



CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Ruby and Leonard Holtzclaw Proclamation
 - B. Public Works Week Proclamation
 - C. Mental Health Month Proclamation
7. Citizen Communication (5 minutes or less)

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

8. Consent Agenda
 - A. City Park Drainage Contract
 - B. 80th Avenue and Federal Boulevard Waterline Construction Contract
 - C. Platte River Recovery Implementation Program Participation
 - D. Second Reading Councillor's Bill No. 16 re Change to Dog License Program
 - E. Second Reading Councillor's Bill No. 17 re Lease Proceeds for Legacy Ridge Golf Course Maintenance Equipment
 - F. Second Reading Councillor's Bill No. 18 re Redevelopment Assistance Package for Northgate Shopping Center
9. Appointments and Resignations
 - A. Metro Wastewater Reclamation District Board of Directors Appointment
 - B. Resolution No. 15 re Appointments to Boards and Commissions
10. Public Hearings and Other New Business
 - A. Resolution No. 16 re Library Services Master Plan
 - B. Resolution No. 17 re Non-participation in the Jefferson County Public Library Special District
 - C. Resolution No. 18 re Corrective Quit Claim Deed to Jefferson County re Church Ditch Water Authority
 - D. Councillor's Bill No. 20 re 2006 Final Budget Supplemental Appropriation
 - E. Councillor's Bill No. 21 re 2007 1st Quarter Budget Supplemental Appropriation
 - F. City's Master Lease Program re Additional Funding for Fire Truck
 - G. Councillor's Bill No. 22 re Synchroness Inc. Business Assistance Package Amendment
 - H. Councillor's Bill No. 23 re Crosswalk Inc. Economic Development Agreement

11. Old Business and Passage of Ordinances on Second Reading

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

- A. City Council
- B. Executive Session
 - Obtain Direction from City Council re proposed Amendment to the Economic Development Agreement with Cadence Capital Investments, LLC pursuant to WMC 1-11-3(C)(4), WMC 1-11-3(C)(7) and CRS 24-6-402(4)(e).
 - Discuss the appointment of Board and Commission members pursuant to WMC 1-11-3(C)(9) and CRS 24-6-402(4)(f).
 - Discuss strategy and progress on potential lease of certain City owned real property and the City's position relative thereto, pursuant to WMC 1-11-3(C)(2) and (C)(7), and CRS 24-6-402(4)(a) and (4)(e)

13. Adjournment

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)
144th AVENUE GENERAL IMPROVEMENT DISTRICT MEETING (separate agenda)**

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MAY 14, 2007 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Major moved, seconded by Lindsey, to approve the minutes of the regular meeting of April 23, 2007, as written and presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall noted that the second Council meeting for May will be held next Monday on the 21st due to the Memorial Holiday on the fourth Monday.

He commented on the amazing turnout for Pride Day with 1500 volunteers picking up about 5000 bags of trash. About 900 participants attended the festive BBQ following the clean up.

Mr. McFall advised that Police Chief Dan Montgomery would be retiring at the first of June after almost 25 years with the City and 44 years in law enforcement. Deputy Chief Lee Birk has been appointed as the new Chief due to his experience and tenure with the City. He will assume his new duties starting June 1st.

Mr McFall reported that the City is pleased and proud to have been notified by the Fitch Rating Service, who on their own initiative, upgraded the City's Utility Bonds and their bond rating from a AA to a AA+ rating.

He also pointed out several important items covered in the Staff Report presented to Council on the City of Westminster's history with business assistance. The statistics provided in that report show that the City has received a ten year return on investment of 262%.

At the conclusion of this meeting, Council would convene meetings of the Westminster Economic Development Authority and the 144th Avenue General Improvement District. At the conclusion of those meetings, Council would convene an executive session to address three matters; give Staff direction regarding a proposed amendment to the Economic Development Agreement with Cadence Capital Investments, LLC pursuant to WMC 1-11-3(C)(4), WMC 1-11-3(C)(7) and CRS 24-6-402(4)(e), discuss the appointment of Board and Commission members pursuant to WMC 1-11-3(C)(9) and CRS 24-6-402(4)(f), and to discuss strategy and progress on the potential lease of certain City owned real property and the City's position relative thereto, pursuant to WMC 1-11-3(C)(2) and (C)(7), and CRS 24-6-402(4)(a) and (4)(e)

CITY COUNCIL COMMENTS

Councillor Dittman commented on the success of Pride Day and gave kudos to City Staff, the Westminster Rotary, Youth Advisory Panel and the many other volunteers who took part.

Council Major thanked both the volunteers who took part in Pride Day and those who serve on the City's Boards and Commissions. He also noted that the Transportation Board will be taking a tour of the TRex improvements.

Mayor Pro Tem Kauffman stated that his wife and daughter attended the Mother-Daughter Tea on Saturday at the Westin. They saw the Mayor there and felt it was a great event.

Mayor McNally responded that about 250 mothers and daughters, spanning many generations, attended the Tea. She also thanked Hyland Hills and the several Scout Troops for participating in 4th year of Pride Day. The Mayor also noted that Wednesday night another class of the Westminster Police Citizen's Academy will be graduating. Another academy will start in August.

PRESENTATIONS

Mayor McNally presented a proclamation to recognize and honor Ruby and Leonard Holtzclaw, who have been members of the Crescent Grange for 51 years. Mr. and Mrs. Holtzclaw are well-known to the City Council because of their regular attendance at Monday night Council meetings since 1974.

Councillor Scott presented a proclamation to City employees Rick Dietz, Jackie Bowers, Josh Nims and Kent Brugler, declaring May 20 through 26 to be Public Works Week. One week each year is dedicated to inform and educate citizens of the importance of Public Works.

A proclamation declaring May as Mental Health Month was read by Councillor Price and presented to Vicki Rodgers, Deputy Chief Operating Officer at Jefferson Center for Mental Health.

CITIZENS COMMENT

Will Coleman, resident of Westminster, commented that he became familiar with the Westminster criminal justice system back in November when he had a domestic issue and contacted the police department. He was arrested and later charged. Although he understands the seriousness of domestic violence and now the laws, his concern is that at 3 o'clock in the morning there may be a rush to judgment in many circumstances. Due to his frustration with the system he requested that Council review the City's policy and procedures regarding domestic violence and he also hopes to meet other Denver and Colorado officials to address his concerns.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: authorize the City Manager to execute a contract with BT Construction in the amount of \$89,235 for construction work at City Park soccer fields and grand staircase and authorize an \$8,900 contingency amount for a total project budget of \$98,135; authorize the transfer of \$260,000 from the Open Cut Water Line Replacement account to the 80th/Federal Water Line Improvements account; authorize the City Manager to execute a contract with Brannan Construction Company in the amount of \$284,267 for construction of a new waterline in Federal Boulevard between 80th and 81st Avenues, and authorize a ten percent construction contingency in the amount of \$28,427 for a total project budget of \$312,694; authorize the expenditure of \$50,000 in 2007 and \$50,000 in 2008 for the City to participate in the Platte River Recovery Implementation Program to cover depletions associated with the Wattenberg Gravel Lake Project and to provide Endangered Species Act compliance for future actions; final passage of Councillor's Bill No. 16 amending the Westminster Municipal Code as it relates to the Dog License Program; final passage of Councillor's Bill No. 17 appropriating up to \$547,000 in the Golf Course Fund for the lease proceeds for golf course maintenance equipment at Legacy Ridge Golf Course; and final passage of Councillor's Bill No. 18 authorizing the Mayor to enter into a redevelopment assistance package with Carlson Associates, Inc. to improve the Northgate Shopping Center located at the southeast corner of 72nd Avenue and Federal Boulevard.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. There was no request. It was moved by Councillor Lindsey and seconded by Councillor Major to approve the consent agenda as presented. The motion passed unanimously.

METRO WASTEWATER RECLAMATION DISTRICT BOARD OF DIRECTORS APPOINTMENT

It was moved by Councillor Kaiser and seconded by Councillor Major to appoint Mrs. Ann Ragsdale to the Metro Wastewater Reclamation District's Board of Directors, with a term of office effective through May, 2011. The motion was unanimously approved.

RESOLUTION NO. 15 RE APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved by Mayor Pro Tem Kauffman and seconded by Dittman to adopt Resolution No. 15 to fill vacancies on the Planning Commission. Upon roll call vote, the motion carried unanimously. The resignation of Rex Wiederspahn, who moved from the City, was accepted. The appointment of Michael Litzau to regular membership from first alternate and the appointment of Herb Atchison to second alternate were approved.

RESOLUTION NO. 16 RE LIBRARY SERVICES MASTER PLAN

Councillor Price moved with Councillor Major's second to adopt Resolution No. 16 formally adopting the update to the City of Westminster Library Services Plan dated May 14, 2007, as a planning guide for future library Library Services. Upon roll call vote, the motion passed with all Council members voting affirmatively.

RESOLUTION NO. 17 RE JEFFERSON COUNTY PUBLIC LIBRARY SPECIAL DISTRICT

It was moved by Councillor Major, seconded by Councillor Price, to adopt Resolution No. 17 declaring the City Council's decision pursuant to C.R.S. § 24-90-106 to not participate in the formation of the proposed Jefferson County library district. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 18 RE CORRECTIVE QUIT CLAIM DEED RE CHURCH DITCH WATER AUTHORITY

Councillor Lindsey moved with Councillor Dittman's second to adopt Resolution No. 18 authorizing the City Manager to execute a corrective Quit Claim Deed to Jefferson County. The motion passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 20 RE 2006 FINAL BUDGET SUPPLEMENTAL APPROPRIATION

Councillor Dittman moved to pass on first reading Councillor's Bill No. 20 providing for supplementary appropriations to the 2006 budget of the General, General Capital Improvement and Parks Open Space Funds. Councillor Price seconded the motion and upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 21 RE 2007 1ST QUARTER BUDGET SUPPLEMENTAL APPROPRIATION

Upon a motion by Councillor Major, seconded by Councillor Dittman, the Council voted unanimously at roll call to pass on first reading Councillor's Bill No. 21 providing for supplementary appropriations to the 2007 budget of the General, General Capital Improvement, General Capital Outlay Replacement, and Storm Drainage Funds.

CITY'S MASTER LEASE PROGRAM RE ADDITIONAL FUNDING FOR FIRE TRUCK

Councillor Major moved with Councillor Dittman's second to approve the addition of \$377,703 to the City's master lease program for the fire truck that Council approved on May 8th 2006. The motion passed with all Council members voting affirmatively.

COUNCILLOR'S BILL NO. 22 RE SYNCRONESS INC. BUSINESS ASSISTANCE PACKAGE AMENDMENT

Mayor Pro Tem Kauffman moved to pass on first reading Councillor's Bill No. 22 authorizing the City Manager to execute and implement the amendment to the Business Assistance Package (BAP) for Synchroness, Inc. The BAP totals \$16,750, which includes \$1,750 in permit fee rebates, \$6,750 in construction use tax rebates and \$8,250 in equipment use/sales tax rebates. Councillor Major seconded the motion and upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 23 RE CROSSWALK INC. ECONOMIC DEVELOPMENT AGREEMENT

Upon a motion by Councillor Dittman, seconded by Councillor Price, the Council voted unanimously at roll call to pass on first reading Councillor's Bill No. 23 authorizing the City Manager to execute and implement the Economic Development Agreement (EDA) with Crosswalk, Inc. The EDA totals \$180,000, which includes use tax and sales tax rebates on equipment and furnishings at move-in and over the first five years of operation.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 7:47 p.m.

ATTEST:

Mayor

Deputy City Clerk



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Proclamation for Ruby and Leonard Holtzclaw

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Mayor McNally will present a proclamation to Ruby and Leonard Holtzclaw, who have been members of the Crescent Grange for 51 years.

Summary Statement

- Ruby and Leonard Holtzclaw have been members of the Crescent Grange, located in Broomfield, for 51 years.
- Mrs. Holtzclaw has been associated with area Granges since 1940.
- The Holtzclaws have been strong supporters of local, regional and statewide Grange activities.
- It is recommended that Mr. and Mrs. Holtzclaw be recognized and congratulated for their decades of community service.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Ruby and Leonard Holtzclaw are well-known to the City Council because of their regular attendance at Monday night City Council meetings for many years. This devotion to civic matters is only a small part of their civic lives. Mr. and Mrs. Holtzclaw have devoted themselves to community service for decades. They have been active members of the Crescent Grange in Broomfield for 51 years. They have been active on Grange matters both regionally and statewide, working with the Junior Grange program for children ages 5-14 and serving in various leadership positions. Mrs. Holtzclaw joined the Enterprise Grange (72nd & Simms) in 1940 and has 67 years of Grange membership. The Holtzclaws are working with the City and County Broomfield to save the historic Crescent Grange Hall.

It is recommended that Mr. and Mrs. Holtzclaw be heartily congratulated for their many decades of Grange membership and civic involvement.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Mrs. Ruby Holtzclaw and Mr. Leonard Holtzclaw have attended most City Council meetings for many years; and

WHEREAS, Mrs. Ruby Holtzclaw has been a Grange member for 67 years; and

WHEREAS, Mr. and Mrs. Holtzclaw have been members of the Crescent Grange for 51 years; and

WHEREAS, during these many years of Grange membership, the Holtzclaws have supported the Crescent Grange, the Junior Grange program for children, served in leadership positions, and have been active on the regional and state level; and

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby congratulate

RUBY and LEONARD HOLTZCLAW

for their many decades of Grange membership and civic involvement.

Signed this 14th day of May, 2007.

Nancy McNally, Mayor



Agenda Item 6 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Proclamation of Public Works Week

Prepared By: Ray Porter, Street Operations Manager

Recommended City Council Action

Proclaim the week of May 20-26, 2007 as Public Works Week in the City of Westminster. Councillor Major will present the proclamation to Rick Dietz, Lead Equipment Operator, Street Operations Division, Jackie Bowers, Utilities Secretary, Utilities Operations Division, Josh Nims, Sr. Water Resources Engineer, Water Resources and Treatment Division, and Kent Brugler, Sr. Engineer, Capital Projects and Budget Management Division for the City of Westminster.

Summary Statement

- The National American Public Works Association and State Chapters dedicate one week each year to inform and educate citizens of the importance of Public Works.
- The theme this year is “Public Works: Moving Life Forward.”
- Efforts are made to educate the citizenry on public improvements such as safe, well-maintained streets, the treatment of drinking water, and the management of wastewater.
- Poster displays and brochures will be available at City Hall, City Recreation Centers, and City Libraries.
- An e-mail invitation will be extended to all Public Works and Utilities employees, City Council, City Manager Brent McFall and Assistant City Manager Steve Smithers to stop by the Municipal Service Center on Wednesday, May 23, between 11 a.m. and 1:30 p.m. to enjoy a BBQ Lunch.
- Lead Equipment Operator Rick Dietz, Utilities Secretary Jackie Bowers, Sr. Water Resources Engineer Josh Nims, and Sr. Engineer Kent Brugler will be in attendance to receive the proclamation on behalf of the Department of Public Works and Utilities.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: Proclamation of Public Works Week

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Policy Issue

None identified

Alternative

None identified

Background Information

Public works professionals throughout the United States and Canada will celebrate National Public Works Week, May 20-26, 2007.

Since 1960, the annual observance has been an opportunity to increase public awareness of the role that Public Works plays in all of our daily lives. The 2007 events are being coordinated in the State by the Colorado Chapter of the American Public Works Association.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Public Works and Utilities services provided in our community are an integral part of our citizens' lives; and

WHEREAS, support of an understanding and informed citizenry is vital to the efficient operation of Public Works and Utilities and programs concerning the maintenance of water, sewers, streets and highways, public buildings, solid waste collection, and snow removal operations; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of Public Works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Public Works and Utilities departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, on behalf of the entire City Council and Staff, do hereby proclaim the week of May 20 through 26, 2007, as

PUBLIC WORKS WEEK

in the City of Westminster and call upon all citizens and civic organizations to acquaint themselves with the challenges and opportunities involved in providing our Public Works and Utilities and to recognize the contributions that Public Works and Utilities officials make every day to our health, safety, and comfort.

Signed this 14th day of May, 2007.

Nancy McNally, Mayor



WESTMINSTER
COLORADO

Agenda Item 6 C

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Proclamation re Mental Health Month

Prepared by: Linda Yeager, City Clerk

Recommended City Council Action

Proclaim the month of May to be Mental Health Month. Councillor Price will present proclamations to representatives of the mental health agencies serving the citizens of Westminster: Jefferson Center for Mental Health and Community Reach Center in Adams County.

Summary Statement

- Jefferson Center for Mental Health and Community Reach, which serve Adams County residents, have requested that the City proclaim the month of May as Mental Health Month in Westminster.
- The City has been very supportive of these mental health organizations through the City's Human Services funding each year.
- Vicki Rodgers, Director of Older Adult Services at Jefferson Center for Mental Health, and Lindy Schultz, Public Information Officer for Community Reach, will accept the proclamations.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: Proclamation re Mental Health Month

Page 2

Policy Issue

None identified

Alternative

None identified

Background Information

Community Reach and Jefferson Center for Mental Health have requested that the month of May be recognized as Mental Health month in Westminster in order to increase community awareness that persons with mental illness can be treated and can be productive citizens.

In 2007, the City is providing \$7,000 to Jefferson Center for Mental Health and \$15,000 to Community Reach as part of the Human Services Agency Funding. In addition the City supports Community Reach through the provision of facility space in the former 76th Avenue Library Building for a nominal cost.

Representatives of Community Reach and Jefferson Center for Mental Health will be in attendance to accept the proclamations.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, mental illness is the leading cause of disability in the United States, resulting in 217 million days of work lost annually due to productivity decline—more than many other chronic conditions; and

WHEREAS, good mental health is essential to the overall health and emotional well-being of children, youth, adults, and families; and

WHEREAS, people who have mental illnesses can recover and lead full, productive lives; and

WHEREAS, addressing the complex mental health needs of children, youth, adults, and families today is fundamental to the future of Colorado;

WHEREAS, there is a widening gap between the availability of well-trained mental health professionals and the increasing need of children, youth, adults, and families for these mental health services; and

WHEREAS, an estimated 66,000 Colorado children, youth, and adults who have mental health disorders are not receiving the help they need; and

WHEREAS, the cost of community-based public mental health services in Colorado is less than the cost to incarcerate people with mental health needs; and

WHEREAS, the City of Westminster recognizes the need for a comprehensive, community-based continuum of mental health care and a commitment to the core values and guiding principles of a system of care for all its citizens with mental health needs and their families.

THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May to be

Mental Health Month

and call upon all citizens, agencies, public and private institutions, businesses and schools to recommit our resources to increasing awareness and understanding of mental illness and to providing appropriate and accessible services for all citizens.

Signed this 14th day of May, 2007

Nancy McNally, Mayor



Agenda Item 8 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: City Park Drainage Contract

Prepared By: Julie M. Meenan Eck, Landscape Architect II

Recommended City Council Action

Authorize the City Manager to execute a contract with BT Construction in the amount of \$89,235 for construction work at City Park soccer fields and grand staircase and authorize an \$8,900 contingency amount for a total project budget of \$98,135.

Summary Statement

- The hillside around the grand staircase at City Park has a continuous source of groundwater flowing from it, which is causing structural problems to the grand staircase and maintenance problems at the soccer fields.
- The grand staircase and its adjacent landscaped walls have been separating and buckling for several years.
- Water also pools on the grand staircase and adjacent sidewalks year round from the groundwater, which causes them to become slippery and icy during the winter months and mossy in the spring and fall.
- The City Park soccer fields are saturated with water and the turf has formed bogs, which get bigger every year. These conditions prevent Staff from being able to do any long-term maintenance. This condition has also created several bare spots on the soccer fields that prohibit grass from growing.
- Staff hired a geotechnical engineer to identify the problem, find the water source and establish a solution. The engineer recommended a drainage system at the base of the bedrock where the hill and the bedrock meet.
- The geotechnical report defines the contact between the overburdened soil and underlying bedrock materials as the cause of the persistent wet conditions throughout the surrounding area.
- BT Construction has visited the City Park site and has recommended a less expensive solution. This includes installation of a drainage system around the hillside to catch the water prior to reaching the sidewalk and soccer fields. This will also eliminate further structural harm to the grand staircase. The geotechnical engineer concurs with this alternate solution.
- Staff will complete the landscape restoration once the drainage system is installed.

Expenditure Required: \$98,135

Source of Funds: General Fund Capital Improvement Program - Park Renovation Program

Policy Issue

Should the City proceed with the geotechnical engineers' suggestions and install a drainage system to collect ground water?

Alternatives

1. City Council could choose to not authorize the construction of the drainage system and decide to invest that money in another project. Staff does not recommend this, as every year the water continues to move the staircase and the size and location of the field bogs gets larger.
2. City Council could direct Staff to pursue other options to resolve the problems at City Park; however, any problems associated with the grand staircase and the soccer fields are made worse by the groundwater and Staff is assured that this is the important first step in resolving these issues.

Background Information

Phase II of City Park, which includes the soccer fields and grand staircase, has experienced drainage issues due to heavy run-off and high ground water tables. Over the years, Staff has tried a variety of techniques to mitigate the excess water on the fields and the high water table just below the surface with marginal success. Beginning in 2005, the amount of water under the ground and then coming to the surface has increased to the point that portions of the grand staircase have begun to shift and Staff's ability to maintain high-quality turf on the fields has become impossible.

Staff decided to hire a geo-technical consultant that could determine the extent of the problem and make recommendations to provide a long-term solution to the underground water condition. Bids were solicited from three companies. The bids are broken down as follows:

BT Construction	\$89,235
Niebur Golf, Inc.	\$96,850
Twin Peaks Excavation	\$136,803

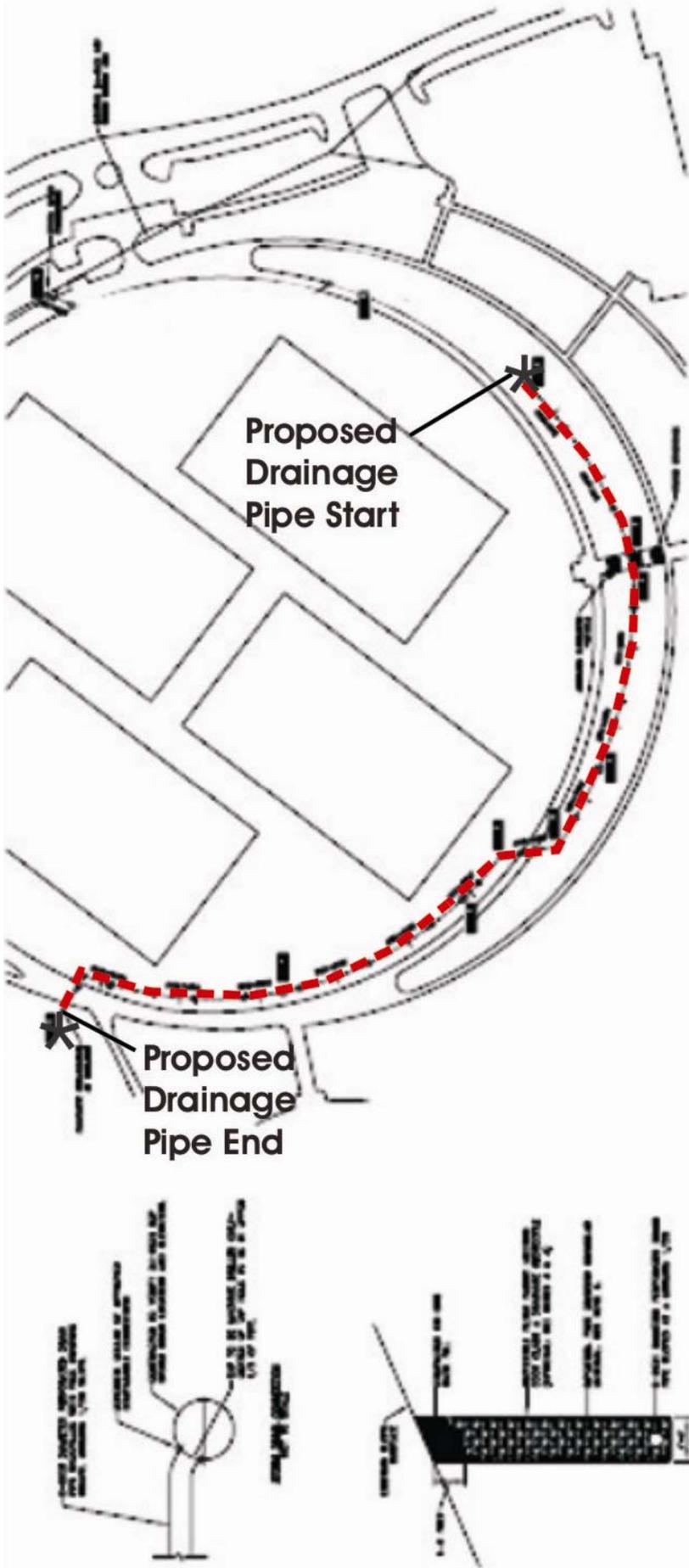
The contractor will lay piping at a specified depth recommended from the soils report and encase the pipe in rock to within two feet of the surface. This will run approximately 250 feet on the north of the grand staircase, bore under the staircase, and run all the way around to the lake. The goal is to capture all ground water prior to it reaching the staircase and the soccer fields. A representative from the geotechnical company will be on site at all times to observe the work.

This project meets City Council's Strategic Plan goal of "Beautiful City, Attractive Developments, Green Spaces and Vistas" by creating improvements to help maintain existing city facilities.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



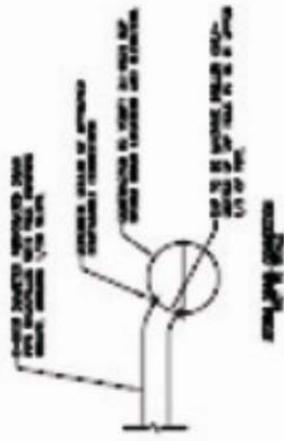
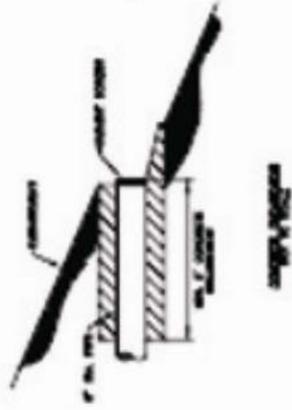
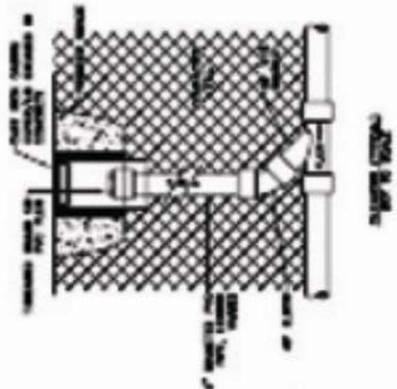
Proposed
Drainage
Pipe Start

Grand
Staircase

Proposed
Drainage
Pipe End



City Park Soccer Fields

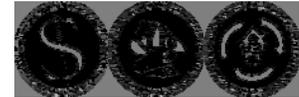




**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: 80th Avenue and Federal Boulevard Waterline Construction Contract

Prepared By: Kent W. Brugler, Senior Engineer, Capital Projects & Budget Management

Recommended City Council Action

Authorize the transfer of \$260,000 from the Open Cut Water Line Replacement account to the 80th/Federal Water Line Improvements account; authorize the City Manager to execute a contract with Brannan Construction Company in the amount of \$284,267 for construction of a new waterline in Federal Boulevard between 80th and 81st Avenues, and authorize a ten percent construction contingency in the amount of \$28,427 for a total project budget of \$312,694.

Summary Statement

- The existing waterline in Federal Boulevard is over 40 years old and has experienced several breaks over the last few years. Since Federal Boulevard is a State Highway with a heavy traffic load in this area, water line repairs are costly and time consuming.
- The line is undersized for current and projected needs, and there are an insufficient number of fire hydrants in this area based on current fire service standards.
- Due to its location in Federal Boulevard, the existing line dead ends at 80th Avenue, affecting flow capacity and water quality in this area.
- The Colorado Department of Transportation (CDOT) is planning to widen and reconstruct this section of Federal Boulevard this summer, and it is in the City’s best interest to replace this water line prior to the completion of the roadway work.
- This project also includes the installation of a larger 12-inch water line under Federal Boulevard at 81st Avenue in preparation for a future water line upgrade on 81st Avenue as identified in the recently completed Water System Master Plan.
- The City advertised the project for bids on April 2, 2007 and received three qualified bids on May 1, 2007. Brannan Construction Company presented the lowest responsible bid in the amount of \$284,267.
- Construction is tentatively scheduled to begin June 1, 2007 and be completed by August 15, 2007.
- City Council previously authorized a \$100,000 budget in 2007 and another \$400,000 in 2008 for the 80th/Federal Water Line Improvements project. However, due to the timing of CDOT’s road widening project, it is critical to complete the project in its entirety in 2007.
- The transfer of funds from the Open Cut Water Line Replacements account is needed in order to fully fund the project and maintain the schedule that CDOT has placed on the City for completing the water line project ahead of the road widening project.

Expenditure Required: \$312,694

Source of Funds: Utility Fund Capital Improvement Program
 - 80th/Federal Water Line Improvements (\$100,000)
 - Open Cut Water Line Replacements (\$260,000)

Policy Issue

Should the City proceed with the replacement of this aged water line in advance of the roadway improvements planned by CDOT later this year, and award the construction contract to Brannan Construction Company?

Alternatives

1. The City could choose to replace this water line at a later date; however, the construction costs would be significantly higher due to the increased pavement restoration costs that would be necessary as a result of the newly constructed roadway.
2. The City could choose to not replace this water line and continue to incur costs to repair main breaks and to provide substandard fire flow service to this area.
3. The City could award the contract to another bidder, however this would only unnecessarily increase the project costs since the low bidder is responsible and qualified to perform this work.

Background Information

The City's Utilities Division has identified a segment of water line located in Federal Boulevard in the vicinity of 80th Avenue that must be replaced. It is an 8-inch diameter cast iron line that was installed in the mid-1960's that has experienced several breaks over the last few years requiring costly, time consuming repairs. Due to its location in Federal Boulevard, the line dead ends at 80th Avenue causing reduced fire flow capacity and impaired water quality at times. Also, the existing fire hydrant spacing exceeds current standards resulting in fewer fire hydrants than recommended for adequate fire protection in this area.

The Colorado Department of Transportation (CDOT) is planning to widen and reconstruct Federal Boulevard this summer in the vicinity of its intersection with 80th Avenue. Due to the timing of the roadway construction by CDOT, Staff has determined that it would be in the best interest of the City to replace this water line prior to the completion of the roadway work. Construction costs will be less due to the reduced amount of pavement restoration that will be required and future repairs to the old line will be avoided.

This project includes the installation of approximately 1,000 feet of 8-inch PVC pipe between 80th and 81st Avenues, two new fire hydrants, four new service connections and several valves. This line will complete the loop between existing water lines on 80th and 81st Avenues, improving both flow capacity and water quality in this area. It also includes the installation of a larger 12-inch water line under Federal Boulevard at 81st Avenue in preparation for a future water line upgrade along 81st Avenue as recommended in the recently completed Water System Master Plan.

City Council previously authorized a budget of \$100,000 in 2007 and another \$400,000 in 2008 for the completion of this project. However, due to CDOT's need to complete the project in 2007, the City's timeline for completing the water line improvement projects was accelerated. Based on the actual bids received, the full \$400,000 is no longer necessary to complete this water line improvements project. However, since the funding is being recommended to be taken from the open-cut water line replacements account, it will have an impact on other open cut water line projects that are currently being designed. Staff's recommendation is to bring an ordinance later this summer for the appropriation of funds to complete other open cut water line replacement projects that were impacted by up fronting the 80th/Federal Water Line Improvements project. This recommendation is based on Staff having better information later this summer after competitive bids have been received for other open cut water line improvement projects.

The project was advertised for bids on April 2, 2007 and the City received three qualified bids on May 1, 2007. The following is a summary of the bids received:

<u>Contractor Name</u>	<u>Bid Amount</u>
Brannan Construction Company	\$284,267
T. Lowell Construction	\$327,000
BT Construction Co., Inc	\$360,910
Engineer's Estimate	\$294,937

After thoroughly reviewing all three bids and checking references, Staff is recommending award to Brannan Construction Company who has successfully completed water line installation projects for the City. Following award of the contract, construction is tentatively scheduled to start on June 1, 2007 and be completed by August 15, 2007.

The funding breakdown for the project is as follows:

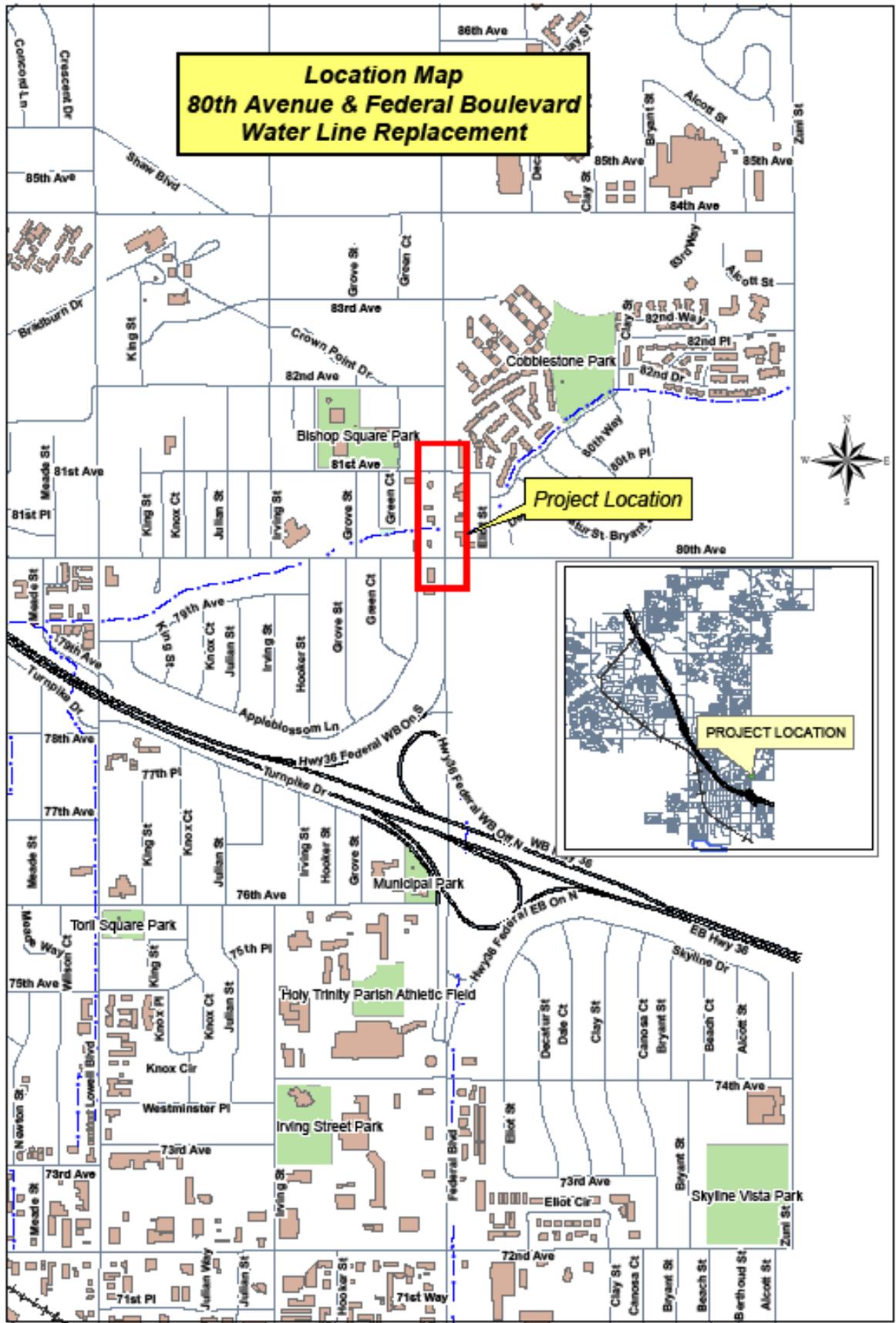
Item	Amount
Design Services	\$41,187
Design/Construction Management Contingency	\$3,618
Construction	\$284,268
Construction Contingency (10%)	\$28,427
Street Cut Impact Fees	\$2,500
Total	\$360,000
Current Authorized Budget	\$100,000
Budget Surplus/(Shortfall)	(\$260,000)

Respectfully submitted,

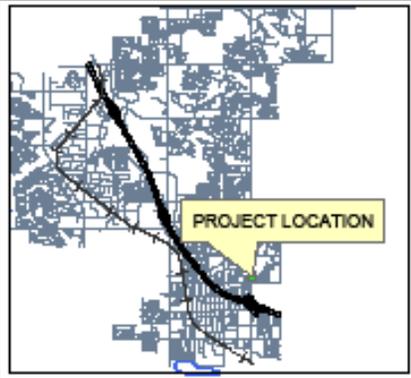
J. Brent McFall
City Manager

Attachment

Location Map
80th Avenue & Federal Boulevard
Water Line Replacement



Project Location



PROJECT LOCATION



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Participation in the Platte River Recovery Implementation Program

Prepared By: Josh Nims, Senior Water Resources Engineer
Mike Happe, Water Resources and Treatment Manager

Recommended City Council Action

Authorize the expenditure of \$50,000 in 2007 and \$50,000 in 2008 for the City of Westminster to participate in the Platte River Recovery Implementation Program to cover depletions associated with the Wattenberg Gravel Lake Project and to provide Endangered Species Act compliance for future actions.

Summary Statement

- The Platte River Recovery Implementation Program (Program) is a basin-wide, cooperative approach agreed upon by the States of Wyoming, Colorado, and Nebraska and the U.S. Department of the Interior to improve and maintain habitat for the target endangered species in the central and lower Platte River in Nebraska.
- The Program was implemented on January 1 and protects the target endangered species, allows for existing and future water projects to operate, and provides greater regulatory certainty.
- The City's participation in this program will provide continued mitigation of potential impacts to endangered species by the Wattenberg Gravel Lake Project.
- The Program also provides coverage for any future project the City may undertake that requires Federal permitting and may impact endangered species on the South Platte River. Failure to participate subjects the City to individual Endangered Species Act review and separate, unknown mitigation actions on future projects.
- In order to participate in the Program, the City must become a member of the South Platte Water Related Activities Program, Inc. (SPWRAP), a non-profit group partnering with the State to ensure compliance with the Program.
- The City's SPWRAP assessment for 2007 is \$50,000 and is due on May 18. The City's SPWRAP assessment for 2008 is expected to be \$50,000.
- Over 35 entities, including Denver Water, Aurora, Thornton, Arvada, Consolidated Mutual, Boulder, Lafayette, Coors, and Xcel, have become members of SPWRAP and over \$1.4 million have been collected in assessments for 2007.
- Funding for this request was not budgeted, but is projected to be available from 2006 Utility Fund carryover revenues.

Expenditure Required: \$50,000 for 2007 and estimated \$50,000 for 2008

Source of Funds: Utility Fund - Water Resources and Treatment Division Budget

Policy Issue

Should the City participate in the Platte River Recovery Implementation Program by becoming a member in the South Platte Water Related Activities Program, Inc.?

Alternatives

Not participate in the Program. This would require reopening the Wattenberg Gravel Lake Project permit and a new formal consultation with the Corps of Engineers (COE) and the U.S. Fish and Wildlife Service (USFWS) regarding mitigation of impacts to South Platte endangered species. At a minimum, consultation would delay the project and involve significant costs. In addition, there is a risk that the mitigation requirements could be impossible to meet and the City would need to resort to litigation.

By not participating, any future projects of the City that impact target endangered species would have to undergo separate ESA consultations and mitigation for each of the individual projects. These projects would not benefit from the Program and its streamlined process for providing non-jeopardy opinions and regulatory certainty.

Background Information

The Platte Valley Recovery Implementation Program was developed by the States of Colorado, Nebraska and Wyoming, the U.S. Department of the Interior, water users from the three states, and environmental interests to address endangered species issues in the Central and Lower Platte River basin. The purpose of the Program is to provide Endangered Species Act (ESA) compliance for water users in the Platte River basin for effects on the target endangered species and designated critical habitat, while managing certain land and water resources to provide benefits for those species. The Program went into effect on January 1 and will continue for as long as the recovery effort is determined to be necessary and as long as the program participants agree to continue participating in the Program.

As part of the Wattenberg Gravel Lake Project, the City of Westminster is a co-applicant with Aggregate Industries on a Clean Water Act Section 404 Permit from the Corps of Engineers. For this permit, the U.S. Fish and Wildlife Service (USFWS), in accordance with Section 7 of the Endangered Species Act, issued a biological opinion (BO) on the effects of water-related activities in the Platte River Basin on endangered species. According to the biological opinion, the City's planned water storage operations at the Wattenberg site will result in historic depletions to the South Platte River and these depletions constitute an incidental take of endangered species. The BO includes a Reasonable and Prudent Alternative (RPA) that the City would participate in the Platte River Recovery Implementation Program (Program) in order to have the depletions covered.

Thus, to receive continued coverage under Section 7 of the ESA, the City must participate in the Program which requires becoming a member in the South Platte Water Related Activities Program, Inc. (SPWRAP). SPWRAP is a nonprofit corporation that will serve as the vehicle by which Colorado South Platte water users participate in the Program, and the exclusive means by which they obtain the regulatory benefits of the Program.

Membership funds provided to SPWRAP help support Colorado's participation in the Program. To become a member of SPWRAP, Westminster must pay an annual membership assessment fee. The annual assessment will be calculated each year based on the number of SPWRAP members, the financial obligations owed to the Program, and the level of the State's contribution approved in the General Assembly. The City's assessment for 2007 is \$50,000 and is due on May 18. The assessments for the next three years are expected to be about this same amount.

This item was not included in the Water Resources and Treatment Division 2007-2008 budget because the assessment had not been determined prior to the adoption of the budget. Carryover revenue from a 2006 lease of effluent to the City of Brighton will be requested at a later date to be used to pay for the City's 2007 assessment. A similar effluent lease with the City of Brighton is expected to be executed this year that could be used to pay the 2008 assessment. If the carryover request is not approved, then the Water Resources and Treatment budget will be reprioritized in order to absorb the expenditure. Subsequent assessments beyond 2008 will be budgeted for in the Water Resources and Treatment Division operating budget.

The annual assessment fee will be owed until the endangered species addressed by the Program are deemed recovered. At a minimum, assessments will be owed through the "first increment" of the Program, which is expected to go through to 2020. The hope is that as more South Platte water users join SPWRAP future assessments will decrease. Currently, over 35 entities have joined SPWRAP and include municipal, agricultural, and industrial members. Among the participants are Denver Water, Aurora, Thornton, Arvada, Consolidated Mutual, Boulder, Lafayette, Idaho Springs, Ft. Collins, Greeley, Loveland, Coors, PSCo (d/b/a Xcel Energy), Northern Colorado Water Conservancy District, and Aggregate Industries. As of April 30, SPWRAP has received more than \$1.4 million in assessments for 2007.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Second Reading of Councillor's Bill No. 16 re Change to Dog License Program

Prepared By: Mary McKenna, Animal Management Supervisor
Eugene Mei, Assistant City Attorney

Recommended City Council Action

Pass Councillor's Bill No. 16 on second reading amending the Westminster Municipal Code as it relates to the Dog License Program.

Summary Statement

- All municipalities within Jefferson County are in the process of adopting ordinances requiring owners to license their dogs.
- This ordinance will affect Jefferson County and Adams County residents of Westminster.
- The cost for the license will be \$30 for unaltered dogs and \$15 for dogs that have been spayed or neutered. The license will need to be renewed annually. The license fee amount will be established annually by the Jefferson County Board of Commissioners for all participating jurisdictions.
- While the cities of Westminster, Arvada, Golden, Wheat Ridge and Lakewood will require licensing, the program will be administered entirely by Jefferson County. County staff will issue licenses and maintain the database.
- At a later date staff will seek formal City Council authorization to enter into an intergovernmental agreement that will lay out the specific terms for allocation of funds collected.
- This Councillor's Bill was passed on first reading on April 23, 2007.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3345**

COUNCILLOR'S BILL NO. **16**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

Major - Price

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE
CONCERNING DOG LICENSING**

Section 1. Section 6-7-2, subsections (A) and (B), W.M.C., are hereby AMENDED to read as follows:

6-7-2: RABIES CONTROL:

(A) Vaccinations: It shall be unlawful for any owner of a dog or cat ~~four (4)~~ SIX (6) months of age or older to fail to have such animal vaccinated against rabies. All dogs and cats shall be vaccinated at ~~four (4)~~ SIX (6) months of age and revaccinate thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the City from a location outside the City shall comply with this Section within thirty (30) days after having moved into the City, by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten (10) days, the owner of said dog shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after a ten (10) day observation period.

(B) Proof of Vaccination: It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Chapter. A current rabies tag shall be attached to a collar, harness or other ~~device~~ DEVICE and shall be worn by the vaccinated dog or cat at all times. THE REQUIREMENT FOR A DOG TO DISPLAY A CURRENT RABIES TAG SHALL NOT APPLY TO A DOG THAT IS DISPLAYING A CURRENT DOG LICENSE TAG AFFIXED TO A COLLAR, HARNESS OR OTHER DEVICE WORN ON THE DOG IN COMPLIANCE WITH SECTION 6-7-4.

Section 2. Section 6-7-4, W.M.C., is hereby AMENDED to read as follows:

6-7-4: LICENSING OF DOGS: ~~(Repealed by Ordinance 2657)~~ DOG LICENSING:

(A) DOG LICENSE REQUIRED:

1. IT SHALL BE UNLAWFUL FOR ANY OWNER OF ANY DOG OVER THE AGE OF SIX (6) MONTHS, OR WITHIN THIRTY DAYS OF ACQUISITION OF SAID DOG, WHICHEVER OCCURS LAST, TO FAIL TO OBTAIN A LICENSE FOR SUCH ANIMAL AS REQUIRED BY THIS SECTION.

2. THE JEFFERSON COUNTY ANIMAL CONTROL DIVISION WILL ADMINISTER THE CITY OF WESTMINSTER'S DOG LICENSING PROGRAM (THE "DOG LICENSE") AND DISTRIBUTE THE DOG LICENSE TAGS. APPLICATION FOR A DOG LICENSE SHALL BE MADE TO THE JEFFERSON COUNTY ANIMAL CONTROL DIVISION OR TO SUCH AGENTS AS DESIGNATED BY THE COUNTY OF JEFFERSON. DOG LICENSES AND TAGS SHALL BE ISSUED, RENEWED, REPLACED AND EXPIRE IN ACCORDANCE WITH JEFFERSON COUNTY'S REQUIREMENTS, INCLUDING BUT NOT LIMITED TO, PROOF OF RABIES VACCINATION AND REDUCED DOG LICENSE FEE IF THE DOG IS SPAYED/NEUTERED.

3. IT SHALL BE UNLAWFUL FOR A DOG OWNER TO FAIL TO RENEW A DOG LICENSE ONCE EVERY 365 DAYS.

4. THE DOG LICENSE FEE, INCLUDING THE FEE FOR REPLACEMENT LICENSES, SHALL BE IN AMOUNTS AS SET BY THE JEFFERSON COUNTY BOARD OF COMMISSIONERS.

5. IT SHALL BE UNLAWFUL FOR AN OWNER OF AN ASSISTANCE DOG TO FAIL TO OBTAIN A DOG LICENSE AS REQUIRED BY THIS SECTION. A PERSON WITH A DISABILITY IS EXEMPT FROM ANY LICENSING FEES THAT MIGHT OTHERWISE APPLY IN CONNECTION WITH OWNING AN ASSISTANCE DOG AS SET FORTH IN SECTION 24-34-803, C.R.S.

6. ANY DOG OWNER OR ANY ENTITY EXEMPT FROM JEFFERSON COUNTY'S DOG LICENSING REQUIREMENTS SHALL BE EXEMPT FROM THE PROVISIONS OF THIS SECTION.

(B) DOG LICENSE TAG TO BE DISPLAYED: IT IS UNLAWFUL FOR ANY PERSON TO HARBOR ANY DOG THAT MUST BE LICENSED PER SECTION 6-7-4(A), WHICH IS NOT DISPLAYING A CURRENT DOG LICENSE TAG AFFIXED TO A COLLAR, CHAIN, OR HARNESS WORN ON THE DOG.

(C) DOG LICENSE TAG NOT TRANSFERABLE: IT IS UNLAWFUL FOR ANY PERSON TO AFFIX TO THE COLLAR, CHAIN, OR HARNESS OF ANY DOG OR PERMIT TO REMAIN AFFIXED, A DOG LICENSE TAG FOR ANY OTHER DOG OR TO DISPLAY SUCH A TAG TO AN ANIMAL MANAGEMENT OFFICER OR PEACE OFFICER.

Section 3. Section 6-7-17, subsections (F)(1) and (F)(2), W.M.C., are hereby AMENDED to read as follows:

6-7-17: PENALTIES:

(F) Recommended Minimum Fines: Recommended minimum fines upon conviction may be imposed as listed below:

1. First Offense – recommended fine of not less than seventy-five dollars (\$75). Second and subsequent offenses – recommended fine of not less than one hundred dollars (\$100):

- 6-7-2 (B) Refusal to Provide Proof of Vaccination
- 6-7-2 (C) Harboring Unvaccinated Dogs and Cats
- 6-7-2 (D) Non-Transferability - Vaccination Certificates or Tags
- 6-7-3 (A) Duty to Report Animal Bite
- 6-7-3 (C) Failing to Report Suspected Rabies
- 6-7-3 (D) Refusal to Produce Animal
- 6-7-3 (E) Removal of Animals from Confinement
- 6-7-4 (B) FAILURE TO DISPLAY DOG LICENSE TAG
- 6-7-5 (B) Failure to Confine
- 6-7-6 (A) Removal of Animal Excrement
- 6-7-6 (B) Damage to Property
- 6-7-7 (A) Disturbance
- 6-7-7 (C) Failure to Exercise Control
- 6-7-10 (E) Failure to Care for Animals
- 6-7-11 (D) Failure to Care for Animals
- 6-7-12 (F) Potbellied Pig Requirements

2. First Offense – recommended fine of not less than one hundred dollars (\$100). Second and subsequent offenses – recommended fine of not less than one hundred fifty dollars (\$150):

- 6-7-2 (A) Failure to Have Dog or Cat Inoculated
- 6-7-4 (A) FAILURE TO HAVE DOG LICENSED
- 6-7-4 (C) TRANSFER OF DOG LICENSE TAG
- 6-7-9 (E) Failure to Produce Animal
- 6-7-10 (A) Unlicensed Kennel

- 6-7-11 (A) Unlicensed Pet Shop
- 6-7-12 (A) Animals in Residential Districts Limited
- 6-7-12 (B) Livestock Limited
- 6-7-12 (C) Prohibited, Endangered and Exotic Animals
- 6-7-12 (D) Federal or State Prohibited Animals
- 6-7-13 (A) Cruelty to Animals
- 6-7-13 (B) Poisoning Animals
- 6-7-13 (C) Neglect of Animals
- 6-7-13 (E) Abandoning Animals
- 6-7-13 (G) Displaying or Sale of Dyed or Immature Animals
- 6-7-13 (H) Fighting Animals
- 6-7-16 Interference

Section 4. This ordinance shall take effect on July 1, 2007.

Section 5. 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 23rd day of April, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May, 2007.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Second Reading of Councillor's Bill No. 17 re Lease/Purchase of Legacy Ridge Golf Course Maintenance Equipment

Prepared By: Lance Johnson, Golf Course Superintendent
Ken Watson, Regional Parks and Golf Manager

Recommended City Council Action

Pass Councillor's Bill No. 17 on second reading appropriating up to \$547,000 in the Golf Course Fund for the lease proceeds for golf course maintenance equipment at Legacy Ridge Golf Course.

Summary Statement

Approval of the lease/purchase will:

- Fund the lease/purchase and financing costs of the new golf course maintenance fleet;
- Replace an aging fleet of equipment that requires increased labor and parts purchases to keep the fleet running efficiently;
- Provide essential equipment necessary to maintain Legacy Ridge Golf Course to the high standards demanded in a competitive golf market;
- Continue standardization of equipment at both golf courses to reduce maintenance costs and inventory; and
- Provide Staff the flexibility to maximize revenue through decreased course preparation time.
- Language is included in the background section of this memorandum on specific revenue and expense accounts being amended that was inadvertently left out when this Councillor's Bill was passed on first reading.

This item was passed by City Council on first reading on April 23, 2007.

Expenditure Required: Not to exceed total annual lease payment amount of \$93,112

Source of Funds: Golf Course Fund – Legacy Ridge Operating Accounts

Background Information

Legacy Ridge Golf Course, as designed by Arthur Hills Golf Course Design in 1993, uses existing land grades, man-made forms and environmental areas to create a course that is both challenging and interesting for golfers of all skill levels. With a commitment to the environment and sustainable resource management, Legacy Ridge Golf Course has been a member of the Audubon Cooperative Sanctuary Program since 1994. To maintain a championship golf course at consistent levels with such a design and environmental practices, equipment that is specifically designed for golf course operations is required.

The current equipment was acquired on a lease/purchase agreement in the summer of 1999. The lease/purchase of this equipment was paid in full at the end of the third quarter of 2006. This equipment has been used extensively throughout the seven years of the lease preparing the course for nearly 300 days of play per year. Labor hours and parts costs continue to increase each year in order to maintain the current equipment, highlighting the importance of acquiring a new equipment package. Various pieces of equipment from the previous package will be kept within the fleet. This will give Staff the flexibility to prepare and open the golf course earlier for tournament play throughout the season to help maximize potential revenue streams.

Golf course equipment is very job specific. Reliability and available options vary from vendor to vendor. Golf course Staff did extensive testing of various pieces of equipment from numerous vendors. It was determined that soliciting a single source vendor bid would be more beneficial to the City than the traditional bid process for a number of reasons. A single source vendor bid allows Staff to standardize the fleet from lease to lease keeping parts inventories consistent between both courses and keeping costs lower through bulk purchasing programs. Selecting a single source vendor gives Staff the flexibility to acquire equipment with the necessary options. Such options would include: dual screw click height adjustment, maximum horsepower for high altitude work, sealed bearing design for lower maintenance, cutting unit down pressure kits for consistent height of cut, hydraulic fluid leak detector systems to prevent turf damage, three wheel drive units for specific areas of the golf course and many standard safety options not available with other units.

Single source vendor bids were solicited from LL Johnson Distributing of Denver, Colorado. LL Johnson is the sole distributor of commercial Toro equipment in the Denver region. Prices from LL Johnson were negotiated through the Federal GSA pricing to receive the lowest possible pricing available through the use of federal bid price contracts on the Toro turf maintenance equipment specified in the bid specifications. Prices from Colorado Golf and Turf and Colorado Equipment are from the Multiple Assembly of Procurement Officials (MAPO) pricing contract for the John Deere turf utility equipment, light duty turf utility vehicles and compact utility tractors.

Staff has also included in this equipment package three new pieces of equipment in comparison to the package acquired eight years earlier:

- Toro 5410-D Fairway Mower
- Toro 3150 Three-wheel-drive Triplex Mower
- Toro 5200 Turf Sweeper

These three pieces of equipment are deemed necessary to golf maintenance operations for the following reasons:

- Legacy Ridge continues to schedule numerous back-nine tee times throughout the year. Many times during the season, it is difficult for golf Staff to begin morning maintenance operations on the front nine and move to the back nine before these back nine tee times begin. This causes a back up of equipment and labor waiting on customers ahead of them to complete play on each hole. This can be very disruptive to our customers who may feel they are being pushed to play faster than they are accustomed. This takes away from our customers' "experience" of fully enjoying their round of golf without any disruptions. With the addition of the Toro 5410-D and the Toro 3150 to the existing equipment package, Staff will be able to begin mowing operations on the back nine prior to tee times beginning and will allow our customers uninterrupted play on the back nine.

- Staff will have the ability to begin shotgun tournaments earlier in the morning, which will allow Staff to begin regular play earlier in the day, thereby increasing revenues.
- The addition of the Toro 5200 Turf Sweeper helps reduce labor costs during Legacy Ridge's twice yearly aerification process on greens, tees and approaches, which is invaluable as Staff works with decreased man power during the times of the year when these operations occur.

Staff is aware that the addition of new pieces of equipment could be perceived as increases to the existing fleet. However, Staff is not replacing many pieces of equipment from the original fleet list to allow for the addition of pieces that will do a better and faster job. All pieces in the package are within the allotted budget. Golf maintenance staff is aware of the specific needs of the golf course and the continued desire to maintain the City's golf courses to the highest standards. These new pieces are being requested to help Staff meet the requirements of increased customer service, potential for increased revenues and decreased labor costs.

This appropriation will amend Golf Course Fund expense and revenue accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Note Proceeds	2200.46000.0225	\$0	\$547,000	\$547,000
Total Change of Revenues			<u>\$547,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Use	22010900.78800.0000	\$0	\$547,000	\$547,000
Total Change of Expenses			<u>\$547,000</u>	

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

BY AUTHORITY

ORDINANCE NO. **3346**

COUNCILLOR'S BILL NO. **17**

SERIES OF 2007

INTRODUCED BY COUNCILLORS
Kauffman - Major

A BILL

FOR AN ORDINANCE INCREASING THE 2007 BUDGET OF THE LEGACY RIDGE GOLF COURSE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2007 ESTIMATED REVENUES IN THIS FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2007 appropriation for the Golf Course Fund, initially appropriated by Ordinance No. 3316 is hereby increased by \$547,000. This appropriation is due to an increase in the transfer from the Golf Course Fund.

Section 2. The \$547,000 increase in the Golf Course Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10 B-D, dated April 23, 2007 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Golf Course Fund	<u>\$547,000</u>
Total	<u>\$547,000</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of April, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May, 2007.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Second Reading of Councillor’s Bill No. 18 re Redevelopment Assistance Package for the Northgate Shopping Center

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action

Pass Councillor’s Bill No.18 on second reading authorizing the Mayor to enter into a redevelopment assistance package with Carlson Associates, Inc. to improve the Northgate Shopping Center located at the southeast corner of 72nd Avenue and Federal Boulevard.

Summary Statement

- Carlson Associates purchased approximately 21-acres of land located at the southeast corner of 72nd Avenue and Federal Boulevard that includes the existing 10 acre Northgate Shopping Center.
- Carlson Associates intends to fully renovate the “Grocery Warehouse” space and the pad building on the northwest corner of the site, and will either renovate or rebuild the in-line commercial space.
- Carlson Associates has a lease agreement with Liborio Markets to operate a 45,000 square foot grocery in the building that previously was home to Grocery Warehouse.
- Carlson Associates has a letter of intent to build a large family-style restaurant on the southwest corner of the shopping center site, resulting in the demolition of the existing restaurant building.
- Carlson Associates does not intend to demolish the remaining buildings east of the shopping center immediately, but intends to evaluate the viability of reuse or redevelopment of the buildings.
- Staff is recommending a development assistance package be provided to assist Carlson Associates cover redevelopment costs related to the following:
 - The cost to remediate the environmental contamination is estimated at \$1.5 to \$2.1 million.
 - \$1.0 to \$1.2 million for exterior renovation and roof improvements for Liborio Market.
 - \$1.0 to \$1.2 million to renovate/rebuild the in-line space and pad building.
- Staff is proposing an assistance package that includes the following:
 - The City and WEDA will not provide any up-front funding.
 - The City and WEDA agree to participate in rebating 50% of sales taxes collected annually from the project to Carlson Associates.
 - The rebate period will be for a maximum of 6 years.
 - The rebate amount will be capped at \$2.6 million.
- The Finance Department estimates that the project could yield from \$4.5 to \$5.3 million in total sales tax revenue over a 6-year period, exclusive of any rebates.
- This Councillor’s Bill was passed on first reading on April 23, 2007.

Expenditure Required: Up to \$2,600,000 (maximum)
Source of Funds: Sales tax proceeds from the Northgate Shopping Center Project

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

BY AUTHORITY

ORDINANCE NO. **3347**

COUNCILLOR'S BILL NO. **18**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

Dittman - Price

A BILL

**FOR AN ORDINANCE AUTHORIZING A REDEVELOPMENT ASSISTANCE AGREEMENT
FOR THE REDEVELOPMENT OF THE NORTHGATE SHOPPING CENTER IN
WESTMINSTER, COLORADO**

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

WHEREAS, it is important for the City of Westminster to generate additional sales tax revenue and remain competitive with other local governments in offering assistance for occupancy of existing retail space in the City; and

WHEREAS, the City of Westminster ("City") has indicated its desire to improve and redevelop the area at 72nd Avenue and Federal Boulevard, including the property known as the Northgate Shopping Center site, within the South Westminster Urban Renewal Area; and

WHEREAS, the Carlson Associates has all of the property in ownership that is necessary to proceed with the renovation and redevelopment of commercial space; and

WHEREAS, the Carlson Associates has committed to complete improvements to the center in accordance with an approved Official Development Plan (ODP); and

WHEREAS, a proposed Redevelopment Assistance Agreement between the City and Carlson Associates, Inc. is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Mayor of the City of Westminster is hereby authorized to enter into a Redevelopment Assistance Agreement with Carlson Associates, Inc. in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of APRIL 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May, 2007.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

REDEVELOPMENT ASSISTANCE AGREEMENT

This Agreement is made this _____ of _____ 2007 (the "Effective Date"), by and among the **CITY OF WESTMINSTER** ("City"), a Colorado home-rule municipality, and the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY**, an urban renewal authority organized and existing pursuant to the provisions of Part 1, Article 25, Title 31, C.R.S. ("WEDA"), and **CARLSON ASSOCIATES, INC.**, 12460 1st Street, Eastlake, Colorado 80614 ("Carlson").

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

1. Definitions.
 - a. Sales Tax Rebate Area. Sales Tax Rebate Area means the real property described on Exhibit "A" attached hereto and incorporated herein by this reference.
 - b. Phase 2 Improvement Area. Phase 2 Improvement Area means the real property described on Exhibit "B" attached hereto and incorporated herein by this reference.
 - c. Rebate Year. Rebate Year means each 12 month period starting on the Rebate Commencement Date.
 - d. Rebate Commencement Date. Rebate Commencement Date means the date on which the City issues a temporary or a permanent certificate of occupancy for a Liborio's grocery store within the Sales Tax Rebate Area.
 - e. Rebate Period. Rebate Period means the 6 year period of time commencing on the Rebate Commencement Date and ending on the sixth (6th) anniversary thereof.
2. Sales Tax Rebate.
 - a. The Maximum Rebate payable under this Agreement is Two Million Six Hundred Thousand Dollars and no cents (\$2,600,000) ("Maximum Rebate").
 - b. During the Rebate Period, the City shall rebate to Carlson an amount equal to 50% of sales tax collections paid to the City that are attributable to the City's 3.0% General Sales Tax on sales generated by tenants occupying the commercial space on the Property as defined below (the "Rebate"). The Rebate shall not extend beyond the Rebate Period nor exceed the Maximum Rebate.
 - c. The Rebate shall not include any sales tax collected and received from any Westminster business located and operating outside the Sales Tax Rebate Area that relocates to the Sales Tax Rebate Area and ceases operations at the previous location.
 - d. The Rebates shall be paid by the City on an annual basis within sixty (60) days following the end of each Rebate Year.
3. Conditions Precedent. The City's obligation to pay any Rebate otherwise payable under this Agreement is subject to the following conditions precedent:
 - a. Carlson shall have completed all improvements within the Sales Tax Rebate Area in accordance with the final Official Development Plan (ODP) for the Northgate Shopping Center approved by the City.
 - b. Liborio's grocery store shall occupy and have commenced business operations at the Northgate Shopping Center.
 - c. Carlson shall have submitted a reasonably acceptable Voluntary Cleanup Plan for approval by the State of Colorado.

In the event any of the foregoing conditions have not been satisfied on or before the end of the first Rebate Year, this Agreement shall automatically terminate and the City shall have no obligation whatsoever to Carlson.

3. Other Conditions. Carlson shall provide evidence of continued progress relative to the Voluntary Cleanup Plan approved by the State until such time as the Plan is completed and the Property is released by the State. Should the condition not be met, the City may hold any Rebate otherwise due until such time Carlson is in compliance with said condition. Any interest income earned on any amount so held shall accrue to the benefit of the City.

4. Reuse and Redevelopment Assessment on Balance of Property. Carlson agrees to evaluate in good faith the viability of building reuse and/or redevelopment for the Phase 2 Improvement Area. Carlson shall use its best efforts to complete the development or redevelopment of the Phase 2 Improvement Area within 36 months of the date of execution of this Agreement.

5. Intent of Parties.

a. This instrument shall constitute the entire agreement between the City and Carlson and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter, except that it does not supersede any agreement between the City of Westminster and Carlson regarding the Official Development Plan (ODP) or any other development plans for the Northgate Shopping Center.

b. Notwithstanding any possible interpretation of this Agreement to the contrary, Carlson shall have no rights or remedies against WEDA, and WEDA shall have no duties or obligations to Carlson, under this Agreement.

c. Nothing in this Agreement shall be deemed or construed as a waiver of any provision of the City Code or the City Charter.

6. Termination.

a. Unless sooner terminated as provided in this Agreement, this Agreement shall terminate when the total Sales Tax Rebates reach the Maximum Rebate Amount, or upon the date of the City's payment to Carlson of the final Rebate following the conclusion of the sixth (6th) Rebate Year, whichever event occurs sooner.

b. In the event that Carlson sells all or part of the Sales Tax Rebate Area, unless agreed to otherwise by the City, this Agreement becomes void and the final Rebate Year shall end on the date that the property is sold.

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

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

9. Notices. Any notices or other communications required or permitted to be given under this Agreement will be sufficiently given and will be deemed given when given by hand delivery, overnight delivery, mailed by certified or registered mail, postage prepaid, at the address below or at such address or addresses as either party hereafter designates in writing to the other party hereto.

To the City of Westminster:

J. Brent McFall
City Manager, City of Westminster
4800 West 92nd Avenue
Westminster CO 80031
Telephone: (303) 430-2400
Facsimile: (303) 430-1809

To Carlson:

10. Governing Law; Disputes.

a. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter, the Westminster Municipal Code, and the Colorado Urban Renewal Law.

b. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Adams County, Colorado. In the event of such a lawsuit, the prevailing party therein shall be entitled to recover its reasonable attorney fees and costs that were incurred as a result thereof.

11. WEDA's Obligations to City.

a. WEDA agrees to repay the City any amounts paid by the City to Carlson pursuant to this Agreement, regardless of whether net tax increment existed at the time any such payment was made.

b. WEDA's obligations shall be payable when and if sufficient tax increment revenue is available to permit WEDA to meet its obligation under this Agreement after meeting all of WEDA's other prior and superior obligations, including but not limited to debt service. WEDA's repayment obligations to the City under this Agreement shall be due and payable by January 31 following the end of the calendar year in which any Rebate is paid to Carlson by the City.

c. WEDA shall have no further obligation to the City after January 31 following the year in which this Agreement terminates.

CITY OF WESTMINSTER

BY: _____
Nancy McNally, Mayor

ATTEST:

City Clerk

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

BY: _____
J. Brent McFall, Executive Director

ATTEST:

Secretary

APPROVED AS TO FORM:

City Attorney's Office

CARLSON ASSOCIATES, INC.

BY: _____
Name: _____
Title: _____

ATTEST:

Secretary

Exhibit A

Carlson Business Assistance Agreement

Sales Tax Rebate Area



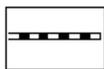
Development Area Boundary



Exhibit B

Carlson Business Assistance Agreement

Phase 2 Improvement Area



Development Area Boundary





Agenda Item 9 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Metro Wastewater Reclamation District Board of Directors Appointment

Prepared By: Tim Woodard, Big Dry Creek Wastewater Treatment Superintendent
Ronald A. Hellbusch, Interim Director of Public Works and Utilities

Recommended City Council Action

Appoint Mrs. Ann Ragsdale to the Metro Wastewater Reclamation District's Board of Directors, with a term of office effective through May, 2011.

Summary Statement

- City Council action is requested to appoint Ann Ragsdale to the Metro Wastewater Reclamation District Board of Directors.
- The current representative, Charles Ragsdale, is unable to serve during the next several months due to work he needs to complete out of state.
- The Metro District Bylaws and State Statute require that in order to become a member of the Board of Directors, one must live within the member municipality and within the Metro District service area.
- At this time, there is not a City Staff member to fill the vacancy based on these bylaws. Therefore, the recommendation of Staff is to fill the vacancy with Ann Ragsdale, a City resident and former State Representative who staff believes will represent the City of Westminster's interest extremely well.
- Curt Aldstadt is currently the City's other representative. Mr. Aldstadt's term of office will expire on June 30, 2008.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does Council wish to appoint Mrs. Ann Ragsdale or open up the recruitment to fill this seat?

Alternative

As an alternative, Staff could solicit additional names of interested citizens who may wish to represent the City on the Metro Wastewater Reclamation Board. The value of Mrs. Ragsdale's appointment is that she is a former State Representative and long time Westminster resident who understands the importance of representing the City of Westminster in regard to the Metro district issues. Staff feels Mrs. Ragsdale will protect the City's interests on the Metro Board of Directors and ensure representation of the City of Westminster.

Background Information

The Metro Wastewater Reclamation District treats approximately 40 percent of the total wastewater generated in Westminster, with the District serving the area south of approximately 97th Avenue.

Over the past six years, Mr. Charles Ragsdale has filled the position on the Metro Wastewater Reclamation District Board of Directors. He has kept Staff informed of pertinent activities occurring at the Metro District, while also representing the City's interests very well with the Metro District. Mr. Charles Ragsdale can no longer fulfill the position for the Metro Wastewater Reclamation District Board of Directors. Mrs. Ann Ragsdale has graciously offered to fill the Metro Wastewater Reclamation District Board of Directors position vacated by her husband. Due to Mr. Charles Ragsdale's involvement with the Metro District Board of Directors during the past six years, Mrs. Ann Ragsdale is well aware of the Metro Wastewater Reclamation District issues and concerns at present.

Mrs. Ragsdale served as a State Representative in the Colorado State House of Representatives in District 35 representing Adams County from 1999-2006. While in the House of Representatives she served as Vice Chair on the State Veterans and Military Affairs Committee (2004-2006), served on the Transportation and Energy Committee (1999-2006) and on the Local Government Committee (1999-2004).

The Metro Wastewater Reclamation District Board of Directors meets at 7:00 p.m. on the third Tuesday of each month. In addition, all Board Members serve on one operations committee, which meets monthly either in the morning or at noon. Mr. Ragsdale currently serves on the Operations Committee and also serves on Annual Charges Committee. Mrs. Ragsdale will fill the positions vacated by her husband.

Respectfully submitted,

J. Brent McFall
City Manager

APPOINTMENT

I Nancy McNally, Mayor of the City of Westminster, do hereby certify that the Westminster City Council does hereby appoint **Ann Ragsdale** as the City of Westminster representative on the Board of Directors of the Metro Wastewater Reclamation District, to serve a term of four years, beginning May 1, 2007 and ending May 30, 2011, in accordance with the laws of the State of Colorado and the By-laws of the Metro Wastewater Reclamation District.

Approved by the Westminster City Council this 14th day of May, 2007.

Mayor

**WESTMINSTER CITY COUNCIL
APPROVAL OF APPOINTMENT**

It was moved by Councillor _____ and seconded by Councillor _____; that the City of Westminster appoint **ANN RAGSDALE** to serve a term of four years, beginning May 1, 2007 and ending May 30, 2011, as the City of Westminster representative on the Board of Directors of the Metro Wastewater Reclamation District be and the same hereby is approved. The motion carried unanimously.

STATE OF COLORADO
COUNTY OF ADAMS

§

CERTIFICATE

I, Carla Koeltzow, Deputy City Clerk of the City of Westminster, do hereby certify that the Westminster City Council appointed **ANN RAGSDALE** as said City's representative on the Board of Directors of the Metro Wastewater Reclamation District and that the foregoing "Appointment" is an excerpt from the minutes 14th day of May, 2007, and that said motion of approval is part of the official minutes of said meeting; and that a quorum was present at all times during the meeting.

Dated this 14th day of May, 2007.

Deputy City Clerk

(SEAL)



Agenda Item 9 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Resolution No. 15 re Appointments to Boards and Commissions

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Adopt Resolution No. 15 to fill vacancies on the Planning Commission.

Summary Statement

- City Council action is requested to fill two vacancies on the Planning Commission.
- A regular member vacancy was created by the recent resignation of Rex Wiederspahn, who moved from the City and is no longer eligible to serve.
- If Council approves the attached resolution, Michael Litzau, currently the first alternate to the Commission, will be appointed to regular membership to fill the remainder of Mr. Wiederspahn's unexpired term.
- Upon Mr. Litzau's appointment, the second alternate to the Commission, Donna Alengi, will ascend to the first alternate position, creating a vacancy.
- Adoption of the attached resolution will name Herb Atchison the second alternate to the Planning Commission for the term expiring December 31, 2007.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council want to fill vacancies on the Planning Commission so the Commission has benefit of a full complement of regular and alternate members?

Alternative

None identified

Background Information

The recent resignation of Rex Wiederspahn, who moved from the City and is regrettably no longer eligible to serve, has created a vacancy on the Planning Commission. Mr. Wiederspahn has been a dedicated member of the Commission for seven years.

There are two alternate members on the Planning Commission. If the attached resolution is adopted, Michael Litzau, the first alternate member, will be appointed as a regular member to complete the remainder of Mr. Wiederspahn's term expiring December 31, 2008; and Donna Alengi, the second alternate, will ascend to the first alternate member position, creating a vacancy in the second alternate membership. To fill that vacancy the attached resolution appoints Herb Atchison as the second alternate member, term expiring December 31, 2007.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **15**

INTRODUCED BY COUNCILLORS

SERIES OF 2007

CITY OF WESTMINSTER BOARD AND COMMISSION NEW APPOINTMENTS

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized members to carry out the business of the City of Westminster with citizen representation; and

WHEREAS, The City Council has received the resignation of Rex Wiederspahn, a regular member of the Planning Commission; and

WHEREAS, An eligible citizen of Westminster who is serving as the first alternate member to the Planning Commission has voiced interest in being appointed to regular membership to fill the vacancy created by Mr. Wiederspahn's resignation; and

WHEREAS, The second alternate to the Planning Commission will ascend to the first alternate position, creating a vacancy; and

WHEREAS, An eligible citizen of Westminster has voiced interest in being appointed to fill the second alternate position on the Planning Commission.

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

Section 1. Michael Litzau is hereby appointed to regular membership on the Planning Commission, term to expire December 31, 2008, to fill the vacancy created by the resignation of Rex Wiederspahn.

Section 2. Herb Atchison is hereby appointed the second alternate member on the Planning Commission, term to expire December 31, 2007.

PASSED AND ADOPTED this 14th day of May, 2007.

ATTEST:

Mayor

City Clerk



Agenda Item 10 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Resolution No. 16 re Library Services Master Plan

Prepared By: Mary Grace Barrick, Library Services Manager

Recommended City Council Action

Adopt Resolution No. 16 formally adopting the update to the City of Westminster Library Services Plan dated May 14, 2007, as a planning guide for future library Library Services.

Summary Statement

- On May 7, 2007, City Councillors reviewed the Plan and directed Staff to place the formal adoption of the Plan on the regular City Council Meeting Agenda.
- At the April 19, 2007, Parks, Recreation and Libraries Advisory Board Meeting, the Board reviewed the Plan and passed a motion in support of Staff's recommendations.
- Staff is requesting that Councillors formally adopt the revision to the Library Services Master Plan dated May 14, 2007.
- This Plan is intended to be a planning guide for all future library development and services for the years 2007 through 2012.
- The Plan provides readers with a data sheet showing both of the City's libraries service locations, collection size, and circulation figures.
- A brief outline of the Library's goals are as follows:
 - Being a community center as well as a library
 - To provide a variety of materials to meet the interest of the community
 - To meet the needs of those who visit City library buildings as well as the electronic needs of external customers
 - Develop library and cultural programs that accommodate the community's need for personal growth and development
 - To provide services at or above other peer libraries
 - To evaluate future facility needs based on available funding
- The Plan also sets specific goals and objectives and recommended actions.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should City Council adopt the City of Westminster's Library Services Master Plan dated March 14, 2007?

Alternatives

1. City Council could reject approving this master plan document and could elect to have Staff continue to utilize the existing Plan dated January 2000 to December 2005.
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 last six years, since the current master plan was approved, particular in regard to changes in technologies used by our customers, and the growth of our community of users. Staff believes that the existing Library Services Master Plan, dated January 2000, does not reflect the Westminster community's current desires or needs.

Background Information

A taskforce of Library Staff and former Library Advisory Board Members have worked together to develop a plan to meet the current and future library needs of the community. The plan covers Library Services as a whole, with specific recommendations noted for programs, services and facilities.

The American Library Association and the State of Colorado Library Association provide library standards. Noting those standards and the unique desires of the community, Staff has integrated highlights of those elements into the revised plan.

The Master Plan also points out that the Jefferson County Library is currently proposing to form its own independent library district. However, the City of Westminster has the legal option to choose to not participate in the new district. The attached Library Services Master Plan identifies this as a major policy issue. Currently, Staff is in discussions with the Director of the Jefferson County Library system to see if benefits can be directed to the City's libraries in terms of additional resources and revenues, in exchange for the City participating in this new district.

The Master Plan raises the question of the possible creation of a Westminster Library District with its own taxing authority. In addition, the attached document notes that City Staff and Front Range Community College staff are in the process of reviewing the College Hill Library Joint Operating Agreement to see if improvements can be made to the efficiencies of the operation.

Staff is very confident that the revised Library Services Master Plan put forth for consideration balances a variety of library services offered to the community and develops a realistic roadmap for attaining the goals and objectives set forth in the plan. The Library Services Master Plan makes it clear that all recommendations depend upon available resources to not only develop new amenities for the library system, but to also be able to provide adequate operations and maintenance once those facilities are developed.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **16**

INTRODUCED BY COUNCILLORS

SERIES OF 2007

ADOPTION OF LIBRARY MASTER PLAN

WHEREAS, Staff has prepared an updated Library Services Master Plan; and

WHEREAS, City Council is very supportive of the quality of life enhancements offered by the Parks, Recreation and Libraries programs and services; and

WHEREAS, the Library Services Master Plan will provide direction and be used as a planning guide for future operations and the future development of library facilities; and

WHEREAS, the Library Services Master Plan describes projected desires of library users, contingent upon future funding resources,

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster formally endorses the recommendations and conclusions of the Library Master Plan and hereby adopts the subject Master Plan, to be used as a planning guide for current and future library operations and development of new facilities.

PASSED AND ADOPTED on this 14th day of May, 2007.

ATTEST:

Mayor

City Clerk



WESTMINSTER

2007 to 2012

LIBRARY SERVICES MASTER PLAN



Legacy of Literature
Rosalind Cook, Sculptor



WESTMINSTER

Library Services
Master Plan Draft

2007 to 2012

*Presented to City Council
May 14, 2007*

City Council

Nancy McNally, *Mayor*
Tim Kauffman, *Mayor Pro Tem*
Chris Dittman
Mark Kaiser
Mary Lindsey
Scott Major
Jo Ann Price

City Manager

Brent McFall

Assistant City Manager

Steve Smithers

Parks, Recreation and Libraries Advisory Board

Paula Saunders, *Chairperson*
Ron Dickerson, *Co-Chairperson*
Michael Angel
Stephanie Bingham
Beverly Bishop
Marilyn Flachman Ed. D (*Former Library Board Member*)
Wendi Garland
Roman Kohler (*Former Library Board President*)
Catherine Payne
W.J. Peniston
Angela Ricker (*Former Library Board Member*)

Council Liaisons

Mary Lindsey
Jo Ann Price

City Staff

Bill Walenczak, *Director of Parks, Recreation & Libraries*
Mary Grace Barrick, *Library Services Manager*

Bethany Addy	Chuck Huey	Eric Sisler
Cindy Ayon	Cindy Jaye	Vicky Sisto
Karen Bary	Mary Jones	Kate Skarbek
JoAnn Fernandez	James Mabry	Colleen Spahr
Kathe Fletcher	Clay Martin	Suzanne Smith
Patty Gendill	Lisa Nicholas	Veronica Smith
Lisa Hughes	Penne Ramsay	Jean Ward
Monica Hudak	David Rhodes	

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In 2005, the Library Board and Library Staff held several meetings to envision the future of Library Services to the citizens of Westminster. All Library Board members were able to contribute, with Marilyn Flachman, Roman Kohler and Anglea Ricker participating directly in the planning meetings. The Adams County School District 50 Voices program members also attended these planning meetings.

For citizen comment, we noted the data reported in the biennial Westminster Citizen Survey. Another source of citizen comment was the detailed library survey that was distributed in-house at all the public service desks and was made available via the library website for additional and specific comments.

Staff also used the Library's standard quarterly in-house surveys to check for trends across time. For additional comment, those same quarterly surveys were distributed at Community Oriented Governance (COG) meetings that were held throughout the City. COG members also completed the more detailed in-house survey that is offered at the College Hill and Irving Street Libraries.

Staff gleaned information for planning purposes by examining the new standards set forth in the State of Colorado guidelines, entitled the Colorado Public Library Standards. In addition, Staff consulted and reviewed with a national organization, the American Library Association, and a municipal organization, the International City/County Management Association (ICMA), and the comparison standards reported and noted within a State organization, called the Library Research Service (LRS).

The format and style of this document was fashioned after the library master plans of both the Arapahoe and Pueblo Colorado Library Districts.

There was a lapse in time between the planning stages and approval of this document as Staff waited for the former Parks and Recreation Board and the Library Board to be merged into one board, the Parks, Recreation and Libraries Advisory Board.

Thank you to all the Library Services Staff members who so seriously considered the future of Westminster's Libraries and brought ideas, shared opinions, and provided valuable insight based on years of experience and education. A special thanks to Neighborhood Outreach Coordinator James Mabry who was essential to the success of the survey.

Background

Irving Street Library and 76th Avenue Library

April 17, 2004, marked the grand opening of the new 15,000 square-foot Irving Street Library. At the same time, Staff closed the 76th Avenue Library. That property, which shared a location with the City's Courthouse and original City offices, was purchased for \$30,000 in the late 1950's. The 76th Avenue Library opened in September of 1961 and served as the City's main library location until the College Hill Library opened in April of 1998.

College Hill Library

The grand opening of the College Hill Library was held on April 18, 1998. The 76,000 square-foot College Hill Library (of which approximately 30,000 square feet was appropriated as City space) is a joint venture between the City of Westminster and Front Range Community College (FRCC). At the time this library was built, it provided library services to all Westminster residents within a 15-minute drive of their home.

Bookmobile and King's Mill Library

Over the years, the Library operated a bookmobile that served over 18 locations throughout the City and a branch library, the King's Mill Library. Bookmobile service was discontinued in 1998 due to low use and increasing operational costs. The King's Mill Library opened April 8, 1979 to serve the southwest portion of the City and closed April 29, 2000. The King's Mill Library was open to all Jefferson County residents, including those outside the Westminster city limits. When Jefferson County built the Standley Lake Library at 8485 Kipling Street, patron use of the King's Mill Library decreased. The King's Mill Library closed and the building was turned over to Head Start. King's Mill Staff was re-appropriated to the College Hill Library which also allowed the City to provide Sunday hours to its citizens.

County Agreements

Earlier in the City's history, Library Staff and the Library Board decided to opt out of joining the Adams County Library system. A review of Library history shows no such formal decision being made in regard to the Jefferson County Library system. It appears that as the City began to grow in Jefferson County, reciprocal borrowing arrangements developed informally between the City of Westminster Library and the Jefferson County Library. At this same time, all libraries in Colorado began to move toward a model of allowing reciprocal borrowing privileges to Colorado residents.

As a result of the State of Colorado ending its funding of public libraries, the model in Colorado is to move toward the formation of library districts. The impact on the City comes from the taxation placed on the City's Jefferson County residents to support the Jefferson County Public Libraries. Jefferson County is currently moving toward becoming a library district. State laws (24-90-103.6, 24-90-106, 24-90-107) state that as the City of Westminster is operating a municipal library within the boundaries of the Jefferson County Public Library system, the City of Westminster is charged with making a decision on allowing the reformation of the Jefferson County Public Library system into a Jefferson County Library District. The City will need to analyze a best-case scenario for its citizens.

Front Range Community College Agreement

Front Range Community College and the City of Westminster are currently operating under an intergovernmental agreement (IGA) to operate the College Hill Library. Staff agrees that reviewing the IGA to note any additional efficiency in operations is due at this time.

Vision Statement

Westminster residents of all ages and groups will find City of Westminster Libraries to be a dynamic, responsive environment that works to meet their cultural, informational, intellectual and social needs.

Mission Statement

The City's mission is to provide superior customer service and library materials to everyone in its community.

Organizational Goals

- Operate as a community center for City of Westminster citizens

- Provide current materials in a variety of formats to meet the interests of the community

- Equitably meet the needs of Library patrons who visit the Library in-house and those who visit electronically, from their homes or workplaces

- Provide programming that is responsive to the changing needs of the community

- Respond to the community's need for personal growth and development by providing opportunities for life-long learning through services, facilities, outreach, programming and collections

- Provide services at or above the levels of peer libraries

- Operate utilizing City Council's Strategic Plan Goal of:
 1. Financially Sound City Government
 2. Safe and Secure Community
 3. Vibrant Neighborhoods and Commercial Areas
 4. Balanced and Sustainable Local Economy
 5. Beautiful City, Attractive Developments, Green Spaces, Vistas



Quick Look Data
College Hill Library as of January 2007

Service Area

Bordered by 88th Avenue on the south, Westminster City limits to the north and east and Wadsworth Parkway to the west, the service area also includes approximately one-half of residents living west of Wadsworth Parkway (shared service area with Jeffco).

Current Hours of Operation

A total of 67 hours per week

Monday through Thursday 9 a.m. to 9 p.m.

Friday 10 a.m. to 5 p.m.

Saturday 10 a.m. to 5 p.m.

Sunday 1 p.m. to 5 p.m.

(In 2000=71 hours per week)

Square Footage

Approximately 30,000 square feet

(Total square footage for both the City and FRCC is 75,000)

Collection Size

Approximately 187,000 items; includes all formats

Public PC's

64 Public PC's

23 Internet

8 Catalog only

Word processing

5 Stand-alone children's CD-ROM stations

1 Instructor's workstation (Library instruction workstation)

22 Student workstations (Library instruction classroom)

3 Sign-up stations (PC time management/print recovery)

(Hours per day each 15 WPL public computers are in use = 4)

Self-Check Units

4

Average Monthly Circulation

93,143

Average Monthly Reference and Information Questions

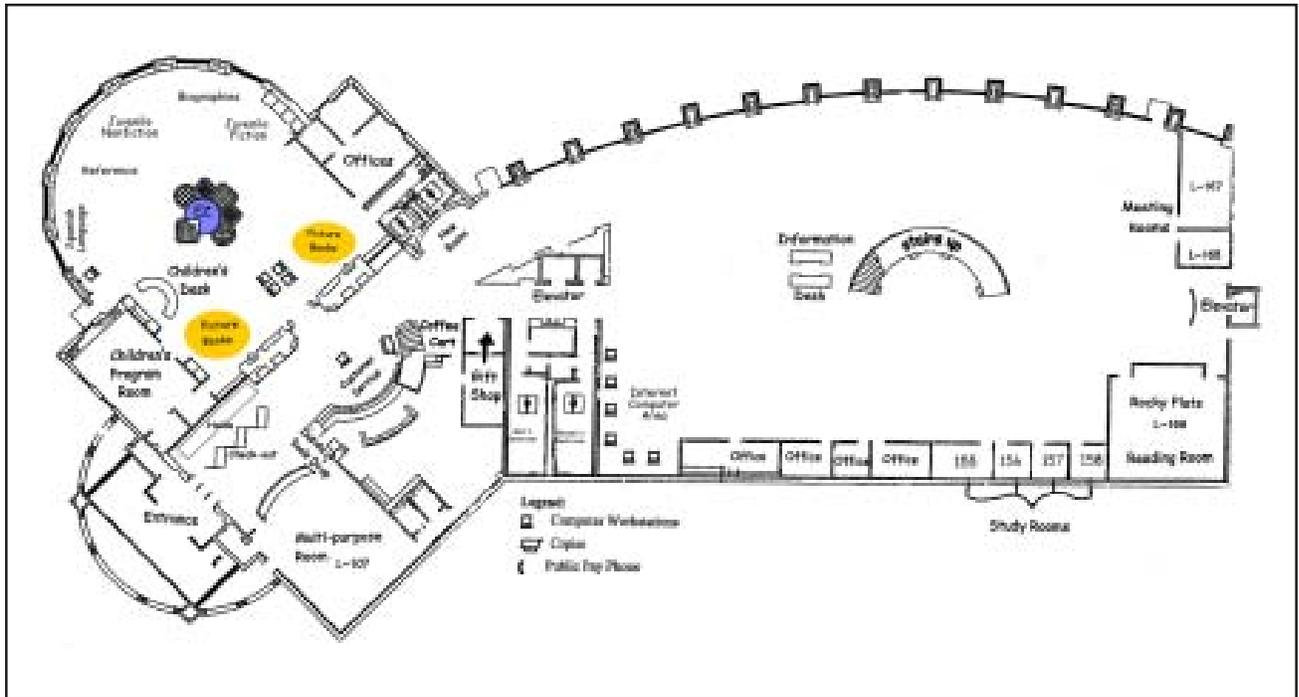
6,552 (Includes Children's, Information and Reference service points)

Circulation Staff

12.575 (12.650 in 2000) – moved some Staff to Irving Street

Reference and Youth Staff

7.65 FTE (10.275 FTE in 2000) - moved some Staff to Irving Street



Quick Look Data
Irving Street Library as of January 2007

Service Area

Bordered by 88th Avenue on the north and Westminster city limits on the east, west and south

Hours of Operation

62 hours per week
Monday through Thursdays 9 a.m. to 9 p.m.
Friday 10 a.m. to 5 p.m.
Saturday 10 a.m. to 5 p.m.

Square Footage

Approximately 15,000 square feet

Collection Size

Approximately 93,000 items; includes all formats

Public PC's

22 Public PC's
13 Internet
1 Catalog only
Word processing
3 Stand-alone children's CD-ROM stations
1 Instructor's workstation (Library instruction workstation)
2 SAM sign-up stations (PC time management/print cost recovery)

Self-Check Units

1

Average Monthly Circulation

28,924

Average Monthly Reference and Information Questions

4,588 (Includes Children's Information and Reference Desk Service Points)

Circulation Staff

4.15 FTE

Reference and Youth Staff

6.3 (4.5 Regular Staff and 1.8 in rotation)



Objective 1

It is Staff's commitment to foster a sense of community among all residents. This is accomplished by striving to connect Library users through gracious service, technology, up-to-date responsive facilities, programming and relevant collections.

Strategy

Develop new ways to inform and excite the Westminster community about its Libraries and add value for new and existing constituent groups.

Tactics

- Use the latest technology within current funding guidelines to provide an updated website to communicate with and connect with our in-house and on-line users
- Continue development of reciprocal partnerships and alliances with other community and library organizations
- Continue community outreach through the implementation of the Library Ambassador training for Staff and offer interested Parks, Recreation and Library Advisory Board members the same
- Continue and develop new relationships with local businesses to support the Library's Summer Reading Program for kids and adults
- Continue to develop new relationships with schools, artist organizations, and the City's Recreation Services Division to bring local art and displays into the Library
- Provide meeting space and leadership for discussions in matters of intellectual freedom
- Pursue diverse community groups to use the City's Libraries as meeting space
- Review front entrances and signage for a friendlier look
- Pursue or appropriate funding for a display unit in the foyer of College Hill Library to promote programs
- Consolidate all overdue fines to one price
- Consider the possibility of consolidating all check-out times to one, three-week period
- Email notification of holds, overdues and programs
- Incorporate the Library Teen Advisory Board and the City Youth Advisory Panel ideas into the Library website
- Develop a library standards training module for Staff so that customers have a consistent experience

Concepts to Consider for 2007 and Beyond

1. Look at library naming and review to build a stronger City of Westminster identity
2. Focus on cultural and educational programs of interest to all ages
3. Tailor programming to meet the differing needs of College Hill and Irving Street Library patrons
4. Promote the Library by preparing DVDs to send out to schools to promote the Summer Reading Program and to mature communities showcasing the offerings of the Library
5. As revenues allow, put program funding back into the Library budget

City Council Strategic Plan Goal

In partnership with our Parks, Recreation and Libraries police officers, continue to meet Council Council's goal of a Safe and Secure Community by providing safe gathering places within our Libraries.



Objective 2

Provide current materials in a variety of formats to meet the interests of the community.

Strategy

Tailor resources to meet the needs and interests of lifelong-learners; provide sufficient access to high-demand items; be reactive to changes in technology and aware of the way these changes impact our abilities to meet requests for service.

Tactics

- Purchase or rent multiple copies of popular authors and media titles in youth and adult collections and consider bringing Without Waiting (WOW) collection to the College Hill Library
- Continue evaluation and support of databases for students and information seekers of all ages and seek out consortia purchasing agreements
- Keep collections current and clean by updating, conducting inventories and deselection on a routine basis
- Develop a plan that would allow for a more diverse selection of materials in our language collection and consider working with other libraries for joint purchasing
- Provide book-club kits to local groups with multiple copies of titles and discussion group guidelines
- Provide Staff with training to help interpret and teach new technologies to customers
- Determine depth of collection needs such as classics, homework help, and on-line and print ratio
- Review best allocation of collection budget resources within current guidelines
- Seek more cost-effective ways to handle interlibrary loans
- Partner with Denver University graduate interns to become a state library participant in the Digital Historic Newspaper Collection with all versions of *The Westminster Window* included
- Install Web-Reporter Statistical Analysis Software to assist in management of collections and usage patterns, allowing Staff to note areas of interest so funds can be shifted to purchase those items
- Begin to increase funding for materials budgets as revenues allow

Concepts to Consider for 2007 and Beyond

1. As funding allows, budget for future technological advances, i.e., downloadable audio books, films and music
2. Join the Colorado Association of Libraries Reader's Advisory and Collection Development Groups
3. Become Colorado library leaders in Reader's Advisory Services
4. Examine reallocation of a .5 FTE from existing staff resources to manage film and music ordering

City Council Strategic Plan Goal

Library collections that support the educational goals of life-long learners and the needs of small business owner's help to develop leadership within the community and supports the goal of a Balanced and Sustainable Local Economy.



Objective 3

Equitably meet the needs of the City's users who visit the Library in house and electronically.

Strategy

Sustain a balanced approach in selecting print and electronic resources in meeting the needs of all users. Offer the same level of customer service to in-house and electronic users.

Tactics

- Seek out funding for an educational use laptop computer lab in the Irving Street Library meeting room
- Bring WI-FI to both College Hill and Irving Street Libraries
- Research the possibility of a single-point telephone reference service for the Irving Street and College Hill Libraries
- Develop on-line registration for Library programs
- Allow on-line payments for Library fines
- Upgrade the teen and youth portions of the City's website as Staffing and funds allow
- Train all Staff members to become proficient in using Horizon, the Internet, Outlook, Excel, Word and Power Point
- Develop a mentoring program for new Staff allowing them to become familiar with all aspects of the Library both in house and on line
- Reallocate office space at College Hill Library to allow enough room for growth in the Automated Services department

Concepts to Consider for 2007 and Beyond

1. As revenues would allow, develop a third library branch as a virtual website. This would allow Staff to provide full value to our on-line customers. Develop strategies to measure the satisfaction of on-line users
2. As revenues allow, consider possible new library sites to include the north-east community area and at the West View Recreation Center. This correlates to the Parks and Recreation Master Plan. The need for such facilities should be reviewed over time
3. For consideration of future library funding for the City of Westminster, Staff should explore alternative funding options
4. As revenues allow, appropriate one full-time employee to Automation Services

City Council Strategic Plan Goal

A busy and efficiently run Library connects community members to City services, supporting Council's goal of Vibrant Neighborhoods.



Objective 4

In response to the Westminster community's need for personal growth and development, provide opportunities for life-long learning through Library services, facilities, outreach, programming and collections.

Strategy

Each year, Staff will review and respond to the changing needs in our community. Keep this plan as a changing organic document.

Tactics

- Provide programs that give parents and caregivers the necessary tools to develop pre-reading skills in their children, preparing them for success in school
- Develop more on-line interactions to build a sense of community with our off-site users - possibilities are social-networking sites and blogs
- Using the City's "Dear Reader" software program to deliver customized "what to read" newsletters to customers' e-mail boxes
- Support small business and home-based owners through the use of the City's subscription databases
- Explore setting up software to allow customers to have articles of interest automatically sent to their e-mail boxes
- To add convenience for patrons, add display kiosks to the front of the College Hill Library near the new books
- Research the feasibility of adding a WOW collection similar to Irving Street Library
- Provide on-line registration for programs
- Develop niche areas for collections such as language acquisitions, large print, teen areas, and senior adults
- Develop action-oriented programs that encourage boys to read and to use the Library
- Irving Street Library Staff will develop an adopt-a-school program to connect with neighborhood schools
- Organize a task force to develop a plan to deal with the growing demand for holds and space to store them

Concepts to Consider for 2007 and Beyond

1. Review the need for additional meeting room space at College Hill and Irving Street Libraries
2. As future budgets allow, reconfigure the circulation space at College Hill Library to accommodate the growing circulation and demand for holds
3. Consider a one-point-of-service desk at the Irving Street Library to improve service to customers

City Council Strategic Plan Goal

Planning with high standards for Library services allows for efficiently run operations, contributing to Council's goal of a Financially Sound City government.



Objective 5

Provide services at or above the levels of peer libraries as outlined in the Colorado Library Standards (CLS). Use comparative information provided by the Colorado State Library via the Library Research Service (LRS) format.

Strategy

Review Colorado Library Standards and work to bring all Westminster Public Library protocols to meet or exceed the essential category.

Tactics

- Beginning in 2007, review one portion of the Colorado Library Standards each month, until all standards have been reviewed and evaluated
- Combine data and findings from the Colorado Library Standards and Colorado Library Research Service to provide a pinpoint look at how well the City is doing in meeting State standards



Concepts to Consider for 2007 and Beyond

1. Use information from the Colorado Library Standards to note areas in the Library that can be improved or enhanced
2. Use measurements from the State of Colorado Library Research Service to note areas that can be improved or enhanced

City Council Strategic Plan Goal

Smart planning and high standards allow Staff to meet City Council's Strategic Plan Goals of: Financially Sound City Government and Beautiful City, Attractive Developments, Green Spaces and Vistas

Future Outlook

Circulation at College Hill Library

In looking ahead to circulation at the College Hill Library, and predicting a continuing annual growth of rate of no more than 4% each year, it is anticipated that Staff will checkout and return approximately 1.4 million items in 2010. When College Hill Library opened in 1998, the architects designed the Library for 500,000 items circulating per year between both floors. First floor at College Hill has exceeded 1 million items checked out per year since 2000. That is four times what the circulation workroom was designed to accommodate. More space is needed for a truly productive work environment.

In anticipation of increasing circulation numbers and as future budgets would allow, it is recommended that the City pursue the expansion of the circulation space at the College Hill. Concepts to consider include:

1. Expanding into meeting room L107 or changing the shape of the Customer Service Desk.
2. Relocate book drop room so that Staff is not required to push bins across the entryway to get to the check in stations.
3. Design a self-sorting book drop, similar to Irving Street Library.
4. Shared Collections for Inter-Library Loan - If the City is able to expand services by becoming a shared collection Prospector Library, more hold shelves will be needed and more circulation staff to handle the increase in volume. More room will also be needed for statewide courier.
5. To keep pace with current workload, investigate and purchase systems to automate all aspects of Circulation, especially check-in.

Costs and Staffing

As future budgets would allow, the following appropriations would allow the Library to more fully serve the Community:

- Restoration of funds for Library programming and public relations
- Inflationary increases to materials and electronic resources budgets
- Analyze staffing to address future needs



Summary of Recommendations

Currently, Library space in Westminster consists of the City portion of the College Hill Library and the Irving Street Library, for a total of 45,000 square feet. All recommendations would only be considered as future funding and budgets would allow.

There is a lack of Library services in the northwest portion of the City, with residents using the College Hill Library or driving to the Standley Lake Library in Jefferson County. A consideration would be to add a small branch library at the current West View Recreation Center location, as noted in the Parks and Recreation Master Plan 2004-2009.

Additional recommendations are as follows:

- Review the need for a branch Library in the northeast section of the City as noted in the Parks and Recreation Master Plan 2004-2009
- Analyze need for additional meeting room space at the Irving Street and College Hill Libraries
- Remodel circulation area at College Hill Library to allow for the growing demand of self-pick up and holds service
- Remodel Irving Street circulation and reference desk into one service point
- Work with Parks, Recreation and Libraries Advisory Board to review the naming nomenclature of the City's Libraries
- Consider asking Westminster voters to allow the Library to become a district and direct Staff to move forward with a mill levy campaign to fund services, or investigate alternative funding for Library services
- Review the intergovernmental agreement with Front Range Community College
- Automate, as fully as possible, all aspects of circulation services including:
 - Online payments of fines
 - Check-in and check-out of materials
 - One service point at Irving Street Library

Library Survey Results and Methodology Background and Methods

This survey was conducted as part of the Westminster Public Library's Master Plan. In working to determine what direction the Library should take in the next five years, the Library sought input from the community. The survey was distributed and completed at local Community Oriented Governance (COG) meetings throughout the community and at both Library locations. Surveys were color coded based on the distribution location. Locations included:

- Neighborhood COG meetings
- Irving Street Library
- The Children's Department at College Hill Library
- The Information Desk at College Hill Library
- The Circulation Desk at College Hill Library
- The Reference Desk of the Front Range Community College Library at College Hill
- Online

Results were tallied by individual location and as a complete system. A total of 344 surveys were completed. Most of the surveys were distributed to existing Westminster Public Library customers who picked up the survey at the Library. However, 58 surveys, or 16.8%, were completed outside of the Library at neighborhood COG meetings, allowing people who don't regularly frequent the Library to give their input. This survey is an indication of customer desires, but is not considered statistically accurate.

The City of Westminster Citizen Survey, scientifically conducted every two years, notes the Library as one of the most highly rated City services. In 2006, 80 percent of respondents ranked the City's Libraries in the highest category.

Results of Interest

1. 344 people responded to the survey. Of these respondents, 17% completed their survey at a COG meeting.
2. 88% of all respondents visit the Library once a month or more frequently
77% of all respondents visit the Library at least once every 3 weeks
51% of all respondents visit the Library weekly

52% of all COG respondents visit the Library once a month or more frequently
26% of all COG respondents visit the Library at least once every 3 weeks
9% of all respondents visit the Library weekly
3. 81% of all respondents said that they found what they were looking for on their last visit to the Library
4. The most common reasons cited for visiting the Library were:
 - To borrow videos, cds, or audio books – 58%
 - To borrow fiction books – 53%
 - To borrow nonfiction books – 49%
 - To use the children's Library – 49%



Agenda Item 10 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Resolution No. 17 re Jefferson County Public Library Special District

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

Recommended City Council Action

Adopt Resolution No. 17 declaring the City Council's decision pursuant to C.R.S. § 24-90-106 to not participate in the formation of the proposed Jefferson County library district.

Summary Statement

- On March 15, 2007, Jefferson County Public Library Director Mr. William Knott sent a letter to Mayor Nancy McNally informing her of the County's intent to form its own special library district.
- Director of Parks, Recreation and Libraries Bill Walenczak and Library Services Manager Mary Grace Barrick met with Mr. Knott to discuss the proposed library district, as well as a more recent proposal to create a Regional Library Authority by intergovernmental agreement between the proposed district and the City.
- It is Staff's opinion, at this time, that neither proposal addresses the needs of the City of Westminster in regard to reaching a more equitable sharing of the cost of providing library services to the City's Jefferson County residents.
- Although Staff is willing to continue negotiations with the Jefferson County Public Library, Staff is recommending that City Council adopt the attached Resolution evidencing its decision to not participate in a Jefferson County library district. This action is required by the Colorado Library Law to prevent the inclusion of the City into the proposed district, which could occur if a timely decision to not participate is not made and communicated to the County. The Resolution only addresses the proposed library district. No such resolution is required in response to the proposed regional library authority, since such an authority can only be created by an intergovernmental agreement approved by City Council.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council wish to have the City's Jefferson County residents participate in a new library district?

Alternatives

1. Council could decide to participate in this new Jefferson County library district. This is not recommended since Jefferson County residents currently pay to support the Jefferson County Library and there are no Jefferson County Library facilities in the City. These residents would receive no benefit from the proposed library district absent an agreement by which the District would assume some of the cost and/or responsibility for providing library services to Westminster residents in Jefferson County.
2. Council could choose to not participate in the formation of a new Jefferson County library district and instruct Staff to end all formal negotiations with the County regarding a possible intergovernmental agreement between the City and Jefferson County Library. This is not recommended at this time as Staff believes further negotiations with the County are worth pursuing. Also, the City and the County have enjoyed a very positive and cooperative relationship in many other endeavors for the benefit of their respective constituents.

Background Information

Westminster residents who live in Jefferson County contribute approximately \$1.7 million in annual taxes to the county library system, yet there are no Jefferson County Public Library facilities located in the City. The Standley Lake Library, located at 8485 Kipling Street in Arvada, is the closest Jefferson County Public Library to City of Westminster residents. Over 23,800 Jefferson County households use the two City of Westminster libraries. Jefferson County has an extensive library system throughout the County. County residents, including those in Westminster, pay a property tax of approximately 3.4 mills for library services.

Staff believes there is little advantage to Jefferson County residents to pay taxes to support the proposed new library district. However, negotiations have been ongoing to explore a possible agreement in regard to the City's participation in the proposed District. If a library district was formed, it could impose no additional taxes or debt upon Westminster residents without a TABOR election. On the other hand, the creation of a proposed library district affords the City an opportunity to explore revenue sharing and other potential areas of cooperation in regard to the delivery of library services in the Jefferson County portion of Westminster. However, as this process may take several more weeks to complete, the City needs to declare its official position or risk losing its option not to participate in the event timely notice of the City's decision is not given as required by the Colorado Library Law.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **17**

INTRODUCED BY COUNCILLORS

SERIES OF 2007

**A RESOLUTION BY CITY COUNCIL DECLARING ITS DECISION TO NOT PARTICIPATE
IN THE FORMATION OF A JEFFERSON COUNTY LIBRARY DISTRICT**

WHEREAS, a portion of the City of Westminster is located in Jefferson County; and

WHEREAS, the City has been notified by Jefferson County and the Director of the Jefferson County Library of the County's intent to form a library district pursuant to C.R.S. §§ 24-90-103(6) and 24-90-107; and

WHEREAS, Westminster property owners in Jefferson County currently pay to the County a special property tax for Jefferson County library services; and

WHEREAS, Staff has reviewed the proposal to create a library district and has determined that it offers no benefit to Westminster's Jefferson County residents; and

WHEREAS, City Council finds and determines that it is not in the best interest of the City's Jefferson County residents for the City to participate in the proposed library district.

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

1. Pursuant to C.R.S. § 24-90-106, it is the decision of the City Council of the City of Westminster to not participate in the proposed Jefferson County library district.

2. The Director of Parks, Recreation and Libraries is hereby directed to forthwith notify the Jefferson County Board of County Commissioners of this decision by filing with the Commissioners a copy of this Resolution.

PASSED AND ADOPTED this 14th day of May, 2007.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Resolution No. 18 re Corrective Quit Claim Deed to Reconvey Four Inches of Church Ditch Water Authority from Westminster to Jefferson County

Prepared By: Robert Krugmire, Water Resources Engineer

Recommended City Council Action

Adopt Resolution No. 18 authorizing the City Manager to execute a corrective Quit Claim Deed to Jefferson County.

Summary Statement

- Jefferson County discovered, while researching the potential sale of 28 inches of Church Ditch stock that it had inadvertently transferred four inches of said stock to the City of Westminster.
- The mistake occurred by virtue of Jefferson County failing to remove boilerplate language transferring all appurtenant water and water rights from two deeds associated with the transfer of lands as part of the overall Standley Lake Regional Park land conveyance.
- These shares have never been transferred away from Jefferson County on the books of the Church Ditch Water Authority.
- In order to clean up the title on this water stock, Jefferson County is requesting that Westminster execute a corrective Quit Claim Deed transferring the four inches back to Jefferson County.
- Staff has reviewed this request and concurs that this corrective action is necessary.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City execute the corrective Quit Claim Deed conveying four inches of Church Ditch Water Authority stock?

Alternative

Do not execute the Deed. This is not recommended as this would leave a cloud over the title to these water rights belonging to Jefferson County, potentially interfering with any future sale of this property.

Background Information

As part of Jefferson County's research related to the potential sale of their 28 inches of Church Ditch Water Authority shares, Jefferson County staff discovered that four of these inches had inadvertently been transferred to the City of Westminster incorrectly.

The County originally acquired these four inches via two deeds that were part of the Standley Lake acquisitions. In the Bargain and Sale Deed from Richard A. & Kathryn V. Ostrowski, the County acquired one inch of water from the Church Ditch. In the General Warranty Deed from Harry V. & Freda G. Peterson, the County acquired three inches of water from the Church Ditch.

Along with many other properties comprising the FRICO/Standley Lake Regional Park, the County conveyed the Ostrowski parcel and the Peterson parcel to Westminster via a Commissioner's Deed. Unfortunately, the Commissioner's Deed incorrectly included the County's standard water conveyance language. While Westminster was certainly interested in acquiring the County's Church Ditch inches, it was not the County's intention at the time to convey these rights away. Since the conveyance of the Ostrowski and Peterson parcels, Jefferson County has continued to pay annual assessments on the inches and no transfer has occurred on the books of the Church Ditch Water Authority.

In order to clear up title on these water rights, Jefferson County is asking Westminster to convey the four Church inches back to the County. The County has supplied a proposed Quit Claim Deed to effect this transfer. This Deed has been reviewed and approved by the City Attorney's Office.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **18**

INTRODUCED BY COUNCILLORS

SERIES OF 2007

**JEFFERSON COUNTY OPEN SPACE CHURCH DITCH INCHES
CORRECTIVE QUIT CLAIM DEED**

WHEREAS, Jefferson County Open Space conveyed several properties, via Commissioner's Deed, to the City of Westminster; and

WHEREAS, these properties were conveyed in 1998 as part of the FRICO/Standley Lake Regional Park; and

WHEREAS, it was discovered, by Jefferson County, that four (4.0) inches of Church Ditch Company water stock were inadvertently included in one of the Commissioner's Deeds; and

WHEREAS, it is the desire of Westminster to assist Jefferson County in correcting this error with respect to ownership of the said four inches of Church Ditch water stock; and

WHEREAS, to this end, Jefferson County has requested that the City of Westminster execute a Quit Claim Deed that will quitclaim the four inches back to Jefferson County.

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

Section 1. J. Brent McFall is authorized to sign, on behalf of the City of Westminster, the attached Quit Claim Deed conveying the four inches of Church Ditch water stock from the City of Westminster to Jefferson County, Colorado.

PASSED AND ADOPTED this 14th day of May, 2007.

ATTEST:

Mayor

City Clerk

THE WITHIN DEED IS ACCEPTED THIS ____ DAY OF _____, 2007.

COUNTY OF JEFFERSON
STATE OF COLORADO

By _____
Jim Congrove, Chairman
Board of County Commissioners

APPROVED AS TO FORM:

Steven L. Snyder
Assistant County Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Councillor's Bill No. 20 re 2006 Final Budget Supplemental Appropriation

Prepared By: Gary Newcomb, Accountant

Recommended City Council Action

Pass Councillor's Bill No. 20 on first reading providing for supplementary appropriations to the 2006 budget of the General, General Capital Improvement and Parks Open Space Funds.

Summary Statement

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2006 final supplemental appropriation.
- General Fund amendments:
 - \$125,733 lease proceeds
- General Capital Improvement Fund amendments:
 - \$1,400,000 grant
 - \$224,383 reimbursement
- Parks Open Space Fund amendments:
 - \$4,920,000 lease proceeds

Expenditure Required: \$6,670,116

Source of Funds: The funding sources for these expenditures include lease proceeds, a grant, and a reimbursement.

Policy Issue

Does City Council support amending the appropriations for the 2006 budget of the General, General Capital Improvement and Parks Open Space Funds?

Alternative

An alternative would be to not amend the 2006 budget appropriations for the General, General Capital Improvement and Parks Open Space Funds and utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred expenses and covered them in their current budget in anticipation of appropriation of the funds.

Background Information

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

At the August 14th 2006 Council Meeting, Council approved the purchase of a new Lee Boy self-propelled asphalt paver in 2006 under a lease purchase agreement with MacDonald Equipment. The proceeds under this lease purchase agreement totaled \$125,733.

At the January 9th 2006 Council Meeting, Council authorized the City Manager to execute an Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) with the intent of receiving federal funding through the Denver Regional Council of Governments (DRGOG). Under the DRCOG Transportation Improvement Program (TIP) process the City received a grant award of \$1,400,000. This award was granted to be used to construct an underpass for the Big Dry Creek Trail where it crosses Wadsworth Boulevard.

The 136th Avenue and I-25 interchange project landscape walls were receiving aesthetic damage due to improper design. SEMA construction, the project general contractor, made the necessary repairs to the walls. The City will be reimbursed the entire \$224,383 cost of the repairs by the project designer, Felsburg, Holt & Ullevig.

On October 24th 2005, the City entered into an IGA with the City and County of Broomfield and formed the Broomfield-Westminster Foundation. The foundation issued Certificates of Participation (COPS) in 2006 to purchase the Metzger Farm. The City is obligated to pay \$4,920,000 of the COPS under a lease purchase agreement and recognizes lease proceeds in the same amount.

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Note Proceeds	1000.46000.0225	\$0	<u>\$125,733</u>	\$125,733
Total Change to Revenues			<u>\$125,733</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Heavy Equipment	10035450.75800.0000	\$0	<u>\$125,733</u>	\$125,733
Total Change to Expenses			<u>\$125,733</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Fed T-21 Grant	7500.40610.0019	\$0	\$1,400,000	\$1,400,000
Insurance Proceeds	7500.46000.0226	\$0	<u>\$224,383</u>	\$224,383
Total Change to Revenues			<u>\$1,624,383</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
BDC Trail / Olde Wadsworth Appropriation Holding	80575030421.80400.8888	\$1,045,728	\$1,400,000	\$2,445,728
N I-25 at 136 th /Huron Appropriation Holding	80175030058.80400.8888	212,122	<u>224,383</u>	436,505
Total Change to Expenses			<u>\$1,624,383</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Lease Metzger Farm	5400.43170.0263	\$0	<u>\$4,920,000</u>	\$4,920,000
Total Change to Revenues			<u>\$4,920,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchases	54010900.76600.0000	\$3,264,299	<u>\$4,920,000</u>	\$8,184,299
Total Change to Expenses			<u>\$4,920,000</u>	

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

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **20**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE 2006 BUDGETS OF THE GENERAL, GENERAL
CAPITAL IMPROVEMENT, AND OPEN SPACE FUNDS AND AUTHORIZING A
SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE
FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2006 appropriation for the General, General Capital Improvement and Parks Open Space Funds, initially appropriated by Ordinance No. 3162 are hereby increased in aggregate by \$6,670,116. This appropriation is due to the receipt of lease proceeds, a grant, and a reimbursement.

Section 2. The \$6,670,116 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10D dated May 14, 2007 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$125,733
General Capital Improvement Fund	1,624,383
Parks Open Space Fund	<u>4,920,000</u>
Total	<u>\$6,670,116</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of May, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of June, 2007.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Councillor's Bill No. 21 re 2007 1st Quarter Budget Supplemental Appropriation

Prepared By: Gary Newcomb, Accountant

Recommended City Council Action

1. Pass Councillor's Bill No. 21 on first reading providing for supplementary appropriations to the 2007 budget of the General, General Capital Improvement, General Capital Outlay Replacement, and Storm Drainage Funds.
2. Approve the addition of \$377,703 to the City's master lease program for the fire truck that Council approved on May 8th 2006.

Summary Statement

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2007 1st quarter supplemental appropriation.
- General Fund amendments:
 - \$10,000 Fire Department grants
 - \$4,969 Fire Department task force reimbursements
 - \$660 Fire Department program revenues
- General Capital Improvement Fund amendments:
 - \$1,478,875 Community Development grants
 - \$485,000 Community Development IGA participation awards
 - \$1,040 Public Works & Utilities reimbursement
 - \$240,000 Parks, Recreation and Libraries grants
- General Capital Outlay Replacement Fund
 - \$27,314 Computer Replacement funds transfer
 - \$377,703 Master Lease Proceeds
- Storm Drainage Fund
 - \$3,592 Program revenues

Expenditure Required: \$2,629,153

Source of Funds: The funding sources for these expenditures include grants, reimbursements, program revenues, participation awards, funds transfer, and lease proceeds.

Policy Issue

Does City Council support amending the appropriations for the 2007 budget of the General, General Capital Improvement, General Capital Outlay Replacement, and Storm Drainage Funds?

Alternative

The alternative would be not to amend the 2007 budget appropriations for the General, General Capital Improvement, General Capital Outlay Replacement, and Storm Drainage Funds and utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred expenses and covered them in their current budget in anticipation of appropriation of the funds.

Background Information

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

GENERAL FUND BUDGET AMENDMENTS

The Fire Department received an Emergency Management Performance Grant (EMPG) from the State of Colorado, Division of Emergency Management (CDEM). The 1st quarter EMPG grant award of \$5,000 was used for the Fire Department's Emergency Management Program administration.

The Fire Department received a Community Involvement Program grant from the Wal-Mart Corporation awarded at the grand opening of the Wal-Mart Store located at 136th Avenue and I-25. The grant award of \$5,000 will be used to purchase materials for public education programs such as home safety for seniors and fire prevention for youths.

The Fire Department received two FEMA grants through the Colorado Urban Search and Rescue Task Force, West Metro Fire Protection District. The grant awards of \$4,969 were reimbursements for overtime salaries incurred while working on the task force for Hurricane Ernesto deployment and cache work.

Finally, the Fire Department received \$660 in class registration fees for conducting CPR training classes. Funds from the registration fees were used to purchase EMS supplies used during the class and paramedic instructor overtime salaries.

GENERAL CAPITAL IMPROVEMENT FUND BUDGET AMENDMENTS

At the December 18th 2006 Council Meeting, Council authorized the City Manager to execute an Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) with the intent of receiving federal funding through the Denver Regional Council of Governments (DRGOG). Under the DRCOG Transportation Improvement Program (TIP) process the City received a grant award of \$1,478,875. This award was granted to be used to design and construct improvements to the 104th Avenue and Sheridan Boulevard intersection project. As part of the IGA with CDOT the Urban Drainage and Flood Control District committed \$300,000 in participation awards to be used on the project.

At the March 12th 2007 Council Meeting, Council approved the City Manager to execute an Intergovernmental Agreement (IGA) with the Adams County regarding funding, phasing and contract administration of the corridor design study of improvements that will be needed along 144th Avenue west of Huron. Adams County awarded \$25,000 in IGA participation funds for this project.

At the January 22nd 2007 Council Meeting, Council approved the City Manager to execute an Intergovernmental Agreement (IGA) with the Adams County for cost participation in the 80th Avenue and Federal Boulevard Intersection Improvements project. Adams County awarded \$160,000 in IGA participation funds for this project.

During construction of the water line project that went through Sunset Park, several trees were removed in constructing the water line. In lieu of replacing the trees, the project will reimburse the Parks Division's tree mitigation project. The \$1,040 in funds owed is the estimated value of the trees based on the City forester's tree calculator.

The Parks, Recreation, and Libraries Department received a Fishing is Fun grant from the Colorado Division of Wildlife. The \$40,000 grant was awarded to construct a floating pier to increase American Disabilities Act (ADA) fisherman access at Standley Lake; providing one of few accessible fishing opportunities in the northwest Denver area.

The Parks, Recreation, and Libraries Department received a Joint Venture Grant from Jefferson County Open Space. The \$150,000 grant was awarded to construct a new restroom structure at Standley Lake. This restroom structure will be constructed on the 78-site campground completed in 2004 near Standley Lake's main boat ramp.

The Parks, Recreation, and Libraries Department also received a second Joint Venture Grant from Jefferson County Open Space. This \$50,000 grant was awarded to construct a concrete trail system and complete other park improvements at Kensington Park.

GENERAL CAPITAL OUTLY REPACEMENT FUND BUDGET AMENDMENTS

Prior to 2006, the City lease-purchased computers. The funds associated with paying the lease accumulated in an IT clearing account in the General Fund and the annual lease payments for computers were paid from this clearing account. With the transition to direct purchase (over the lease-purchase) as computer prices have dropped, Staff created the PC Replacement Fee with the 2007/2008 Budget. In this account, an annual replacement fee is paid per each computer in each department/division. In the 2007/2008 Budget, these funds are now being transferred to the General Capital Outlay Replacement Fund (GCORF) so that funds may accumulate towards future purchases. Staff is requesting that the balance of funds remaining in the IT clearing account not needed for the final lease payments be transferred to GCORF to help with future PC purchases. The funds totaling \$27,314 are requested to be transferred to GCORF.

On May 8th 2006 City Council approved the purchase of a Pierce Dash fire engine. The engine was ordered in 2006 with the delivery occurring in March of 2007. Staff's agenda memo was explicit that the balance of the cost of the fire engine \$377,703 would be added to the City's master lease program. In order to properly reflect the receipt of the lease proceeds and the subsequent use of the proceeds on the City's books, the lease proceeds are now being appropriated.

STORM DRAINAGE FUND BUDGET AMENDMENTS

The City received \$3,592 from the sale of reusable grocery bags. The intent of this program is to reduce maintenance costs incurred in removing plastic grocery bags from the storm drainage system. The funds are requested to be used to purchase additional reusable bags to be sold.

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
General	1000.43060.0000	\$331,012	\$10,000	\$341,012
Reimbursements	1000.43080.0000	55,000	4,969	59,969
Off Duty Fire Svcs	1000.41340.0013	0	<u>660</u>	660
Total Change to Revenues			<u>\$15,629</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Supplies Fire Prevention	10025260.70200.0547	\$5,500	\$5,000	\$10,500
Contract Services	10025260.67000.0000	8,610	5,000	13,610
Salaries Overtime	10025260.60400.0000	182,646	4,969	187,615
Supplies EMS	10025260.70200.0546	4,620	<u>660</u>	5,280
Total Change to Expenses			<u>\$15,629</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Fed T-21 Grant	7500.40610.0019	\$0	\$1,478,875	\$1,478,875
General	7500.43060.0000	400,000	300,000	700,000
Adams County	7500.40640.0010	0	25,000	25,000
Cash-in-lieu Future Capital Projects	7500.40210.0751	200,000	160,000	360,000
Contribution	7501.43100.0000	0	1,040	1,040
State Grants	7501.40620.0000	0	40,000	40,000
OS Grant Jefferson County	7501.40630.0020	0	<u>200,000</u>	200,000
Total Change to Revenues			<u>\$2,204,915</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
104 th /Sheridan Intersection CIP	80175030198.80400.8888	\$931,105	\$1,778,875	\$2,709,980
144 th Ave Zuni to Huron CIP	80675030039.80400.8888	0	25,000	25,000
80 th & Federal Intersection CIP	80475030603.80040.8888	907,585	160,000	1,067,585
Tree Mitigation Program CIP	80575050425.80400.8888	0	1,040	1,040
Standley Lake Regional Park CIP	80775050747.80400.8888	84,000	200,000	284,000
Park Renovation Program CIP	80375050305.80400.8888	1,090,993	<u>50,000</u>	1,140,993
Total Change to Expenses			<u>\$2,204,915</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Contributions	4500.43100.0000	\$0	\$27,314	\$27,314
Note Proceeds	4500.40610.0000	0	<u>377,703</u>	377,703
Total Change to Revenues			<u>\$405,017</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
PC Replacement CIP	80645010921.80400.8888	0	\$27,314	\$27,314
Other Financing Use	450010900.78800.0000	0	<u>377,703</u>	377,703
Total Change to Expenses			<u>\$405,017</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
General	2500.43060.0000	0	<u>\$3,592</u>	\$3,592
Total Change to Revenues			<u>\$3,592</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Prof Svcs – Environmental Svcs	25012050.65100.0552	\$100,000	<u>\$3,592</u>	\$103,592
Total Change to Expenses			<u>\$3,592</u>	

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **21**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE 2007 BUDGETS OF THE GENERAL, GENERAL
CAPITAL IMPROVEMENT, GENERAL OUTLAY REPLACEMENT AND STORM
DRAINAGE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM
THE 2007 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2007 appropriation for the General, General Capital Improvement, General Capital Outlay Replacement, and Storm Drainage Funds, initially appropriated by Ordinance No. 3316 are hereby increased in aggregate by \$2,629,153. This appropriation is due to the receipt of grants, reimbursements, program revenues, participation awards, funds transfer, and lease proceeds.

Section 2. The \$2,629,153 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 E&F dated May 14, 2007 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$15,629
General Capital Improvement Fund	2,204,915
General Capital Outlay Replacement Fund	405,017
Storm Drainage	<u>3,592</u>
Total	<u>\$2,629,153</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of May, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of June, 2007.

ATTEST:

Mayor

City Clerk



Agenda Item 10 H

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Councillor's Bill No. 22 re Amendment to the Synchroness, Inc. Business Assistance Package

Prepared By: Susan F. Grafton, Economic Development Manager

Recommended City Council Action

Pass Councillor's Bill No. 22 on first reading authorizing the City Manager to execute and implement the amendment to the Business Assistance Package (BAP) for Synchroness, Inc. The BAP totals \$16,750, which includes \$1,750 in permit fee rebates, \$6,750 in construction use tax rebates and \$8,250 in equipment use/sales tax rebates.

Summary Statement

- Synchroness, Inc. is an existing business located in the Walnut Creek Business Center that is expanding.
- The company is purchasing 6,000 square feet to add on to the 5,280 square feet they already own.
- Employment is expected to grow from 40 to 142 by 2012, with average salaries of \$85,700.
- Assistance is based on the City's desire to fill existing office space and to encourage growth of existing high tech employers.
- Should Synchroness, Inc. relocate outside of Westminster within 5 years of this Amended Business Assistance Package, assistance would have to be paid back to the City by the company.
- Synchroness, Inc. has looked at sites from Denver to Boulder along US36.
- This agreement will amend the original BAP approved by Council in April, 2004.

Expenditure Required: \$16,750 (Rebates)

Source of Funds: The business assistance package with Synchroness, Inc. will be funded through revenue received from permit fees, construction use tax, and sales and use tax on furniture, fixtures, and equipment at move-in.

Policy Issue

Does Council desire to provide assistance to Synchroness, Inc. based on the retention and expansion of a quality Westminster business and the retention of primary jobs to the City?

Alternatives

1. Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City's value of retaining existing businesses and retaining primary jobs would not be supported.
2. Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is consistent with other business retention packages.
3. Provide More: A third alternative would be to provide a greater amount of assistance than recommended. There is financial capacity for additional funding. However, it is staff's opinion that additional assistance is not needed, as it is consistent with other business retention packages.

Background Information

Synchroness, Inc. is a product development company that has been headquartered in Westminster since 1998. They work with businesses worldwide to assist in developing products ranging from aerospace design, aircraft modification, sports car design, electronic set ups and even baby changing stations.

In 2004, the City approved an assistance package for Synchroness to aid the company in acquisition of 5,280 s.f. in Walnut Creek Business Park on 108th Avenue. That agreement is set to expire in 2008, and totaled \$10,500. At that time they had 14 employees and expected to grow to 25 employees by 2009. At this point, employment has actually grown to 40 employees with average salaries of \$85,700.

In October, 2006, Synchroness, Inc. purchased Kinetek Systems, an embedded technical systems company. This acquisition allows Synchroness, Inc. to provide full product development services, which includes industrial, mechanical, electrical, and firmware design, as well as prototype development and production support. This acquisition sets the stage for the company to grow by an additional 20 to 30 employees over the next 3 years, with additional growth to continue so that the company could have 142 employees by 2012. To accommodate the projected growth, Synchroness, Inc. is purchasing 6,000 s.f. of additional space adjacent to their existing 5,280 s.f. It is also anticipated that Synchroness, Inc. will generate approximately \$33,500 of new revenue directly to the City as a result of this expansion. It should be noted however that these projections are based on Synchroness' best estimate of growth trends and costs. Actual revenue generation could vary.

Based on these projections of City tax and fee revenue, Staff recommends the following business assistance package:

Proposed Assistance	Approximate <u>Value</u>
<u>Building Permit-Fee Rebate</u> 50% of the building related fees (excluding water & sewer tap fees) will be rebated (\$3,500 x 50% = \$1,750)	\$1,750
<u>Construction Use Tax Rebate</u> 50% of the Use Tax on construction materials for this project will be Rebated (Estimated Use Tax \$13,500 x 50% = \$6,750)	\$6,750

Sales and Use Tax on Furniture and Fixtures Rebate \$8,250

Over the next 60 months (five years) the City will rebate 50% of the General Sales & Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishings and equipment purchased for Synchroness, Inc.'s Westminster facility ($\$550,000 \times 3\% = \$16,500$ Use Tax $\times 50\% = \$8,250$)

Total Proposed Assistance Package Not To Exceed \$16,750

This assistance package is based upon the City's goals to retain and help grow quality companies, add primary jobs and fill existing space. Synchroness, Inc. will expand the company's Westminster operations at Walnut Creek Business Center. Synchroness, Inc. is an exciting and growing business. Staff believes that this is the type of growth company the City desires for the community.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **22**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE BUSINESS
ASSISTANCE PACKAGE WITH SYNCRONESS, INC. TO AID IN THEIR EXPANSION IN
WALNUT CREEK BUSINESS CENTER**

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

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

WHEREAS, Synchroness, Inc. plans to acquire an additional 6,000 square feet in Walnut Creek Business Center in Westminster, and

WHEREAS, Council approved an assistance package for Synchroness, Inc. in April 2004; and

WHEREAS, a proposed Amendment to that Assistance Agreement between the City and Synchroness, Inc. is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of May 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of June, 2007.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

**SUPPLEMENTAL BUSINESS ASSISTANCE PACKAGE FOR
SYNCRONESS, INC. IN THE CITY OF WESTMINSTER**

THIS SUPPLEMENTAL AGREEMENT is made and entered into this _____ day of _____, 2007, between the CITY OF WESTMINSTER (the "City"), and the Synchroness, Inc..

WHEREAS, the City wishes to provide additional assistance to Synchroness, Inc. to aid in the retention and expansion of this company in the City; and

WHEREAS, Synchroness, Inc. plans to purchase and furnish an additional 6,000 square feet of office space in Walnut Creek Business Center, thus providing primary job retention and growth within the City (the "Expansion"); and

WHEREAS, the City and Synchroness, Inc. are parties to a previous Business Assistance Package agreement dated April 26, 2004, which they now wish to supplement with this agreement in consideration of the Expansion; and

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

In consideration of the mutual promises set forth below, the City and Synchroness, Inc. agree to amend the April 26, 2004 Business Assistance Agreement to add the following sections:

1. Building Permit Fee Rebates For Expansion. The City shall rebate to Synchroness, Inc. 50% of the building permit fees related to the Expansion, that are otherwise required under W.M.C. Section 11-10-3 (E). This rebate excludes water and sewer tap fees, collected from Synchroness, Inc. in connection with the Expansion. The permit fee rebate for the Expansion will be approximately \$1,750.

2. Use Tax Rebate- Construction For The Expansion. The City shall rebate to Synchroness, Inc. 50% of the Building Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) on the construction materials, collected from Synchroness, Inc. related to the Expansion that are otherwise required under W.M.C. sections 4-2-9 and 4-2-3. The rebate will be approximately \$6,750.

3. Sales and Use Tax Rebate- Furniture and Fixtures For The Expansion. The City will rebate 50% of the General Sales and Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishings and equipment purchased for the Expansion over the next 60 month period. This amended rebate will not exceed \$8,250.

4. Payments of Rebates. The rebates will be paid to Synchroness, Inc. by the City in quarterly installments from revenue actually collected and received by the City from Synchroness, Inc. in connection with the Expansion. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically.

5. Entire Agreement. This Supplemental Agreement along with the April 26, 2004 Business Assistance Package Agreement shall constitute the entire agreement between the City and Synchroness, Inc. and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Termination. This Supplemental Agreement shall terminate and become void and of no force or effect upon the City if Synchroness, Inc. has not moved into the Expansion by August 1, 2008 or should Synchroness, Inc. not comply with the City regulations or code.

7. Business Termination. In the event Synchroness, Inc. ceases business operations within the City within five (5) years after the expanded operations commence, then Synchroness, Inc. shall pay to the City the total amount of fees and taxes that were due and payable by Synchroness, Inc. to the City for the Expansion but were rebated by the City, pursuant to this Supplemental Agreement.

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

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

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

11. Intent of Parties. It is the intent of the parties that this Supplemental Agreement, and the April 26, 2004 original Business Assistance Package Agreement be independently construed and enforced according to their respective provisions. It is the further intent of the parties that this Supplemental Agreement shall not be deemed or construed as replacing or modifying the April 26, 2004 Agreement.

SYNCRONESS, INC.

CITY OF WESTMINSTER

President

J. Brent McFall
City Manager

ATTEST:

Linda Yeager
City Clerk

Adopted by Ordinance No.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 14, 2007



SUBJECT: Councillor's Bill No. 23 re Crosswalk Inc. Economic Development Agreement

Prepared By: Susan F. Grafton, Economic Development Manager

Recommended City Council Action

Pass Councillor's Bill No. 23 on first reading authorizing the City Manager to execute and implement the Economic Development Agreement (EDA) with Crosswalk, Inc. The EDA totals \$180,000, which includes use tax and sales tax rebates on equipment and furnishings at move-in and over the first five years of operation.

Summary Statement

- Crosswalk is an existing Westminster business currently located in Westmoor Technology Park that needs more computer lab spaces and expansion capabilities.
- This company has considered locations in Boulder, Louisville, and Broomfield.
- At move-in, 50 jobs will have been retained in Westminster with average salaries of \$98,000.
- Crosswalk will be moving from 18,000 square feet of leased space in Westminster to 34,000 square feet of space they will purchase in Church Ranch Corporate Center owned space.
- Crosswalk expects to grow to about 300 employees in 5 years.
- Assistance is based upon addressing the City's goal of retaining existing basic employers in Westminster.
- Should Crosswalk decide to move out of Westminster within 5 years of the approval of this EDA, the assistance would have to be reimbursed to the City by the company.

Expenditure Required: Not to exceed \$180,000 (Rebates)

Source of Funds: The business assistance package with Crosswalk, Inc. will be funded through revenue received from sales and use tax on furniture, fixtures, and equipment at move-in, and over the next five years of business operations.

Policy Issue

Does Council desire to provide assistance to Crosswalk, Inc. based on the retention of a quality Westminster business and the retention of primary jobs to the City?

Alternatives

1. Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City's value of retaining existing businesses and retaining primary jobs would not be supported.
2. Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is consistent with other business retention packages.
3. Provide More: A third alternative would be to provide a greater amount of assistance than recommended. There is financial capacity for additional funding. However, it is staff's opinion that additional assistance is not needed, as it is consistent with other business retention packages.

Background Information

Crosswalk, Inc. has been a Westminster business since 2004. The company, which currently employs 50 people, develops a suite of computer storage system products then enables organizations to handle their storage needs without compromising performance or reliability. The products have been well received in the marketplace. With the projected product growth, Crosswalk, Inc. is anticipated to add approximately 250 employees over the next 5 years. Employee salaries will range from \$76,000 to \$167,000 for positions, including engineering, sales & marketing, operations, administration, financing, and executive personnel. As a computer software and storage system development company, staff believes that Crosswalk, Inc. is the type of business that Westminster wants to retain. Filling existing space at Church Ranch is also positive. It is also anticipated that Crosswalk, Inc. will generate over \$382,000 of new revenue directly to the City in the next five years of operation. This is based primarily on new equipment and furniture purchased as employment grows. It should be noted that the revenue projections are based on Crosswalk, Inc. staff's best estimate of growth trends and costs. Actual revenue could vary which will also impact the assistance provided.

Based on the above 5-year projection of City tax revenue, Staff recommends the following business assistance package to be paid out during construction and over five years of operation.

<u>Use Tax on Furniture and Fixtures Rebate</u>	<u>\$180,000</u>
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Over the next 60 months (5 years) of Crosswalk's operation, the City will rebate 50% of the General Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishing and equipment purchased to furnish the new facilities.

Total Proposed Assistance Package Not To Exceed	\$180,000
--	------------------

This assistance package is based upon the City's goals to retain and help grow quality companies, add primary jobs, and fill existing space. Crosswalk, Inc. will move from Westmoor and expand the company's Westminster operations at Church Ranch Corporate Center. It is expected to grow dramatically over the next five years. Crosswalk, Inc. is the type of growth company the City desires for the community.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **23**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

A BILL

**FOR AN ORDINANCE AUTHORIZING A ECONOMIC DEVELOPMENT AGREEMENT
WITH CROSSWALK, INC. TO AID IN THEIR RELOCATION AND EXPANSION IN CHURCH
RANCH CORPORATE CENTER**

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

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

WHEREAS, Crosswalk, Inc. plans to purchase 34,000 s.f. feet in Church Ranch Corporate Center in Westminster, and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of May, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of June, 2007.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Exhibit A

ECONOMIC DEVELOPMENT AGREEMENT FOR CROSSWALK, INC. IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 2007, between the CITY OF WESTMINSTER (the "City"), and the Crosswalk, Inc.

WHEREAS, the City wishes to provide certain assistance to Crosswalk, Inc. to aid in the retention and expansion of this company in the City; and

WHEREAS, Crosswalk, Inc. plans to purchase 34,000 square feet in Church Ranch Corporate Center, thus providing primary job retention and growth within the City; and

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

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

1. Sales and Use Tax Rebate- Furniture and Fixtures at Move-In. For a period of 3 months before and 3 months after Crosswalk, Inc. obtains the Certificate of Occupancy for the new facility in Church Ranch Corporate Center and over the next 60 months of operation, the City will rebate 50% of the General Sales and Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishing and equipment purchased to furnish the new facility. The rebate shall not exceed \$180,000.
2. Payments of Rebates. Rebates will be paid to Crosswalk, Inc. by the City in quarterly installments from revenue actually collected and received by the City from Crosswalk, Inc. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically.
3. Entire Agreement. This instrument shall constitute the entire agreement between the City and Crosswalk, Inc. and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.
4. Termination. This Business Assistance Package shall terminate and become void and of no force or effect upon the City if Crosswalk, Inc. has not moved into their new space in Church Ranch Corporate Center by August 1, 2008 or should Crosswalk, Inc. not comply with the City regulations or code.
5. Business Termination. In the event Crosswalk, Inc. ceases business operations within the City within three (5) years after the new operations commence, then Crosswalk, Inc. shall pay to the City the total amount of taxes that were due and payable by Crosswalk, Inc. to the City but were rebated by the City, pursuant to this Agreement.
6. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this

Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

7. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.
8. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation; they shall first engage in good faith the services of a mutually acceptable, qualified, and experienced mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Jefferson County, Colorado.

CROSSWALK, INC.

CITY OF WESTMINSTER

President

J. Brent McFall
City Manager

ATTEST:

Linda Yeager
City Clerk

Adopted by Ordinance No.

Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, May 14, 2007. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the April 23, 2007 regular meeting were approved.

Council recognized Ruby and Leonard Holtzclaw, who have been members of the Crescent Grange for 51 years, by issuance of a proclamation.

Council proclaimed May 20 through 26 to be Public Works Week and the month of May to be Mental Health Month.

Council approved the following: City Park drainage contract; 80th Avenue and Federal Boulevard waterline construction contract; participation in the Platte River Recovery Implementation Program; final passage of Councillor's Bill No. 16 re change to Dog License Program; final passage of Councillor's Bill No. 17 re lease/purchase of Legacy Ridge golf course maintenance equipment; final passage of Councillor's Bill No. 18 re Redevelopment Assistance Package for the Northgate Shopping Center; appointment of Mrs. Ann Ragsdale to the Metro Wastewater Reclamation District Board of Directors; and the City's Master Lease Program re additional funding for a fire truck.

Council adopted the following resolutions: Res. No. 15 re appointments to Boards and Commissions; Res. No. 16 re Library Services Master Plan; Res. No. 17 re non-participation in the Jefferson County Public Library Special District; Res. No. 18 re corrective Quit Claim Deed to reconvey four inches of Church Ditch Water Authority from Westminster to Jefferson County.

Council passed the following Councillors' Bills on first reading:

A BILL FOR AN ORDINANCE AMENDING THE 2006 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUNDS. Purpose: 2006 final budget supplemental appropriation.

A BILL FOR AN ORDINANCE AMENDING THE 2007 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, GENERAL OUTLAY REPLACEMENT AND STORM DRAINAGE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2007 ESTIMATED REVENUES IN THE FUNDS. Purpose: 2007 1st quarter budget supplemental appropriation.

A BILL FOR AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE BUSINESS ASSISTANCE PACKAGE WITH SYNCRONESS, INC. TO AID IN THEIR EXPANSION IN WALNUT CREEK BUSINESS CENTER. Purpose: Amend the Business Assistance Package for Synchroness, Inc.

A BILL FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH CROSSWALK, INC. TO AID IN THEIR RELOCATION AND EXPANSION IN CHURCH RANCH CORPORATE CENTER. Purpose: Implement the Economic Development Agreement with Crosswalk, Inc.

The Council in its capacity as the ex-officio Board of Directors of the 144th Avenue GID adopted on final passage Councillor's Bill No. 19 re inclusion of property within the City of Westminster 144th Avenue General Improvement District.

The meeting adjourned at 7:47 p.m.

By Order of the Westminster City Council
Carla Koeltzow, Deputy City Clerk
Published in the Westminster Window on May 24, 2007

**A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE
CONCERNING DOG LICENSING**

Section 1. Section 6-7-2, subsections (A) and (B), W.M.C., are hereby AMENDED to read as follows:

6-7-2: RABIES CONTROL:

(A) Vaccinations: It shall be unlawful for any owner of a dog or cat ~~four~~ (4) SIX (6) months of age or older to fail to have such animal vaccinated against rabies. All dogs and cats shall be vaccinated at ~~four~~ (4) SIX (6) months of age and revaccinate thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the City from a location outside the City shall comply with this Section within thirty (30) days after having moved into the City, by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten (10) days, the owner of said dog shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after a ten (10) day observation period.

(B) Proof of Vaccination: It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Chapter. A current rabies tag shall be attached to a collar, harness or other ~~device~~ DEVICE and shall be worn by the vaccinated dog or cat at all times. THE REQUIREMENT FOR A DOG TO DISPLAY A CURRENT RABIES TAG SHALL NOT APPLY TO A DOG THAT IS DISPLAYING A CURRENT DOG LICENSE TAG AFFIXED TO A COLLAR, HARNESS OR OTHER DEVICE WORN ON THE DOG IN COMPLIANCE WITH SECTION 6-7-4.

Section 2. Section 6-7-4, W.M.C., is hereby AMENDED to read as follows:

6-7-4: LICENSING OF DOGS: ~~(Repealed by Ordinance 2657)~~ DOG LICENSING:

(A) DOG LICENSE REQUIRED:

1. IT SHALL BE UNLAWFUL FOR ANY OWNER OF ANY DOG OVER THE AGE OF SIX (6) MONTHS, OR WITHIN THIRTY DAYS OF ACQUISITION OF SAID DOG, WHICHEVER OCCURS LAST, TO FAIL TO OBTAIN A LICENSE FOR SUCH ANIMAL AS REQUIRED BY THIS SECTION.

2. THE JEFFERSON COUNTY ANIMAL CONTROL DIVISION WILL ADMINISTER THE CITY OF WESTMINSTER'S DOG LICENSING PROGRAM (THE "DOG LICENSE") AND DISTRIBUTE THE DOG LICENSE TAGS. APPLICATION FOR A DOG LICENSE SHALL BE MADE TO THE JEFFERSON COUNTY ANIMAL CONTROL DIVISION OR TO SUCH AGENTS AS DESIGNATED BY THE COUNTY OF JEFFERSON. DOG LICENSES AND TAGS SHALL BE ISSUED, RENEWED, REPLACED AND EXPIRE IN ACCORDANCE WITH JEFFERSON COUNTY'S REQUIREMENTS, INCLUDING BUT NOT LIMITED TO, PROOF OF RABIES VACCINATION AND REDUCED DOG LICENSE FEE IF THE DOG IS SPAYED/NEUTERED.

3. IT SHALL BE UNLAWFUL FOR A DOG OWNER TO FAIL TO RENEW A DOG LICENSE ONCE EVERY 365 DAYS.

4. THE DOG LICENSE FEE, INCLUDING THE FEE FOR REPLACEMENT LICENSES, SHALL BE IN AMOUNTS AS SET BY THE JEFFERSON COUNTY BOARD OF COMMISSIONERS.

5. IT SHALL BE UNLAWFUL FOR AN OWNER OF AN ASSISTANCE DOG TO FAIL TO OBTAIN A DOG LICENSE AS REQUIRED BY THIS SECTION. A PERSON WITH A DISABILITY IS EXEMPT FROM ANY LICENSING FEES THAT MIGHT OTHERWISE APPLY IN CONNECTION WITH OWNING AN ASSISTANCE DOG AS SET FORTH IN SECTION 24-34-803, C.R.S.

6. ANY DOG OWNER OR ANY ENTITY EXEMPT FROM JEFFERSON COUNTY'S DOG LICENSING REQUIREMENTS SHALL BE EXEMPT FROM THE PROVISIONS OF THIS SECTION.

(B) DOG LICENSE TAG TO BE DISPLAYED: IT IS UNLAWFUL FOR ANY PERSON TO HARBOR ANY DOG THAT MUST BE LICENSED PER SECTION 6-7-4(A), WHICH IS NOT DISPLAYING A CURRENT DOG LICENSE TAG AFFIXED TO A COLLAR, CHAIN, OR HARNESS WORN ON THE DOG.

(C) DOG LICENSE TAG NOT TRANSFERABLE: IT IS UNLAWFUL FOR ANY PERSON TO AFFIX TO THE COLLAR, CHAIN, OR HARNESS OF ANY DOG OR PERMIT TO REMAIN AFFIXED, A DOG LICENSE TAG FOR ANY OTHER DOG OR TO DISPLAY SUCH A TAG TO AN ANIMAL MANAGEMENT OFFICER OR PEACE OFFICER.

Section 3. Section 6-7-17, subsections (F)(1) and (F)(2), W.M.C., are hereby AMENDED to read as follows:

6-7-17: PENALTIES:

(F) Recommended Minimum Fines: Recommended minimum fines upon conviction may be imposed as listed below:

1. First Offense – recommended fine of not less than seventy-five dollars (\$75). Second and subsequent offenses – recommended fine of not less than one hundred dollars (\$100):

- 6-7-2 (B) Refusal to Provide Proof of Vaccination
- 6-7-2 (C) Harboring Unvaccinated Dogs and Cats
- 6-7-2 (D) Non-Transferability - Vaccination Certificates or Tags
- 6-7-3 (A) Duty to Report Animal Bite
- 6-7-3 (C) Failing to Report Suspected Rabies
- 6-7-3 (D) Refusal to Produce Animal
- 6-7-3 (E) Removal of Animals from Confinement
- 6-7-4 (B) FAILURE TO DISPLAY DOG LICENSE TAG
- 6-7-5 (B) Failure to Confine
- 6-7-6 (A) Removal of Animal Excrement
- 6-7-6 (B) Damage to Property
- 6-7-7 (A) Disturbance
- 6-7-7 (C) Failure to Exercise Control
- 6-7-10 (E) Failure to Care for Animals
- 6-7-11 (D) Failure to Care for Animals
- 6-7-12 (F) Potbellied Pig Requirements

2. First Offense – recommended fine of not less than one hundred dollars (\$100). Second and subsequent offenses – recommended fine of not less than one hundred fifty dollars (\$150):

- 6-7-2 (A) Failure to Have Dog or Cat Inoculated
- 6-7-4 (A) FAILURE TO HAVE DOG LICENSED
- 6-7-4 (C) TRANSFER OF DOG LICENSE TAG
- 6-7-9 (E) Failure to Produce Animal
- 6-7-10 (A) Unlicensed Kennel
- 6-7-11 (A) Unlicensed Pet Shop
- 6-7-12 (A) Animals in Residential Districts Limited
- 6-7-12 (B) Livestock Limited
- 6-7-12 (C) Prohibited, Endangered and Exotic Animals
- 6-7-12 (D) Federal or State Prohibited Animals
- 6-7-13 (A) Cruelty to Animals
- 6-7-13 (B) Poisoning Animals
- 6-7-13 (C) Neglect of Animals
- 6-7-13 (E) Abandoning Animals
- 6-7-13 (G) Displaying or Sale of Dyed or Immature Animals
- 6-7-13 (H) Fighting Animals
- 6-7-16 Interference

Section 4. This ordinance shall take effect on July 1, 2007.

Section 5. 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 23rd day of April, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May, 2007.

ORDINANCE NO. 3346
SERIES OF 2007

COUNCILLOR'S BILL NO. 17
INTRODUCED BY COUNCILLORS
Kauffman - Major

**A BILL FOR AN ORDINANCE INCREASING THE 2007 BUDGET OF THE LEGACY RIDGE
GOLF COURSE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM
THE 2007 ESTIMATED REVENUES IN THIS FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2007 appropriation for the Golf Course Fund, initially appropriated by Ordinance No. 3316 is hereby increased by \$547,000. This appropriation is due to an increase in the transfer from the Golf Course Fund.

Section 2. The \$547,000 increase in the Golf Course Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10 B-D, dated April 23, 2007 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Golf Course Fund	<u>\$547,000</u>
Total	<u>\$547,000</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 23rd day of April, 2007. PASSED, ENACTED ON SECOND READING, AND FULL
TEXT ORDERED PUBLISHED this 14th day of May, 2007.

ORDINANCE NO. 3347
SERIES OF 2007

COUNCILLOR'S BILL NO. 18
INTRODUCED BY COUNCILLORS
Dittman - Price

**A BILL FOR AN ORDINANCE AUTHORIZING A REDEVELOPMENT ASSISTANCE
AGREEMENT FOR THE REDEVELOPMENT OF THE NORTHGATE SHOPPING CENTER
IN WESTMINSTER, COLORADO**

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

WHEREAS, it is important for the City of Westminster to generate additional sales tax revenue and remain competitive with other local governments in offering assistance for occupancy of existing retail space in the City; and

WHEREAS, the City of Westminster ("City") has indicated its desire to improve and redevelop the area at 72nd Avenue and Federal Boulevard, including the property known as the Northgate Shopping Center site, within the South Westminster Urban Renewal Area; and

WHEREAS, the Carlson Associates has all of the property in ownership that is necessary to proceed with the renovation and redevelopment of commercial space; and

WHEREAS, the Carlson Associates has committed to complete improvements to the center in accordance with an approved Official Development Plan (ODP); and

WHEREAS, a proposed Redevelopment Assistance Agreement between the City and Carlson Associates, Inc. is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Mayor of the City of Westminster is hereby authorized to enter into a Redevelopment Assistance Agreement with Carlson Associates, Inc. in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of APRIL 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May, 2007.

**A BILL FOR AN ORDINANCE INCLUDING PROPERTY WITHIN THE CITY OF
WESTMINSTER 144th AVENUE GENERAL IMPROVEMENT DISTRICT**

WHEREAS, four Petitions for the Inclusion of Property within the City of Westminster 144th Avenue General Improvement District (the "Petitions") have been filed with the Board of Directors (the "Board") of the City of Westminster 144th Avenue General Improvement District (the "District"); and

WHEREAS, the Petitions state that each has been signed by the fee title owner of the property that the respective petitioner seeks to have included within the boundaries of the District; and

WHEREAS, the Petitions have been reviewed by the City Clerk and the City Attorney;
and

WHEREAS, notice of filing of each of the Petitions has been given and published pursuant to Section 31-25-618, Colorado Revised Statutes; and

WHEREAS, the Board has heretofore conducted a hearing at which all persons having objections to any of the Petitions were given an opportunity to appear and show cause why any of the Petitions should not be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF WESTMINSTER 144th AVENUE GENERAL IMPROVEMENT DISTRICT:

Section 1. Findings and Determinations. The Board hereby finds and determines as follows:

a. In accordance with Section 31-25-618, Colorado Revised Statutes, the owners of the four properties described in paragraphs (i) through (iv) below (the "Properties") have each filed a petition with the Board requesting that the each of the Properties be included within the boundaries of the District.

- i. Petition 1 Lot 1
Block 1 The Orchard at Westminster Filing No. 1
City of Westminster, County of Adams, State of Colorado
- ii. Petition 2 Lot 5B
Block 1 Second Replat – The Orchard at Westminster Filing No. 1
City of Westminster, County of Adams,
State of Colorado
- iii. Petition 3 Lot 6B
Block 1 Second Replat – The Orchard at Westminster Filing No. 1
City of Westminster, County of Adams, State of Colorado
- iv. Petition 4 Lot 4, Block 1,
The Orchard at Westminster Filing No. 1
City of Westminster, County of Adams, State of Colorado.
Together with:
Lot 3A, Block 1 First Replat – The Orchard at Westminster Filing No. 1
City of Westminster, County of Adams, State of Colorado
Together with:
Lots 2B and 4B, Block 1
Second Replat – The Orchard at Westminster Filing No. 1
City of Westminster, County of Adams, State of Colorado.

b. The Petitions accurately describe the Properties and such legal descriptions have been verified by the City Clerk.

c. The signatories for the petitioners are authorized to execute the Petitions.

d. The Board agrees to waive the costs of the inclusion proceedings for each of the Properties.

e. The City Clerk, as ex officio secretary of the Board, has caused notice of the filing of such Petitions to be given and published, according to the requirements of the pertinent provisions of Title 31, Article 25, Part 6, Colorado Revised Statutes.

f. The notice states the filing of such Petitions, the name of the petitioners, the description of the Properties sought to be included, and the request of said petitioners. The notice notifies all persons having objections to appear at the office of the Board at the time stated in the notice and show cause why any of the Petitions should not be granted.

g. The Board, at the time and place stated in the notice, has heard the Petitions and all objections presented by any person showing cause why any of said Petitions should not be granted and overrules any such objections.

h. The Board has determined to grant the Petitions.

Section 2. Inclusion of Properties. The Board hereby grants the Petitions.

Section 3. Filing of Ordinance. Within ten days after final publication of this ordinance, the City Clerk, as ex officio secretary of the Board, shall file a certified copy of this ordinance with the County Clerk and Recorder of Adams County. Thereupon the Properties shall be included within the boundaries of the District.

Section 4. Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this ordinance, the intent being that the same are severable.

Section 5. Repealer. All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency.

Section 6. Recording and Authentication. Immediately on its passage, this ordinance shall be authenticated by the signature of the Mayor, as ex officio President of the Board, and by the attestation of the City Clerk, as ex officio Secretary of the Board, and shall be published in full. Affidavits of publication shall be retained with the ordinance in the District's records.

Section 7. Effective Date. This ordinance shall take effect upon its passage after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of April, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May, 2007.

**Petitions can be reviewed
in the Westminster City Clerk's office.**