,255	6,229,145		5,964,018	-265,127	95.7%
Parks, Recreation & Libraries	14,625,238	12,315,544		12,079,580	-235,964	98.1%
Total Expenditures	<u>96,732,481</u>	<u>78,281,724</u>		<u>74,218,270</u>	<u>-4,063,454</u>	<u>94.8%</u>
Revenues and Carryover						
Over(Under) Expenditures	<u>0</u>	<u>3,474,151</u>		<u>8,639,982</u>	<u>5,165,831</u>	

(1) Reflects commercial building permit activity in the North Huron Urban Renewal Area

(2) Reflects reimbursement from the City of Thornton for 144th Avenue Bridge IGA

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Sales and Use Tax Fund						
Revenues and Carryover						
Sales Tax						
Sales Tax Returns	41,420,167	34,876,456		35,086,307	209,851	100.6%
Sales Tx Audit Revenues	684,000	601,512		581,284	-20,228	96.6%
S-T Rev. STX	<u>42,104,167</u>	<u>35,477,968</u>		<u>35,667,591</u>	189,623	100.5%
Use Tax						
Use Tax Returns	8,811,551	7,026,989		7,281,611	254,622	103.6%
Use Tax Audit Revenues	761,782	607,902		783,300	175,398	128.9%
S-T Rev. UTX	<u>9,573,333</u>	<u>7,634,891</u>		<u>8,064,911</u>	430,020	105.6%
Total STX and UTX	<u>51,677,500</u>	<u>43,112,859</u>		<u>43,732,502</u>	619,643	101.4%
Public Safety Tax						
PST Tax Returns	11,647,649	9,708,259		9,976,264	268,005	102.8%
PST Audit Revenues	126,284	99,863		272,765	172,902	273.1%
Total Rev. PST	<u>11,773,933</u>	<u>9,808,122</u>		<u>10,249,029</u>	440,907	104.5%
Total Interest Income	150,000	125,000		174,017	49,017	139.2%
Carryover	1,238,917	1,238,917		1,238,917	0	100.0%
Total Revenues and Carryover	<u>64,840,350</u>	<u>54,284,898</u>		<u>55,394,465</u>	1,109,567	102.0%
Expenditures						
Central Charges	64,840,350	54,240,111		54,240,111	0	100.0%
Revenues and Carryover Over(Under) Expenditures	<u>0</u>	<u>44,787</u>		<u>1,154,354</u>	1,109,567	

City of Westminster
 Financial Report
 For Ten Months Ending October 31, 2008

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
POST Fund						
Revenues and Carryover						
Sales & Use Tax	4,897,190	4,074,934		4,271,713	196,779	104.8%
Interest Income	60,000	50,000		40,086	-9,914	80.2%
Sale of Assets	50,000	50,000		50,000	0	100.0%
Miscellaneous	88,832	74,027		57,452	-16,575	77.6%
Interfund Transfers	100,000	100,000		100,000	0	100.0%
Sub-total Revenues	<u>5,196,022</u>	<u>4,348,961</u>		<u>4,519,251</u>	170,290	103.9%
Carryover	1,234,737	1,234,737		1,234,737	0	100.0%
Total Revenues and Carryover	<u>6,430,759</u>	<u>5,583,698</u>		<u>5,753,988</u>	170,290	103.0%
Expenditures						
Central Charges	6,091,667	4,932,511		4,311,350	-621,161	87.4%
Park Services	339,092	280,568		241,261	-39,307	86.0%
	<u>6,430,759</u>	<u>5,213,079</u>		<u>4,552,611</u>	-660,468	87.3%
Over(Under) Expenditures	<u>0</u>	<u>370,619</u>		<u>1,201,377</u>	830,758	

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water and Wastewater Fund-Combined						
Operating Revenues						
License & Permits	70,000	58,333	(1)	80,090	21,757	137.3%
Intergovernmental Revenue	50,000	3,975		3,975	0	100.0%
Rates and Charges	37,661,877	32,544,483		34,085,204	1,540,721	104.7%
Miscellaneous	311,414	259,511		248,699	(10,812)	95.8%
Total Operating Revenues	38,093,291	32,866,302		34,417,968	1,551,666	104.7%
Operating Expenses						
Central Charges	5,735,227	4,779,356		4,625,283	(154,073)	96.8%
Finance	649,035	517,281		481,940	(35,341)	93.2%
Public Works & Utilities	19,698,959	15,226,109		14,291,421	(934,688)	93.9%
Information Technology	2,727,474	2,239,256		2,051,899	(187,357)	91.6%
Total Operating Expenses	28,810,695	22,762,002		21,450,543	(1,311,459)	94.2%
Operating Income (Loss)	9,282,596	10,104,300		12,967,425	2,863,125	
Other Revenue and Expenses						
Tap Fees	9,925,000	8,536,925	(1)	9,055,000	518,075	106.1%
Interest Income	1,550,000	1,291,667		1,389,922	98,255	107.6%
Interfund Transfers	10,160,069	9,089,890	(2)	9,089,890	0	100.0%
Sale of Assets	1,157,901	1,157,901		1,157,902	1	100.0%
Carryover	2,632,317	2,632,317		2,632,317	0	100.0%
Debt Service	(6,308,662)	(2,547,983)		(2,547,983)	0	100.0%
Reserve Transfer	(3,100,228)	(3,100,228)		(3,100,228)	0	100.0%
Total Other Revenue (Expenses)	16,016,397	17,060,489		17,676,820	616,331	103.6%
Increase (Decrease) in Net Assets	25,298,993	27,164,789	(3)	30,644,245	3,479,456	

(1) Reflects significant development activity in the North Huron Urban Renewal Area

(2) Includes February transfer of \$3,738,933 from the Reserve Fund for MSC Facility Renovation CIP

(3) Increase in Net Assets available for Capital Projects and Reserves

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water Fund						
Operating Revenues						
License & Permits	70,000	58,333	(1)	80,090	21,757	137.3%
Intergovernmental Revenue	50,000	3,975		3,975	0	100.0%
Rates and Charges	26,597,850	23,385,402		24,986,790	1,601,388	106.8%
Miscellaneous	301,414	251,178		248,686	(2,492)	99.0%
Total Operating Revenues	<u>27,019,264</u>	<u>23,698,888</u>		<u>25,319,541</u>	<u>1,620,653</u>	<u>106.8%</u>
Operating Expenses						
Central Charges	3,997,052	3,330,877		3,245,050	(85,827)	97.4%
Finance	649,035	517,281		481,940	(35,341)	93.2%
Public Works & Utilities	12,920,063	10,214,003		9,475,925	(738,078)	92.8%
Information Technology	2,727,474	2,239,256		2,051,899	(187,357)	91.6%
Total Operating Expenses	<u>20,293,624</u>	<u>16,301,417</u>		<u>15,254,814</u>	<u>(1,046,603)</u>	<u>93.6%</u>
Operating Income (Loss)	<u>6,725,640</u>	<u>7,397,471</u>		<u>10,064,727</u>	<u>2,667,256</u>	
Other Revenue and Expenses						
Tap Fees	7,500,000	6,463,800	(1)	6,874,214	410,414	106.3%
Interest Income	900,000	750,000		978,443	228,443	130.5%
Interfund Transfers	8,887,770	8,029,641	(2)	8,029,641	0	100.0%
Sale of Assets	1,157,901	1,157,901		1,157,902	1	100.0%
Carryover	1,616,781	1,616,781		1,616,781	0	100.0%
Debt Service	(4,801,939)	(1,938,189)		(1,938,189)	0	100.0%
Reserve Transfer	(2,712,160)	(2,712,160)		(2,712,160)	0	100.0%
Total Other Revenues (Expenses)	<u>12,548,353</u>	<u>13,367,774</u>		<u>14,006,632</u>	<u>638,858</u>	<u>104.8%</u>
Increase (Decrease) in Net Assets	<u>19,273,993</u>	<u>20,765,245</u>	(3)	<u>24,071,359</u>	<u>3,306,114</u>	

(1) Reflects significant development activity in the North Huron Urban Renewal Area

(2) Includes February transfer of \$3,738,933 from the Reserve Fund for MSC Facility Renovation CIP

(3) Increase in Net Assets available for Capital Projects and Reserves

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Wastewater Fund						
Operating Revenues						
Rates and Charges	11,064,027	9,159,081		9,098,414	(60,667)	99.3%
Miscellaneous	10,000	8,333		13	(8,320)	0.2%
Total Operating Revenues	<u>11,074,027</u>	<u>9,167,414</u>		<u>9,098,427</u>	<u>(68,987)</u>	<u>99.2%</u>
Operating Expenses						
Central Charges	1,738,175	1,448,479		1,380,233	(68,246)	95.3%
Public Works & Utilities	6,778,896	5,012,106		4,815,496	(196,610)	96.1%
Total Operating Expenses	<u>8,517,071</u>	<u>6,460,585</u>		<u>6,195,729</u>	<u>(264,856)</u>	<u>95.9%</u>
Operating Income (Loss)	<u>2,556,956</u>	<u>2,706,829</u>		<u>2,902,698</u>	<u>195,869</u>	
Other Revenue and Expenses						
Tap Fees	2,425,000	2,073,125	(1)	2,180,786	107,661	105.2%
Interest Income	650,000	541,667		411,479	(130,188)	76.0%
Interfund Transfers	1,272,299	1,060,249		1,060,249	0	100.0%
Carryover	1,015,536	1,015,536		1,015,536	0	100.0%
Debt Service	(1,506,723)	(609,794)		(609,794)	0	100.0%
Reserver Transfer	(388,068)	(388,068)		(388,068)	0	100.0%
Total Other Revenues (Expenses)	<u>3,468,044</u>	<u>3,692,715</u>		<u>3,670,188</u>	<u>(22,527)</u>	<u>99.4%</u>
Increase (Decrease) in Net Assets	<u>6,025,000</u>	<u>6,399,544</u>	(2)	<u>6,572,886</u>	<u>173,342</u>	

(1) Reflects significant development activity in the North Huron Urban Renewal Area

(2) Increase in Net Assets available for Capital Projects and Reserves

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Storm Drainage Fund						
Revenues and Carryover						
Charges for Services	1,840,000	1,533,333		1,630,432	97,099	106.3%
Interest Income	0	0		66,669	66,669	N/A
Miscellaneous	4,000	3,333		5,962	2,629	178.9%
Sub-total Storm Drainage Revenues	<u>1,844,000</u>	<u>1,536,666</u>		<u>1,703,063</u>	<u>166,397</u>	<u>110.8%</u>
Carryover	258,636	258,636		258,636	0	100.0%
Total Revenues and Carryover	<u>2,102,636</u>	<u>1,795,302</u>		<u>1,961,699</u>	<u>166,397</u>	<u>109.3%</u>
Expenses						
General Services	100,860	63,441		55,142	(8,299)	86.9%
Community Development	123,740	103,323		94,237	(9,086)	91.2%
Park Services	178,000	148,333		148,201	(132)	99.9%
Public Works & Utilities	360,400	256,244		254,561	(1,683)	99.3%
Total Expenses	<u>763,000</u>	<u>571,341</u>		<u>552,141</u>	<u>(19,200)</u>	<u>96.6%</u>
Increase (Decrease) in Net Assets	<u>1,339,636</u>	<u>1,223,961</u>	(1)	<u>1,409,558</u>	<u>185,597</u>	

(1) Increase in Net Assets available for Capital Projects and Reserves

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Courses Combined						
Revenues						
Carryover	0	0		0	0	N/A
Charges for Services	3,226,101	3,048,859		2,964,139	(84,720)	97.2%
Interest Income	0	0		22,163	22,163	N/A
Interfund Transfers	467,150	389,292		429,263	39,971	110.3%
Total Revenues	3,693,251	3,438,151		3,415,565	(22,586)	99.3%
Expenses						
Central Charges	210,500	176,776		152,655	(24,121)	86.4%
Recreation Facilities	2,982,436	2,834,197		2,437,178	(397,019)	86.0%
Total Expenses	3,192,936	3,010,973		2,589,833	(421,140)	86.0%
Operating Income (Loss)	500,315	427,178		825,732	398,554	
Debt Service Expense	500,315	142,658		142,658	0	100.0%
Increase (Decrease) in Net Assets	0	284,520		683,074	398,554	

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Pro rated Budget	% Budget
Legacy Ridge Fund						
Revenues						
Carryover	(117,732)	(98,110)		(98,110)	0	100.0%
Charges for Services	1,661,452	1,573,395		1,595,967	22,572	101.4%
Interest Income	0	0		22,163	22,163	N/A
Total Revenues	<u>1,543,720</u>	<u>1,475,285</u>		<u>1,520,020</u>	<u>44,735</u>	<u>103.0%</u>
Expenses						
Central Charges	107,700	89,499		74,588	(14,911)	83.3%
Recreation Facilities	1,436,020	1,332,627		1,180,511	(152,116)	88.6%
Total Expenses	<u>1,543,720</u>	<u>1,422,126</u>		<u>1,255,099</u>	<u>(167,027)</u>	<u>88.3%</u>
Increase (Decrease) in Net Assets	<u>0</u>	<u>53,159</u>		<u>264,921</u>	<u>211,762</u>	

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Heritage at Westmoor Fund						
Revenues						
Carryover	117,732	98,110		98,110	0	100.0%
Charges for Services	1,564,649	1,475,464		1,368,172	(107,292)	92.7%
Interfund Transfers	467,150	389,292		429,263	39,971	110.3%
Total Revenues	2,149,531	1,962,866		1,895,545	(67,321)	96.6%
Expenses						
Central Charges	102,800	87,277		78,067	(9,210)	89.4%
Recreation Facilities	1,546,416	1,501,570		1,256,667	(244,903)	83.7%
Sub-Total Expenses	1,649,216	1,588,847		1,334,734	(254,113)	84.0%
Operating Income	500,315	374,019		560,811	186,792	
Debt Service Expense	500,315	142,658		142,658	0	100.0%
Increase (Decrease) in Net Assets	0	231,362		418,154	186,792	

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR TO DATE OCTOBER 2008

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	330,812	2,692	333,504	408,719	1,515	410,233	-19	78	-19
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	250,841	21,224	272,065	162,882	594	163,477	54	3472	66
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	220,994	2,655	223,649	397,990	3,217	401,207	-44	-17	-44
SHOPS AT WALNUT CREEK 104TH & REED TARGET	211,091	1,070	212,161	187,688	2,276	189,964	12	-53	12
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	204,856	863	205,718	173,620	2,531	176,152	18	-66	17
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN CIRCUIT CITY	203,707	1,898	205,606	220,263	3,809	224,072	-8	-50	-8
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	182,433	54	182,488	177,354	249	177,602	3	-78	3
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	165,149	7,448	172,597	186,083	1,153	187,235	-11	546	-8
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	152,394	580	152,974	129	0	129	18310	*****	18761
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	114,669	1,848	116,517	115,199	2,296	117,494	0	-20	-1
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	111,982	3,083	115,065	124,455	48,852	173,306	-10	-94	-34
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	103,318	1,187	104,505	93,741	1,019	94,759	10	16	10
WESTMOOR NW OF 108TH AND WADSWORTH GE ACCESS	41,422	40,048	81,470	4,803	1,653	6,456	762	2323	1162
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	79,883	170	80,053	108,352	527	108,879	-26	-68	-26
WESTMINSTER CROSSING 136TH & I-25	69,679	97	69,775	86,689	899	87,588	-20	-89	-20

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR TO DATE OCTOBER 2008

Center Location Major Tenant	Current Month General Sales	Current Month General Use	Total	Last Year General Sales	Last Year General Use	Total Sales	%Change	Use	Total
LOWE'S STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	66,149	119	66,267	64,598	200	64,798	2	-40	2
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	9,068	44,526	53,594	7,835	41,328	49,164	16	8	9
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	53,420	152	53,572	59,027	383	59,409	-10	-60	-10
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	53,005	277	53,282	75,409	506	75,915	-30	-45	-30
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD LA QUINTA	7,271	44,309	51,580	6,813	4,148	10,961	7	968	371
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	47,440	396	47,835	82,814	577	83,392	-43	-31	-43
WILLOW RUN 128TH & ZUNI SAFEWAY	47,008	112	47,120	83,275	291	83,566	-44	-62	-44
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	41,584	401	41,985	39,965	567	40,532	4	-29	4
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	25,055	1,097	26,151	33,017	878	33,896	-24	25	-23
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	25,200	720	25,920	23,132	366	23,498	9	97	10
	2,818,430	177,025	2,995,455	2,923,851	119,833	3,043,684	-4	48	-2

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH and YEAR TO DATE OCTOBER

Center Location Major Tenant	YTD 2008			YTD 2007			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	3,925,353	23,874	3,949,227	4,179,717	20,521	4,200,238	-6	16	-6
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	2,812,381	56,066	2,868,447	3,603,285	35,459	3,638,744	-22	58	-21
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	2,163,118	82,800	2,245,918	1,432,729	53,595	1,486,324	51	54	51
SHOPS AT WALNUT CREEK 104TH & REED TARGET	2,142,884	15,840	2,158,724	1,834,290	23,418	1,857,708	17	-32	16
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	2,111,556	299,840	2,411,396	1,196,384	12,175	1,208,559	76	2363	100
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	2,074,679	27,534	2,102,213	2,078,149	10,225	2,088,374	0	169	1
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN CIRCUIT CITY	2,072,030	22,707	2,094,737	2,432,941	17,988	2,450,929	-15	26	-15
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,879,977	26,894	1,906,871	1,880,997	16,192	1,897,189	0	66	1
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,296,909	258,855	1,555,764	1,716,860	194,543	1,911,403	-24	33	-19
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	1,208,721	31,351	1,240,072	1,288,346	14,011	1,302,358	-6	124	-5
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	1,104,141	6,219	1,110,360	992,682	14,195	1,006,877	11	-56	10
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	1,002,060	4,937	1,006,997	1,007,996	3,241	1,011,236	-1	52	0
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	843,938	5,743	849,681	4,326	37	4,363	19410	15343	19376
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	713,788	8,240	722,028	677,526	2,615	680,142	5	215	6
WESTMINSTER CROSSING 136TH & I-25	647,736	2,563	650,299	708,641	6,883	715,524	-9	-63	-9

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR TO DATE OCTOBER 2008

Center Location Major Tenant	YTD 2008			YTD 2007			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
LOWE'S ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	606,421	3,542	609,963	609,753	5,706	615,459	-1	-38	-1
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	549,577	27,527	577,104	563,978	2,756	566,733	-3	899	2
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	537,077	2,490	539,567	561,825	2,732	564,557	-4	-9	-4
WILLOW RUN 128TH & ZUNI SAFEWAY	504,406	3,390	507,795	550,218	2,067	552,285	-8	64	-8
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	426,165	10,423	436,587	403,210	14,841	418,050	6	-30	4
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	292,141	5,654	297,795	303,035	16,856	319,892	-4	-66	-7
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	253,585	5,849	259,434	251,907	9,722	261,629	1	-40	-1
SUMMIT SQUARE NE CORNER 84TH & FED SAFEWAY	251,181	5,493	256,675	229,487	1,150	230,638	9	378	11
BROOKHILL IV E SIDE WADS 90TH-92ND HANCOCK FABRICS	249,544	6,412	255,956	150,852	1,860	152,712	65	245	68
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	249,476	21,528	271,003	314,794	6,191	320,985	-21	248	-16
	29,918,840	965,772	30,884,612	28,973,929	488,978	29,462,907	3	98	5



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 24, 2008



SUBJECT: 2009 Ambulance Purchase

Prepared By: Rick Spahn, EMS Field Coordinator

Recommended City Council Action

Authorize the purchase of one ambulance from Front Range Fire Apparatus in an amount not to exceed \$118,500 for one 2008 Ford MEDTEC ambulance. This contract includes the trade-in of a 2003 Ford Road Rescue ambulance (Unit #5209).

Summary Statement

- City Council has allocated \$127,000 in the 2009 General Capital Outlay Replacement Fund (GCORF) for the replacement of one ambulance.
- The new ambulance will replace a 2003 Ford Road Rescue ambulance (unit #5209), which has over 70,000 miles. This purchase is consistent with the replacement schedule as defined by Fleet Maintenance and the Fire Department.
- Front Range Fire Apparatus has offered \$15,500 as the trade-in value for unit #5209. The requested expenditure includes the deduction of this trade-in.
- Delivery is promised 180 days after the signing of the contract.
- The new ambulance will be assigned to Fire Station 1, located at 73rd Avenue and Bradburn Boulevard. The current ambulance (#5212) will move to reserve status.
- Formal bids were sent to eight vendors in accordance with City policy and under the supervision of the City Purchasing Agent. Two vendors responded. Front Range Fire Apparatus is the low bid and met the bid specifications.
- Front Range Fire Apparatus was awarded the ambulance bids in 2007 and 2008. These ambulances currently respond out of Fire Stations 2 and 4. Both ambulance have performed well and have met expectations.

Expenditure Required: \$118,500

Source of Funds: 2009 General Capital Outlay Replacement Fund (GCORF)

Policy Issue

Does City Council want to use the existing ambulance as a trade-in with the vendor for a resulting value of \$15,500 or should the replacement ambulance be sent to auction? Staff believes the \$15,500 is reasonable and it is guaranteed. It would be difficult to guess what price a government auction might bring.

Alternatives

1. City Council could direct Staff to delay the purchase of this ambulance. Staff does not recommend this alternative. Delayed approval will result in an increase in pricing and chassis availability. The purpose for seeking approval at this time is to take advantage of the availability of a 2008 chassis. Changes to the automotive emissions standards are expected for the coming year. The purchase of a 2009 chassis would result in a substantial cost increase for the ambulance.
2. Direct Staff to have the ambulance re-bid. This is not recommended because Staff does not feel a re-bid process will generate a lower purchase price.

Background Information

The projected life expectancy of an ambulance in Westminster has been five to six years, with three to four years of front-line service and two years as a reserve unit. A Fire Department ambulance will typically have 70,000 to 100,000 miles on them and each will have responded to over 7,000 calls by the time they are replaced.

Formal bids were sent to eight ambulance vendors who have a proven reputation for quality construction, strong safety features and reliability. Bids were opened October 22, 2008, in front of the two vendors who submitted bids: Rocky Mountain Emergency Vehicles and Front Range Fire Apparatus. Both vendors were able to meet or exceed the City’s required specifications. Listed below are the bid prices.

<u>Vendor</u>	<u>Bid</u>	<u>Trade-in</u>	<u>Total Vehicle Price</u>
Rocky Mountain Emergency Vehicles (Lifeline Ambulance)	\$135,951	\$16,000	\$119,951
Front Range Fire Apparatus (MEDTEC Ambulance)	\$134,000	\$15,500	\$118,500

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 24, 2008



SUBJECT: 2008 Utilities Crews Material Purchase

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 purchase orders through the Utilities Operations Division, with two vendors: Dana Kepner and HD Supply for the purchase of materials for use by the Utilities Operations Construction Crew and Field Crew for a total cost of \$171,146.00.

Summary Statement

- This request consists of the purchase of eight individual lots of related waterworks materials.
- Formal request for proposals for these purchases were issued and a bid opening took place on November 6, 2008. A total of three vendors provided bids on this purchase.
- Dana Kepner was the lowest bidder on four lots totaling \$64,270.91; and HD Supply was the lowest bidder on the other four lots totaling \$106,875.09. Mountain States submitted bids but was not the low bid on any of the eight available lots.

Expenditure Required: \$171,146.00

Source of Funds: Utility Fund - Utilities Operations Division Operating Budget

Policy Issue

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

Alternative

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. Also, this option may require City Council action if expenditures exceed \$50,000. This option is not recommended since the City took final bids for these materials and would most likely get higher unit costs if purchased on an as-needed basis.

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 replacement water mains they install annually.

The Construction Crew Utility Material Purchase was advertised on the internet site “Demand Star” with bids being opened on November 6, 2008. 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.

The results of the submitted bids are as follows (**bold numbers indicate low bid**):

<u>Lot Description</u>	<u>Dana Kepner</u>	<u>HD Supply</u>	<u>Mountain States</u>
Mechanical Joint Fittings	\$31,905.82	\$28,530.02	\$33,846.00
Mechanical Joint Restraints	\$11,326.19	\$12,848.55	\$14,592.00
Fire Hydrants	\$25,631.50	No bid	\$34,180.00
Gate Valves	\$67,814.26	\$61,237.28	\$64,887.00
Brass/Copper Goods	\$18,402.25	\$15,905.39	\$18,653.05
Miscellaneous Items	\$17,914.92	\$21,119.20	\$34,828.60
Water Main Repair Clamps	\$9,398.30	\$10,813.72	\$9,930.00
Sewer Couplings/Pipe	\$1,977.84	\$1,202.40	\$1,818.00

These purchases help achieve the City Council’s Strategic Plan Goals of “Financially Sustainable City Government, Safe and Secure Community and Vibrant Neighborhoods and Commercial Areas” by meeting the following objectives:

- Well-maintained City infrastructure and facilities
- Citizens are safe anywhere in the City
- Maintain and improve neighborhood infrastructure and housing

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
November 24, 2008



SUBJECT: 2009 Proposed Community Development Block Grant and HOME Projects

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Approve the allocation of Community Development Block Grant and HOME funds in 2009.

Summary Statement

- The City of Westminster receives an annual allocation of Community Development Block Grant funds (CDBG) from the United States Department of Housing and Urban Development (HUD).
- The 2009 CDBG allocation is anticipated to be approximately \$553,850.
- The funds must be used towards programs and projects meeting eligibility requirements established by HUD that primarily benefit low to moderate income populations and areas. The City may use up to 20% of the allocation towards CDBG-related administration. For 2009, this is estimated to equal \$110,770.
- Staff proposes to use \$443,080 in 2009 CDBG funds for Lowell Boulevard reconstruction and improvements from 77th Avenue to Turnpike Drive.
- As a member of the Adams County HOME consortium, a HUD-approved funding entity, the City receives an annual allocation of about \$220,000 through the County to be used on affordable housing projects and programs. These proceeds have previously been used to provide downpayment assistance to low and moderate income households looking to purchase a home and the county housing rehabilitation program providing low interest loans to income eligible households.
- Staff is recommending that the HOME funds be allocated as follows:

County Administration	\$ 20,000
Down Payment Assistance	\$130,000
Housing Rehabilitation	\$ 70,000

Expenditure Required: \$553,850 (CDBG)
\$220,000 (HOME)

Source of Funds: HUD CDBG Program
HUD HOME Program

Policy Issue

Should the City allocate the CDBG and HOME funds as recommended in this agenda memorandum?

Alternatives

1. The Council may choose to not accept the funds. Staff recommends that such an alternative not be considered as the CDBG and HOME funds have provided benefits to Westminster residents and have provided needed funds for capital projects.
2. Council may choose to allocate the funds in a different manner. Staff believes the allocations identified in this agenda memorandum will serve Westminster residents well, meeting a number of critical needs in the community.

Background Information

The City of Westminster receives an annual allocation of Community Development Block Grant funds (CDBG) from the United States Department of Housing and Urban Development (HUD). The 2009 CDBG allocation is anticipated to be about the same as in 2008, which was \$553,850. These annual allocations have usually decreased annually since 2003, when the largest grant to date of \$696,000 was allocated to the City.

The CDBG funds are to be used for projects and programs that primarily benefit the City’s low to moderate-income populations and address blight conditions. Eligible project activities may include economic development/redevelopment, public facility and infrastructure improvements, and affordable housing activities. Based upon eligibility criteria and the limited level of funding, Staff recommends that the following projects be funded in 2009:

2009 CDBG Program Administration (20% of total grant)	\$110,770
Lowell Boulevard Enhancements	<u>443,080</u>
TOTAL:	\$553,850

The proposed 2009 CDBG budget and projects are based on the need to complete the next phase of the neighborhood-scale street improvements for the Lowell Boulevard project. Community input on the uses of the 2009 CDBG allocation was sought via City website notices and press releases to the Westminster Window. The following proposals and inquiries were received:

1. A request was received for funding of a non-profit organization. The person making the request was referred to the Human Services Board to follow its application process.
2. A request was received for more information about what input was being received from other citizens.
3. A person commented that there were areas that need landscaping along the north side of 92nd Avenue west of Lowell and on 96th Avenue from Lowell to Newton.
4. A resident of Countryside subdivision reported two areas of concern: (1) the Pierson Circle steps, and (2) the vacant lot at the corner of Countryside Drive and Simms. She stated that these areas were “spot blight” and that Countryside could not access Neighborhood Enhancement funds because they do not have an organized HOA.

While the last two comments are of concern, the proposed improvements are not within census tracts that qualify for expenditure of CDBG funds and do not qualify as “spot blight” under the HUD regulations.

Program Administration

HUD allows grantees to utilize up to 20% of the CDBG funding for administration and planning expenses. In the past, this portion has been sufficient to pay for the salaries of two full-time employees who administer the CDBG program, as well as other costs of administration and planning. However, the CDBG funding has fallen below the amount sufficient to cover the two salaries and no CDBG funding is available for planning and other expenses. This financial gap is being paid out of City General Fund revenues.

Lowell Boulevard Enhancements

Lowell Boulevard is a minor arterial street through the heart of south Westminster, a low- to moderate-income area. Lowell Boulevard improvements have been designed to slow traffic and enhance the neighborhood with sidewalks, trees and decorative lighting. These neighborhood-scale improvements have contributed to development of the first new housing in decades in the south Westminster area. Due to lack of sufficient funding to complete the entire 73rd to 79th stretch in one phase, rebuilding Lowell has been done in increments. This project can be completed in 2010 from 77th Avenue to Turnpike Drive, using two years of CDBG funding (2009 and 2010) along with City General Fund money earmarked for Lowell Boulevard improvements. It is recommended that CDBG funding be set aside to complete this project when additional funding becomes available.

Variations in Ultimate CDBG Allocation in 2009

The actual amount allocated to the City is never known until about halfway into a calendar year. If the actual 2009 CDBG allocation varies from the amounts stated herein, adjustments to the projects will need to be made.

HOME Program

In addition to the CDBG allocation, the City is scheduled to receive about \$220,000 in HOME program dollars from HUD. HOME funds are distributed to eligible communities to assist in the development and provision of housing to low-income households and targeted populations (e.g. seniors, persons having disabilities, homeless, etc.) The City of Westminster alone does not meet the minimum population requirements to receive the funds as an entitlement. However, by having joined the HUD-authorized Adams County HOME Program Consortium, the City receives an allocation of about \$220,000 annually providing funding for such eligible affordable housing endeavors.

Pursuant to an existing agreement with Adams County, the proceeds have been appropriated to program administration, housing rehabilitation and homeowner down-payment assistance. While funds have been allocated to support these endeavors, the agreement permits the City to redirect funds as necessary to support other HOME eligible programs and projects, such as affordable housing projects and programs. Given past assignments and having the flexibility to redirect funds as necessary, Staff is recommending the 2009 HOME funds be used as follows:

Housing Rehabilitation Program \$70,000

The program provides low-interest loans to income-qualified Westminster homeowners to address infrastructure improvements and mitigate health, safety and sanitary issues. The program is set up to provide funds to fix or improve a home so as to protect the health and safety of the household. The loans are typically for furnaces, water heaters, roofs, and foundation stabilization. Typical maintenance items such as paint or siding are not eligible for funding. Applicants must meet low-income thresholds established by HUD, and repayment terms are based upon income. Some loans may be completely forgiven in the event of extremely low-incomes and the household's length of residence in the home following the rehabilitation work.

Homebuyer Down-Payment Assistance Programs \$130,000

The program provides down payment assistance grants and loans to income qualified prospective homebuyers purchasing a home in Westminster. Income eligible homebuyers and first-time buyers are eligible to receive up to \$15,000 in down-payment assistance.

SUBJECT: 2009 Proposed Community Development Block Grant and HOME Projects Page 4

HOME Program Administration

\$20,000

This allocation is used to pay Adams County employees for administrative costs incurred by the Adams County Office of Community Development relative to implementation of the HOME programs.

This program assists the City in meeting two strategic plan goals: Vibrant Neighborhoods and Commercial Areas, and Beautiful City – Attractive Developments, Green Spaces and Vistas.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 24, 2008



SUBJECT: Intergovernmental Agreement with the Urban Drainage and Flood Control District for Major Drainageway Planning and Flood Hazard Area Delineation for Big Dry Creek

Prepared By: John Burke, Senior Engineer

Recommended City Council Action

Authorize the City Manager to execute an intergovernmental agreement (IGA) with the Urban Drainage and Flood Control District (UDFCD) for the Big Dry Creek Major Drainageway Planning and Flood Hazard Area Delineation update.

Summary Statement

- The UDFCD annually requests that the local jurisdictions of the District provide input on flood control studies that should be prepared or updated. The Big Dry Creek Major Drainageway Planning (MDP) and Flood Hazard Area Delineation (FHAD) were last updated in 1988. Due to the amount of growth that has occurred and continues to occur within this drainage basin, staffs of the City of Westminster, the City of Thornton and Adams County were all interested in an updated study.
- This planning update was initially scheduled to occur in 2010, however, the UDFCD has additional funds that will become available for this purpose in 2009. There have been some recent concerns with flooding in this basin, particularly within a portion of unincorporated Adams County in the vicinity of the City’s proposed McKay Drainageway project.
- The UDFCD approached Staff with a proposal for the UDFCD, Thornton, Westminster and Adams County to share the estimated \$220,000 for this study. The UDFCD has agreed to pay \$145,000 of the cost of this project with Westminster, Thornton and Adams County each paying \$25,000. The IGA has provisions for amending the IGA in the future if a modified funding arrangement is necessary.
- Under the terms of the IGA, the UDFCD will manage the project and will hire an engineering firm to prepare the updates with Westminster, Thornton and Adams County oversight.

Expenditure Required: \$25,000

Source of Funds: Stormwater Funds

Policy Issue

Should the City enter into an Intergovernmental Agreement with the Urban Drainage and Flood Control District, the City Thornton and Adams County to update the Big Dry Creek Major Drainageway Planning and Flood Hazard Area Delineation studies?

Alternative

Council could choose to not execute this intergovernmental agreement at this time. Staff does not recommend this alternative because these studies are funded through the UDFCD only when funds are available. If Council chooses not to approve this IGA, it may be a number of years before these funds are available again from the UDFCD, Thornton and Adams County.

Background Information

There have been significant changes in the Big Dry Creek basin since 1988, all of which contribute to the need to update this study for current and future planning purposes. This update is of particular interest to the City of Westminster since a group of residents of unincorporated Adams County have voiced concern over the City's proposed McKay Drainageway project. An overall update of the Big Dry Creek MDP study can address their concerns. Additionally, because these issues impact the City of Thornton and Adams County, both of these agencies are contributing an equal share to the MDP even though the contributing drainage areas of their jurisdictions only account for 29% of the total basin.

The UDFCD proposes to begin the study in 2009 with a stakeholder process that will include all interested parties within the Big Dry Creek basin. Though Westminster has already planned for and constructed a good portion of the infrastructure identified in the 1988 study, Staff felt that it is in the City's best interest to participate in this particular update. Furthermore, it is advisable for the City to act as a "good neighbor" to those Adams County residents who could be affected by the City's McKay Drainageway project.

Funds for the City's share of this project (\$25,000) are available from the Stormwater Utility account.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Intergovernmental Agreement

AGREEMENT REGARDING FUNDING OF
MAJOR DRAINAGEWAY PLANNING
AND FLOOD HAZARD AREA DELINEATION
FOR BIG DRY CREEK

Agreement No. 08-10.13

THIS AGREEMENT, made this _____ day of _____, 2008, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT"), ADAMS COUNTY (hereinafter called "ADAMS"), CITY OF THORNTON (hereinafter called "THORNTON"), and CITY OF WESTMINSTER (hereinafter called "WESTMINSTER"); (hereinafter ADAMS, THORNTON, and WESTMINSTER shall be collectively known as "LOCAL SPONSORS" and DISTRICT and LOCAL SPONSORS shall be collectively known as "PARTIES");

WITNESSETH THAT:

WHEREAS, DISTRICT in a policy statement previously adopted (Resolution No. 14, Series of 1970), expressed an intent to assist public bodies which have heretofore enacted floodplain zoning measures; and

WHEREAS, DISTRICT has previously established a Work Program for 2008 (Resolution No. 91, Series of 2007) which includes master planning; and

WHEREAS, PARTIES now desire to proceed with development of a drainageway master plan and flood hazard area delineation (FHAD) for Big Dry Creek (hereinafter called "PROJECT"); and

WHEREAS, PARTIES desire to acquire mapping needed to conduct the engineering studies for PROJECT; and

WHEREAS, PARTIES desire to engage an engineer to render certain technical and professional advice and to compile information, evaluate, study, and recommend design solutions to such drainage problems for PROJECT which are in the best interest of PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. SCOPE OF AGREEMENT

This Agreement defines the responsibilities and financial commitments of PARTIES with respect to PROJECT.

2. PROJECT AREA

DISTRICT shall engage an engineer and obtain mapping as needed to perform or supply necessary services in connection with and respecting the planning of PROJECT of the area and watershed shown on the attached Exhibit A dated October 2008, (hereinafter called "AREA").

3. SCOPE OF PROJECT

The purpose of PROJECT is to develop a drainageway master plan and FHAD, including hydrologic information and the locations, alignments, and sizing of storm sewers, channels, detention/retention basins, and other facilities and appurtenances needed to provide efficient

stormwater drainage within AREA. The proposed work shall include, but not be limited to, mapping; compilation of existing data; necessary field work; and development and consistent evaluation of all reasonable alternatives so that the most feasible drainage and flood control master plan can be determined and justified for AREA. Consideration shall be given to costs, existing and proposed land use, existing and proposed drainage systems, known drainage or flooding problems, known or anticipated erosion problems, stormwater quality, right-of-way needs, existing wetlands and riparian zones, open space and wildlife habitat benefits, and legal requirements. Conceptual plans shall be developed such that comparison with other alternates can be made. Drainage system planning shall be done in two phases by the engineer engaged by DISTRICT, culminating in a drainage master plan report. During the first phase, the selected engineer shall perform all studies and data gathering needed to prepare an alternatives analysis report containing a brief PROJECT description, study history, schematics of alternatives developed, their costs, and a discussion of the pros and cons of each alternative. A single alternative will be selected by PARTIES after the review and evaluation of the alternatives analysis report. During the second phase, the engineer shall be directed to prepare a conceptual design for the selected alternative, which shall be included in the final drainage master plan report.

4. PUBLIC NECESSITY

PARTIES agree that the work performed pursuant to this Agreement is necessary for the health, safety, comfort, convenience, and welfare of all the people of the State, and is of particular benefit to the inhabitants of PARTIES and to their property therein.

5. PROJECT COSTS

PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of, and be limited to, mapping, master planning, FHAD and related services and contingencies mutually agreeable to PARTIES. Project costs are estimated not to exceed \$220,000.

6. FINANCIAL COMMITMENTS OF PARTIES

PARTIES shall each contribute the following percentages and maximum amounts for PROJECT costs as defined in Paragraphs 5:

	<u>Percentage Share</u>	<u>Master Planning Contribution</u>	<u>FHAD Contribution</u>
DISTRICT	50.00%	\$75,000	\$70,000
ADAMS	16.66%	\$25,000	-0-
THORNTON	16.66%	\$25,000	-0-
WESTMINSTER	<u>16.66%</u>	<u>\$25,000</u>	<u>-0-</u>
TOTAL	100.00%	\$150,000	\$70,000

7. MANAGEMENT OF FINANCES

Payment by DISTRICT of \$145,000, by ADAMS of \$25,000, by THORNTON of \$25,000, and by WESTMINSTER of \$25,000 shall be made to DISTRICT subsequent to execution of this Agreement and within thirty (30) calendar days of request for payment by DISTRICT. The

payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to LOCAL SPONSORS of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT and will not require an amendment to this Agreement.

In the event that it becomes necessary and advisable to change the scope of work to be performed, the need for such changes shall first be discussed with PARTIES, and their general concurrence received before issuance of any amendments or addenda. No changes shall be approved that increase the costs beyond the funds available in the PROJECT fund unless and until the additional funds needed are committed by PARTIES by an amendment to this Agreement.

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or dispersed, each party shall receive a share of such monies, which shares shall be computed as were the original shares.

8. PROJECT MAPPING

Upon execution of this Agreement DISTRICT will solicit priced proposals for mapping services and engage the mapping firm submitting the lowest priced proposal that is also judged by DISTRICT to be responsible and qualified to perform the work. DISTRICT reserves the right to reject any proposal and to waive any formal requirements during the evaluation of the proposals. DISTRICT will administer the contract with the mapping firm. The mapping services contracted by DISTRICT will provide for topographic mapping at a 2-foot contour interval and a scale of 1-inch = 100-feet.

9. MASTER PLANNING AND FHAD

Upon execution of this Agreement, PARTIES shall select an engineer mutually agreeable to PARTIES. DISTRICT, with the approval of LOCAL SPONSORS, shall contract with the selected engineer, shall administer the contract, and shall supervise and coordinate the planning for the development of alternatives and of conceptual design.

10. PUBLISHED REPORTS AND PROJECT DATA

DISTRICT will provide to each of LOCAL SPONSORS one copy of the draft FHAD report and five copies of the final FHAD report, one copy of the draft alternatives analysis report, five copies of the final alternatives analysis report, one copy of a draft planning report, and five copies of the final planning report.

Upon completion of PROJECT, electronic files of all mapping, drawings, and hydrologic and hydraulic calculations developed by the engineer contracted for PROJECT shall be provided to any LOCAL SPONSORS requesting such data.

11. TERM OF THE AGREEMENT

The term of this Agreement shall commence upon final execution by all PARTIES and shall terminate two years after the final master planning report is delivered to DISTRICT and the final

accounting of funds on deposit at DISTRICT is provided to all PARTIES pursuant to Paragraph 7 herein.

12. LIABILITY

Each party hereto shall be responsible for any suits, demands, costs or actions at law resulting from its own acts or omissions and may insure against such possibilities as appropriate.

13. RESPONSIBILITIES OF LOCAL SPONSORS

Each LOCAL SPONSOR agrees to designate and assign a PROJECT representative to act on its behalf in all matters related to PROJECT. Said representative shall coordinate all PROJECT-related issues between PARTIES, shall attend all progress meetings, and shall be responsible for providing all available PROJECT-related file information to the engineer upon request by DISTRICT. Said representative shall have the authority for all approvals, authorizations, notices, or concurrences required under this Agreement with the exception of the authority to execute this Agreement or any amendments or addenda to this Agreement, unless specifically authorized to do so by the LOCAL SPONSOR being represented.

LOCAL SPONSORS agree to review all draft reports and to provide comments within 21 calendar days after the draft reports have been provided by DISTRICT to LOCAL SPONSORS. LOCAL SPONSORS also agree to evaluate the alternatives presented in the alternatives analysis report, to select an alternative, and to notify DISTRICT of their decision(s) within 60 calendar days after the alternatives analysis report is provided to LOCAL SPONSORS by DISTRICT.

14. RESPONSIBILITIES OF DISTRICT

Notwithstanding any of the provisions of the Agreement, the Executive Director of DISTRICT, after coordination with LOCAL SPONSORS, shall be the only individual authorized to direct or redirect the effort funded under this Agreement. DISTRICT may appoint a Project Director who shall represent the Executive Director in matters related to PROJECT. DISTRICT shall be responsible for coordinating with LOCAL SPONSORS the information developed by the various consultants hired by DISTRICT and for obtaining all concurrences from LOCAL SPONSORS needed to complete PROJECT in a timely manner.

15. AMENDMENTS

This Agreement contains all of the terms agreed upon by and among PARTIES. Any amendments to this Agreement shall be in writing and executed by PARTIES hereto to be valid and binding.

16. SEVERABILITY

If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable clause or provision shall not affect the validity of the Agreement as a whole and all other clauses or provisions shall be given full force and effect.

17. APPLICABLE LAWS

This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for any and all legal actions arising under the Agreement shall lie in the District Court in and for the County of Denver, State of Colorado.

18. ASSIGNABILITY

No party to this Agreement shall assign or transfer any of its rights or obligations hereunder without the prior written consent of the nonassigning party or parties to this Agreement.

19. BINDING EFFECT

The provisions of this Agreement shall bind and shall inure to the benefit of PARTIES hereto and to their respective successors and permitted assigns.

20. ENFORCEABILITY

PARTIES hereto agree and acknowledge that this Agreement may be enforced in law or in equity, by decree of specific performance or damages, or such other legal or equitable relief as may be available subject to the provisions of the laws of the State of Colorado.

21. TERMINATION OF AGREEMENT

This Agreement may be terminated upon thirty (30) days written notice by any party to this Agreement, but only if there are no contingent, outstanding contracts. If there are contingent, outstanding contracts, this Agreement may only be terminated upon the cancellation of all contingent, outstanding contracts. All costs associated with the cancellation of the contingent contracts shall be shared between PARTIES in the same ratio(s) as were their contributions and subject to the maximum amount of each party's contribution as set forth herein.

22. NO DISCRIMINATION IN EMPLOYMENT

In connection with the performance of work under this Agreement, PARTIES agree not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified on the basis of race, color, ancestry, creed, religion, national origin, gender, age, military status, sexual orientation, marital status, or physical or mental disability and further agrees to insert the foregoing provision in all subcontracts hereunder.

23. APPROPRIATIONS

Notwithstanding any other term, condition, or provision herein, each and every obligation of LOCAL SPONSORS and/or DISTRICT stated in this Agreement is subject to the requirement of a prior appropriation of funds therefore by the appropriate governing body of each LOCAL SPONSOR and/or DISTRICT.

24. NO THIRD PARTY BENEFICIARIES

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to PARTIES, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of PARTIES

that any person or party other than any one of LOCAL SPONSORS or DISTRICT receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

25. ILLEGAL ALIENS

PARTIES agree that any public contract for services executed as a result of this intergovernmental agreement shall prohibit the employment of illegal aliens in compliance with §8-17.5-101 C.R.S. et seq. The following language shall be included in any contract for public services: "The Consultant or Contractor shall not and by signing this Agreement certifies that it does not knowingly employ or contract with an illegal alien to perform work under this Agreement. Consultant or Contractor shall not enter into a subcontract with a subcontractor that fails to certify to the Consultant or Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this public contract for services. Consultant or Contractor affirms that they have verified through participation in the Colorado Employment Verification program established pursuant to 8-17.5-102 (5)(c) C.R.S. or the Electronic Employment Verification Program administered jointly by the United States Department of Homeland Security and the Social Security Administration that Consultant or Contractor does not employ illegal aliens. Consultant or Contractor is prohibited from using these procedures to undertake pre-employment screening of job applicants while the public contract for services is being performed. In the event that the Consultant or Contractor obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, the Consultant or Contractor shall be required to:

- A. Notify the subcontractor and PARTIES within three days that the Consultant or Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
- B. Terminate the subcontract with the subcontractor if within three days of receiving the notice required the Subcontractor does not stop employing or contracting with the illegal alien; except that the Consultant or Contractor shall not terminate the contract with the Subcontractor if during such three days the Subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Consultant or Contractor is required under this Agreement to comply with any reasonable request by the Colorado Department of Labor and Employment (DEPARTMENT) made in the course of an investigation DEPARTMENT is undertaking pursuant to its legal authority.

Violation of this section of this Agreement shall constitute a breach of this Agreement and may result in termination by PARTIES. Consultant or Contractor shall be liable to PARTIES for actual and consequential damages to PARTIES resulting from such breach pursuant to §8-17.5-101(3) C.R.S. PARTIES shall also report any such breach to the Office of the Secretary of State.

Consultant or Contractor acknowledges that DEPARTMENT may investigate whether Consultant or Contractor is complying with the provision of the Agreement. This may include on-site inspections and the review of documentation that proves the citizenship of any person performing

work under this Agreement and any other reasonable steps necessary to determine compliance with the provisions of this section."

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatures as of the date and year above written.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

(SEAL)

By _____

ATTEST:

Title Executive Director

Date _____

ADAMS COUNTY

(SEAL)

By _____

ATTEST:

Title _____

Date _____

APPROVED:

CITY OF THORNTON

(SEAL)

By _____

ATTEST:

Jack Ethredge, City Manager

Nancy Vincent, City Clerk

Date _____

APPROVED AS TO FORM:

Margaret Emerich, City Attorney

CITY OF WESTMINSTER

(SEAL)

By _____

ATTEST:

Title _____

Date _____

APPROVED:

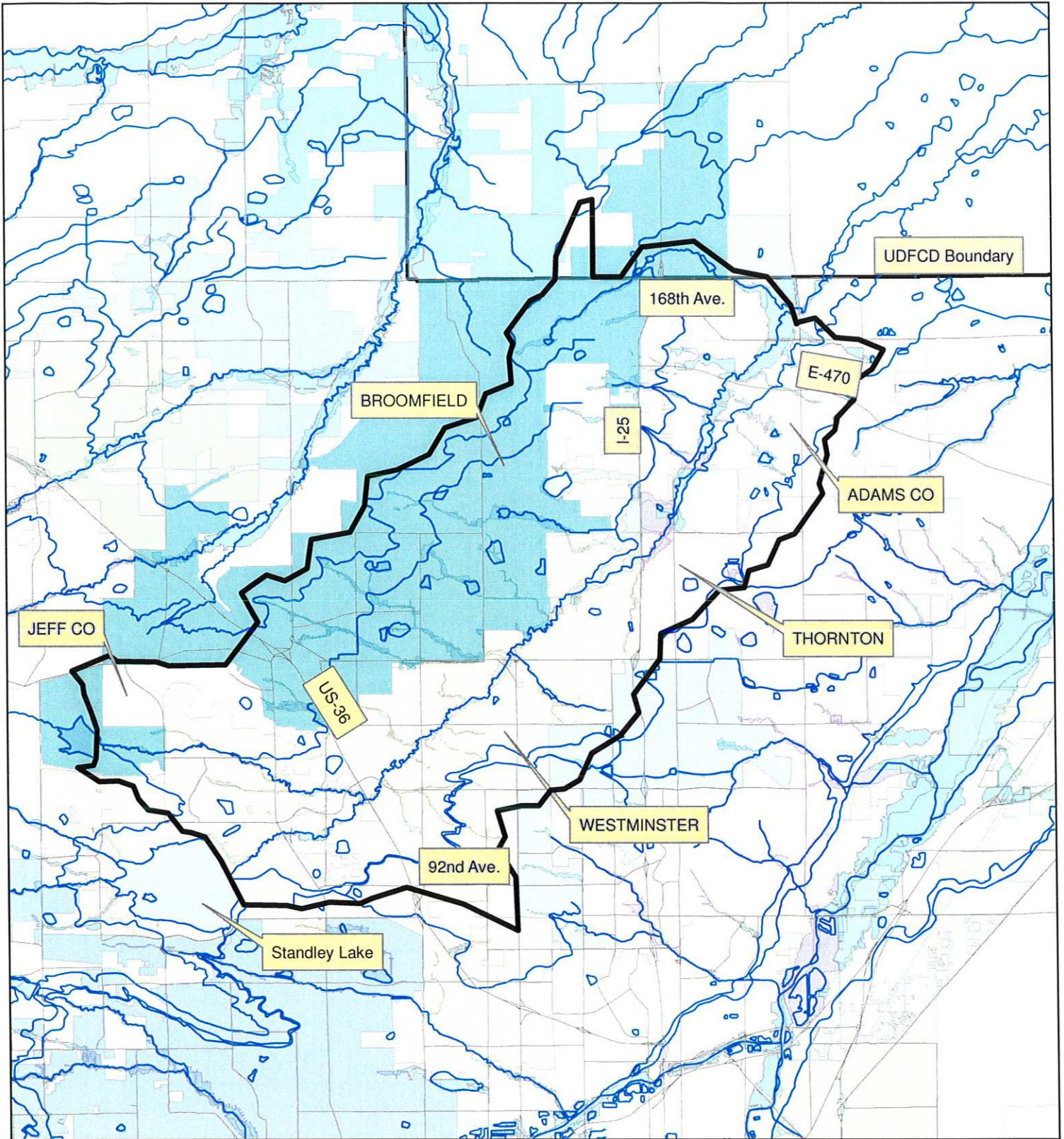


EXHIBIT A
BIG DRY CREEK (ADCO)
MAJOR DRAINAGEWAY PLANNING STUDY
Planning Limits
October 2008





Agenda Item 10 A&B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 24, 2008



SUBJECT: Public Hearing and Resolution No. 55 re Application to Designate the Red & White Grocery Store (3947-3949 West 73rd Avenue) as a Local Historic Landmark

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

1. Hold a public hearing on the application to designate the Red & White Grocery Store a local historic landmark.
2. Adopt Resolution No. 55 designating the Red & White Grocery Store, 3947-3949 West 73rd Avenue, as a local historic landmark pursuant to Section 11-13-7 of the Westminster Municipal Code.

Summary Statement

- An application has been submitted by David and April Otero to designate the Red & White Grocery Store, 3947-3949 West 73rd Avenue, as a local historic landmark.
- The Red & White Grocery Store is located at 3947-3949 West 73rd Avenue. It was built in 1908, is 100 years old, and exemplifies the economic and social heritage of the community. The building represents an association with notable persons in the history of Westminster
- The Historic Landmark Board recommends that the Red & White Grocery Store be designated as a local historic landmark.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the Red & White Grocery Store located at 3947-3949 West 73rd Avenue and owned by David and April Otero be designated as a local historic landmark?

Alternatives

1. Do not designate the site as a local historic landmark.
2. Modify the list of architectural features that should be designated as contributing to the historic significance of the building.

Staff does not recommend holding off on the designation of the Red & White Grocery Store as a local historic landmark. The building is one of the few significant examples of early commercial construction in Westminster and conveys a sense of history of the time in which it was built.

Background Information

The Red & White Grocery Store was built in 1908 and was one of the earliest commercial buildings in the City of Westminster. It housed Dawson & Bristol Hardware, Stuckey's Hardware, the Red & White Grocery and other businesses over the past 100 years as well as providing for the building's owners and tenants over the years. It is an example of mixed retail and residential use that modern downtowns are now emulating. It was nominated by the owners, David and April Otero, who purchased the building a year ago. It was nominated because it exemplifies the economic and social heritage of the community and represents an association with notable persons in the history of Westminster. The Historic Landmark Board found that the Red & White Grocery Store is historically significant and recommended that it be designated a local historic landmark.

Architectural Description

The false front commercial building has a store-front façade that rises to form a parapet that hides the gable-front roof. The parapet is asymmetrical, with the higher end on the west, and the lower portion stepping down on the east where the gable roof extends. An entry door is centered beneath the higher parapet, and is flanked by two plate glass storefront windows. There is a shed roof awning hung by metal chains over this storefront. A pair of 1/1 double-hung windows is beneath the shorter parapet, and another 1/1 window ("1/1" double-hung" is the architectural term for a window with one sash in the top and bottom of the window, and each sash has one pane of glass) is on the east elevation. An addition on the east, serving as residential quarters, also has a gable front roof. Evidence of a former parapet for a smaller false-front is behind a gable-front entry vestibule of this addition. The vestibule has a centered wood entry door with multiple lights and a storm door. It is flanked by a pair of sliding sash windows. An identical window is on the east elevation of the vestibule, while the remainder of this addition has two smaller sliding sash windows and a three-pane window. This main section of the commercial building is covered with stucco. At the rear is a smaller gable roof addition with horizontal lap siding, and a shed roof porch on the east with simple wood columns. There is another entry door on this elevation.

Historical Significance

The historical significance of the building is explained in detail in the attached Historic Landmark Application. The Red & White Grocery Store was built in 1908 and was the location of a number of businesses in the history of Westminster. The historic name refers to the grocery store operated by Marguerite and Carl Hutchinson from 1933 to 1954. It includes commercial business space and two residential apartments. It is an important building in the remaining streetscape of Westminster's original "Main Street" area. The two buildings directly east of it, the Westminster Grange Hall and the Rodeo Super Market, are also designated local historic landmarks.

Compliance with Westminster Municipal Code

The Westminster Municipal Code (Section 11-13-7) requires an application to include the following content:

1. Description of the characteristics of the proposed historic landmark that justify its designation pursuant to this chapter,
2. A description of the particular features that should be preserved, and
3. A legal description of the location and boundaries of the historic property.

In compliance with Westminster Municipal Code, the application provides the name, location, legal description, and owner of the proposed landmark. It further provides a statement of significance with information to support the following criteria for designation:

- It exemplifies the economic and social heritage of the community, and
- Represents an association with notable persons in the history of Westminster.

Notice of the November 24, 2008, public hearing was published in the Westminster Window on November 20, 2008. The property was posted by City Staff before November 20, 2008. The application was referred to the Westminster Historical Society on October 15, 2008, as required by the Westminster Municipal Code.

Section 11-13-7(A)(3) requires the Director of Community Development to review an application in the following respects: (a) its relationship to the comprehensive plan; (b) the effect of the designation on the surrounding neighborhood; (c) the criteria set forth in this chapter; and (d) such other planning considerations as may be relevant to the proposed designation.

The site is zoned commercial. The landmark designation should be beneficial to the neighborhood because designation will help the neighborhood understand the history of the area and will protect the defining architectural characteristics of the building, thereby supporting the historic character of the neighborhood. Staff believes that the application meets the criteria set forth in the ordinance.

City Council Findings

The City Council needs to consider the following issues:

1. Does the building meet the ordinance requirements for historical significance justifying its designation as a local historic landmark?
2. What features of the building should be preserved in order to maintain its historical integrity?
3. The Council's decision must also include the name, location and legal description of the designated landmark.

Recommendations by the Historic Landmark Board

The Historic Landmark Board recommends to the Westminster City Council that the Red & White Grocery Store be designated as a local historic landmark pursuant to Section 11-13-7 of the Westminster Municipal Code. The architectural features that they recommend be preserved are described in the Board's attached resolution. These features have been included in the proposed City Council resolution, also attached.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Proposed Resolution
- Historic Landmark Board Resolution 2008-005
- Historic Landmark Application

RESOLUTION

RESOLUTION NO. **55**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

**A RESOLUTION
TO DESIGNATE THE RED & WHITE GROCERY STORE, 3947-3949 WEST 73rd AVENUE,
AS A LOCAL HISTORIC LANDMARK**

WHEREAS, the Red & White Grocery Store is historically significant because:

1. The Red & White Grocery Store represents a style associated with the Westminster area and is at least 50 years old.
2. The Red & White Grocery Store exemplifies the economic and social heritage of the City.
3. The Red & White Grocery Store was built in 1908 and was an anchor commercial building throughout the 20th century on Westminster's historic "Main Street," which is now known as West 73rd Avenue.
4. It represents an association with notable persons in the history of Westminster, including Marguerite and Carl Hawkinson and Francis Day.
5. The period of significance of this building is 1908 to 1954.

WHEREAS, the owners of the Red & White Grocery Store building have nominated it as a local historic landmark, and

WHEREAS, the Historic Landmark Board adopted its Resolution 2008-005 in which the Board found that the Red & White Grocery Store building is historically significant and designated the architectural features that the Board recommended should be preserved,

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The Red & White Grocery Store building is hereby designated as a local historic landmark pursuant to Section 11-13-7 of the Westminster Municipal Code.
2. Description of features that should be preserved:

The false front commercial building has a store-front façade that rises to form a parapet that hides the gable-front roof. The parapet is asymmetrical, with the higher end on the west, and the lower portion stepping down on the east where the gable roof extends. An entry door is centered beneath the higher parapet, and is flanked by two plate glass storefront windows. There is a shed roof awning hung by metal chains over this storefront. A pair of 1/1 double-hung windows is beneath the shorter parapet, and another 1/1 window is on the east elevation. An addition on the east, serving as residential quarters, also has a gable front roof. Evidence of a former parapet for a smaller false-front is behind a gable-front entry vestibule of this addition. The vestibule has a centered wood entry door with multiple lights and a storm door. It is flanked by a pair of sliding sash windows. An identical window is on the east elevation of the vestibule, while the remainder of this addition has two smaller sliding sash windows and a tripartite window. These remnants of the two parapets in the eastern portions of the building should be preserved. This main section of the commercial building is covered with stucco. At the rear is a smaller gable roof addition with horizontal lap siding, and a shed roof porch on the east with simple wood columns. There is another entry door on this elevation. Any proposed change to the stucco finish must be based on evidence of prior historic finishes within the period of significance. Any change to the existing "Red & White" sign is subject to Historic Landmark Board review and approval.

3. The legal description and location of the property are:

Address or location: 3947-3949 West 73rd Avenue
Westminster, Colorado

Legal description: That part of Block 35, Harris Park, beginning at a point on the south line of said Block 35, 120 feet West of the Southeast corner; Thence North 120 feet to a point; Thence west 60 feet to the center line of said Block 35; Thence South 120 feet along the center line of said Block 35; Thence East 60 feet to the point of beginning, County of Adams, State of Colorado.

UTM coordinates: NAD 27 Easting: 496656 Northing: 4408589

PASSED AND ADOPTED this 24th day of November, 2008.

Nancy McNally, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney

RESOLUTION

RESOLUTION NO. 2008-005

INTRODUCED BY BOARD MEMBER

SERIES OF 2008

STEVE GRAZIANO

WHEREAS, the Red & White Grocery Store is historically significant because:

1. The Red & White Grocery Store represents a style associated with the Westminster area and is at least 50 years old,
2. The Red & White Grocery Store is historically significant because it exemplifies the economic and social heritage of the City and represents an association with notable persons in the history of Westminster.
3. The Red & White Grocery Store was built in 1908 and was an anchor commercial building throughout the 20th century on Westminster's historic "Main Street," which is now known as West 73rd Avenue.
4. It represents an association with notable persons in the history of Westminster, including Marguerite and Carl Hawkinson and Francis Day.
5. The period of significance of this building is 1908 to 1954.

WHEREAS, the owner of the property has caused the historical significance of the property to be documented and the owner has applied to this Board for a recommendation as to whether the property should be designated as a historic landmark,

NOW, THEREFORE, the Historic Landmark Board of the City of Westminster resolves that:

1. The Board recommends to the Westminster City Council that the Red & White Grocery Store be designated as a local historic landmark pursuant to Section 11-13-7 of the Westminster Municipal Code.
2. Description of features that should be preserved:

The false front commercial building has a store-front façade that rises to form a parapet which hides the gable-front roof. The parapet is asymmetrical, with the higher end on the west, and the lower portion stepping down on the east where the gable roof extends. An entry door is centered beneath the higher parapet, and is flanked by two plate glass storefront windows. There is a shed roof awning hung by metal chains over this storefront. A pair of 1/1 double-hung windows is beneath the shorter parapet, and another 1/1 window is on the east elevation. An addition on the east, serving as residential quarters, also has a gable front roof. Evidence of a former parapet for a smaller false-front is behind a gable-front entry vestibule of this addition. The vestibule has a centered wood entry door with multiple lights and a storm door. It is flanked by a pair of sliding sash windows. An identical window is on the east elevation of the vestibule, while the remainder of this addition has two smaller sliding sash windows and a tripartite window. This main section of the commercial building is covered with stucco. At the rear is a smaller gable roof addition with horizontal lap siding, and a shed roof porch on the east with simple wood columns. There is another entry door on this elevation. The remnants of two parapets in the eastern portions of the building should be preserved. Any proposed change to the stucco finish must be based on evidence of prior historic finishes within the period of significance. Any change to the existing "Red & White" sign is subject to Historic Landmark Board review and approval.

3. The legal description and location of the property are:

Address or location: 3947-3949 West 73rd Avenue
Westminster, Colorado

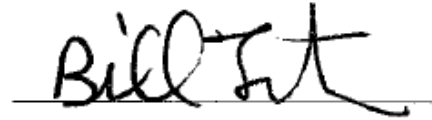
Legal description: That part of Block 35, Harris Park, beginning at a point on the south line of said Block 35, 120 feet West of the Southeast corner; Thence North 120 feet to a point; Thence west 60 feet to the center line of said Block 35; Thence South 120 feet along the center line of said Block 35; Thence East 60 feet to the point of beginning, County of Adams, State of Colorado.

UTM coordinates: NAD 27 Easting: 496656 Northing: 4408589

PASSED AND ADOPTED this 22nd day of October, 2008.


Chair

ATTEST:



City of Westminster Historic Landmark Application

Name of Building: Red & White Grocery Store, Dawson & Bristol Hardware

Location: 3947-3949 W. 73rd Ave.
Westminster, CO 80030



Legal description: That part of Block 35, Harris Park, beginning at a point on the south line of said Block 35, 120 feet West of the Southeast corner; Thence North 120 feet to a point; Thence west 60 feet to the center line of said Block 35; Thence South 120 feet along the center line of said Block 35; Thence East 60 feet to the point of beginning, County of Adams, State of Colorado.

State of Colorado Resource No.: 5AM 2009

UTM coordinates NAD 27
Easting: 496656 Northing: 4408589

Nominated by: David and April Otero

Property owner: David and April Otero, Sound Investment LLC

Criteria for designation pursuant to W.M.C. section 11-13-5:

10. Exemplifies cultural, political, economic or social heritage of the community.

11. Represents an association with a notable person or the work of a notable person.

Architectural Description:

This false front commercial building has a façade that rises to form a parapet which hides the gable-front roof. The parapet is asymmetrical, with the higher end on the west, and the lower portion stepping down on the east where the gable roof extends. An entry door is centered beneath the higher parapet, and is flanked by two plate glass storefront windows. There is a shed roof awning hung by metal chains over this storefront. A pair of 1/1 double-hung windows is beneath the shorter parapet, and another 1/1 window is on the east elevation. An addition on the east, serving as residential quarters, also has a gable front roof. Evidence of a former parapet for a smaller false-front is behind a gable-front

entry vestibule of this addition. The vestibule has a centered wood entry door with multiple lights and a storm door. It is flanked by a pair of sliding sash windows. An identical window is on the east elevation of the vestibule, while the remainder of this addition has two smaller sliding sash windows and a tripartite window. This main section of the commercial building is covered with stucco. At the rear is a smaller gable roof addition with horizontal lap siding, and a shed roof porch on the east with simple wood columns. There is another entry door on this elevation.

Summary

The Red & White Grocery Store is historically significant because it played a large role in the economic development of the Bradburn & 73rd Ave. business center and the City of Westminster in general. Previous owners have provided core services and resources such as hardware, building supplies, and groceries as well as community involvement, such as helping organize the volunteer fire department and housing the town library for many years.

Historical Significance

The Red & White Grocery Store at 3949 W. 73rd Ave. was built in 1908 by Dawson & Bristol and operated as a hardware and lumber store. Dawson & Bristol Hardware ushered the way for commercialization of the 73rd and Bradburn area and predates surrounding buildings, including the Westminster Grange Hall. The building was later sold to Mr. Stuckey, who operated a lumber yard until the mid 1920s. In 1918 Bradburn Blvd. was renamed in honor of Donald Bradburn, a nephew of the Stuckey family, the first resident of Westminster killed in World War I.

The east addition, now addressed 3947 W. 73rd, was built by Mr. Stuckey, circa 1923, and Roy Miller operated the city's first garage and car repair shop at this address. At one time an ice cream parlor operated in this unit, but historically its uses have mostly been residential.

In 1933, Carl and Marguerite L. Hawkinson moved to Westminster and opened the Red & White Grocery building. The Hawkinsons moved from Platner, Colorado, where Marguerite taught school and Carl was in the grocery business with his brother. Due to a Depression-era bank failure in Platner, the grocery closed and the Hawkinsons moved to Westminster.

The Hawkinsons lived in the residential quarters on the east side. Around 1931 the town library was moved to a corner of the store and run under Librarian Mrs. Willard Perry until 1937, when it was moved to the Westminster Community Church. Westminster water bill payments were collected at the Red & White Grocery Store by Carl Hawkinson during his service as town treasurer. Groceries were sold from 1933 to 1954.

In 1954, the Hawkinsons rented the building to Francis M. Day, and Carl and Francis operated an auto insurance and drivers license office. They were both very active in Westminster civic affairs. With others, Carl helped organize the Westminster Volunteer Fire Department. Carl was a charter member of the Westminster Lions Club in 1946, and both were members of the Westminster Grange and Presbyterian Church.

Carl died after a fire in his home in 1959. He collapsed after successfully entering the building to retrieve town records. In 1960, Spudnut Doughnuts opened in the buildings. From 1978 to 1990, it was occupied by Mizell Trains.

Marguerite Hawkinson died in 2003. The Hawkinson's grandson, Bret Lee Karr, was added as an owner in 2000. Upon his death in 2004, Chester Grubin became the owner. In late 2007 the building was purchased by Dave and April Otero who make the 3947 address their residence. Dave Otero currently operates an audio recording studio in the commercial unit.

Sources:

Harris Park & Pillar of Fire Neighborhoods, Transportation Resources Survey Report (City of Westminster 2006-07), accessed at http://www.ci.westminster.co.us/files/Westminster_2006-2007_Survey.pdf

Adams County Assessor's Office, Public Records

Marion Smith, Westminster then & now (1976).

History of Westminster, 1911-1961.

Westminster Historical Society, "Community Builders," Historically Speaking (January 2007)

Appendices



Downtown Westminster, 1924



Red & White Building, 2008



Agenda Item 10 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 24, 2008



SUBJECT: Resolution No. 56 re Allowing Local Review of State Income Tax Credit Applications for Qualified Rehabilitation Costs Incurred By Owners of Landmarked Historic Properties

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Adopt Resolution No. 56 allowing local review of state income tax credit applications for qualified rehabilitation costs incurred by owners of landmarked historic homes and business properties.

Summary Statement

- State law permits a certified local government (CLG) to review applications for state income tax credits related to rehabilitation costs incurred with respect to locally landmarked historic homes and business properties.
- State law requires the CLG governing body to pass a resolution annually allowing the Historic Landmark Board to review these applications.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City Council allow the Historic Landmark Board to review applications from owners of locally landmarked historic homes and business properties for state income tax credits for qualified expenditures incurred to rehabilitate their properties?

Alternative

Do not allow the Historic Landmark Board to perform this function. This alternative is not recommended because it would remove the possibility of a convenient local forum for a landowner to seek approval of state income tax credits. This alternative would require a landowner to apply to the Colorado Historical Society to review their application for tax credits.

Background Information

The City Council passed the historic preservation ordinance in 2003, which authorized appointment of the Historic Landmark Board. The Board was created and has received training to support its various duties, including the review of state income tax credit applications.

The City achieved certified local government (CLG) status under state historic preservation law in 2004. The CLG status allows the Board to review state tax credit applications submitted by owners who are working on approved rehabilitation projects on locally landmarked historic homes and business properties. Landowners are not able to apply for this tax credit for locally landmarked historic properties unless the property is located in a CLG jurisdiction, so this is a special financial benefit that the City can provide to its citizens that would not otherwise be available without the CLG program.

In order to allow Board review of these applications, the City Council is required by state law to pass a resolution each year stating whether review of state tax credit applications is authorized for the upcoming year. Approval of this resolution would allow the Board to accept and review these applications in 2009.

The tax credit program may be implemented by a landowner by applying to landmark his/her home or business property pursuant to the landmarking criteria set out in W.M.C. § 11-13-5. The landmark designation application is reviewed and a decision made by the Historic Landmark Board. After landmarking, the owner must apply for a Certificate of Historic Appropriateness before making changes to the exterior of the building other than normal maintenance and repair. The proposed changes are reviewed by the Board in order to determine that the work would not detrimentally alter, destroy, or adversely affect any feature that was found by the board in the original designation to contribute to the designation of the property as a landmark. Similar criteria are applied to the review of a state tax credit application, so the certificate of appropriateness and the tax credit application can be processed and reviewed together by the Board.

If approved, the state income tax credit is equal to 20 percent of the qualified expenditures to rehabilitate the home. The rehabilitation expenses may include interior as well as exterior work and are not limited only to restoration expenses. This is true for tax credit applications even though the Board does not review interior work for historic appropriateness. For example, replacement of an antiquated heating system with a modern HVAC system may be a qualified expense for purposes of the tax credit. The tax credit may not exceed \$50,000 on one property (a total of \$250,000 in qualified rehabilitation expenses), and an application may not be filed for projects costing less than \$5,000 in qualified expenses. Each tax credit application may cover work to be done within a two-year period, so multiple applications may be filed over time until the maximum tax credit has been used by the owner. State law mandates a \$250 application fee, which is required to be put into a "preservation fund" to be used for the Board's expenses in reviewing the applications.

The state income tax credit may be carried forward for ten years. For example, if the total amount of qualified rehabilitation costs is \$45,000:

- Available credit = 20% of \$45,000 = \$9,000
- Taxpayer owes \$1,700 in state income taxes each year
- Therefore, taxpayer pays no state income taxes for five years, and takes a \$500 tax credit in the sixth year.

Landmarking a historic building adds some complexity to the review of construction projects. Not only are appropriate building permits required, but Board review of the historic appropriateness of the work is also mandated. The rewards of the program, however, are the tangible and intangible benefits to land value and neighborhood architectural integrity as well as the significant tax benefits available to the owner if he or she chooses to participate in the City's historic preservation program.

This program assists the City in meeting two Strategic Plan goals: Vibrant Neighborhoods and Commercial Areas and Beautiful City - Attractive Developments, Green Spaces and Vistas.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **56**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

**A RESOLUTION OF THE WESTMINSTER CITY COUNCIL
AGREEING TO ACT AS A REVIEWING ENTITY FOR THE STATE INCOME TAX CREDIT
PROGRAM FOR QUALIFYING REHABILITATION PROJECTS
UNDER COLORADO HOUSE BILL 90-1033
(C.R.S. § 39-22-514, AS AMENDED)**

WHEREAS, the Westminster Historic Landmark Board and the City Council support the creation of incentives to assist in the preservation and protection of historically significant resources; and

WHEREAS, Colorado House Bill 90-1033 (C.R.S. § 39-22-514, as amended) was signed into law April 20, 1990, establishing tax credits for historic structures throughout the state; and

WHEREAS, the City of Westminster, as a Certified Local Government, pursuant to the provisions of 16 U.S.C. § 470 (a) (C) (1), as amended, is eligible to review such rehabilitation tax credit projects as a reviewing entity as defined by C.R.S. § 39-22-514 (12) (1); and

WHEREAS, the provisions of C.R.S. § 39-22-514 (10) (a) require that each Certified Local Government adopt annually a resolution stating whether such Certified Local Government will act as a reviewing entity during the following twelve (12) months; and

WHEREAS, the Historic Landmark Board, as the City of Westminster's official review board for historic resources, endorses rehabilitation project reviews at the local level, which provide an increased level of preservation service to our community.

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

The City of Westminster, through its Historic Landmark Board, hereby agrees to act as a reviewing entity for the purposes of subsections (3) and (6) of C.R.S. § 39-22-514 for calendar year 2009 and all subsequent years. The City will maintain the "preservation fund" as required by C.R.S. § 39-22-514 (11) (a), for use in administering the program and to provide information and education to the community within the context of historic preservation.

PASSED AND ADOPTED this 24th day of November, 2008.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



Agenda Item 10 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 24, 2008



SUBJECT: Resolution No. 57 re Spring 2009 Adams County Open Space Grant Applications

Prepared By: Richard Dahl, Park Services Manager
Kathy Piper, Landscape Architect

Recommended City Council Action

Adopt Resolution No. 57 authorizing the Department of Parks, Recreation and Libraries to pursue a grant with Adams County Open Space during the 2009 spring cycle for the development of Westminster Center Park, located at 92nd Avenue and City Center Drive.

Summary Statement

- The Department of Parks, Recreation and Libraries wishes to pursue a grant from Adams County Open Space for funding assistance with construction of Westminster Center Park.
- Staff recommends requesting a \$1,00,000 grant.
- The City has budgeted POST bond funds of \$1,800,000 for development of this nine-acre park site to include a fountain, playground, extensive plaza area, terraced seating, custom shelter, and landscaping.

Expenditure Required: \$1,800,000 matching funds

Source of Funds: Parks, Open Space and Trails Bond Funds

Policy Issue

Should the City attempt to seek assistance for the development of this project by pursuing grant monies from the Adams County Open Space Grant Program?

Alternative

Council could choose not to pursue additional funding for Westminster Center Park and proceed with the CIP project budget of \$1,800,000. Staff recommends attempting to secure additional funding for this project through this grant opportunity in order to achieve the goals of the Park Master Plan.

Background Information

The Departments of Parks, Recreation and Libraries and Community Development have been successful in applying for and receiving grants for the development of parks, trails, and open space from a variety of sources in the past. In recent years, the City has received grant money from Adams County Open Space for park and trail development projects as well as open space acquisitions. The City has developed a strong partnership with Adams County in its successful use of these grant funds. Recent Adams County grants include: two grants in the spring of 2007 for Cheyenne Ridge Park and Big Dry Creek Park for \$80,000 and \$500,000 respectively; a 2005 grant in the amount of \$600,060 for Westfield Village Park; a 2005 grant in the amount of \$775,000 for Tanglewood Creek Open Space Acquisition; and three grants in 2003 and 2004 for the Metzger Farm Open Space Acquisition totaling \$1,502,500.

This project would develop the 9.4-acre park site located directly across from City Hall on 92nd Avenue. The master plan would include seating walls, plaza area, shelter, planting areas and a pop jet fountain. This park, because of its location, is not a traditional neighborhood park but more of a passive park that will include an extensive amount of hardscaping.

This grant request and project supports the City's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services" and "Beautiful and Environmentally Sensitive City" by increasing revenues that support defined City projects and by providing the City with new community park and increased open space.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **57**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

**GRANT REQUESTS FOR THE
SPRING 2009 ADAMS COUNTY OPEN SPACE GRANT PROGRAM**

WHEREAS, Adams County has established a local government grant application process to assist municipalities and special districts within the County with the development of recreation capital improvements and open space acquisition; and

WHEREAS, the City of Westminster has budgeted for improvements for Westminster Center Park and;

WHEREAS, grant money received from Adams County would significantly enhance the improvements for the above-mentioned project.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that City of Westminster Staff shall submit grant applications to the Adams County Open Space Grant Program for the spring funding cycle of 2009, requesting funding in the amount of \$1,000,000 to enhance the development of Westminster Center Park.

PASSED AND ADOPTED this 24th day of November 2008.

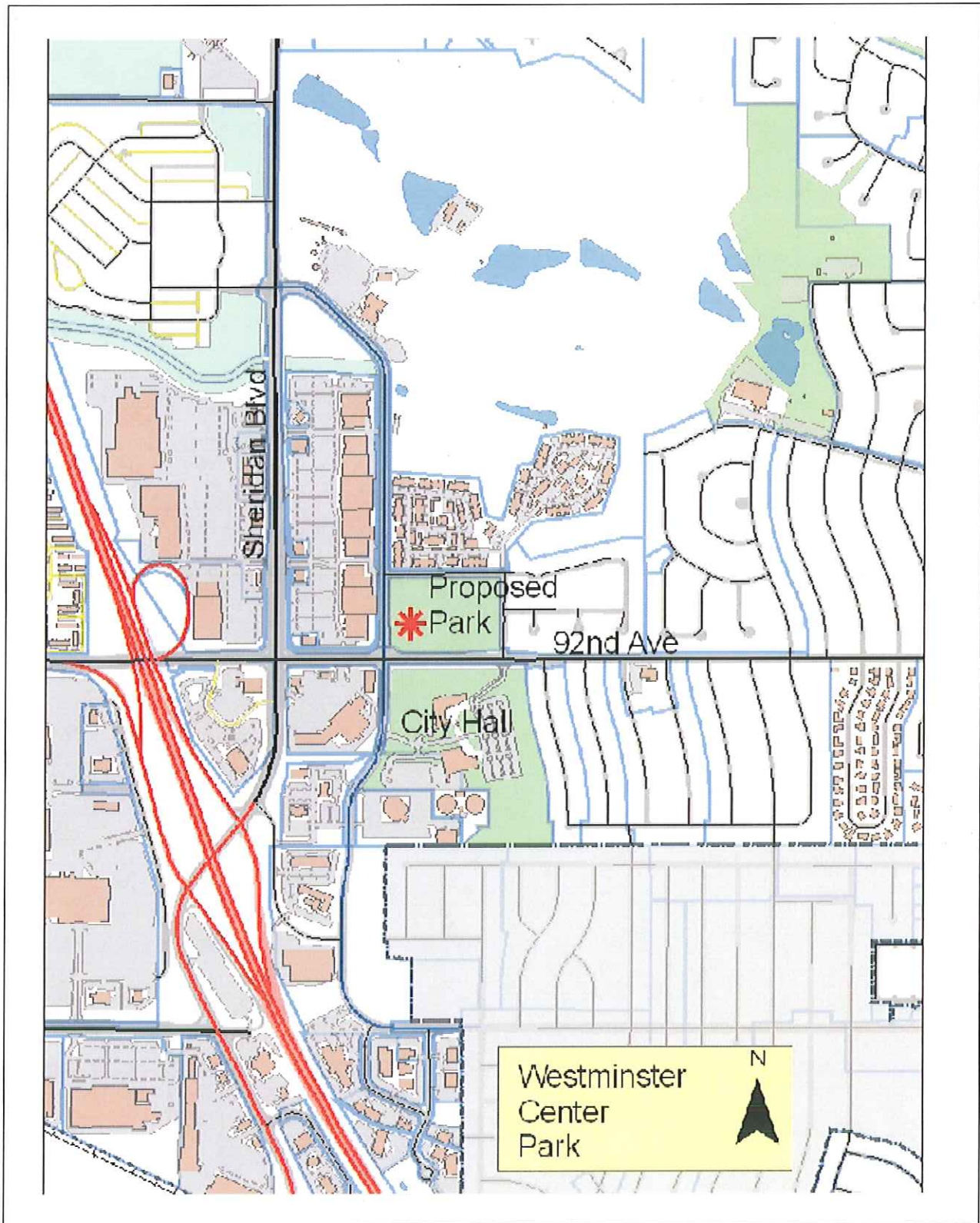
Mayor

ATTEST

APPROVED AS TO LEGAL FORM

City Clerk

City Attorney





Agenda Item 10 E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 24, 2008



SUBJECT: Resolution No. 58 re 2009 Jefferson County Joint Venture Grant Application

Prepared By: Becky Eades, Landscape Architect II

Recommended City Council Action

Adopt Resolution No. 58 authorizing the Department of Parks, Recreation, and Libraries to apply for a Jefferson County Joint Venture Grant for the 2009 funding cycle in the amount of \$300,000 for the Westminster City Park Recreation Center Aquatics Renovation.

Summary Statement

- The Department of Parks, Recreation and Libraries wishes to pursue a grant from the Jefferson County Joint Venture Grant Program toward costs associated with the renovation of the aquatics area and locker rooms at the City Park Recreation Center.
- Staff recommends requesting a \$300,000 grant.
- The Department of Parks, Recreation and Libraries has budgeted \$3,500,000 in POST Bond money for this project.

Expenditure Required: \$3,500,000 Project Match

Source of Funds: Parks, Open Space and Trails Bond Funds

Policy Issue

Should the City pursue grant monies from the Jefferson County Joint Venture Grant Program for the City Park Recreation Center Aquatics renovation?

Alternative

Council could choose not to pursue grant funding for the City Park Recreation Center Aquatics Renovation, reimbursement. However, Staff believes this project is an excellent candidate for funding and the additional funding will help ensure a successful project.

Background Information

The City Park Recreation Center is located at 10455 Sheridan Boulevard, opened in 1986 as one of the first leisure/aquatic facilities in the United States. The aquatics area currently consists of three pools; a deep pool, a lap pool with a waterfall, and a wading pool for younger users. The natatorium also offers a hot tub, sauna, and steam room.

Over the years, the Center has been used as a model for other cities who have built their own leisure/aquatic centers. As newer leisure centers have been built, they have added aquatic components such as lazy rivers, therapy pools, zero depth play areas, newer and more exciting slides, separate lap lanes, complimentary outdoor pools for seasonal use, and family changing rooms. The City Park Aquatics Expansion will incorporate additional features into the facility to provide better services to the Westminster community and to make the facility more competitive regionally.

Construction on the renovation is anticipated to begin in early spring and be complete by the end of 2009 or early 2010. This project meets City Council's Strategic Plan Goal of "Financially Sustainable City Government Providing Exceptional Services" by providing alternative funding sources for capital improvement projects.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **58**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

**GRANT REQUEST FOR THE 2009 JEFFERSON COUNTY
JOINT VENTURE GRANT PROGRAM**

WHEREAS, Jefferson County has established a local government grant application process to assist municipalities and special districts within the County with the development of recreation capital improvements; and

WHEREAS, the City of Westminster has funded the renovation of the City Park Recreation Center Aquatics Renovation, and;

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that City of Westminster Staff shall submit a grant application to the Jefferson County Joint Venture Grant program for 2009 requesting funding in the amount of \$300,000.

PASSED AND ADOPTED this 24th day of November 2008.

Mayor

ATTEST

APPROVED AS TO LEGAL FORM

City Clerk

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 24, 2008



SUBJECT: Councillor's Bill No. 48 re Redeeming the 2002 Water Wastewater Variable Rate Revenue Bonds

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

Recommended City Council Action

Pass Councillor's Bill No. 48 as an emergency ordinance, providing for a supplemental appropriation of funds to the 2008 budget of the Utility Reserve and Water Funds; and authorize the purchase of all outstanding 2002 Water Wastewater Variable Rate Revenue Bonds.

Summary Statement

- The current world-wide financial crisis has led to significant uncertainty in the financial markets. This uncertainty felt by lenders and investors alike has resulted in significant increases in short-term interest rates paid by borrowers. The 2002 Water Wastewater variable rate revenue bonds are considered a short-term debt instrument with interest rates that reset weekly. The cost of borrowing has increased significantly since early September from a rate of 2.15% to a high of 9.50% before decreasing to 6.5% as of November 5th.
- In addition to the overall market uncertainty, rating agencies have either downgraded or put on "credit watch" the letter of credit bank provider on the 2002 Water and Wastewater Bonds, Dexia Credit Local (Dexia). This has led some investors of these bonds to "put" or tender back their investment. This action converts the bonds to "Bank Bonds," which means that the bank owns the bonds. The underlying credit of the City's Water and Wastewater Utility remains very strong.
- Given the potential for continued high interest rate levels, Staff recommends that the Utility purchase and redeem the outstanding principal balance on the 2002 Water Wastewater variable rate revenue bonds rather than risk the uncertainty of significant interest rate costs, which could escalate to a maximum rate of 15%.
- The Water Wastewater fund has cash available to call the bonds and extinguish the debt.
- The City uses both pay-as-you-go money (cash on hand) and debt proceeds to fund capital projects. This proposed action would most likely increase the amount needed to be borrowed in 2010 to fund capital projects approved in the 2010 budget, however the bond market should be stabilized by that time.
- This bill is proposed as an emergency ordinance due to timing requirements to call the bonds on the first of a month and notify the paying agent in a 5 – 15 day window.

Expenditure Required: \$5,825,000

Source of Funds: Water Capital Project Reserve

Policy Issue

Should Council pass an emergency ordinance to redeem the outstanding principal balance of the 2002 Water Wastewater Variable Rate Revenue Bonds?

Alternative

Do not approve the purchase of the 2002 Water Wastewater Variable Rate Revenue Bonds. This is not recommended given the financial market uncertainty that has led to higher than anticipated interest rate costs for these bonds over the past month and may result in interest costs that exceed budget going into 2009.

Background Information

The City's Water and Wastewater Utility Enterprise issued \$7,490,000 in variable rate revenue bonds in September 2002 to pay for a portion of the total cost of the Northwest Water Treatment Plant. As of November 1, 2008, principal payments made through 2007 have decreased the amount of bonds outstanding to \$6,130,000 of which a \$305,000 principal payment is budgeted and scheduled for payment on December 1, 2008. Total debt service budgeted on all variable rate debt includes interest estimated at 4%, principal due and the fees for the liquidity service provider and remarketing agent to service the variable rate bonds.

Variable rate bonds historically have been a financially prudent means to finance capital projects over the course of a typical bond term (20-25 years). Since they were issued, the Series 2002 variable rate bonds have saved the Utility Fund approximately \$686,000 in interest rate costs through October 31, 2008 (inclusive of additional variable rate fees) in comparison to a 20-year fixed rate cost that the Utility Enterprise would have had paid at the time of issuance.

The current state of the financial markets has resulted in significant uncertainty. This is particularly true within the short-term credit market as banks and investors attempt to assess the magnitude of the credit meltdown impacting the risks and costs of lending and investing. More directly impacting the Utility Fund's variable interest rate is that the Utility's variable rate revenue bond letter of credit bank provider, Dexia Credit Local, has been placed on "negative watch" by Standard and Poor's and downgraded by Moody's from Aa1 to Aa3 and by Fitch from AA to AA-.

Since investors look to the credit worthiness of the letter of credit bank to evaluate the risk of the bonds and not the riskiness of the underlying revenues to pay interest, the interest rate costs have shot upward and some investors have become so concerned about Dexia's financial strength that they no longer want to hold the bonds no matter what interest rate is offered. Given the global uncertainty in the credit markets and specifically the credit outlook of Dexia, Staff does not foresee any immediate resolution that would result in the rating agencies placing Dexia's ratings back to level that may lead to lower interest costs for the Utility's variable rate revenue bonds or give confidence back to investors to repurchase them from the bank. In fact it is more likely that investors in the Utility variable rate bonds may tender more bonds to the bank, thus, increasing the number of bank bonds.

Since the interest rate changes weekly on the Utility's variable rate bonds, the market uncertainty and credit risk associated with the bank has caused short-term rates to rocket to historic levels and reached an all time high of 9.5% the week of September 25th. Interest rates have lowered recently to 6.5% as of the reset week of November 5, 2008.

The growing uncertainty in the short-term credit market and credit risk of the bank has not only resulted in short-term interest rates increasing to historic levels, but has led to a deeper issue, which has the buyers of these short-term investments “putting” or tendering back the bonds to the bank holding the letter of credit agreement. In each variable rate issue, the issuer, in this case the Utility, purchases a letter of credit (LOC) agreement, which provides assurance to investors that the provider of the LOC will purchase any bonds which can not be remarketed to another investor. As of November 3rd, \$2,685,000 of the total \$6,130,000 outstanding has been tendered back to the LOC bank, Dexia.

All bonds tendered back to the bank are deemed “Bank Bonds” and incur the same interest rate cost as the bonds not redeemed, most currently at a 6.5% rate and could rise to a maximum rate of 15%. Thus, the City is paying Dexia for credit issues that Dexia brought upon itself while the Utility’s credit remains excellent. In addition to paying an adverse interest rate, all bank bonds convert to term bonds after six months if they are not purchased in the open market. The implication of the term bond conversion is that the Utility would need to pay semi-annual principal payments for seven years in addition to interest payments.

The unfortunate reality is that despite solid underlying fundamentals of the Utility’s ability to pay its debt obligations, interest rates are being driven up due to concerns specific to Dexia as well as the world-wide financial crisis. The Utility is extremely sound with a debt coverage ratio at the end of 2007 of 2.87 times the maximum annual debt service between now and 2025 when all current outstanding debt is retired. Due to the Utility’s sound financial history and fundamentals, rating agencies have assigned very positive ratings on debt offerings: Fitch’s rating is AA+, Standard and Poor’s rating is AA, and Moody’s rating is A1.

As of October 31, 2008, \$27,727,290 of unrestricted cash was available in the Water Fund’s Capital Project Reserve. The City has earned an annualized 4.47% year-to-date through October. Staff believes that it is in the best interest to redeem all of the bonds outstanding due to aforementioned risks, predominately centered on the risk of paying an adverse rate above the amount budgeted and potentially well above a reasonable amount up to a maximum of 15%. Assuming the bonds are called by December 1, 2008 and a 4% interest rate, the Utility would save interest and associated variable rate agent fees estimated over the remainder of 2008 and through 2010 as follows:

<u>Year</u>	<u>Interest Costs</u>	<u>Variable Rate Fees</u>	<u>Total</u>
2008	\$ 19,789	\$ 5,470	\$ 25,259
2009	\$233,000	\$20,308	\$253,308
2010	<u>\$220,200</u>	<u>\$19,185</u>	<u>\$239,385</u>
Totals	<u>\$472,989</u>	<u>\$44,963</u>	<u>\$517,952</u>

The savings will be partially offset by the loss of projected income on the cash used to buy the bonds, which is estimated to be \$365,000 over the next two years for an estimated net savings of \$151,952.

By redeeming the bonds, the City pursues Council’s strategic goal to be a Financially Sustainable City Providing Exceptional Service.

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	20510900.79800.0200	\$8,360,069	<u>\$5,825,000</u>	\$14,185,069
Total Change to Revenues			<u>\$5,825,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers to Water	20510900.79800.0200	\$8,887,770	<u>\$5,825,000</u>	\$14,712,770
Total Change to Expenses			<u>\$5,825,000</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers from Utility Reserve Fund	2000.45000.0205	\$8,887,770	<u>\$5,825,000</u>	\$14,712,770
Total Change to Revenues			<u>\$5,825,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Principal Payments	20010900.78200.0000	\$3,182,153	<u>\$5,825,000</u>	\$9,007,153
Total Change to Expenses			<u>\$5,825,000</u>	

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **48**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

A BILL

FOR AN EMERGENCY ORDINANCE AMENDING THE 2008 BUDGETS OF THE UTILITY RESERVE AND WATER FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2008 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2008 appropriation for the Utility Reserve and Water Funds, initially appropriated by Ordinance No. 3316, is hereby increased in aggregate by \$11,650,000. This appropriation is due to the usage of water capital project reserve funds to redeem the outstanding principal of the 2002 Water Wastewater Variable Rate Revenue Bonds.

Section 2. The \$11,650,000 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10F dated November 24, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Utility Reserve Fund	\$5,825,000
Water Fund	<u>\$5,825,000</u>
Total	<u>\$11,650,000</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. As a result of the timing requirements to call the Bonds within a 5-15 day window with the paying agent, 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 November 24, 2008, 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 enacted.

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

INTRODUCED, PASSED, ADOPTED AS AN EMERGENCY ORDINANCE this 24th day of November, 2008.

ATTEST:

City Clerk

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
November 24, 2008



SUBJECT: Transfer Parks, Open Space and Trails Fund interest earned on the POST Bond Funds to Westminster Economic Development Authority for open space properties and first reading of Councillor’s Bill No. 49 re bond interest earnings supplemental appropriation

Prepared By: Heather Cronenberg, Open Space Coordinator
Barbara Opie, Budget and Special Projects Manager

Recommended Action

1. Authorize the transfer of \$584,466 to the Westminster Economic Development Authority (WEDA) Fund from the Parks, Open Space and Trails (POST) Fund for property purchased by WEDA in 2004 and 2005.
1. Pass Councillor’s Bill No. 49 on first reading, providing for a supplemental appropriation in the amount of \$399,002 to the 2008 General Capital Improvement Fund (GCIF) budget.

Summary Statement

- Through the Mandalay Town Center Redevelopment Agreement, commonly known as the Shops at Walnut Creek Development, WEDA acquired 23 parcels of land north of Church Ranch Boulevard, and then conveyed the land to RED Development Company. In the final plat, RED dedicated 4.528 acres as open space.
- WEDA also acquired the Chamberlain property for the relocation of the BP service station from the north side of Church Ranch Boulevard to the south side of Church Ranch Boulevard. In the Church Ranch Amoco final plat, the City dedicated 0.839 acres as Open Space.
- Staff proposes that the POST Fund transfer funds to the WEDA Fund for the purchase of these properties in a total amount of \$584,466 in 2008, using interest proceeds in the amount of \$399,002 from the POST bond funds and \$185,464 from the POST Land Acquisition account.
- Transferring interest earnings to WEDA for land acquisitions is an appropriate use of the interest earnings as provided in the bond covenants.

Expenditure Required: \$584,466

Source of Funds: Interest earned from the Parks, Open Space and Trails Bond Fund in the amount of \$399,002
Parks, Open Space and Trails Fund - Land Purchases account in the amount of \$185,464

Policy Issues

1. Does Council approve the POST Fund transferring to the WEDA Fund \$584,466 in 2008 from the interest earned on the POST bond proceeds and from the POST Land Purchases account for properties purchased by WEDA in 2004 and 2005?
2. Does Council support amending the appropriations for the 2008 budget of GCIF?

Alternatives

1. Council could choose not to authorize the transfer to WEDA for open space properties purchased with WEDA funds. Staff does not support this option because WEDA provided the funding to protect these properties for open space and it is reasonable for the POST fund to pay this expense.
2. Council could choose not to amend the appropriations of the 2008 GCIF budget; however, this is not recommended as the bond covenants are specific on how the interest earnings may be spent.

Background Information

WEDA executed a redevelopment agreement with RED Development Company in 2003 for the Mandalay Town Center Project, commonly known as the Shops at Walnut Creek. This agreement required WEDA to acquire 23 parcels of land, totaling approximately 65 acres, and sell most of that acquired property to RED Development for the redevelopment project. These parcels were purchased with WEDA funds, and were sold to RED in two phases. In the Mandalay Town Center Redevelopment Agreement, the City required RED to construct "Public Improvements," including open space, and then convey it back to the City.

Additionally, WEDA purchased land south of Church Ranch Boulevard, which was not within the boundaries of the Mandalay Gardens Urban Renewal Area. The Chamberlain property was acquired to relocate the BP service station from the north side of Church Ranch Boulevard to the south side of Church Ranch Boulevard. This relocation was needed for the redevelopment of the Mandalay Town Center Project since the service station at the original location did not conform to the plan for this project. WEDA funds were also used to purchase the Chamberlain property. The City dedicated a portion of this property as open space. A 7-11 convenience store has been constructed on the BP site.

The land that was eventually conveyed as open space totaled 5.367 acres (see attached map). RED Developers dedicated 4.528 acres as open space on the Mandalay Town Center Subdivision final plat, and an additional 0.839 acres were dedicated by the City as open space in the Church Ranch Amoco final plat. Because WEDA fronted the monies for the purchase of these open space parcels, the POST fund is obligated to reimburse them.

Because the vast majority of the land that was dedicated is within the floodplain, \$2.50 per square foot was agreed upon as the repayment value. The cost per square foot to acquire the non-floodplain land was much higher. At \$2.50 per square foot, or \$108,900 per acre, the amount owed by the POST Fund (for 5.367 acres) is \$584,466. Staff originally planned to repay this acquisition from the POST Fund over a three year period, commencing in 2008. However, because of the interest earned on the 2007 POST bond proceeds and from funds available in the 2008 POST Land Purchases account, Staff proposes to repay the amount in full in 2008 so that future land acquisition funds in 2009/2010 are available for other acquisitions. Staff recommends that the POST fund repay WEDA as follows:

- \$399,002 - Interest earned from the POST bond fund proceeds
- \$185,464 - POST land purchases account (Funds were specifically budgeted in 2008)

With Council’s authorization of the transfer and approval of the supplemental appropriation ordinance on second reading anticipated to occur at the December 8, 2008 Council meeting, Staff will commence the process of transferring funds to WEDA for these acquisitions. Because both the POST fund and the WEDA fund are considered governmental funds for financial reporting purposes, the repayment will be classified as a transfer. Therefore, the attached Councillor’s Bill also includes moving \$185,464 from POST land purchases to transfers to WEDA.

These appropriations included in the attached Councillor’s Bill will amend POST revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Interest Earnings	5400.42520.0175	\$0	<u>\$399,002</u>	\$399,002
Total change to Revenues			<u>\$399,002</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchases	54010900.76600.0000	\$919,203	\$(185,464)	\$733,739
Transfer to WEDA	54010900.79800.0680	\$0	<u>\$584,466</u>	\$584,466
Total changes to Expenses			<u>\$399,002</u>	

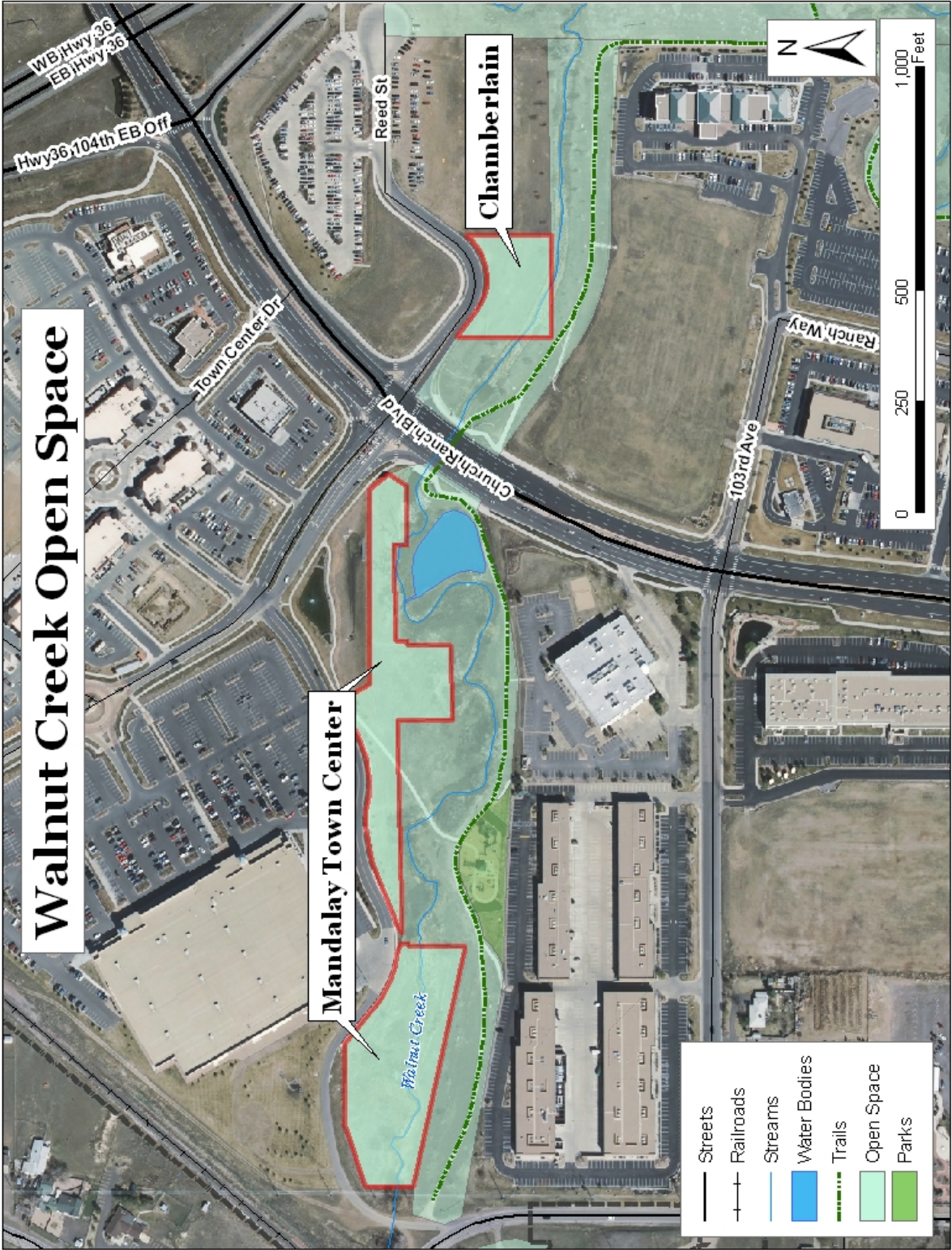
Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Location Map
- Councillor’s Bill

Walnut Creek Open Space



Mandalay Town Center

Chamberlain

- Streets
- Railroads
- Streams
- Water Bodies
- Trails
- Open Space
- Parks



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **49**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE 2008 BUDGETS OF THE PARKS OPEN SPACE AND
TRAILS (POST) FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM
THE 2008 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2008 appropriation for the POST Fund initially appropriated by Ordinance No. 3316 is hereby increased by \$399,002. This appropriation is due to the receipt of interest earnings.

Section 2. The \$399,002 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 G&H, dated November 24, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

POST Fund	<u>\$399,002</u>
Total	<u>\$399,002</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of November, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of December, 2008

ATTEST:

Mayor

City Clerk