



CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

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

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

8. Consent Agenda

- A. Special Legal Services for Centric Jones Supreme Court Appeal
- B. Special Legal Services Contract Amendment with Dufford and Brown
- C. Gasoline Recovery System Technical Assistance Contract
- D. License Agreement with Burlington Northern Santa Fe Railroad for England Waterline
- E. Fire Engine Contract and Purchase
- F. Vendor Contract Approval for Cumulative Purchases over \$50,000
- G. Ratify purchases over \$50,000 to M/A Com, Inc
- H. Second Reading Councillor's Bill No.87 re Annexation of Walker Open Space Property
- I. Second Reading Councillor's Bill No. 88 re CLUP Amendment re Walker Open Space Property
- J. Second Reading Councillor's Bill No. 89 re Zoning Walker Open Space Property
- K. Second Reading Councillor's Bill No.90 re Annexation of Bott Open Space Property
- L. Second Reading Councillor's Bill No. 91 re CLUP Amendment re Bott Open Space Property
- M. Second Reading Councillor's Bill No. 92 re Zoning re Bott Open Space Property
- N. Second Reading Councillor's Bill No. 95 re CLUP Amendment re Assembly of God Subdivision
- O. Second Reading Councillor's Bill No. 96 re Rezoning Assembly of God Subdivision

9. Appointments and Resignations

10. Public Hearings and Other New Business

- A. Public Hearing re Mandalay GID Boundary Changes
- B. Councillor's Bill No. 97 re Mandalay GID Boundary Changes
- C. Public Hearing re North Huron Preliminary Development Plan
- D. Preliminary Development Plan for North Huron (I-25 and 144th Avenue)
- E. Resolution No. 76 re Parks and Recreation Master Plan
- F. IGA with Jefferson County re Preliminary Design of Wadsworth Blvd (92nd to 108th)
- G. Resolution No. 77 re Year End Contingency Transfers
- H. Councillor's Bill No. 98 re FY 2004 Budget Amendment
- I. Confirmation of New City Clerk

11. Old Business and Passage of Ordinances on Second Reading

- A. Second Reading Councillor's Bill No. 93 re CLUP Amendment re Harris Park – Site IV
- B. Second Reading Councillor's Bill No. 94 re Rezoning Harris Park – Site IV

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

- A. City Council

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, DECEMBER 20, 2004 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro-Tem Kauffman and Councillors Dittman, Dixon, Hicks and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Councillor Davia moved, seconded by Dixon to approve the minutes of the meeting of December 13, 2004. The motion carried unanimously.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the watercolor of Aspens that had been donated to the City by Ron Hellbusch. The painting is on display in the lobby. There will be an executive session regarding settlement of claim. City Hall will be closed on December 24th and 31st. He also thanked Council for all their hard work during 2004.

CITY COUNCIL COMMENTS

Councillor Hicks presented a copy of the Jon Chandler book about Westminster titled CONVERSATIONS to Ruby and Leonard Holtzclaw.

Councillor Davia wished all of Staff a happy holiday and thanked Mary Ann Parrot for her time and effort with the City.

Councillor Dixon commented on 5 hours of Rocky Flats Meetings, and wished all a happy holiday.

Mayor McNally commented on the Walmart/Salvation Army event that took place on Saturday.

CITIZEN COMMUNICATION:

Bill Kelt, Store Manager for Lowe's Home Improvement addressed Council and personally invited City Council and the public to the Grand Opening of Lowe's Home Improvement at 5600 W. 88th, on Wednesday, January 5th, at 7:00 am.

Donna Nespoli, 9881 Kline Street voiced her concerns about the elimination of prairie dogs at a new development on 100th and Wadsworth next to the Wells Fargo bank and on the 100th and Countryside Jefferson County School site.

CONSENT AGENDA

The following items were considered as part of the consent agenda: Special Legal Services for Centric Jones Supreme Court Appeal authorizing the City Manager to enter into an addendum to the contract with Hall & Evans L.L.C. to continue to provide legal assistance to the City in connection with the appeal of the Colorado Court of Appeals' decision in *City of Westminster v. Centric-Jones, et al.*, to the Colorado Supreme Court; Special Legal Services Contract Amendment with Dufford and Brown for additional work in an amount not to exceed \$40,000 related to the Forest City project on the 215 acre parcel at 144th Avenue and Huron Street; Gasoline Recovery System Technical Assistance Contract to CH2M-Hill and management and

technical assistance services in an amount not to exceed \$74,900; License Agreement with Burlington Northern Santa Fe Railroad for England Waterline to execute a license agreement for installation of a short portion of the England Waterline in railroad ROW in the amount of \$63,064 with \$3,000 for railroad construction insurance and a \$500 processing fee, for a total contract cost of \$66,564; Fire Engine Contract and Purchase with Front Range Fire Apparatus in an amount not to exceed \$546,316 for a Pierce Dash 61' Skyboom custom fire engine and a consignment contract with Fire Trucks Plus, Inc. to sell a 1988 Pierce Tele-Squirt; Vendor Contract Approval for Cumulative Purchases over \$50,000 ratify past invoices with Av-Tech Electronics up to a maximum of \$90,000, Baker and Taylor Books up to a maximum of \$136,000, C West Code Consultants up to a maximum of \$200,000, Dana Kepner Company up to a maximum of \$80,000, PROS Inc. up to a maximum of \$70,000, and Public Safety Warehouse up to a maximum of \$120,000; Ratify the purchases to M/A Com, Inc, the State award for emergency radio equipment, up to a maximum of \$130,000, Second Reading Councillor's Bill No.87 re Annexation of Walker Open Space Property; Second Reading Councillor's Bill No. 88 re CLUP Amendment re Walker Open Space Property; Second Reading Councillor's Bill No. 89 re Zoning Walker Open Space Property; Second Reading Councillor's Bill No.90 re Annexation of Bott Open Space Property; Second Reading Councillor's Bill No. 91 re CLUP Amendment re Bott Open Space Property ; Second Reading Councillor's Bill No. 92 re Zoning re Bott Open Space Property; Second Reading Councillor's Bill No. 95 re CLUP Amendment re Assembly of God Subdivision; and Second Reading Councillor's Bill No. 96 re Rezoning Assembly of God Subdivision

Mayor McNally asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

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

PUBLIC HEARING RE MANDALAY GID BOUNDARY CHANGE:

At 7:18 p.m. a public hearing was opened to consider the inclusion of additional properties within the City of Westminster Mandalay Town Center GID, located at Church Ranch Boulevard on the west side of US 36. J. Brent McFall, City Manager provided an explanation on the public hearing. No one spoke in favor or in opposition. The public hearing was declared closed at 7:19 P.M.

COUNCILLOR'S BILL NO. 97 RE MANDALAY GID BOUNDARY CHANGE:

Councillor Dittman moved, seconded by Price to adopt Councillor's Bill No. 97 as an emergency ordinance approving the inclusion of additional properties within the City of Westminster Mandalay Town Center General Improvement District and revising the boundaries of the GID. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE NORTH HURON PRELIMINARY DEVELOPMENT PLAN

At 7:21 p.m. a public hearing was opened to consider the Preliminary Development Plan for North Huron to be located at I-25 and 144th Avenue. Dave Shinneman, Planning Manager entered copies of the agenda memorandum and other related items as exhibits. Mike Mulhern, president of Mulhern Associates representing Forest City West gave a power point presentation and Tom Hauser VP of Development for Forest City spoke on the proposed development

The following people addressed concerns: Caren Crawford, 14871 Mariposa Street; Hart Krumpholt, 14562 Inca Court; Ted Rossi, 1325 West 148th Avenue; Loren Dellinger 2975 East 133rd Circle; Renee Waller, 14755 Pecos Street; Nancy Gardnier, 1480 West 148th Avenue; Spencer Shelter, 14402 Inca Court; and Larry Meyers, 14444 Inca Court. A letter opposing the proposed routing of the new Huron Street signed by 17 homeowners in the area was entered as an exhibit. The public hearing was declared closed at 8:33 P.M.

PDP FOR NORTH HURON (I-25 AND 144TH AVENUE) THE ORCHARDS:

Councillor Davia moved, seconded by Dittman to approve the proposed Fourth Amended Preliminary Development Plan for the North Huron Planned Unit Development. The motion carried unanimously.

RESOLUTION NO. 76 RE PARKS AND RECREATION MASTER PLAN

Councillor Dittman moved, seconded by Dixon to adopt Resolution No. 76 formally adopting the update to the City of Westminster Master Parks and Recreation Plan dated December 20, 2004, as a planning guide for future parks and facilities development and acquisition projects in the City. Upon roll call vote, the motion carried unanimously.

IGA WITH JEFFCO RE PRELIMINARY DESIGN OF WADSWORTH BLVD:

Councillor Davia moved, seconded by Kauffman to authorize the Mayor to execute an Intergovernmental Agreement (IGA) with Jefferson County regarding funding, phasing, contract administration, and preliminary corridor design of the proposed Wadsworth Boulevard (W. 92nd Avenue to W. 108th Avenue) street improvement and widening project. The motion carried unanimously.

RESOLUTION NO. 77 RE YEAR END CONTINGENCY TRANSFERS

Councillor Davia moved, seconded by Price to adopt Resolution No. 77 authorizing the transfer of \$203,000 from the 2004 General Fund contingency account into various operating budgets. Upon roll call vote the motion carried unanimously.

COUNCILLOR'S BILL NO. 98 RE FY 2004 BUDGET AMENDMENT

Councillor Davia moved, seconded by Dixon to pass Councillor's Bill No. 98 on first reading amending the FY2004 budgets of the General and Fleet Maintenance Funds. Upon roll call vote, the motion carried unanimously.

CONFIRMATION OF NEW CITY CLERK

Councillor Davia moved, seconded by Price to confirm the appointment of Linda Yeager as the new City Clerk for the City of Westminster. The motion carried unanimously

COUNCILLOR'S BILL NO. 93 RE CLUP AMENDMENT RE HARRIS PARK – SITE IV

Councillor Dixon moved, seconded by Price to adopt Councillor's Bill No. 93 on second reading amending the Westminster Comprehensive Land Use Plan to change the land use designation of the Harris Park – Site IV property from “R 3.5 Residential” and “Office” to “R-18 Residential” and “Retail Commercial.” Mayor Pro Tem Kauffman recused himself because of a potential business interest. Upon roll call vote, the motion carried with Mayor Pro Tem Kauffman abstaining.

COUNCILLOR'S BILL NO. 94 RE REZONING HARRIS PARK – SITE IV

Councillor Dixon moved, seconded by Price to adopt Councillor's Bill No. 94 on second reading rezoning the Harris Park – Site IV property from Transitional; B-1, Business; R-4, Residential and R-2 Residential to Planned Unit Development (PUD). Mayor Pro Tem Kauffman recused himself because of a potential business interest. Upon roll call vote, the motion carried with Mayor Pro Tem Kauffman abstaining.

ADJOURNMENT:

The meeting was adjourned at 8:45 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Item 8 A

Agenda Memorandum

City Council Meeting
December 20, 2004



Subject: Special Legal Services Contract for the *City of Westminster v. Centric-Jones* Appeal

Prepared by: Marty McCullough, City Attorney
Jeffrey M. Betz, Assistant City Attorney

Recommended City Council Action

Authorize the City Manager to enter into an addendum to the contract with the law firm of Hall & Evans L.L.C. in substantially the same form as attached to continue to provide legal assistance to the City in connection with the appeal of the Colorado Court of Appeals' decision in *City of Westminster v. Centric-Jones, et al.*, to the Colorado Supreme Court.

Summary Statement

- City Council is requested to authorize an addendum to the contract dated November 10, 2003, with Hall & Evans L.L.C., in an amount not to exceed an additional \$20,000, in order to provide continuing legal assistance in connection with the appeal of the Colorado Court of Appeals' decision in the *City of Westminster v. Centric-Jones, et al.*, to the Colorado Supreme Court.
- In October of 2003, Council authorized the filing of a Petition for Certiorari in this case which has since been granted. However, Council at that time wished to reserve for later consideration the approval of services related to assisting with the briefing and argument of this case.
- Funds are available in the Clearwell Replacement Capital Project Account to cover this expense.

Expenditure Required: Additional amount not to exceed \$20,000 (Total revised contract of \$35,000)

Source of Funds: Utility Fund Clearwell Replacement Capital Project Account

Policy Issue:

Should the City continue to retain the services of Alan Epstein with Hall & Evans L.L.C. to assist in the appeal of the Colorado Court of Appeals' decision in *City of Westminster v. Centric-Jones, et al.*, to the Colorado Supreme Court?

Alternatives:

1. Dismiss the City's appeal of the Colorado Court of Appeals decision, in which case the trial court's decision dismissing the City's claim against Centric-Jones and Traveler's would become final. This is not recommended because the Supreme Court has granted the City's petition for review in this case.
2. Proceed with the appeal without the benefit of outside legal counsel. This is not recommended because Mr. Epstein is a recognized expert in appellate law and procedure, and has provided valuable assistance on this case to this point.

Background Information

On January 9, 2001, the trial of the *City of Westminster v. Centric-Jones and Travelers* arising out of the Semper Water Treatment Expansion Project commenced in Jefferson County District Court. At the conclusion of the City's case, the Judge dismissed the City's claims and entered a judgment in favor of Centric-Jones and Travelers, without letting the jury decide the issues. The City appealed that decision, and on September 11, 2003, the Colorado Court of Appeals affirmed the trial court's judgment.

On October 13, 2003, Council authorized the City Manager to enter into a contract with Hall and Evans L.L.C. to proceed with the first phase of an appeal to the Colorado Supreme Court (not to exceed \$15,000). Appeals to the Colorado Supreme Court are conducted in two phases. The first phase consists of asking the Court to accept the appeal for consideration. On November 8, 2004, the Supreme Court granted the City's request to hear the appeal. The second phase of the appellate process requires the City to submit briefs and make an oral argument in support of its position. The cost associated with this second phase should not exceed \$20,000.

Staff believes it would be in the best interest of the City to continue its appeal to the Supreme Court of Colorado in order to get the trial court's decision dismissing the City's claims reversed. Alan Epstein of the law firm of Hall and Evans L.L.C. has a substantial amount of experience in appealing cases to the Supreme Court of Colorado. As such, the City Attorney's Office recommends that the City enter into a contract with Hall and Evans L.L.C. to assist in this appeal.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**ADDENDUM NO. 1 TO THE
AGREEMENT TO FURNISH LEGAL SERVICES BETWEEN THE CITY OF
WESTMINSTER AND HALL & EVANS L.L.C. DATED NOVEMBER 10, 2003**

1. The City of Westminster (hereinafter referred to as "City") and Hall & Evans L.L.C. (hereinafter referred to as "The Firm") agree to amend paragraph 7 of the Agreement described above as follows:

7. Payments for legal services pursuant to this Contract shall not exceed Thirty-five Thousand Dollars (\$35,000) for briefing the Petition for Certiorari, briefing the issues and oral argument to the Supreme Court of Colorado without further authorization by the City.

2. All other terms and conditions of the Agreement shall remain in effect.

This Addendum is dated December _____, 2004.

CITY OF WESTMINSTER

By: _____

ATTEST:

City Clerk

HALL & EVANS L.L.C.

By: _____



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2004



SUBJECT: Retail and Legal Services Contract Amendment

Prepared By: Susan Grafton, Economic Development Manager

Recommended City Council Action

- Authorize the City Manager to amend the agreement with Randy J. Feuerstein of Dufford and Brown for special legal counsel services for additional work in an amount not to exceed \$40,000 related to the Forest City project on the 215 acre parcel at 144th Avenue and Huron Street.

Summary Statement

- Mr. Feuerstein's legal services have been and will continue to be needed for the handling of issues concerning the oil and gas wells on the City's property at 144th Avenue and Huron Street.
- Legal work needed to clear title and close one of the wells on the property has been greater than originally anticipated.
- Council originally approved hiring Mr. Feuerstein September 2004 but capped the fees at \$30,000. This action will raise the cap on these fees to \$70,000.
- Funds are already available in the General Capital Improvements Fund to cover these fees.

Expenditure Required: Additional fees not to exceed \$40,000.

Source of Funds: General Capital Improvement Fund – Retail Project Account

Policy Issue

Should Council approve additional funding for the Dufford & Brown legal services?

Alternative

- Do not fund the Legal Services. Failure to fund the contracts will result in the loss of legal services that have been key in clearing oil and gas issues on the city's property.

Background Information

The City Charter requires City Council approval of all outside legal counsel agreements. Legal services have been needed on the North I-25 project as special issues have arisen. Mr. Feurenstien is providing very specialized legal services concerning the oil and gas wells on the City's property and is expediting the City's understanding of the issues around the wells and ways to resolve those issues. Mr. Feurenstien is also working specifically to clear title on the well on the south portion of the property. Most of interest holders in the well have been contacted to remove their ownership interest in this well. It is possible if all the owners cannot be contacted that condemnation action may possibly be needed to clear property title. Staff will have a better idea of that need in the next month.

Approximately \$30,000 has been spent to date on legal services with Dufford and Brown. Council is requested to authorize the City Manager to contract as needed for specialized legal services with Dufford & Brown for the North I-25 project up to the maximum of \$70,000 (\$30,000 previously approved plus \$40,000 additional requested).

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2004



SUBJECT: Gasoline Recovery System Technical Assistance Contract (2005)

Prepared By: Richard A. Clark, Utilities Operations Manager
Robert L. Booze, Utilities Services Supervisor

Recommended City Council Action

Based on the recommendation of the City Manager, the City Council finds that the public interest would be best served by awarding a contract to CH2M-Hill as the sole source of the work. Award a contract for management and technical assistance services for the Gasoline Recovery System (GRS) to CH2M-Hill and charge the expense to the Utility Fund, Utilities Operations Budget in an amount not to exceed \$74,900.

Summary Statement

- The purpose of the amended contract is for CH2M-Hill to continue to provide project management technical assistance services for the operations and maintenance for the GRS project at the Municipal Service Center (MSC).
- This anticipated total annual cost to operate the GRS program including the CH2M-Hill contract is estimated to be \$143,890, which is greater than the \$100,000 budgeted. The additional funds required for this program will be obtained by reducing other line accounts in the Utility Operating Budget.

Expenditure Required: \$ 74,900

Source of Funds: Utility Fund – Utilities Operations Budget

Policy Issue

Should the City amend the existing CH2M-Hill contract for project management services for the GRS at the MSC for the upcoming year and for two additional one-year terms at the city's discretion providing CH2M-Hill's pricing is consistent with changes in the Consumer Price Index?

Alternative

Bid the project management services to other outside technical consultants. This alternative is not recommended as CH2M-Hill has been part of the project team since inception and has a unique level of experience and expertise with this specific project. Another alternative is to perform the technical review and inspection in-house. This latter option is not recommended, as City Staff are not as technically capable to perform this work as an outside technical firm with experience in groundwater remediation.

Background Information

In July 1999, the City contracted with CH2M-Hill to be the technical manager of the gasoline recovery project, given their expertise in the area of remedial technology, and the fact that CH2M-Hill was not interested in the actual design, construction, or operation of the gasoline recovery system. The City contracted separately with Dames and Moore (now URS) for the purpose of preparing actual design for the project improvements. Only two bids were received; the lowest bid was 30% over the available funds for the project. Consequently, these bids were not approved and options for lowering the costs were explored. This ended URS' contract responsibilities to the City.

At this point in the project CH2M-Hill's role changed. CH2M-Hill was asked to prepare a new design/build/operate contract for the entire project. CH2M-Hill prepared a performance-based contract package that was released for bid on May 25, 2001. Enviro-Clean Rocky Mountain (ERM) was selected as the design/build/operate contractor. CH2M-Hill remained under contract to the City for project management technical assistance services. Their original contract from July 1999 was for \$170,000 and covered the portion of the project, which included the design, construction, and some technical assistance for operation and maintenance of the system until March of 2002.

The first amendment to the technical assistance contract was awarded in March 2002, for \$102,000, which included the technical assistance for the operation and maintenance of the system for the years 2002 and 2003. Operations oversight including review and approval of contractor's operations and maintenance manual, numerous site visits during project equipment startup, review of required quarterly Discharge and Monitoring Reports during operations of the system and site visits. Along with routine technical assistance and monitoring the efficiency of the system, CH2M-Hill also performed other duties under this contract. They performed the following non-recurring tasks:

1. Prepared the air permits (AEPN).
2. Assisted the City with discussions with the State and originated a well permit for the existing interceptor trench sump well and eventual issuance of a well permit by the office of the State Engineer. This work also necessitated an action by Water Court to issue a decree for the extracted water.
3. Provide part-time field observation for the final stage of construction.
4. Construction administration including preparing billing review, contractor clarification requests, responding to change orders, preparing change order memoranda and recommendations, preparing nonconformance reports for the final stage of construction and origination of a Certificate of Substantial Completion.
5. Submittal of 22 extraction well drilling permits.
6. Oversaw system startup.

7. Provided technical assistance and took the lead when the system's effluent quality would not pass the required Whole Toxicity Testing (WTT). CH2M-Hill enlisted the assistance of an expert from their Dallas office to provide opinions of possible contaminants. The outcome was approval from the State to use a different species of minnows for the WTT testing. This also took considerable additional effort by CH2M-Hill to accomplish.

The second amendment was awarded in March 2004, for \$71,500 and was for the technical assistance for 2004 and included the following: weekly conference calls with the operations and maintenance contractor, review of the Discharge Monitoring Reports (DMR) on a quarterly basis, review of the Quarterly Monitoring Reports (QMR) and increased hours to manipulate the operations data and to provide for closer oversight of the operations. Data manipulation is critical to understand how the system is performing so adjustments can be made to the operations to maximize efficiency and help reduce the overall length of time the system must be operated and thus reduce the total costs of project completion. Through November 2004, this second amendment has costs totaling approximately \$40,000 and costs are expected to total less than \$50,000.

A third amendment to the project management services contract with CH2M-Hill is now required to continue management oversight of the project for 2005. The 2005 Scope of Work mimics that of the 2004 Scope of work with the addition of:

- Enter the weekly data received from the site operator (such as water levels, product recovery, free product migration, and pump flow rates) into a spreadsheet database and review the data.
- Develop operational alternatives to optimize performance.
- A more concentrated effort to review the general operation and maintenance of the project. The recovery system goes through periodic transformations and it is critical to stay on top of the changing analytical data.
- The management and the production of the quarterly DMRs and QMRs as well as the monthly summary reports will be removed from the responsibility of the operations and maintenance contractor and added to the responsibility of CH2M-Hill. Due to a change in the operations and maintenance contractor it is felt that the consistency is needed with the reporting to the State. This increase in scope leads to a modest increase in cost for the 2005 contract. CH2M-Hill will perform this work under the same terms and conditions as the existing contract.

The total 2005 GRS program will include the \$74,900 for the technical assistance contract (CH2M-Hill), \$38,990 for the operations and maintenance contractual site operator (LT Environmental), and an estimated \$30,000 for system discharge quality testing and routine consumables used throughout the year. This anticipated total annual cost to operate the GRS program is estimated to be \$143,890, which is greater than the \$100,000 budgeted. The additional funds required for this program will be obtained by reducing other expenditures within the Utilities Operations budget.

The recovery of gasoline from groundwater at the MSC has been a long process with no immediate closure in sight. The extraction system is making progress. Since the start up of the dual-phase extraction system on August 15, 2002, the system has recovered 9,600 gallons of free product. The recovery of product has slowly decreased from 23.2 gallons per day in August 2002, to the current (October 2004) 12.1 gallons per day. Also, the thickness of the layer of product in the monitoring wells is being decreased. This reduction in recovered free product along with a decreasing presence of free product seen during the quarterly monitoring process makes the project team believe the system is starting to make a difference at the site.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
December 20, 2004



SUBJECT: License Agreement with Burlington Northern Santa Fe Railroad for England Waterline

Prepared By: Diane M. Phillips, Reclaimed Water System Coordinator
Rick Clark, Utilities Operations Manager

Recommended City Council Action

Authorize the City Manager to execute a license agreement with Burlington Northern Santa Fe (BNSF) Railroad for installation of a short portion of the England Waterline in railroad Right-of-Way (ROW) in the amount of \$63,064 along with \$3,000 for railroad construction insurance and a \$500 processing fee, for a total contract cost of \$66,564.

Summary Statement

- The new England transmission waterline will provide fire flow and peak water supply to the south part of the City. McLaughlin Water Engineers has designed this line and the majority of the alignment will be installed in acquired easements or in street ROW. A short portion of the waterline will be installed in the BNSF Railroad ROW.
- City Staff, the City acquisition agent and the design engineer have worked with BNSF Railroad to determine the cost for the license agreement.
- The total cost to process the license agreement with BNSF Railroad is \$66,564. Adequate funds are available in the England Waterline project accounts for this expense.

Expenditure Required: \$66,564

Source of Funds: Utility Fund Capital Improvement Funds

Policy Issue

Should the City sign a license agreement with BNSF Railroad for a total cost of \$66,564 for installation of a portion of the England Waterline.

Alternative

The City could finalize the design of the England Waterline outside of the BNSF Railroad ROW, but future potential street improvement and development projects would be negatively impacted by the waterline alignment in the next few years.

Background information

The England Waterline will be a 24-inch treated waterline of over a mile in length that will provide transmission supply to the south part of the City where high demand and fire flow supply is needed. Previously, the waterline was designed entirely in the BNSF Railroad Right-of-Way (ROW), but the FasTracks transportation plan conflicted with the planned alignment. A new alignment was chosen in and along City streets using existing street ROW and new easements and along a small portion of BNSF ROW. McLaughlin Water Engineers has completed the new design of the waterline, pending finalizing right of way and easement acquisitions.

During design, future potential street and highway projects were identified that impacted constructability and future operations of the proposed waterline. These future street projects include possible widening of Highway 36, widening of Sheridan and the extension of 88th Avenue. Development at the southwest corner of 88th and Sheridan also impacted alignment plans. Alignment of a short portion of the waterline was chosen in the BNSF ROW so as to avoid impacting these possible future projects.

Approximately 1,000 feet of the over 6,000 feet of waterline will be installed in BNSF ROW in an area that is extra wide and which will accommodate the waterline without interference from future FasTracks rail line installation. The width in this portion of ROW, which is only 1,200 feet long, is 150 feet compared to the standard 100 feet width.

City Staff, the City acquisition agent and the design engineer have worked with BNSF Railroad to determine the cost for the license agreement. The license agreement includes the same language that has been used for other City license agreements with the BNSF Railroad. The license agreement is a one-time fee of \$63,064 plus a \$500 processing fee and \$3,000 for the railroad construction insurance, which covers the duration of the construction project. The City will be required to maintain general liability insurance for the duration of the license agreement. This coverage is supplied through CIRSA and applies to this project and all of the other locations where City facilities occupy a portion of the BNSF Railroad's ROW.

Costs and estimates to date are as detailed below. The available funds are sufficient for construction at this time. Costs include the fees for the original design that was discarded because of the FasTracks conflicts.

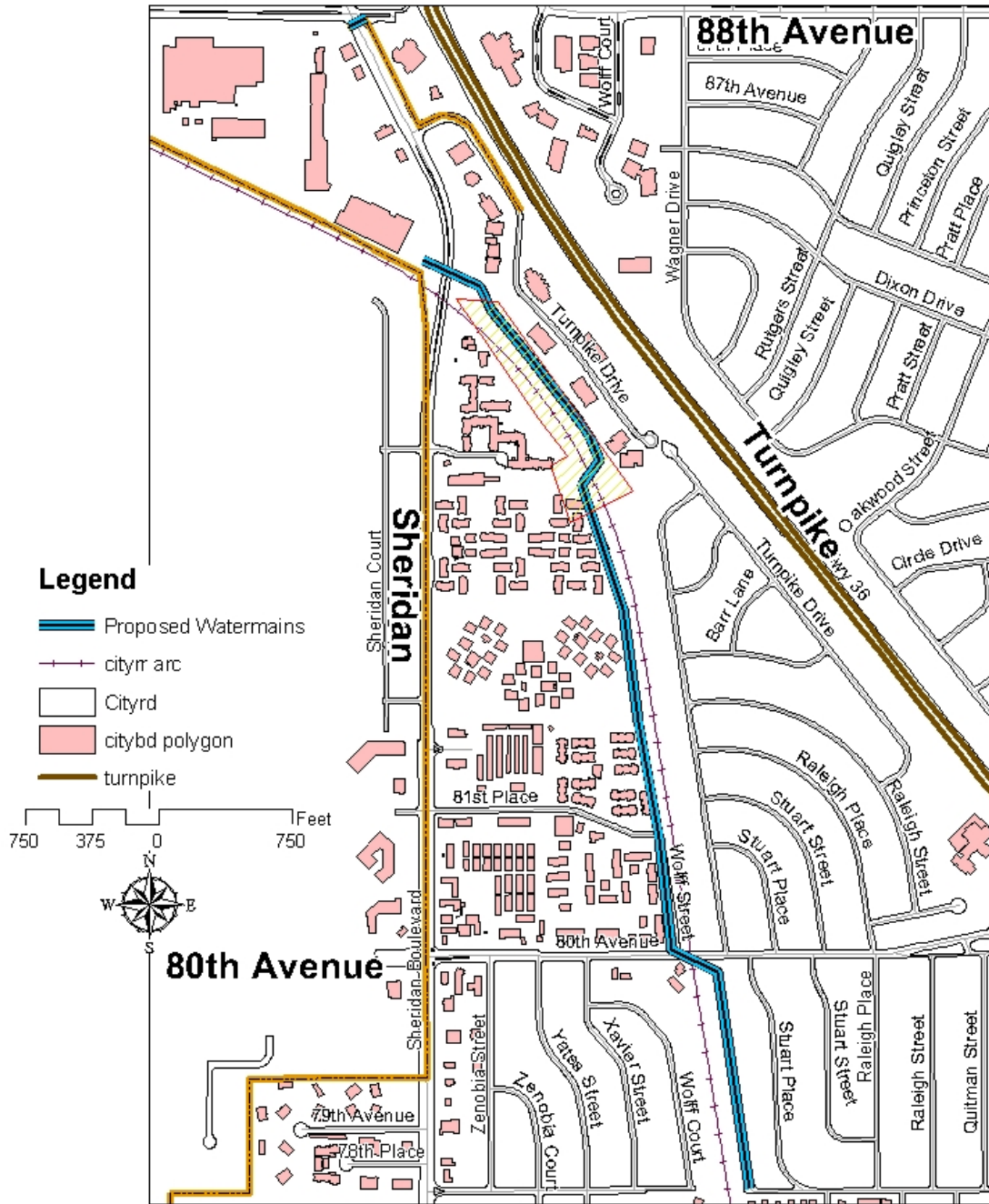
Pre-design services	\$53,669
Engineering Design	\$239,291
Land Purchases	\$120,000
Proposed BNSF License	\$66,564
Estimated Construction	\$1,150,000
Estimated Total Costs	\$1,629,524
Total Available Budget	\$1,880,000

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

England Pipeline Project





Agenda Memorandum

City Council Meeting
December 20, 2004



SUBJECT: Fire Engine Contract and Purchase

Prepared By: Bill Work, Deputy Fire Chief

Recommended City Council Action

Authorize the City Manager to sign a contract with Front Range Fire Apparatus in an amount not to exceed \$546,316 for a Pierce Dash 61' Skyboom custom fire engine and a consignment contract with Fire Trucks Plus, Inc. to sell a 1988 Pierce Tele-Squrt.

Summary Statement

- City Council allocated \$100,000 in the 2005 Fire Department budget as a down payment to replace a 1988 Tele-Squrt. The remaining cost of this replacement apparatus will be funded by a seven year lease with an anticipated yearly payment of \$67,000. This lease payment is budgeted in 2006.
- Contract signing by 12/31/04 will avoid a \$12,375 cost increase for the apparatus and will not require that the City to pay the down payment until 2005.
- The contract for this replacement piece of fire apparatus was negotiated with Front Range Fire Apparatus out of Boulder, Colorado. City Council originally approved negotiating a price with a sole vendor, Pierce Manufacturing, for fire apparatus in 1996 and again in 2001. This approval is good for a period of five years as long as the product remains superior in quality, engineering, workmanship, utilization of technology, and the price remains competitive based on comparable unit pricing. Staff has reviewed all of these areas of concern and is satisfied that Pierce Manufacturing remains the leader in the construction of quality fire apparatus.
- The City intends to consign the 1988 Tele-Squrt to Fire Trucks Plus, Inc. for sale with the proceeds to be used to further reduce the final purchase price. It is anticipated that the resale value under this contract will be approximately \$65,000.
- Delivery for this piece of apparatus will be the fourth quarter of 2005. When received, the unit will provide a third piece of aerial apparatus in front line service. This aerial capability will allow a more even distribution of resources throughout the City to address high angle rescue situations or elevated water streams for large defensive type fires. This unit will respond to calls including building, grass and car fires, rescue and medical calls, and hazardous materials incidents. The projected life expectancy for this apparatus is 15 to 20 years, with 12 to 15 years of front line service and three to five years as a reserve unit.

Expenditure Required: \$546,316

Source of Funds: Fire Department Operating Budget & Sale Value of 1988 Tele-Squrt

Policy Issues

- 1) Does City Council want to proceed with the purchase of this replacement fire apparatus with contract signing by December 31, 2004 in order to take advantage of a price freeze the manufacturer is willing to hold until that date?
- 2) Does City Council want the Fire Department to continue with the sole vendor decision of 2001 designating Pierce Manufacturing as the vendor of choice for fire apparatus?
- 3) Does City Council want to enter into a consignment contract with Fire Trucks Plus, Inc. in order to reduce the overall cost of the new unit by approximately \$65,000 in lieu of a straight sale to Fire Trucks Plus, Inc. for a guaranteed amount of \$45,000.

Alternatives

- 1) City Council could direct Staff to take bids on this replacement apparatus and return for future approval. This is not recommended as the City has had excellent experiences with Pierce equipment.
- 2) City Council could direct Staff not to consign the 1988 Tele-Squrt to Fire Trucks Plus, Inc. and instead send this vehicle to auction or accept the guaranteed Fire Trucks Plus, Inc. offer of \$45,000. This is not recommended in that Fire Trucks Plus, Inc. is a very reputable company that specializes in the resale of fire trucks. This company feels confident that they can get a value equal to, or close to the \$65,000 estimated on consignment.
- 3) City Council could direct Staff to purchase a fire engine without any type of aerial capability, thus reducing the overall purchase price. This is not recommended in that Staff feels it is critical to replace the 1988 Tele-Squrt with an apparatus with similar aerial capability in order to meet the service demands of the community.

Background Information

The 1988 Tele-Squrt is a fire engine with a 50' downsized aerial ladder mounted on it. This type of vehicle is not as large, strong, or as expensive as a regular ladder type truck. The advantage of this type of aerial apparatus is primarily cost and maneuverability. A full sized ladder truck typically has a more heavy-duty ladder that is anywhere from 75' to 150' in length. The price for this type of apparatus generally begins in the high \$500,000 and is typically closer to the \$800,000 range.

The current Tele-Squrt has been assigned to reserve status for several years. This engine has received numerous overhauls including engine, transmission and drive-train work. The Fire Department currently has two other aerial ladder trucks in front line service. Ladder-3 is a 1995 Pierce Lance 75' aerial ladder. Ladder-2 is a 2003 Pierce Dash 75' aerial ladder. The Tele-Squrt currently provides backup service for both fire engines and these two aerial trucks.

Fire Department Staff feels it very important that the Tele-Squrt be replaced with a similar type of apparatus. Pierce Manufacturing's version of a Tele-Squrt is called a "Skyboom." This particular piece of apparatus has been previewed by Staff and is believed to be a superior piece of apparatus to the current Tele-Squrt. The importance of providing this type of aerial capability is several fold. The development in the City now offers multi-story buildings through out the City limits. Additionally, a number of new and proposed developments are designing to a Traditional Mixed Use Neighborhood Development (TMUND) guideline that provides a much more limited access capability for the Fire

Department due to narrower streets and denser design. This access limitation is an important point, due to the fact that these typical TMUND developments often have multi-family, multi-story type buildings as part of their design that increases the life hazard and property damage risk in the event of a fire. The current two front line aerial ladders are not sufficient to provide the resources necessary to cover this risk in the event of a significant fire.

The purchase of the Pierce Dash 61' Skyboom will allow the Fire Department to provide improved aerial fire apparatus coverage in several ways. The first way is by providing an aerial apparatus with a shorter turning radius to better access numerous areas of the City, especially locations like Bradburn Village and multi-story apartment complexes. The second way aerial truck coverage will be improved is by providing quicker "first-in" response by spreading the location of the aerial trucks around to a North, South, and West alignment. It is also important to note that the ISO (Insurance Service Office) Fire Protection report for the City of Westminster indicates a need for three aerial apparatus.

This purchase is being moved up to get a signed contract by December 31, 2005 in order to realize a cost savings of \$12,375. The price of steel has forced Pierce Manufacturing to raise their prices. The City's relationship with both Front Range Fire Apparatus and Pierce Manufacturing allowed the two agencies to agree to hold the pricing for next year's model at previous pricing levels. In addition, the \$100,000 down payment, to be paid in 2005, will provide an additional discount of \$5,479. A fourth quarter 2005 delivery date is expected. The first lease payment will not be due until the first quarter of 2006. Adequate funds have been budgeted for the 2005 down payment and the 2006 lease payments.

Fire Department Staff believes the consignment contract with Fire Trucks Plus, Inc. is the most cost effective way to maximize the trade-in value of the 1988 Tele-Squrt. Fire Trucks Plus, Inc. has offered the City an outright purchase price of \$45,000. Fire Trucks Plus, Inc. has offered to consign the 1988 Tele-Squrt for 180 days and net the Fire Department \$65,000 pending a successful sale. If Fire Trucks Plus has not sold the unit by April of 2005, they have agreed to transport the vehicle to their facility, at no cost to the City, in order to dress the vehicle up and to more actively market it. If in an emergency, the Fire Department needs the unit back, it will be returned at no cost to the City.

The contracts with Fire Trucks Plus, Inc. and with Pierce, have been reviewed and approved by the City Attorney's Office. Pierce Manufacturing will issue a "Performance and Payment Bond" from the Travelers Casualty & Surety Company of America. This performance bond will protect the City from any loss should Pierce Manufacturing not deliver on their contract.

The Fire Department will have to commit to Pierce Manufacturing the intent to design the Skyboom with a "Dash" cab by the end of February, 2005. This is a \$31,057 option that is preferred for several reasons and is the primary motivation to maximize the trade-in value by doing a consignment. If the 1988 Tele-Squrt has not sold by the end of February, the City could accept the \$45,000 outright purchase and the cab design would be changed to the "Enforcer" model. The Dash cab model provides a larger engine with more horsepower. The transmission and drive train are also upgraded with the Dash. The Dash cab also offers Multi-Plex wiring, which is an electronic technology that is favored by the City's fleet maintenance personnel and reduces the length of down time due to electrical problems. With the expectation that the City gets a minimum of 15 years out of this type of fire apparatus, the upgrade to the Dash model is desirable. The upgrade of the components such as a larger engine, stronger drive train, and more reliable electrical systems will only contribute to the longer life of the apparatus.

SUBJECT: Fire Engine Contract and Purchase

Page 4

The following provide the detail of the proposed purchase including Staff recommended options. Since this is a replacement vehicle, most of the equipment including radios will be moved from the replaced apparatus.

Base Price: 61' Enforcer Skyboom	\$515,259
Dash chassis option:	\$31,057
<u>Total Cost:</u>	<u>\$546,316</u>
\$100,000 down payment discount:	(\$5,479)
<u>Purchase price after discount:</u>	<u>\$540,837</u>
Less Trade-In Value:	(\$65,000)
<u>Lease Purchase Amount:</u>	<u>\$475,837</u>

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 F & G

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2004



SUBJECT: Cumulative Purchases over \$50,000 in 2004

Prepared By: Carl F. Pickett, Purchasing Officer

Recommended City Council Action

- Based on the report and recommendation of the City Manager, determine that the public interest will be best served by awarding these contracts to the following vendors, ratify the purchases and authorize the City Manager to pay any past invoices not previously authorized with Av-Tech Electronics up to a maximum of \$90,000, Baker and Taylor Books up to a maximum of \$136,000, C West Code Consultants up to a maximum of \$200,000, Dana Kepner Company up to a maximum of \$80,000, PROS Inc. up to a maximum of \$70,000, and Public Safety Warehouse up to a maximum of \$120,000.
- Ratify the purchases and authorize the City Manager to pay any past invoices not previously authorized to M/A Com, Inc, the State award for emergency radio equipment, up to a maximum of \$130,000,

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$50,000.
- During routine year end audits of purchases cumulatively greater than \$50,000 for the calendar year, staff identified seven purchases as needing Council authorization. These purchases are from routine, day to day small dollar purchases that now total more than \$50,000 to each listed vendor.
- Funds were previously appropriated in the 2003-2004 Budget and are available in the General Fund, and the Utilities Fund for the purchases.

Expenditure Required: The aggregate amount estimated for these commodities is \$826,000.

Source of Funds: General Fund and Utility Fund Operating Budgets.

Policy Issue

Should Council retro-actively approve the purchase of commodities that total over \$50,000 in 2004?

Alternative

- Do not approve the purchases as recommended. While it could be argued that each transaction represents a separate purchase, City Staff believes that a more conservative and prudent approach is to treat the smaller transactions as larger purchases that are subject to Council approval.

Background Information

In November, working with Finance Staff, the City's Purchasing Officer conducted an audit of all City purchases to determine if the aggregate amounts paid exceeded \$50,000 for the year to a single vendor. Seven vendors were identified that did not come to Council for approval. In investigating these purchases, it was determined that all were small dollar, day to day operations purchases, that over the course of the calendar year, exceeded \$50,000 to a single vendor. Staff is seeking ratification of these past purchases and future expenditures for the calendar year 2004.

The details of these purchases are as follows:

Av-Tech Electronics has incurred purchases to date of \$70,489.44. This vendor supplies specialized equipment for the City's patrol vehicles, such as light bars and sirens. Council is requested to approve the past purchases and future expenditures with a negotiated contract with a single vendor or contractor up to a maximum of \$130,000 for 2004. Funds are available in the appropriate Police Department budget, and were previously approved in the 2004 budget.

Baker and Taylor Books has incurred purchases to date of \$120,294.81. This vendor was selected this year as the supplier of books after review of available vendors to the libraries. Council is requested to approve the past purchases and future expenditures with a negotiated contract with a single vendor or contractor up to a maximum of \$136,000 for 2004. Funds are available in the appropriate Parks, Recreation and Libraries Department budget, and were previously approved in the 2004 budget.

C West Code Consultants has incurred purchases to date of \$189,333.62. This consultant processes plan reviews for the City for the Building Division. Council is requested to approve the past purchases and future expenditures with a negotiated contract with a single vendor or contractor up to a maximum of \$200,000 for 2004. Funds are available in the appropriate Building Department budget, and were previously approved in the 2004 budget.

Dana Kepner Company has incurred purchases to date of \$72,746.96. This vendor supplies pipe and valves for the City's Utility division. The large purchase items for pipe have already come before Council this year with a formal bid, these are items that occur for day to day business. Council is requested to approve the past purchases and future expenditures with a negotiated contract with a single vendor or contractor up to a maximum of \$80,000 for 2004. Funds are available in the appropriate Utilities Department budget, and were previously approved in the 2004 budget.

M/A Com, Inc has incurred purchases to date of \$67,278.59. This vendor is the state award for emergency communications equipment for the Police and Fire Departments. Council is requested to approve the past purchases and future expenditures with the State award for emergency communication equipment up to a maximum of \$130,000 for 2004. Funds are available in the appropriate Police Department budget, and were previously approved in the 2004 budget.

PROS Inc. has incurred purchases to date of \$55,429.00. This vendor is the sole source supplier for umpire services for field sports for the Parks and Recreation Department. Council is requested to approve the past purchases and future expenditures with a negotiated contract with a single vendor or contractor up to a maximum of \$70,000 for 2004. Funds are available in the appropriate Parks, Recreation and Libraries Department budget, and were previously approved in the 2004 budget.

Public Safety Warehouse has incurred purchases to date of \$97,578.59. This vendor is a sole source supplier for uniforms and equipment for the Police and Fire Departments. Council is requested to approve the past purchases and future expenditures with a negotiated contract with a single vendor or contractor up to a maximum of \$120,000 for 2004. Funds are available in the appropriate Police Department budget, and were previously approved in the 2004 budget.

In the future, Staff will be coming to Council before the aggregate expenditures to a single vendor exceed the \$50,000 threshold. IT staff is working on a program to enable the City's financial software to run the necessary reports to help identify vendors that are close to \$50,000.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

COLORADO
Agenda Memorandum

City Council Meeting
December 20, 2004



SUBJECT: Second Reading of Councillor’s Bill No. 87, 88, and 89 re the Annexation, Comprehensive Land Use Plan Amendment and Zoning of the Walker Open Space Property

Prepared By: David Falconieri, Planner III

Recommended City Council Action:

1. Pass Councillor’s Bill No. 87 on second reading annexing the Walker open space property to the City of Westminster.
2. Pass Councillor’s Bill No. 88 on second reading amending the Comprehensive Land Use Plan changing the designation of the Walker property from Northeast Comprehensive Development Plan to Public Open Space. This action is based on the following findings: The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and the proposed amendment is 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.
3. Pass Councillor’s Bill No. 89 on second reading zoning the Walker Property O-1. This action is based on the finding that the criteria enumerated in Section 11-5-3 of the Westminster Municipal Code have been met.

Summary Statement:

- The Walker property consists of 4.8 acres located east of Wadsworth Boulevard at the 106th Avenue alignment.
- The property was purchased earlier this year with Open Space funds to expand the Lower Church Lake Open Space area.
- Councillor’s Bill No. 87, 88, and 89 were approved on first reading by City Council on December 13, 2004.

Expenditure Required: \$ 0
Source of Funds: NA

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Annexation Ordinance
- Comprehensive Land Use Plan Ordinance
- Zoning Ordinance

BY AUTHORITY

ORDINANCE NO. **3175**

COUNCILOR'S BILL NO. **87**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Dittman - Dixon

A BILL

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

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

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

Commencing at the south quarter corner of said section, thence along the north/south centerline of said section on which all bearing heron are based N01°46'32"E, 1315.32 feet to the south sixteenth corner of said section; thence along the north line of the southwest quarter of the southeast quarter of said section N89°136'53"E, 40.04 feet to the true point of beginning on the apparent east line of Wadsworth Boulevard; Thence along said east line N01°46'32"E, 446.66 feet to a point on the southerly line of lower Church Lake as described in Book 378 at Page 440 of the records of the Jefferson County Clerk and Recorder; thence along said southerly line S44°16'03"E, 504.03 feet; thence continuing along said southerly line S49°12'46"E, 121.51 feet to a point on said north line; thence along said north line N89°13'53"E, 311.78 feet to a point on the west line of the Colorado and Southern Railroad; thence along said west line S39°30'08"W, 165.01 feet; thence continuing along said line S39°30'08"W, 24.54 feet to a point on said south line of said lake; thence continuing along said west line S39°30'08"W, 12.09 feet; thence S89°13'53"W, 645.98 feet to a point on said apparent west line of Wadsworth Boulevard; thence along said west line N01°46'32"E, 154.00 feet to the true point of beginning.

Said property contains 208359 square feet or 4.7833 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of December, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

ATTEST:

Mayor

City Clerk

Walker Annexation

BY AUTHORITY

ORDINANCE NO. **3176**

COUNCILOR'S BILL NO. **88**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Dittman - Dixon

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

Commencing at the south quarter corner of said section, thence along the north/south centerline of said section on which all bearing heron are based N01°46'32"E, 1315.32 feet to the south sixteenth corner of said section; thence along the north line of the southwest quarter of the southeast quarter of said section N89°136'53"E, 40.04 feet to the true point of beginning on the apparent east line of Wadsworth Boulevard;

Thence along said east line N01°46'32"E, 446.66 feet to a point on the southerly line of lower Church Lake as described in Book 378 at Page 440 of the records of the Jefferson County Clerk and Recorder; thence along said southerly line S44°16'03"E, 504.03 feet; thence continuing along said southerly line S49°12'46"E, 121.51 feet to a point on said north line; thence along said north line N89°13'53"E, 311.78 feet to a point on the west line of the Colorado and Southern Railroad; thence along said west line S39°30'08"W, 165.01 feet; thence continuing along said line S39°30'08"W, 24.54 feet to a point on said south line of said lake; thence continuing along said west line S39°30'08"W, 12.09 feet; thence S89°13'53"W, 645.98 feet to a point on said apparent west line of Wadsworth Boulevard; thence along said west line N01°46'32"E, 154.00 feet to the true point of beginning.

Said property contains 208359 square feet or 4.7833 acres more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to Public Open Space.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of December, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO. **3177**

COUNCILOR'S BILL NO. **89**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Dittman - Dixon

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster O-1. A parcel of land located in Section 11, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

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

Commencing at the south quarter corner of said section, thence along the north/south centerline of said section on which all bearing heron are based N01°46'32"E, 1315.32 feet to the south sixteenth corner of said section; thence along the north line of the southwest quarter of the southeast quarter of said section N89°136'53"E, 40.04 feet to the true point of beginning on the apparent east line of Wadsworth Boulevard; Thence along said east line N01°46'32"E, 446.66 feet to a point on the southerly line of lower Church Lake as described in Book 378 at Page 440 of the records of the Jefferson County Clerk and Recorder; thence along said southerly line S44°16'03"E, 504.03 feet; thence continuing along said southerly line S49°12'46"E, 121.51 feet to a point on said north line; thence along said north line N89°13'53"E, 311.78 feet to a point on the west line of the Colorado and Southern Railroad; thence along said west line S39°30'08"W, 165.01 feet; thence continuing along said line S39°30'08"W, 24.54 feet to a point on said south line of said lake; thence continuing along said west line S39°30'08"W, 12.09 feet; thence S89°13'53"W, 645.98 feet to a point on said apparent west line of Wadsworth Boulevard; thence along said west line N01°46'32"E, 154.00 feet to the true point of beginning.

Said property contains 208359 square feet or 4.7833 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of December, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

ATTEST:

Mayor

City Clerk

Walker Zoning



City Council Meeting
December 20, 2004



SUBJECT: Second Reading of Councillor’s Bill No. 90, 91, and 92 regarding the Annexation, Comprehensive Land Use Plan Amendment and Zoning for the Bott Property Open Space

Prepared By: David Falconieri, Planner III

Recommended City Council Action:

1. Pass Councillor’s Bill No. 90 on second reading annexing the Bott open space property to the City.
2. Pass Councillor’s Bill No. 91 on second reading amending the Comprehensive Land Use Plan changing the Bott open space property from Northeast Comprehensive Development Plan to Public Open Space. This action is based on the following findings: The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and the proposed amendment is 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.
3. Pass Councillor’s Bill No. 92 on second reading rezoning the Bott open space property O-1. This action is based on the finding that the criteria enumerated in Section 11-5-3 of the Westminster Municipal Code have been met.

Summary Statement:

- The Bott property consists of 1.6 acres and is located at the southwest corner of Wadsworth Boulevard and the Burlington Northern Santa Fe railroad tracks.
- The property was purchased by the City for open space purposes and will be used as an addition to the Walnut Creek Open Space corridor and to preserve historic features on the property.
- Councillor’s Bill No. 90, 91, and 92 were approved on first reading by City Council on December 13, 2004.

Expenditure Required: \$ 0

Source of Funds: NA

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Annexation Ordinance
- Comprehensive Land Use Plan Ordinance
- Zoning Ordinance

BY AUTHORITY

ORDINANCE NO. **3178**

COUNCILOR'S BILL NO. **90**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Kauffman - Dittman

A BILL

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

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

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

Commencing at the north quarter corner of said section from whence the center quarter corner of said section bears S00°44'21"E, 2642.89 feet the bearing of which all bearings hereon are based; thence along the north/south centerline of said section S00°44'21"E, 170.66 feet to the true point of beginning, a point on a non-tangent curve to the right, a point on the west line of that tract of land annexed to the City of Westminster and recorded at Reception Number 88080480 of the records of the Jefferson County Clerk and Recorder;

Thence along said curve with a central angle of 19°01'25", a radius of 318.10 feet and an arc length of 105.62 feet, long chord bears S10°15'04"E, 105.13 feet; thence S89°15'39"W, 10.00 feet to a point on the west line of Wadsworth Boulevard; thence along said line S00°44'21"E, 42.76 feet; thence S88°31'05"W,

7.37 feet to a point on said north/south centerline from whence the center quarter corner of said section bears S00°44'21"E, 2325.69 feet; thence S88°31'05"W, 385.81 feet to a point on the east line of the Colorado and Southern Railroad; thence along said line N39°29'33"E, 363.14 feet to a point on the westerly line of Wadsworth Boulevard, a point on a non-tangent curve to the right; thence along said curve with a central angle of 30°53'12", a radius of 289.30 feet and an arc length of 155.95 feet, long chord bears S53°01'44"E, 154.07 feet; thence N13°11'53"E, 22.33 feet to a point on the west line of said annexation, a point on a non-tangent curve to the right; thence along said curve with a central angle of 10°30'42", a radius of 318.10 feet and an arc length of 58.36 feet, long chord bears S25°01'07"E, 58.28 feet to the true point of beginning;

Said property contains 67559 square feet or 1.5509 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of December, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

ATTEST:

Mayor

City Clerk

Bott Annexation

BY AUTHORITY

ORDINANCE NO. 3179

COUNCILOR'S BILL NO. 91

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Kauffman - Dittman

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

Commencing at the north quarter corner of said section from whence the center quarter corner of said section bears S00°44'21"E, 2642.89 feet the bearing of which all bearings hereon are based; thence along the north/south centerline of said section S00°44'21"E, 170.66 feet to the true point of beginning, a point on a non-tangent curve to the right, a point on the west line of that tract of land annexed to the City of Westminster and recorded at Reception Number 88080480 of the records of the Jefferson County Clerk and Recorder;

Thence along said curve with a central angle of 19°01'25", a radius of 318.10 feet and an arc length of 105.62 feet, long chord bears S10°15'04"E, 105.13 feet; thence S89°15'39"W, 10.00 feet to a point on the west line of Wadsworth Boulevard; thence along said line S00°44'21"E, 42.76 feet; thence S88°31'05"W, 7.37 feet to a point on said north/south centerline from whence the center quarter corner of said section bears S00°44'21"E, 2325.69 feet; thence S88°31'05"W, 385.81 feet to a point on the east line of the Colorado and Southern Railroad; thence along said line N39°29'33"E, 363.14 feet to a point on the westerly line of Wadsworth Boulevard, a point on a non-tangent curve to the right; thence along said curve with a central angle of 30°53'12", a radius of 289.30 feet and an arc length of 155.95 feet, long chord bears S53°01'44"E, 154.07 feet; thence N13°11'53"E, 22.33 feet to a point on the west line of said annexation, a point on a non-tangent curve to the right; thence along said curve with a central angle of

10°30'42", a radius of 318.10 feet and an arc length of 58.36 feet, long chord bears S25°01'07"E, 58.28 feet to the true point of beginning;

Said property contains 67559 square feet or 1.5509 acres more or less.

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

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of December, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO. **3180**

COUNCILOR'S BILL NO. **92**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Kauffman - Price

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

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

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

Commencing at the north quarter corner of said section from whence the center quarter corner of said section bears S00°44'21"E, 2642.89 feet the bearing of which all bearings hereon are based; thence along the north/south centerline of said section S00°44'21"E, 170.66 feet to the true point of beginning, a point on a non-tangent curve to the right, a point on the west line of that tract of land annexed to the City of Westminster and recorded at Reception Number 88080480 of the records of the Jefferson County Clerk and Recorder;

Thence along said curve with a central angle of 19°01'25", a radius of 318.10 feet and an arc length of 105.62 feet, long chord bears S10°15'04"E, 105.13 feet; thence S89°15'39"W, 10.00 feet to a point on the

west line of Wadsworth Boulevard; thence along said line S00°44'21"E, 42.76 feet; thence S88°31'05"W, 7.37 feet to a point on said north/south centerline from whence the center quarter corner of said section bears S00°44'21"E, 2325.69 feet; thence S88°31'05"W, 385.81 feet to a point on the east line of the Colorado and Southern Railroad; thence along said line N39°29'33"E, 363.14 feet to a point on the westerly line of Wadsworth Boulevard, a point on a non-tangent curve to the right; thence along said curve with a central angle of 30°53'12", a radius of 289.30 feet and an arc length of 155.95 feet, long chord bears S53°01'44"E, 154.07 feet; thence N13°11'53"E, 22.33 feet to a point on the west line of said annexation, a point on a non-tangent curve to the right; thence along said curve with a central angle of 10°30'42", a radius of 318.10 feet and an arc length of 58.36 feet, long chord bears S25°01'07"E, 58.28 feet to the true point of beginning;

Said property contains 67559 square feet or 1.5509 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of December, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

ATTEST:

Mayor

City Clerk

Bott Zoning



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2004



SUBJECT: Second Reading of Councillor's Bill No. 95 and 96 re the Comprehensive Land Use Plan Amendment and Rezoning for the Assembly of God Subdivision

Prepared By: Michele McLoughlin, Planner II

Recommended City Council Action:

1. Pass Councillor's Bill No. 95 on second reading amending the Comprehensive Land Use Plan (CLUP) changing the Assembly of God property from Public/Quasi-Public to Retail Commercial. This action is based on the following findings: The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and the proposed amendment is 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.
2. Pass Councillor's Bill No. 96 on second reading rezoning the Assembly of God property from R-E (Residential Estate) to PUD (Planned Unit Development). This action is based on the finding that the criteria enumerated in Section 11-5-3 of the Westminster Municipal Code have been met.

Summary Statement:

- The Assembly of God subdivision is located at 9050 Yates Street and consists of approximately 5.065 acres. Previously, this site was the location of Victory Church that has relocated to 117th Avenue and Sheridan Boulevard.
- The developer is proposing to rezone the property from R-E (Residential-Estate) to Planned Unit Development (PUD) for an events center that would host weddings, business and social meetings, banquets, and trade shows.
- Site improvements include additional plant materials, fencing and buffering along the southern boundary adjacent to a few residential lots in unincorporated Adams County, and improvements to the exterior of the building.
- Councillor's Bill No. 95 and 96 were approved on first reading by City Council on December 13, 2004.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Comprehensive Land Use Plan Amendment Ordinance
- Rezoning Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **95**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, an amendment of the Plan is necessary to change the land use designation for the property described below and to keep the Plan up to date; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

Lot 1, Block 1, Assembly of God Subdivision, recorded January 30, 1978 in File 314, Map # 378, except the easterly 200 feet thereof as conveyed in the deed recorded September 1, 1983 in Book 2786 at Page 321, and excepting any portion thereof lying within the right-of-way dedication recorded January 30, 1978 in Book 2209 at Page 869, and except any portion of the subject property lying within the right-of-way dedication recorded September 25, 1987 in Book 3372 at Page 76, County of Adams, State of Colorado, containing 5.065 acres, more or less. The properties described above shall be changed from "Public/Quasi-Public," to "Retail Commercial."

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of December, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

ATTEST:

Mayor

City Clerk
Assembly of God CLUP Amendment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **96**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminster R-E to City of Westminster P.U.D. A parcel of land located in Section 19, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Lot 1, Block 1, Assembly of God Subdivision, recorded January 30, 1978 in File #14, Map #378, except the easterly 200 feet thereof as conveyed in the deed recorded September 1, 1983 in Book 2786 at Page 321, and excepting any portion thereof lying within the right-of-way dedication recorded January 30, 1978 in Book 2209 at Page 869, and except any portion of the subject property lying within the right-of-way dedication recorded September 25, 1987 in Book 3372 at Page 76, County of Adams, State of Colorado, containing 5.065 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of December, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

ATTEST:

Mayor

City Clerk
Assembly of God Rezoning



Agenda Item 10 A & B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2004

SUBJECT: Councillor's Bill No. 97 re Inclusion into Mandalay Town Center GID

Prepared By: Tami Cannon, Paralegal

Recommended City Council Action

1. Conduct the public hearing.
2. Adopt Councillor's Bill No. 97 as an emergency ordinance approving the inclusion of additional properties within the City of Westminster Mandalay Town Center General Improvement District ("GID") and revising the boundaries of the GID.

Summary Statement

- The GID was created on September 8, 2003, for the purpose of levying property taxes against the property owners at an agreed-upon levy to assist in paying off the bonds approved by WEDA and issued in August 2003, for the construction of public improvements within the Shops at Walnut Creek area.
- Since the date of creation of the GID, additional properties have become eligible for inclusion within the boundaries of the GID.
- City Council, acting in its capacity as ex officio the Board of Directors of the City of Westminster Mandalay Town Center General Improvement District, has received Petitions for Inclusion of the additional properties within the boundaries of the District by 100 percent of the owners of taxable real property within the revised boundaries of the District.
- Notice of the filing of the Petitions was provided and published as required by C.R.S. section 31-25-618(1).

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Whether City Council should adopt an ordinance approving the inclusion of additional territory within the Mandalay Town Center GID and revising the boundaries thereof.

Alternatives

1. Do not pass this ordinance. This is not recommended because the revenues are needed to assist in servicing WEDA's bonds for this project.
2. Delay the adoption of this ordinance until the project is built out. This is not recommended, ince it would result in approximately \$8,500 in lost tax revenues for collection in 2005.

Background Information

The City of Westminster Mandalay Town Center General Improvement District was created on September 8, 2003, by the adoption of Ordinance No. 3051. At the time the GID was formed, 100 percent of the property owners within the boundaries of the District consisted of WEDA, Robert Chamberlain and Westminster Development Company, LLC. Since that time, WEDA acquired the former Weigel, Bryan and Chamberlain properties, the Shops at Walnut Creek property was platted, and portions of the property were conveyed to Target and Bank One, NA.

Replacing the original description of the GID boundaries that described 19 separate parcels with one newly created legal description will be more efficient for tax assessment purposes by the Jefferson County Assessor. One hundred percent of the owners of the revised GID consisting of WEDA, the City, Westminster Development Company, LLC, Target Corporation, and Bank One, NA, have filed Petitions for Inclusion as required by C.R.S. section 31-25-618.

The revised boundaries of the City of Westminster Mandalay Town Center General Improvement District shall be effective upon adoption of the attached emergency ordinance and recording in Jefferson County.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3183**

COUNCILLOR'S BILL NO. **97**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Dittman – Price

A BILL

FOR AN ORDINANCE APPROVING THE INCLUSION OF TERRITORY WITHIN THE CITY OF WESTMINSTER MANDALAY TOWN CENTER GENERAL IMPROVEMENT DISTRICT AND REVISING THE BOUNDARIES THEREOF

WHEREAS, the City of Westminster Mandalay Town Center General Improvement District (the "District") was created on September 8, 2003, by the adoption of Ordinance No. 3051, Series of 2003; and

WHEREAS, Ordinance No. 3051 was recorded in Jefferson County, Colorado, on September 15, 2003, at Reception No. F1864663; and

WHEREAS, a Petition for Inclusion of territory within the District has been filed in the office of the City Clerk of the City of Westminster (the "City"); and

WHEREAS, said Petition states that it is signed by one hundred percent of the owners of taxable real property within the revised boundaries of the District; and

WHEREAS, notice of filing of the Petition was provided and published in the *Westminster Window* on December 2, December 9 and December 16, 2004, as required by C.R.S. section 31-25-618(1); and

WHEREAS, pursuant to said notice, the Petition and any objections thereto were heard at a public hearing on December 20, 2004.

THE CITY COUNCIL, ACTING IN ITS CAPACITY AS EX OFFICIO THE BOARD OF DIRECTORS OF THE CITY OF WESTMINSTER MANDALAY TOWN CENTER GENERAL IMPROVEMENT DISTRICT, ORDAINS:

Section 1. Having heard the Petition and any objections thereto, the Petition for the inclusion of territory within the District is granted and the boundaries of the District shall be revised as set forth herein

**REVISED LEGAL DESCRIPTION FOR
MANDALAY TOWN CENTER
GENERAL IMPROVEMENT DISTRICT**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11 AND THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1, TRACT A, TRACT D; REED STREET RIGHT-OF-WAY AS SHOWN AND DEDICATED ON SAID PLAT; AND WADSWORTH BOULEVARD RIGHT-OF-WAY AS SHOWN AND DEDICATED ON SAID PLAT, ALL AS SHOWN ON THE FINAL PLAT FOR MANDALAY TOWN CENTER, FILING NO.1 AS RECORDED UNDER BOOK NUMBER 174, PAGES NO. 48 THROUGH 51 AT RECEPTION NUMBER F1901073, IN THE RECORDS OF THE CLERK AND RECORDER OF JEFFERSON COUNTY; AND

LOTS 1 THROUGH 8, INCLUSIVE AND TRACT A AS SHOWN ON THE FINAL PLAT FOR MANDALAY TOWN CENTER, FILING NO. 2 AS RECORDED UNDER BOOK NUMBER 176, PAGES NUMBER 34 THROUGH 36 AT RECEPTION NUMBER F2004399, IN THE RECORDS OF THE CLERK AND RECORDER OF JEFFERSON COUNTY.

Section 2. This ordinance shall be recorded with the Clerk and Recorder of Jefferson County, Colorado.

Section 3. Because of the timing of the receipt of the fully executed Petition for Inclusion, the notice publication requirements and the loss of tax revenues in the event the revised boundaries of the District are not recorded in a timely manner with Jefferson County for taxable year 2004, 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 December 20, 2004, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 20th day of December, 2004.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2004



SUBJECT: Public Hearing and Action on the Amended Preliminary Development Plan for the North Huron Planned Unit Development

Prepared By: Max Ruppeck, Senior Project Manager

Recommended City Council Action:

1. Hold a public hearing.
2. Approve the proposed Fourth Amended Preliminary Development Plan for the North Huron Planned Unit Development.

Summary Statement:

- The North Huron PUD consists of 215 acres of land located at the northeast corner of W. 144th Avenue and Huron Street.
- The proposed development of the site will contain no more than 2 million square feet of retail commercial office and hotel uses and 880 dwelling units of various types and densities.
- Associated with the development of the site will be transportation improvements including an interchange at I-25 and W. 144th Avenue and the widening of Huron Street and 144th Avenue.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

At the Planning Commission meeting held on December 14, 2004, the Planning Commission unanimously (7-0) recommended approval of the North Huron Preliminary Development Plan to City Council. Chairman English, with unanimous support of the Planning Commission, added a friendly amendment to the motion for approval to include the concerns of area residents regarding the proposed Huron Street alignment.

Ten individuals spoke at the hearing. Concerns expressed included:

- The preservation of the rights of the oil/gas operator
- The number (too high), density and design of residential units proposed
- Competition from other commercial developments in Broomfield and Thornton (resulting in a “ghost” mall)
- Moving the pedestrian underpass from Shay Ditch to the south
- Traffic increased along Huron Street
- “Over development” of shopping in the area
- The reduction of “quality of life” in this rural area
- Provision of a “traffic circle” at Huron and 150th Avenue to increase safety and extend the existing Huron Street “frontage road” further north
- Too many stop lights
- Not enough parks and other community services in the neighborhood

Staff responded to each of these comments and will continue to work with the neighborhood on these and other concerns throughout the development review process.

Policy Issue

Should the City approve a Preliminary Development Plan to allow no more than 2 million square feet of retail/ commercial/office development and up to 885 mixed density residential units? (This is the maximum that are allowable under the PDP, however, rhw actual density of the development will be substantially less.)

Alternatives

- 1) Deny the Fourth Amended Preliminary Development Plan for the North Huron Planned Unit Development based on the lack of meeting the findings set forth in Section 11-5-14 of the Westminster Municipal Code.
- 2) Approve the Fourth Amended Preliminary Development Plan subject to conditions deemed appropriate by the City Council.

Background Information

The North Huron Planned Unit Development was annexed into the city of Westminster in 1985. The annexation agreement between the land owner and the City stipulated that the development of the property would allow an absolute maximum developments as follows:

:

- Up to 25% of the property could be developed for residential uses up to 50 units per acre, or a total of approximately 3,000 dwellings.
- Up to 100% of the property would be developed for commercial, office and/or industrial uses up to 42 million square feet.

In July of 1997 the City’s initial Comprehensive Land Use Plan was adopted and the subject property was designated “Business Park” that allowed employment generating uses and regional retail uses for parcels over 70 acres in area.

The 2004 update of the Comprehensive Land Use Plan re-designated the property as “District Center” that allows a wide range of uses including retail, employment and residential uses.

The proposed Preliminary Development Plan amendment allows no more than 2 million square feet of commercial/office/hotel uses, 300 dwelling units in the commercial area and 585 dwellings in the residential area on the northern 45 acres.

Applicant/Property Owner

The current property owners are the City of Westminster and the Westminster Economic Development Authority. The future owner and developer of the property will be:

Forest City Commercial Development

Attn: Todd Bloom

7351 East 29th Avenue

Denver, Colorado 80238

Surrounding Land Use and Comprehensive Land Use Plan Designation

The property to the north of the site is vacant and located in the City and County of Broomfield. I-25 borders the eastern boundary of the property. The land across I-25 to the east is within the City of Thornton. The property to the south is vacant and is designated in the Comprehensive Land Use Plan (CLUP) as “District Center.” The property to the southeast is a single family detached development and is designated “R 2.5 Residential” on the CLUP. The property to the east and northeast is within either the City and County of Broomfield or unincorporated Adams County and is developed as large lot detached residential.

Traffic and Transportation

Proposed transportation improvements in the vicinity of the property include the following:

Huron Street, 128th Avenue to 140th Avenue – this project, underway in July of 2004, will reconstruct Huron Street with four and six traffic lanes and will upgrade the signalized intersection at 136th Avenue. Landscaped medians and street lighting will be included along with a landscaped buffer adjacent to the area to the existing Quail Crossing and Lexington residential areas. Wide sidewalks will be installed along Huron Street and connect to planned pedestrian crossings under Huron Street at Big Dry Creek and Quail Creek. Construction is anticipated to be complete in the spring of 2006.

Huron Street, 140th Avenue to 150th Avenue – similar in scope to the project south of it, this project is now being designed to complement the proposed Forest City development. The intersection with 144th Avenue will be signalized and improvements will extend from several hundred feet east of Huron Street all the way to the west end of Cheyenne Ridge. Traffic signals are expected to be warranted at the 146th Avenue and 148th Avenue intersections with Huron Street, and at the west entrance to the Forest City site along 144th Avenue. Pedestrian underpasses are planned at the McKay Lake outfill (142nd Avenue) and at Shay Ditch (149th Avenue). Construction is intended to begin in spring 2005 and finish in mid-2006 under the present schedule.

I-25 Interchange with 144th Avenue – Thornton and Westminster recently approved an intergovernmental agreement to cooperate on the design and construction of this project. The interchange design and operation are expected to be similar to that of the 136th Avenue interchange, which was opened in July 2004. Construction of the 144th Avenue interchange is anticipated to get started in late 2005 such that the interchange can go into service in late 2006.

144th Avenue west of Cheyenne Ridge – 144th Avenue west of Huron Street is shown as an arterial street in the regional transportation plan and those improvements should be in place by the year 2010. No design has been undertaken on this section but the cost and engineering feasibility of a pedestrian underpass near Pecos Street will be evaluated to provide connections from north of 144th Avenue to the trails at McKay Lake.

Access to the Proposed Development – The majority of the traffic to the site will use two full-turn, signalized intersections off of 144th Avenue. An underpass (with no access to 144th Avenue) will pass under 144th Avenue to connect to the property to the south. Along Huron Street, two full-turn, signalized intersections will occur at the 146th Street and 148th Street alignments. The 148th Street intersection will not allow cross access to 148th Street on the west side of Huron Street. Right-in/right-out only access will occur at the 145th Avenue and 147th Avenue alignments. The location and design of a fifth access point at the approximate 149th Avenue alignment will be determined at the time of the Official Development Plan. An underpass at I-25 is anticipated at the approximate 149th Avenue alignment at some point in the future.

Referral Agency Responses

- 1) Xcel Energy requested that language be placed on the Official Development Plan and final plat granting a 10-foot wide utility easement adjacent to all public streets and around all lots, tracts and parcels for utility purposes.
- 2) Susan Connors, Planning Director for the City of Thornton sent a letter regarding drainage stormwater entering into the City of Thornton, pedestrian trails, street alignment and street improvement standards.

Public Comments

A neighborhood meeting was held on November 18, 2004, at the Arapahoe Ridge Elementary School, 13095 Pecos Street, Westminster. Approximately 110 people attended the meeting. Most of the comments were related to traffic concerns such as volumes and access into the residential development, pedestrian safety including underpasses for pedestrians at 144th Avenue and Huron Street, and the Huron Street alignment. Two individuals expressed a desire to extend the “new” Huron Street alignment past 150th Avenue and continuing the existing Huron Street as a frontage road to 150th Avenue. This would require the City & County of Broomfield to expand their right-of-way to match the right-of-way for Huron within Westminster. Staff is communicating with Broomfield in regard to this issue. There were also some comments on the preliminary site plan shown (but not yet submitted as an Official Development Plan). A summary of the written comments submitted at the neighborhood meeting is attached. Staff is reviewing these comments and where determined necessary will require they be addressed on the Official Development Plan.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Neighborhood Meeting Comments
- Vicinity Map
- North Huron Planned Unit Development

**North Huron Planned Unit Development
Neighborhood Meeting
November 18, 2004
Written Comments from Attendees**

Mark Keener
14517 Jason Dr

- Please put the theater backed up to I-25.
- Please bring reclaimed water to the project for irrigation.

Leonard Groom
1171 W 149th Ave

My question is, when speaking about traffic percent, what is the estimate of cars when you say 15% of traffic at this street (Huron) or 65% of traffic on 144th? How many cars are we talking about?

Angie Arnspieger
14461 Inca Ct, Westminster, CO 80020

- Please consider an under Huron pedestrian crossing somewhere between 144th & 147th.
- Consider the Huron frontage road – no access from/to site.
- Consider extending Huron frontage road south to 144th.
- Consider under 144th Ave pedestrian crossing @ Jason.

Diane Himyak
14992 Pecos St

- After attending meeting I feel Huron as frontage road should definitely (need) to be a frontage road to 150th Ave (or dead end it)!
- By rights, it should go straight out to Highway 7.
- How can you take this from a 4-lane to a 2-lane???

Dennis M. Oritz
910 W 145th Way

Concerned about loading docks adjacent to entrance of Cheyenne Ridge at 145th Huron. Eyesore and noise concern. Suggest to locate on the other side closer to I-25 – trucks accessible to highway and away from neighborhood.

Dan A. Green
14832 Shoshone 80020

10A undeveloped 149th – Lipan – Mariposa. Also 5A at 148-149th Shoshone. No way new Huron can be transitioned into old Huron at 149th. Dead end new Huron at 150th.

Rudy Stanek
15065 Huron

- Speakers need to talk louder – microphone
- Need more handouts
- Use power point or overheads
- Can't hear questions from audience! Can't hear answers either.

Nancy Hulstrom
15021 Huron St

- It is to Broomfield's advantage to carry four-lane Huron to Highway 7.
- It is dangerous to go from four lanes to two.
- It also will become an alternate artery to I-25 when it closes backs up which is often.
- Broomfield has water to 152nd.



Agenda Item 10 E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2004



SUBJECT: Resolution No. 76 re Parks and Recreation Master Plan

Prepared By: Bill Walenczak, Director of Parks, Recreation and Libraries

Recommended City Council Action

Adopt Resolution No. 76 formally adopting the update to the City of Westminster Master Parks and Recreation Plan dated December 20, 2004, as a planning guide for future parks and facilities development and acquisition projects in the City.

Summary Statement

- The first draft of the City of Westminster's Revised Park and Recreation Master Plan was presented to City Council for review and discussion at the November 15, 2004, Study Session.
- A second review of the plan was scheduled for the Post City Council Meeting on November 22, 2004. However, Councillors decided to consent the item, indicating that no further discussion was required.
- Therefore, Staff is requesting that Councillors formally adopt the revision to the Parks and Recreation Master Plan dated December 20, 2004.
- This plan is intended to be a planning guide for all future park and facility development, park and facility renovation, and general maintenance guide for all parks and recreation facilities.
- The Plan also provides readers with detailed information on every park, facility, open space site, and trail in the City including a complete plan view of each site.
- Specific priorities for future park and facility development will be identified in the five-year Capital Improvement Plan listed in the City's biennial budget.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should City Council adopt the City of Westminster's Parks and Recreation Master Plan dated December 20, 2004?

Alternatives

1. City Council could reject approving this master plan document and could elect to have Staff continue to utilize the existing Parks and Recreation Master Plan dated December 15, 1997.
2. City Council could reject approving this master plan document and direct Staff to draft a new plan with a whole different format and policy direction.

Staff does not recommend either of these alternatives as much has changed over the past seven years, since the current Master Plan was approved, particularly with regard to the City's growth. Staff believes that the existing Parks and Recreation Master Plan dated December 15, 1997, does not reflect all of the Westminster community's desires or needs.

Background Information

A taskforce of Parks, Recreation and Libraries staff has developed a revised Master Parks and Recreation Plan to update the original plan to today's priorities and trends, as well as present day economic realities.

The Plan divides the City into four Community Areas; Northeast, Central, West, and Southeast; similar to the City's Comprehensive Land Use Plan. All parks, facilities, trails, and open space sites are then inventoried and a GIS map is provided for each facility. A maintenance schedule, replacement schedule, and future development recommendations are then evaluated for each site.

National Parks and Recreation Association standards have been the mechanism by which the previous Master Plan was developed. However, significant revisions have been made to these standards recognizing the fact that each community has its own unique set of criteria for providing leisure services. Therefore, those standards have been now changed to guidelines that assist communities in determining individual community needs through a variety of criteria. Staff has developed a set of criteria for the City that in some cases recognizes the old standards as still valid for things such as land area requirements for different park categories. However, other categories such as the need for additional youth and adult sports fields are now calculated according to current-day participants as well as future anticipated growth in those programs. Staff is confident that this new approach to standards is a better way to project current and future needs.

Staff would like to share the following highlights and conclusions that are drawn from the new plan.

Recommended Priorities:

1. **Maintenance and Upkeep** – Maintenance and upkeep of all parks and facilities will continue to be a top priority and will continue to be addressed in the City's biennial budget.
2. **Renovation and Further Development of Existing Parks** – This has been identified as another top priority in the Master Plan. Substantial capital improvement funds will be recommended to be allocated in the Five-Year CIP in the City's biennial budget to this priority. In many cases, the renovation of existing parks will take precedence over new park development.

3. **Sports Fields** – The Master Plan identifies the need to develop additional soccer (6), little league (4), softball (4) and practice little league (4) fields. These will be a priority for Staff and will be pursued as funds become available. The addition of these facilities to new and existing parks will be recommended when feasible.
4. **Undeveloped Parks** – There are currently ten undeveloped neighborhood and community parks in the City. The development schedule for these parks with the highest priority for available funds will be listed in the five-year Capital Improvement Plan (CIP) in the City’s biennial budget. Before any new parks can be developed, adequate funds for maintenance must be identified.
5. **Park Land Acquisition** – Following is a needs summary of each land category:
 - **Neighborhood Parks** – The City meets suggested standards in this category and will maintain the desired level at build out. However, there are some areas of the City that could still have justification for neighborhood parks due to population density and service distance. Staff suggests evaluating opportunities for additional acquisitions on a case-by-case basis; however, minimum justifiable size should not be less than five acres.
 - **Community Parks** – Based on suggested desired levels of service, the City will be approximately 77 acres deficient in this category. This is critical due to the fact that community parks typically provide athletic fields for our youth and adult sports programs, which also are below desired service levels.
 - **Citywide Parks** – The City meets desired levels of service in this category beyond build out and no further acquisitions are necessary. However, it is recommended that further development according to the approved City Park Master Plan be completed as funds become available.
 - **Regional Parks** – The City meets desired levels of service in this category beyond build out and no further acquisitions are necessary. However, it is recommended that further development according to the approved Standley Lake Master Plan be completed as funds become available.
 - **Open Space** – The City currently meets suggested national levels of service in this category. However, the City has set a standard that is one and one-half times greater than the suggested national guidelines. Opportunities will be examined to convert/trade park land at Standley Lake Regional Park to Open Space to help meet the 15% Open Space goal.
 - **Trails** – There are approximately 90 miles of connecting trails within the City. Staff estimates an additional five miles of new trails are needed to complete the system of our main trail corridors.
 - **Special Use/Golf Courses** – The City currently meets the desired level of service in this category. However, if an opportunity presents itself to add on to the Heritage Golf Course to enhance revenues, an evaluation should be seriously pursued. In addition, if other opportunities for golf are presented along with incentives for economic development a thorough evaluation should be made.
6. **Recreation Facilities** –
 - **Citywide Leisure Centers** – No additional facilities of this type are needed. However, improvements to existing facilities are suggested in the Central Community Area summary.
 - **Community Recreation Centers** – One new community recreation center is recommended for the Northeast Community Area as funds become available for both construction and ongoing operating costs. Improvements to the Swim and Fitness Center and the West View Recreation Center have been noted in the appropriate section summaries.

- **Special Use Facilities** – No other special use facilities are needed at this time, although the possibility of creating small branch libraries within recreation centers is a concept that Staff believes is worth evaluating.
7. **Accelerated Park Development** – As noted earlier in the summary sections of this report, there are over 20 park development, park expansion, or facility expansion projects listed in this Plan. Many comments received from public input sessions ask when certain projects are going to begin. Based upon this input, it might be worthwhile to evaluate the possibility of a ballot measure for a park and open space bond issue to complete the projects in a timely manner.
 8. **Additional Park Amenities** – An extensive list of desired park amenities has been developed (see level of service comparisons). These items such as playgrounds, court games, outdoor swimming pools, etc., will be addressed in master planning for new parks and further developing existing parks. Funding for these items will be reflected in the Five-Year CIP in the biennial budget as funds become available.
 9. **Recreation Programs** – Programs will be evaluated based upon service demand and revenue recovery.
 10. **Joint Ventures** – Staff will continue to seek joint venture partnerships with private business and other governmental entities to maximize resources and eliminate duplication.
 11. **School IGAs** – The City currently has intergovernmental agreements with all three school districts within the City. This allows the City to utilize school gymnasiums for certain City programs as well as classrooms for the City’s after school program. The City has contributed funds to improve the gyms at Arapahoe Elementary School and Crown Pointe Charter Academy. These arrangements allow the City guaranteed use of those facilities where City programs cannot be “bumped” for school activities. City Staff is currently negotiating a similar arrangement with Jefferson County Schools for the new Wayne Carl Middle School at Standley Lake. Staff will continue to seize on these types of opportunities as they come up.

Overall, the City of Westminster is in very good shape in terms of the total amount of park and open space land. Total park acreage (3,505.76 acres) plus open space acreage (2,473.60 acres) equals 5,978.76 acres in park and open space land. With a current-day population estimate of 106,000 City of Westminster residents, the ratio of park/open space land to population is 56.4 acres per 1,000 residents. This ratio far exceeds any recommended national standard or guideline.

Staff is very confident that the plan put forth for consideration balances a variety of leisure needs for the City and develops a realistic roadmap for attaining the goals and objectives set forth in the plan. The plan makes it clear that all recommendations depend on available resources to not only develop new amenities for our park and recreation system, but to also be able to provide adequate operations and maintenance once those facilities are developed.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **76**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

ADOPTION OF PARKS AND RECREATION MASTER PLAN

WHEREAS, City Council authorized preparation of a Parks and Recreation Master Plan; and

WHEREAS, City Council is very supportive of the quality of life enhancements offered by the Parks, Recreation and Libraries programs, facilities, parks, trails, open space, and amenities; and

WHEREAS, the parks and Recreation Master Plan will provide direction and be used as a planning guide in the City of Westminster for the future development of parks, facilities, trails and acquisition of property; and

WHEREAS, City Council recognizes the importance of the adoption of the Parks and Recreation Master Plan as a planning guide in delivering leisure services to the citizens of Westminster;

WHEREAS, the Master Plan, using adopted Comprehensive Land Use Plan as a guide, describes projected desires for acquisitions and/or development of parks, recreation facilities, and open spaces, contingent upon funding as approved by City Council in the five-year Capital Improvement Plan in the biennial budget,

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster formally endorses the recommendations and conclusions of the Parks and Recreation Master Plan and hereby adopts the subject Master Plan, to be used as a planning guide for current and future parks and recreation development, acquisition and planning projects.

Passed and adopted this 20th day of December, 2004.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
December 20, 2004



Subject: Intergovernmental Agreement with Jefferson County for Wadsworth Boulevard, West 92nd to West 108th Avenues Corridor Design Project.

Prepared by: Richard M. Kellogg, Jr., Senior Projects Engineer

Recommended City Council Action

Authorize the Mayor to execute an Intergovernmental Agreement (IGA) with Jefferson County regarding funding, phasing, contract administration, and preliminary corridor design of the proposed Wadsworth Boulevard (W. 92nd Avenue to W. 108th Avenue) street improvement and widening project.

Summary Statement

- For several years, City of Westminster staff and Jefferson County staff have discussed the need to improve the Wadsworth Boulevard corridor between W. 92nd Avenue and W. 108th Avenue. Improvements to this corridor have become more important with the completion of Church Ranch Boulevard/104th Avenue connection between Sheridan Boulevard and Wadsworth Parkway and increased traffic volumes and safety concerns along the current two-lane rural facility, especially at the inadequate Burlington Northern/Santa Fe railroad underpass. The preliminary corridor design study will develop a street section to minor arterial standards including auxiliary lanes where warranted, improve street drainage, address the major bridge structures at Big Dry Creek and the Burlington Northern Santa Fe Railroad/Walnut Creek grade separation and define necessary rights-of-way requirements.
- Jefferson County Board of County Commissioners approved the IGA in October 2004 and authorized their share of the expenditures (\$50,000). It is requested that City Council approve and the Mayor sign the IGA in 2004 with no expenditure of City funds or budget until after January 1, 2005.
- Upon approval by Council, the preliminary design of this project can proceed once the consultant selection process is completed. This selection process is anticipated to occur in December 2004 with consultant services awarded in January 2005. The preliminary design is to be completed by mid-2005.
- The proposed IGA recommends splitting the cost evenly for the preliminary design of this project since both jurisdictions have approximately equal frontages along the street. In the future, it is anticipated that this same split will be agreed to for the construction of the project.
- Staff anticipates the future construction of this project pending the results of this preliminary design study and future consideration during budget preparations by both Westminster City Council and the Jefferson County Commissioners.
- Funds for the City's share of the first phase of this work have been approved and budgeted in the 2005 General Capital Improvement Fund.

Expenditure required:	Total Cost of Preliminary Design Estimated at	\$100,000
	City of Westminster's share:	\$50,000
	Jefferson County's share:	\$50,000

Source of Funds: General Capital Improvement Fund-2005

Policy Issue

Should the City execute an Intergovernmental Agreement with Jefferson County for the preliminary corridor design of the proposed Wadsworth Boulevard (W. 92nd Avenue to W. 108th Avenue) street improvement and widening project?

Alternative

City Council could decide not to execute this IGA with Jefferson County. This IGA would only commit Council to proceed with the preliminary corridor design of the project. The preliminary design cost is expected to be \$100,000 and Westminster's share would be \$50,000. This IGA allows the City of Westminster to expend only \$50,000 to receive benefit of a \$100,000 study. The final design and construction of the project would only proceed after both the Westminster City Council and the Jefferson County Commissioners approve an amendment to this IGA and budget funds for the final design and construction. For these reasons, staff recommends the approval of the IGA with Jefferson County.

Background

The project area covers Wadsworth Boulevard from a point approximately 350 feet north of West 92nd Avenue to north of West 108th Avenue. The preliminary design effort will cover all aspects of reconstructing Wadsworth Boulevard to arterial standards including auxiliary lanes, while making appropriate accommodations for existing utilities and access. Major elements of this project include, at a minimum, data collection, preliminary roadway plan and profile, right-of-way/ ownership plans and conceptual designs for all major crossing structures. The desire is to perform enough preliminary design to identify right-of-way needs, a budget level construction cost and design estimate and a document that can be moved forward into final design in the future.

Jefferson County has requested that the City of Westminster approve and return one of the attached IGA documents to them yet this year so that they can forward their appropriated funds in 2004. The City of Westminster will administer the execution of the project scope and budget. The agreement in the IGA is for a maximum expenditure at this time of \$100,000, to be shared equally by the City of Westminster and Jefferson County.

Ultimately, it is Jefferson County's desire to release their ownership to right-of-way along the Wadsworth Boulevard corridor and deed this right-of-way to the City. By doing this, maintenance of this corridor would be under a single ownership.

If Council approves this IGA, Staff will complete the final engineering consultant selection process in January 2005. This would allow the preliminary corridor design to be completed in about mid-2005. If Council chooses to proceed, final design and construction would be scheduled and budgeted in the future. The preliminary corridor design is intended to define final design requirements, estimated costs for full as well as phased construction and associated final design engineering costs for full or phased construction.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**INTERGOVERNMENTAL AGREEMENT
BETWEEN JEFFERSON COUNTY AND THE CITY OF
WESTMINSTER FOR THE DESIGN OF WADSWORTH BOULEVARD BETWEEN
APPROXIMATELY 350 FEET NORTH OF W. 92nd AVENUE AND W. 108th AVENUE**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into this ___ day of _____, 2004, by and between Jefferson County, and the City of Westminster, a home rule municipal corporation ("Westminster") (or collectively referred to as the, Party or Parties").

WITNESSETH

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution and Sections 29-1-201, et seq., and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and

WHEREAS, Approximately one half of Wadsworth Boulevard between W. 92nd Avenue and W. 108th Avenue lies within each jurisdiction; and

WHEREAS, Westminster and Jefferson County desire to commence the preliminary design of Wadsworth Boulevard between a point 350 feet north of W. 92nd Avenue and approximately W. 108th Avenue to improve the roadway cross section along this stretch of Wadsworth Boulevard.

NOW, THEREFORE, in consideration of the promises and conditions contained herein the Cities hereto agree as follows:

1. DESIGN ADMINISTRATION

A. Westminster will develop a scope of work for the design of the Project ("Scope") and a time line by which to send out the Request for Proposals, award the contract and issue the notice to proceed, all subject to Jefferson County's approval. The Design Consultant shall be selected by mutual agreement of the Parties.

1. The Project scope ("Scope") shall include the preliminary design of Wadsworth Boulevard including, an alignment study, roadway preliminary design, storm drainage design and any other elements of a roadway project that can be included within the budget identified in Paragraph 2. The exact scope of the project will be determined as part of the RFP process and what can actually be accomplished within the maximum allowable budget of \$100,000.

2. The Scope shall minimally include surveying and development of legal descriptions of the right of way acquisition requirements for the Project consistent with the approved preliminary design.

B. Westminster shall administer the Design Contract and award the contract to the jointly selected professional Design Consultant. Concurrence on the completed preliminary design shall be evidenced by exchange of letters from each Party to the other accepting the Design Consultant's design pursuant to the notice provisions provided in Paragraph 3 herein. Both Parties shall jointly own the work product of the Design Consultant.

C. The Parties shall share equally in the costs of the Design Contract in accordance with Paragraph 2 herein.

D. Jefferson County and Westminster shall each designate a Representative who shall oversee the Project on behalf of each Party. The Parties recognize that it is an important goal that decisions are promptly made in order to avoid delays and/or additional costs on the Project and to that end, each Party will delegate sufficient authority to its Representative to enable each to meet that goal. Each Representative shall remain current on all events impacting the Project and shall promptly respond to all issues such that the Project is not adversely impacted.

2. DESIGN CONTRACT FUNDING

A. Each Party shall provide written notices to the other that provides that it has appropriated sufficient funds or has approved another payment mechanism to pay all of costs of the Project prior to awarding the Design Contract.

B. The Parties shall share equally in the costs of the Design Contract. The maximum total amount budgeted and contracted for shall not exceed \$100,000 (each Party will be responsible for \$50,000 of this cost). Jefferson County shall pay \$50,000 to the City within 30 calendar days of this Intergovernmental Agreement being fully executed. At the end of the design contract, any remaining funds will be returned to the County.

3. NOTICE

Any notice required by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given at the address set forth below, or at such other address as has been previously furnished in writing, to the other Party. Such notice shall be deemed to have been given when deposited in the United States mail.

Jefferson County
County Administrator
100 Jefferson County Parkway
Golden, CO 80419

City of Westminster
City Manager
4800 West W. 92nd Avenue
Westminster, CO 80030-6399

4. DISPUTE RESOLUTION

In the event of any disagreement associated with the Project and prior to the commencement of any formal proceedings, the Parties shall continue performance as set forth in this Agreement and the Representatives in good faith shall attempt to resolve the dispute. In the event the Representatives are unable to reach agreement and one of the Representatives concludes that a good faith amicable resolution through continued negotiation of the matter at issue does not appear likely, such Representative shall notify the other Party in writing.

In the event the Parties reach such an impasse relating to a decision or issue that threatens to significantly delay or stop design of the Project, the Parties agree to retain, within five (5) business days following such notice, a mutually acceptable Mediator or Independent Decision maker to make an interim decision and /or determination that will allow construction of the Project to proceed according to the Project's schedule. The Parties agree to share equally the fees of the Independent Decision maker.

While each Party agrees to abide by said interim decision until the Project has been substantially completed, it shall do so under a complete reservation of its rights and without prejudice to any claims it may have against the other Party or others.

5. LITIGATION

Each Party hereto shall be responsible for any suits, demands, costs or actions at law resulting from its own acts or omissions.

6. INTEGRATION AND AMENDMENT

This Agreement represents the entire Agreement between the Parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the Parties.

7. TERMINATION OF AGREEMENT

This Agreement may be terminated in writing by either of the Parties. All costs associated with the cancellation of the Design Contract shall be paid equally by the Parties.

8. VENUE

This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in the County of Jefferson, State of Colorado.

9. SEVERABILITY

If any article, section, paragraph, sentence, clause or phrase of this Agreement is held to be unconstitutional or invalid for any reason, such holding shall not affect the validity, enforceability or constitutionality of the remaining provisions of this Agreement.

10. WAIVER

A waiver by any Party of a breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either Party.

11. PARAGRAPH CAPTIONS

The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

12. GOVERNMENTAL IMMUNITY

The Parties acknowledge that each Party, their officers and employees, are relying on, and do not waive or intend to waive, by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as it is from time to time amended, or otherwise available to the Parties, their officers, or employees.

IN WITNESS WHEREOF, the Parties here have executed this Agreement to be effective as of the date first above written.

ATTEST:

JEFFERSON COUNTY COMMISSIONERS

Faye Griffin, County Clerk & Recorder

Michelle Lawrence, Chairman

APPROVED AS TO FORM:

Jean Ayars, Assistant County Attorney

ATTEST:

CITY OF WESTMINSTER

Michele Kelley, City Clerk

Nancy McNally, Mayor

APPROVED AS TO FORM:

Martin McCullough, City Attorney



WESTMINSTER
COLORADO

Agenda Item 10 G & H

Agenda Memorandum

City Council Meeting
December 20, 2004



SUBJECT: Resolution No. 77 re Year-End Contingency Transfers and Councillor's Bill No. 98 re FY2004 Budget Amendment

Prepared By: Barbara Opie, Assistant to the City Manager

Recommended City Council Action

- Adopt Resolution No. 77 authorizing the transfer of \$203,000 from the 2004 General Fund contingency account into various operating budgets.
- Pass Councillor's Bill No. 98 on first reading amending the FY2004 budgets of the General and Fleet Maintenance Funds.

Summary Statement

- No contingency transfers are being requested into any other of the City's funds.
- These actions are part of the routine year-end housekeeping functions to address certain unanticipated expenses in various budget accounts that could not be absorbed within the operating budget. Each year, contingency funds are budgeted for unanticipated expenses that cannot be absorbed within the adopted operating budget such as the ones included in this agenda memorandum.
- Funds for these transfers are available in the General Funds contingency account.
- The balance in the General Fund contingency account, prior to these transfers, is \$902,499, leaving a balance of \$699,499 to be carried over to 2005.

Expenditure Required: \$203,000

Source of Funds: General Fund Contingency Account

Policy Issues

- Should the City Council appropriate General Fund contingency money to offset the identified unanticipated operating costs explained within this agenda memorandum?
- Should the City Council authorize the transfer of General Fund's contingency money to offset the identified unanticipated operating costs in the Fleet Maintenance Fund explained within this agenda memorandum?

Alternative

City Council could choose not to move any contingency funds to offset these additional expenses. Staff does not recommend this option as not appropriating these funds may cause some departments to end the year over budget.

Background Information

During the budget development each year, the City Council appropriates money in several of the City's operating funds designated as contingency funding. In 2004, contingency funding was budgeted in the General and Utility Funds. Contingency is funding set aside in the budget to act as an operating reserve for unanticipated expenditures. Over the course of a year, special projects, studies, weather impacts (dry summers, heavy snows, etc.) and other activities that cannot be anticipated occur, negatively impacting a department's budget. Under these special circumstances, staff recommends the use of contingency funds to cover these expenses.

At year-end, departments review their respective budgets to identify where they can absorb any unanticipated expenses. However, if, after reviewing all accounts within a department, the department finds that it cannot absorb these additional costs, the department forwards a request to the City Manager's Office to review and make recommendations to the City Council for the transfer of contingency funds to cover these expenses. Minimal year-end contingency fund transfer requests were made in 2003 (\$350,500).

The transfers requested from the 2004 General Fund's contingency account are outlined below:

General Fund:

\$45,000 Needed in the Administration Division of Community Development for additional unanticipated professional services incurred during 2004. The funding gap is a direct result of the Holly Park residential development project and the associated professional service costs incurred this year.

\$125,000 Needed in the Street Division's street light account. The street light account is broken into two categories: energy charges and repair and replacement charges. The repair and replacement charges are variable depending on the damages to streetlights incurred each month and the cost to repair streetlights charged by Xcel Energy. The total street light account is anticipated to be approximately \$190,000 over budget for 2004 but the department is absorbing \$65,000. The remaining \$125,000 is being requested from contingency funds.

\$33,000 Needed in the Fleet Division of the General Services Department. During 2004, the Fleet Division experienced increasing costs for fuel and parts, as well as vendors charging more for outside jobs. This in turn caused a shortfall in the Fleet Division of approximately \$83,000. The General Services Department is able to absorb \$50,000 of this shortfall but is requesting that an additional \$33,000 be appropriated from the General Fund contingency into the Fleet Maintenance Fund to make up the difference. This action will require an ordinance for City Council action since it is officially moving money across funds. This action will appear within the Central Charges budget instead of the General Services Department budget since all transfer accounts are located within the Central Charges budgets in each fund.

\$203,000 GENERAL FUND TOTAL

Transfer from the General Fund into the Fleet Maintenance Fund:

\$83,000 Needed in the Fleet Maintenance Division of the General Services Department for the higher than anticipated costs noted previously during 2004. Of the \$83,000 noted, only \$33,000 is a General Fund contingency account request; the remaining \$50,000 is simply a request to transfer funds within the Department to cover the overage. The Fleet Maintenance Division is officially a division within the General Services Department but is technically within a separate internal service fund from the rest of the General Services Department. In order to reflect a balanced budget in the Fleet Maintenance Fund, moneys from the General Fund General Services Department budget need to be transferred to the Fleet Maintenance Fund, which requires City Council action since it is a transfer between funds.

\$83,000 FLEET MAINTENANCE FUND TOTAL

Currently, the General Fund contingency account has \$902,499 available to fund these unanticipated expenses, leaving a balance of \$699,499 to be carried over to 2005 as unappropriated revenue.

The following two City Council actions are requested:

1. Approve the transfer of contingency funds from the General Fund into the various operating accounts noted above (totaling \$203,000) and included within the attached Resolution.
2. Approve the transfer of contingency and operating funds from the General Fund into the Fleet Maintenance Funds (totaling \$83,000) included within the attached Ordinance.

Two actions are necessary in this case due to the nature of the transfers proposed. A Resolution is necessary to transfer moneys across departments within the same fund; an Ordinance is required to transfer moneys across funds. Since both transfer types are being requested, this agenda memorandum includes both a Resolution and Ordinance for City Council's consideration.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **77**

INTRODUCED BY COUNCILLORS:

SERIES OF 2004

WHEREAS, City Council supports year end transfers from the General Fund's contingency account to balance various expenditure accounts due to unanticipated or additional costs, and

WHEREAS, the 2004 General Fund contingency balance is \$902,499.

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

\$203,000 be transferred from the 2004 General Fund Contingency to the appropriate 2004 Operating Budget accounts as follows:

10030050.65100.0000	Administration Division (Community Development)	\$45,000
	Professional services	
10035450.67400.0000	Street Division (Public Works & Utilities)	125,000
	Street light expenses	
10010900.79800.0300	Central Charges	33,000
	Transfer to Fleet Maintenance Fund	
	GENERAL FUND TOTAL	\$203,000

Passed and adopted this 20th day of December, 2004.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO. **3186**

COUNCILLOR'S BILL NO. **98**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Davia - Dixon

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGET OF THE FLEET MAINTENANCE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THIS FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund does not change with this ordinance. However, the changes in the expense accounts are shown here for informational purposes.

Section 2. The Expense accounts shall be amended as follows:

DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	FINAL BUDGET
Expenses				
Contingency	10010900.79900.0000	\$902,499	(\$33,000)	\$869,499
Employee Recruitment	10012060.61600.0000	30,275	(10,000)	20,275
Career Development	10012060.61800.0000	14,105	(10,000)	4,105
Election Expense	10012070.67900.0000	19,000	(15,000)	4,000
Maint/Repair Infra Cust Svc	10012110.66200.0702	447,402	(8,000)	439,402
Maint/Repair Equipment	10012130.66100.0000	37,500	(7,000)	30,500
Transfer to Fleet	10010900.79800.0300	0	83,000	83,000
Total change to expenses			<u>\$0</u>	

Section 3. The 2004 appropriation for the Fleet Fund, initially appropriated by Ordinance No. 2977 in the amount of \$1,161,031 is hereby increased by \$83,000 which, when added to the fund balance as of the City Council action on December 20, 2004 will equal \$1,875,805. The actual amount in the Fleet Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to an increase in the transfer from the General Fund.

Section 4. The \$83,000 increase in the Fleet Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	FINAL BUDGET
Revenue				
Transfer from General Fd	3000.45000.0100	\$0	<u>\$83,000</u>	\$83,000
Total change to revenues			<u>\$83,000</u>	

DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	FINAL BUDGET
Expenses				
Maint Repair – Rolling Stock	30012460.68800.0000	\$53,074	\$10,000	\$63,074
Parts	30012460.73600.0000	192,246	30,000	222,246
Fuel & Lubricants	30012460.74000.0000	337,323	<u>43,000</u>	380,323
Total change to expenses			<u>\$83,000</u>	

Section 5 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 10. This ordinance shall take effect upon its passage after the second reading.

Section 11. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 20th day of December, 2004.

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

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2004



SUBJECT: Confirmation of New City Clerk

Prepared By: Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action

Confirm the appointment of Linda Yeager as the new City Clerk for the City of Westminster.

Summary Statement

- City Clerk Michele Kelley will be retiring from the City after 31 years as a City employee including 26 as City Clerk. Her intention is to retire in early 2005 although she will continue to work on a contract basis to assist in the transition of the new City Clerk and the Deputy City Clerk who began employment in the City Clerk's office in December.
- In October, Human Resources staff initiated the recruitment process for Ms. Kelley's replacement. A total of 117 applications were received.
- The selection process included the completion of a written questionnaire by the top candidates and a full day of interviews, presentations and written assessments by the 4 finalists.
- The unanimous choice of everyone involved in the selection process was Ms. Linda Yeager who currently serves as City Clerk for the City of Durango, Colorado. Ms. Yeager has served as City Clerk in Durango for 17 years. She is currently President of the Colorado Intergovernmental Risk Sharing Agency (CIRSA) Board Of Directors, was selected as the Colorado Municipal Clerk's Associations Clerk of the Year for 2003, and is a Certified Municipal Clerk. Ms. Yeager has an outstanding reputation as a Colorado Municipal Clerk and received very positive recommendations from her current city manager and other individuals with whom she has worked.
- Section 4.6 of the City Charter provides for the appointment of the City Clerk by the City Manager with confirmation by the City Council. Ms. Yeager has been offered and has accepted the position contingent upon Council's confirmation. If Council approves this appointment Ms. Yeager's start date will be February 7, 2005.

Expenditure Required: \$78,000 per year plus the cost of benefits

Source of Funds: General Fund, General Services Operating budget

Policy Issue

Should City Council confirm the City Manager appointment for City Clerk?

Alternative

Do not confirm the appointment of Ms. Yeager as City Clerk and require the City Manager to continue the recruitment process for candidates to fill this position. The alternative is not recommended due to the upcoming retirement of Michele Kelley and the outstanding reputation and qualifications of Ms. Kelley's recommended replacement.

Background Information

As provided in the Westminster City Charter, the City Clerk is the Clerk to the City Council and attends all meetings of the Council and keeps a permanent record of all proceedings. The Clerk is also the custodian of the City seal and maintains all documents and records pertaining to official City business. She serves as the chief election official for the City, certifies and codifies all ordinances and resolutions and carries out the myriad other legal functions required of a municipality. In addition, the City Clerk is the staff liaison to the Special Permit and License Board and is the chair of the Election Commission, responsible for the central switchboard for the City, the City's Print Shop and the City messengers.

Early in 2004, the City's current City Clerk, Michele Kelley announced that her retirement would take place in January 2005. Ms. Kelley has had an exemplary career with the City of Westminster with a legacy of 26 years of service to Mayors, City Councils, citizens, businesses and co-workers..

The Westminster City Clerk job announcement was placed in the Denver Metro area daily and weekly newspapers and local and national professional City Clerk publications. The selection process involved a thorough review of the qualifications of 117 job applicants, the review of written questionnaires that were requested of the top 10 candidates and a day long interview/assessment center process for the four finalist. This later process included separate interviews with an assessment panel and the City Manager, an oral presentation exercise, meetings with City Clerk's office staff and the completion of a management profile assessment by each candidate.

Based on the results of the selection process, the City Manager has appointed, subject to Council confirmation, Linda Yeager who is currently the City Clerk for the City of Durango Colorado. Durango has a full time population of 15,000 with a seasonal population that is considerably greater. The duties of the City Clerk position in that City encompass many of the official charter-assigned functions at the City of Westminster. Ms. Yeager's experience includes 17 years as City Clerk in Durango and other positions as Secretary to the Finance Director and Deputy City Clerk. She has attended Fort Lewis College as a Business Administration major and has held the Master Municipal Clerk designation since 2001. During the selection process Ms. Yeager impressed the selection panel with her high degree of professional competence, strong work ethic, emphasis on providing quality work and adherence to values that parallel those that the City of Westminster has highlighted in SPIRIT. The contacts City staff made with Ms. Yeager's references confirmed that she clearly has the qualifications to be Westminster's next City Clerk.

The Westminster City Charter requires that the City Manager's appointments of City Clerk and Finance Director be confirmed by City Council. The offer of employment to Ms. Yeager is therefore contingent on City Council's approval Monday evening.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
December 20, 2004



SUBJECT: Second Reading of Councillor’s Bill No. 93 and 94 re the Comprehensive Land Use Plan Amendment and Rezoning of Harris Park – Site IV

Prepared By: Max Ruppeck, Senior Project Manager

Recommended City Council Action:

1. Pass Councillor’s Bill No. 93 on second reading amending the Westminster Comprehensive Land Use Plan to change the land use designation of the Harris Park – Site IV property from “R 3.5 Residential” and “Office” to “R-18 Residential” and “Retail Commercial.” This action is based on the findings set forth in the Westminster Comprehensive Land Use Plan as follows:
 - a. The proposed amendment is justified and the Plan is in need of revision as proposed; and
 - b. The amendment is in conformance with the overall purpose, intent, goals and policies of the Plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.
2. Pass Councillor’s Bill No. 94 on second reading rezoning the Harris Park – Site IV property from T-1, Transitional; B-1, Business; R-4, Residential and R-2 Residential to Planned Unit Development (PUD). This recommendation is based on the findings set forth in Section 11-5-3 of the Westminster Municipal Code.

Summary Statement:

- The applicant, Community Builders, is requesting that the City amend the Comprehensive Land Use Plan designation and zoning for a 1.506-acre site located on the northwest corner of Lowell Boulevard and 73rd Avenue to allow a retail/office/residential mixed use development.
- Councillor’s Bill No. 93 and 94 were approved on first reading by City Council on December 13, 2004.

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

Respectfully submitted,

J. Brent McFall
City Manager

- Attachment
- Comprehensive Land Use Plan Ordinance
 - Rezoning Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **93**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

A parcel of land located in Section 31, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Parcel: 1 Lots 1-5, partial of Lots 6-7 and Lots 46-49 R. Platt Subdivision Filing No. 1, County of Adams, State of Colorado. (.717 acres)

Parcel: 2 Partial of Lots 6-7, Lots 8-17 Dr. Platt Subdivision Filing No. 1, County of Adams, State of Colorado (.789 acres)

The properties described above shall be changed from "R 3.5 Residential" and "Office" to "Retail/Commercial" and "R-18 Residential" respectively as shown on the Comprehensive Land Use Plan map.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of December, 2004 PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **94**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 31, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from City of Westminster T-1, B-1, R-4 and R-2 to City of Westminster PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminster T-1, B-1, R-4 and R-2 to City of Westminster PUD. A parcel of land located in Section 31, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Parcel: 1 Lots 1-5, partial of Lots 6-7 and Lots 46-49 R. Platt Subdivision Filing No. 1, County of Adams, State of Colorado. (.717 acres)

Parcel: 2 Partial of Lots 6-7, Lots 8-17 Dr. Platt Subdivision Filing No. 1, County of Adams, State of Colorado (.789 acres)

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of December, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

ATTEST:

Mayor

City Clerk
Harris Park – Site IV Zoning

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, December 20, 2004. . Mayor McNally, Councillors Davia, Dittman, Dixon, Hicks, Kauffman, and Price were present at roll call.

The minutes of the December 13, 2004 meeting were approved.

Council approved the following: Special Legal Services for Centric Jones Supreme Court Appeal; Special Legal Services Contract Amendment with Dufford and Brown; Gasoline Recovery System Technical Assistance Contract; License Agreement with Burlington Northern Santa Fe Railroad for England Waterline; Fire Engine Contract and Purchase; Vendor Contract Approval for Cumulative Purchases over \$50,000; Ratify purchases over \$50,000 to M/A Com, Inc; Preliminary Development Plan for North Huron (I-25 and 144th Avenue); IGA with Jefferson County re Preliminary Design of Wadsworth Blvd (92nd to 108th) and confirmed the appointment of a new City Clerk.

The following public hearings were held: Public Hearing re Mandalay GID Boundary Changes and Public Hearing re North Huron Preliminary Development Plan at I-25 and 144th Avenue

The following Councillor's Bill was adopted as an emergency ordinance:

A BILL FOR AN ORDINANCE APPROVING THE INCLUSION OF TERRITORY WITHIN THE CITY OF WESTMINSTER MANDALAY TOWN CENTER GENERAL IMPROVEMENT DISTRICT AND REVISING THE BOUNDARIES THEREOF Purpose: Mandalay GID Boundary Changes

The following Councillor's Bill was passed on first reading:

A BILL FOR AN ORDINANCE INCREASING THE 2004 BUDGET OF THE FLEET MAINTENANCE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THIS FUND Purpose: FY 2004 Budget Amendment

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

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 31, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN Purpose

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

The following Resolutions were adopted:

Resolution No. 76 re Parks and Recreation Master Plan

Resolution No. 77 re Year End Contingency Transfers

At 8:45 p.m. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on December 30, 2004

A BILL

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

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

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

Commencing at the south quarter corner of said section, thence along the north/south centerline of said section on which all bearing heron are based N01°46'32"E, 1315.32 feet to the south sixteenth corner of said section; thence along the north line of the southwest quarter of the southeast quarter of said section N89°13'53"E, 40.04 feet to the true point of beginning on the apparent east line of Wadsworth Boulevard;

Thence along said east line N01°46'32"E, 446.66 feet to a point on the southerly line of lower Church Lake as described in Book 378 at Page 440 of the records of the Jefferson County Clerk and Recorder; thence along said southerly line S44°16'03"E, 504.03 feet; thence continuing along said southerly line S49°12'46"E, 121.51 feet to a point on said north line; thence along said north line N89°13'53"E, 311.78 feet to a point on the west line of the Colorado and Southern Railroad; thence along said west line S39°30'08"W, 165.01 feet; thence continuing along said line S39°30'08"W, 24.54 feet to a point on said south line of said lake; thence continuing along said west line S39°30'08"W, 12.09 feet; thence S89°13'53"W, 645.98 feet to a point on said apparent west line of Wadsworth Boulevard; thence along said west line N01°46'32"E, 154.00 feet to the true point of beginning. Said property contains 208359 square feet or 4.7833 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of December, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE
PLAN

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

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

Commencing at the south quarter corner of said section, thence along the north/south centerline of said section on which all bearing heron are based N01°46'32"E, 1315.32 feet to the south sixteenth corner of said section; thence along the north line of the southwest quarter of the southeast quarter of said section N89°136'53"E, 40.04 feet to the true point of beginning on the apparent east line of Wadsworth Boulevard;

Thence along said east line N01°46'32"E, 446.66 feet to a point on the southerly line of lower Church Lake as described in Book 378 at Page 440 of the records of the Jefferson County Clerk and Recorder; thence along said southerly line S44°16'03"E, 504.03 feet; thence continuing along said southerly line S49°12'46"E, 121.51 feet to a point on said north line; thence along said north line N89°13'53"E, 311.78 feet to a point on the west line of the Colorado and Southern Railroad; thence along said west line S39°30'08"W, 165.01 feet; thence continuing along said line S39°30'08"W, 24.54 feet to a point on said south line of said lake; thence continuing along said west line S39°30'08"W, 12.09 feet; thence S89°13'53"W, 645.98 feet to a point on said apparent west line of Wadsworth Boulevard; thence along said west line N01°46'32"E, 154.00 feet to the true point of beginning. Said property contains 208359 square feet or 4.7833 acres more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to Public Open Space.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of December, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster O-1. A parcel of land located in Section 11, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

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

Commencing at the south quarter corner of said section, thence along the north/south centerline of said section on which all bearing heron are based N01°46'32"E, 1315.32 feet to the south sixteenth corner of said section; thence along the north line of the southwest quarter of the southeast quarter of said section N89°13'53"E, 40.04 feet to the true point of beginning on the apparent east line of Wadsworth Boulevard;

Thence along said east line N01°46'32"E, 446.66 feet to a point on the southerly line of lower Church Lake as described in Book 378 at Page 440 of the records of the Jefferson County Clerk and Recorder; thence along said southerly line S44°16'03"E, 504.03 feet; thence continuing along said southerly line S49°12'46"E, 121.51 feet to a point on said north line; thence along said north line N89°13'53"E, 311.78 feet to a point on the west line of the Colorado and Southern Railroad; thence along said west line S39°30'08"W, 165.01 feet; thence continuing along said line S39°30'08"W, 24.54 feet to a point on said south line of said lake; thence continuing along said west line S39°30'08"W, 12.09 feet; thence S89°13'53"W, 645.98 feet to a point on said apparent west line of Wadsworth Boulevard; thence along said west line N01°46'32"E, 154.00 feet to the true point of beginning. Said property contains 208359 square feet or 4.7833 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of December, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

A BILL

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

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

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

Commencing at the north quarter corner of said section from whence the center quarter corner of said section bears S00°44'21"E, 2642.89 feet the bearing of which all bearings hereon are based; thence along the north/south centerline of said section S00°44'21"E, 170.66 feet to the true point of beginning, a point on a non-tangent curve to the right, a point on the west line of that tract of land annexed to the City of Westminster and recorded at Reception Number 88080480 of the records of the Jefferson County Clerk and Recorder;

Thence along said curve with a central angle of 19°01'25", a radius of 318.10 feet and an arc length of 105.62 feet, long chord bears S10°15'04"E, 105.13 feet; thence S89°15'39"W, 10.00 feet to a point on the west line of Wadsworth Boulevard; thence along said line S00°44'21"E, 42.76 feet; thence S88°31'05"W, 7.37 feet to a point on said north/south centerline from whence the center quarter corner of said section bears S00°44'21"E, 2325.69 feet; thence S88°31'05"W, 385.81 feet to a point on the east line of the Colorado and Southern Railroad; thence along said line N39°29'33"E, 363.14 feet to a point on the westerly line of Wadsworth Boulevard, a point on a non-tangent curve to the right; thence along said curve with a central angle of 30°53'12", a radius of 289.30 feet and an arc length of 155.95 feet, long chord bears S53°01'44"E, 154.07 feet; thence N13°11'53"E, 22.33 feet to a point on the west line of said annexation, a point on a non-tangent curve to the right; thence along said curve with a central angle of 10°30'42", a radius of 318.10 feet and an arc length of 58.36 feet, long chord bears S25°01'07"E, 58.28 feet to the true point of beginning; Said property contains 67559 square feet or 1.5509 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of December, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

ORDINANCE NO. **3179**
SERIES OF 2004

COUNCILOR'S BILL NO. **91**
INTRODUCED BY COUNCILLORS
Kauffman - Dittman

A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE
PLAN

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

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

Commencing at the north quarter corner of said section from whence the center quarter corner of said section bears S00°44'21"E, 2642.89 feet the bearing of which all bearings hereon are based; thence along the north/south centerline of said section S00°44'21"E, 170.66 feet to the true point of beginning, a point on a non-tangent curve to the right, a point on the west line of that tract of land annexed to the City of Westminster and recorded at Reception Number 88080480 of the records of the Jefferson County Clerk and Recorder;

Thence along said curve with a central angle of 19°01'25", a radius of 318.10 feet and an arc length of 105.62 feet, long chord bears S10°15'04"E, 105.13 feet; thence S89°15'39"W, 10.00 feet to a point on the west line of Wadsworth Boulevard; thence along said line S00°44'21"E, 42.76 feet; thence S88°31'05"W, 7.37 feet to a point on said north/south centerline from whence the center quarter corner of said section bears S00°44'21"E, 2325.69 feet; thence S88°31'05"W, 385.81 feet to a point on the east line of the Colorado and Southern Railroad; thence along said line N39°29'33"E, 363.14 feet to a point on the westerly line of Wadsworth Boulevard, a point on a non-tangent curve to the right; thence along said curve with a central angle of 30°53'12", a radius of 289.30 feet and an arc length of 155.95 feet, long chord bears S53°01'44"E, 154.07 feet; thence N13°11'53"E, 22.33 feet to a point on the west line of said annexation, a point on a non-tangent curve to the right; thence along said curve with a central angle of 10°30'42", a radius of 318.10 feet and an arc length of 58.36 feet, long chord bears S25°01'07"E, 58.28 feet to the true point of beginning; Said property contains 67559 square feet or 1.5509 acres more or less.

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

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of December, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

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

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

Commencing at the north quarter corner of said section from whence the center quarter corner of said section bears S00°44'21"E, 2642.89 feet the bearing of which all bearings hereon are based; thence along the north/south centerline of said section S00°44'21"E, 170.66 feet to the true point of beginning, a point on a non-tangent curve to the right, a point on the west line of that tract of land annexed to the City of Westminster and recorded at Reception Number 88080480 of the records of the Jefferson County Clerk and Recorder;

Thence along said curve with a central angle of 19°01'25", a radius of 318.10 feet and an arc length of 105.62 feet, long chord bears S10°15'04"E, 105.13 feet; thence S89°15'39"W, 10.00 feet to a point on the west line of Wadsworth Boulevard; thence along said line S00°44'21"E, 42.76 feet; thence S88°31'05"W, 7.37 feet to a point on said north/south centerline from whence the center quarter corner of said section bears S00°44'21"E, 2325.69 feet; thence S88°31'05"W, 385.81 feet to a point on the east line of the Colorado and Southern Railroad; thence along said line N39°29'33"E, 363.14 feet to a point on the westerly line of Wadsworth Boulevard, a point on a non-tangent curve to the right; thence along said curve with a central angle of 30°53'12", a radius of 289.30 feet and an arc length of 155.95 feet, long chord bears S53°01'44"E, 154.07 feet; thence N13°11'53"E, 22.33 feet to a point on the west line of said annexation, a point on a non-tangent curve to the right; thence along said curve with a central angle of 10°30'42", a radius of 318.10 feet and an arc length of 58.36 feet, long chord bears S25°01'07"E, 58.28 feet to the true point of beginning; Said property contains 67559 square feet or 1.5509 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of December, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE
PLAN

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

WHEREAS, an amendment of the Plan is necessary to change the land use designation for the property described below and to keep the Plan up to date; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

Lot 1, Block 1, Assembly of God Subdivision, recorded January 30, 1978 in File 314, Map # 378, except the easterly 200 feet thereof as conveyed in the deed recorded September 1, 1983 in Book 2786 at Page 321, and excepting any portion thereof lying within the right-of-way dedication recorded January 30, 1978 in Book 2209 at Page 869, and except any portion of the subject property lying within the right-of-way dedication recorded September 25, 1987 in Book 3372 at Page 76, County of Adams, State of Colorado, containing 5.065 acres, more or less. The properties described above shall be changed from "Public/Quasi-Public," to "Retail Commercial."

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of December, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminster R-E to City of Westminster P.U.D. A parcel of land located in Section 19, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Lot 1, Block 1, Assembly of God Subdivision, recorded January 30, 1978 in File #14, Map #378, except the easterly 200 feet thereof as conveyed in the deed recorded September 1, 1983 in Book 2786 at Page 321, and excepting any portion thereof lying within the right-of-way dedication recorded January 30, 1978 in Book 2209 at Page 869, and except any portion of the subject property lying within the right-of-way dedication recorded September 25, 1987 in Book 3372 at Page 76, County of Adams, State of Colorado, containing 5.065 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of December, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

A BILL

FOR AN ORDINANCE APPROVING THE INCLUSION OF TERRITORY WITHIN THE CITY OF WESTMINSTER MANDALAY TOWN CENTER GENERAL IMPROVEMENT DISTRICT AND REVISING THE BOUNDARIES THEREOF

WHEREAS, the City of Westminster Mandalay Town Center General Improvement District (the "District") was created on September 8, 2003, by the adoption of Ordinance No. 3051, Series of 2003; and

WHEREAS, Ordinance No. 3051 was recorded in Jefferson County, Colorado, on September 15, 2003, at Reception No. F1864663; and

WHEREAS, a Petition for Inclusion of territory within the District has been filed in the office of the City Clerk of the City of Westminster (the "City"); and

WHEREAS, said Petition states that it is signed by one hundred percent of the owners of taxable real property within the revised boundaries of the District; and

WHEREAS, notice of filing of the Petition was provided and published in the *Westminster Window* on December 2, December 9 and December 16, 2004, as required by C.R.S. section 31-25-618(1); and

WHEREAS, pursuant to said notice, the Petition and any objections thereto were heard at a public hearing on December 20, 2004.

THE CITY COUNCIL, ACTING IN ITS CAPACITY AS EX OFFICIO THE BOARD OF DIRECTORS OF THE CITY OF WESTMINSTER MANDALAY TOWN CENTER GENERAL IMPROVEMENT DISTRICT, ORDAINS:

Section 1. Having heard the Petition and any objections thereto, the Petition for the inclusion of territory within the District is granted and the boundaries of the District shall be revised as set forth herein:

**REVISED LEGAL DESCRIPTION FOR MANDALAY TOWN CENTER
GENERAL IMPROVEMENT DISTRICT**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11 AND THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1, TRACT A, TRACT D; REED STREET RIGHT-OF-WAY AS SHOWN AND DEDICATED ON SAID PLAT; AND WADSWORTH BOULEVARD RIGHT-OF-WAY AS SHOWN AND DEDICATED ON SAID PLAT, ALL AS SHOWN ON THE FINAL PLAT FOR MANDALAY TOWN CENTER, FILING NO.1 AS RECORDED UNDER BOOK NUMBER 174, PAGES NO. 48 THROUGH 51 AT RECEPTION NUMBER F1901073, IN THE RECORDS OF THE CLERK AND RECORDER OF JEFFERSON COUNTY; AND

LOTS 1 THROUGH 8, INCLUSIVE AND TRACT A AS SHOWN ON THE FINAL PLAT FOR MANDALAY TOWN CENTER, FILING NO. 2 AS RECORDED UNDER BOOK NUMBER 176, PAGES NUMBER 34 THROUGH 36 AT RECEPTION NUMBER F2004399, IN THE RECORDS OF THE CLERK AND RECORDER OF JEFFERSON COUNTY.

Section 2. This ordinance shall be recorded with the Clerk and Recorder of Jefferson County, Colorado.

Section 3. Because of the timing of the receipt of the fully executed Petition for Inclusion, the notice publication requirements and the loss of tax revenues in the event the revised boundaries of the District are not recorded in a timely manner with Jefferson County for taxable year 2004, 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 December 20, 2004, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY
ORDINANCE this 20th day of December, 2004.

A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE
PLAN

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

A parcel of land located in Section 31, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Parcel: 1 Lots 1-5, partial of Lots 6-7 and Lots 46-49 R. Platt Subdivision Filing No. 1, County of Adams, State of Colorado. (.717 acres)

Parcel: 2 Partial of Lots 6-7, Lots 8-17 Dr. Platt Subdivision Filing No. 1, County of Adams, State of Colorado (.789 acres)

The properties described above shall be changed from "R 3.5 Residential" and "Office" to "Retail/Commercial" and "R-18 Residential" respectively as shown on the Comprehensive Land Use Plan map.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of December, 2004 PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 31, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from City of Westminster T-1, B-1, R-4 and R-2 to City of Westminster PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminster T-1, B-1, R-4 and R-2 to City of Westminster PUD. A parcel of land located in Section 31, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Parcel: 1 Lots 1-5, partial of Lots 6-7 and Lots 46-49 R. Platt Subdivision Filing No. 1, County of Adams, State of Colorado. (.717 acres)

Parcel: 2 Partial of Lots 6-7, Lots 8-17 Dr. Platt Subdivision Filing No. 1, County of Adams, State of Colorado (.789 acres)

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of December, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of December, 2004.