



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. Employee Service Awards
7. Citizen Communication (5 minutes or less)

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

8. Consent Agenda
 - A. Financial Report for June 2009
 - B. Fall 2009 Adams County Open Space Grant Applications
 - C. Asbestos Abatement Contract at the Doulos Ministries Open Space Site
 - D. Removal of Structures and Improvements Contract at the Doulos Ministries Open Space Site
 - E. Purchase of the 2.85-acre Lowell Group Property Located at 7010 Lowell Boulevard for Open Space
 - F. Purchase of the 8.1-acre Savory Farms Property Located at 10900 Federal Boulevard for Open Space
 - G. Second Reading of Councillor's Bill No. 19 re Supplemental Appropriation for the Purchase of a Park Bench
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Hearing on the Annexation, CLUP Amendment and Zoning for the Teeples Property Open Space
 - B. Councillor's Bill No. 20 re Annexing the Teeples Property Open Space
 - C. Councillor's Bill No. 21 re CLUP Amendment for the Teeples Property Open Space
 - D. Councillor's Bill No. 22 re Rezone of the Teeples Property Open Space from R-1 to Open District
 - E. Resolution 36 re Support for the Harris Park Station Postal Facility
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
13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY 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, JULY 13, 2009 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Major, to approve the minutes of the regular meeting of June 22, 2009, as distributed. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall noted that Item 8 H on the agenda was corrected to authorize a total payment amount of \$108,367 to Adams County for 120th Avenue access to Denver International Airport. He also recognized the Employee Advisory Committee for holding an old fashioned bake sale at City Hall to raise funds to purchase a park bench for the City Hall Plaza. The Committee saw the need for a park bench as a resting location for citizens challenged by the walk from handicapped parking to the front doors of City Hall and did something about it. The appropriation of those funds is requested in Item 10 B.

At the conclusion of this Council meeting, the Westminster Economic Development Authority would meet.

CITY COUNCIL COMMENTS

Mayor Pro Tem Dittman offered kudos to Parks, Recreation and Libraries Department, Hyland Hills Recreation and North Metro Arts Alliance for organizing a great 4th of July celebration with great entertainment. There was good weather and a great turnout.

Councillor Winter advised that last week the City of Westminster received an award from the National Resources Defense Council. In the medium size city category, Westminster was listed as #7 for Green Space and #5 for Energy Efficiency. It has taken a lot of hard work over several decades to get to this place and this was a great recognition for the City.

Mayor McNally commented on a well attended, great 4th of July fishing derby at City Park, put on by the firefighters. She told a story about a boy across the lake from her, who had to fight off a bird that was trying to take the fish on his line. Fortunately the young man won. Another great event held last Saturday, was the Westminster Historical Society's vintage baseball game and ice cream social at the Bowles House. After many years of losses, the Westminster Lightening Bolts won 12-9.

PRESENTATIONS

Mayor McNally recognized the City of Westminster employees, sponsored by the Wellness Program, on the 1st place Colorado Colfax Marathon Municipal Cup relay team. This is the third year in a row that a City team has come in 1st, each year in a different division. For winning the co-ed division of the Municipal Cup Relay, the City was awarded \$1,500 by Kaiser Permanente, who was a sponsor for the event. Per Kaiser's award guidelines, the City must donate the \$1,500 to a non-profit in the local community. Tom Currigan, President of Kaiser Permanente for the Denver Region, presented a \$1,500 check to Tim Kauffman, Vice Chairman of the Westminster Legacy Foundation.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: adopt the Coyote Management Plan for City open space properties; authorize the City Manager to execute a change order in the amount of \$55,000 to the ongoing, citywide Concrete Replacement Program contract between the City and Keene Concrete for the purpose of constructing a concrete sidewalk along the east side of Countryside Drive to the north of 100th Avenue; and charge the expense to the appropriate account of the Department of Public Works & Utilities, Street Division operating budget; determine that the public interest will be best served by ratifying and approving police department cumulative purchases in 2009 with Thunder Mountain Harley Davidson up to a maximum of \$75,000, Public Safety Warehouse up to a maximum of \$95,000, and an Intergovernmental Agreement assessment with North Metro Task Force up to a maximum of \$70,048; authorize the City Manager to purchase play equipment from Landscape Structures, Inc. in the amount of \$107,167, and to execute contracts with Rocky Mountain Recreation, Inc. for \$33,341 for installation and with Colorado Hardscapes in the amount of \$150,000 for rock play features; authorize the purchase of poured-in-place safety surfacing from IP Surfacing in the amount of \$48,019; authorize the purchase of pedestrian lighting from MH Lighting in the amount of \$100,000, benches and picnic tables from Dumor for \$67,659, and authorize the purchase of miscellaneous items from separate vendors not to exceed \$37,406; based on the report and recommendation of the City Manager, find that the public interest will best be served by authorizing the City Manager to execute a sole source agreement with URS Corporation in the amount of \$74,612 for engineering design and construction management services for the Osceola and Perry Street Sewer Replacement and authorize a contingency of \$7,461 for a total design and construction management project budget of \$82,073; authorize the City Manager to execute a contract with R&D Pipeline Construction, Inc. in the amount of \$76,207 for the construction of the 8-inch lateral at 112th Avenue and Alcott Street Project, and authorize a construction contingency in the amount of \$7,621 for a total construction budget of \$83,828; authorize the City Manager to execute an agreement with the low bidder, Keene Concrete, Inc., in the amount of \$229,005.50 for the construction of the Bradburn Boulevard Trail; and authorize a construction contingency in the amount of \$33,600; authorize the payment of \$108,367 to Adams County for the City's share of the cost of a regional effort to extend 120th Avenue between Quebec Street and US Highway 85 in accordance with a previous agreement between the City and the County; authorize the City Manager to sign an Intergovernmental Agreement between the City of Westminster and the Jefferson County Department of Health and Environment to reimburse the City for mosquito control expenses within the Jefferson County portion of the City for the year 2009; and authorize the City Manager to sign contracts for legal services on an as-needed basis in a form acceptable to the City Attorney's Office with counsel selected by the City Attorney's Office to advise the Finance Director in formal tax hearings held pursuant to W.M.C. § 4-1-26.

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

RESOLUTION NO. 35 RE WESTMINSTER PUBLIC LIBRARY MEETING ROOM FEES

Upon a motion by Councillor Major, seconded by Mayor Pro Tem Dittman, the Council voted unanimously at roll call to adopt Resolution No. 35 adjusting meeting room and other fees for the City's College Hill and Irving Street Libraries.

COUNCILLOR'S BILL NO. 19 RE SUPPLEMENTAL APPROPRIATION FOR PARK BENCH PURCHASE

Councillor Lindsey moved, seconded by Major, to pass Councillor's Bill No. 19 on first reading providing for supplemental appropriation of funds to the 2009 Budget of the General Fund for the purchase of a park bench for the City Hall Plaza. On roll call vote, the motion passed unanimously.

PHOTOVOLTAIC SOLAR INSTALLATION PILOT PROGRAM REMOVED FROM TABLE

Upon a motion by Mayor Pro Tem Dittman, seconded by Councillor Winter, the Council voted unanimously to remove the photovoltaic solar installation pilot program, power purchase agreement with Main Street Power from the table for action.

PHOTOVOLTAIC SOLAR INSTALLATION PILOT PROGRAM, POWER PURCHASE AGREEMENT

Mayor Pro Tem Dittman moved to authorize the City Manager to sign a power purchase agreement with Main Street Power Company in substantially the same form as provided, to permit the installation of photovoltaic solar panels having a total maximum power of 270.9 kilowatt hours and to purchase renewable energy generated directly from the solar photovoltaic systems, and, in addition, to obtain an option to purchase the photovoltaic system. Councillor Winter seconded the motion, which carried unanimously.

ADJOURNMENT

It was moved by Councillor Kaiser, seconded by Major, to adjourn. The motion passed unanimously, and the meeting adjourned at 7:27 p.m.

ATTEST:

Deputy City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 27, 2009



SUBJECT: Presentation of Employee Service Awards

Prepared By: Debbie Mitchell, Human Resources Manager
Dee Martin, Human Resources Administrator

Recommended City Council Action

Present service pins and certificates of appreciation to employees celebrating 20 or more years of service with the City and in five year increments thereafter. Special recognition to the City's 25-year employees will be given with the presentation of a \$2,500 bonus.

Summary Statement

- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 bonus to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their careers with the City.
- In the fourth grouping of 2009, employees with 20, 25, and 30 years of service will be celebrated tonight.
 - Mayor Pro Tem Dittman will present the 30-year certificates.
 - Mayor McNally will present the 25-year certificate.
 - Councillor Winter will present the 20-year certificate.

Expenditure Required: \$2,500

Source of Funds: General Fund - Finance

Policy Issue

None identified

Alternative

None identified

Background Information

The following 20-year employees will be presented with a certificate and service pin:

| | | |
|------------------|----------------------------|-----------------------|
| Jim Buckner | Sergeant | Police |
| Lonnie Henderson | Capital Projects Inspector | Community Development |
| Russ Johnson | Senior Police Officer | Police |
| David Lester | Police Commander | Police |

The following 25-year employee will be presented with a certificate, service pin and check for \$2,500, minus amounts withheld for Federal and State income taxes after her anniversary date:

| | | |
|------------|-------------------|---------|
| Barb Dolan | Sales Tax Manager | Finance |
|------------|-------------------|---------|

The following 30-year employees will be presented with a certificate and service pin:

| | | |
|--------------|----------------------------------|--------------------------|
| Andy Mead | Utilities Operations Coordinator | Public Works & Utilities |
| John Stipech | Municipal Judge | General Services |

On July 22, 2009, the City Manager hosted an employee awards luncheon. During that time, 5 employees received their 15-year service pin, 2 employees received their 10-year service pin, and 21 employees received their 5-year service pin, while recognition was also given to those celebrating their 20th, 25th and 30th anniversaries. This was the fourth luncheon in 2009 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees for the fourth luncheon is 365 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens. Background information on each individual being recognized is attached.

The recognition of employee’s years of service addresses Council’s Strategic Plan goal of Financially Sustainable City Government Providing Exceptional Services as part of the overall recognition program developed to encourage and recognize employee commitment to the organization. Recognition efforts have long been recognized as an important management practice in organizations striving to develop loyalty, ownership and effectiveness in their most valuable resource – employees.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 27, 2009



SUBJECT: Financial Report for June 2009

Prepared By: Tammy Hitchens, Finance Director

Recommended City Council Action

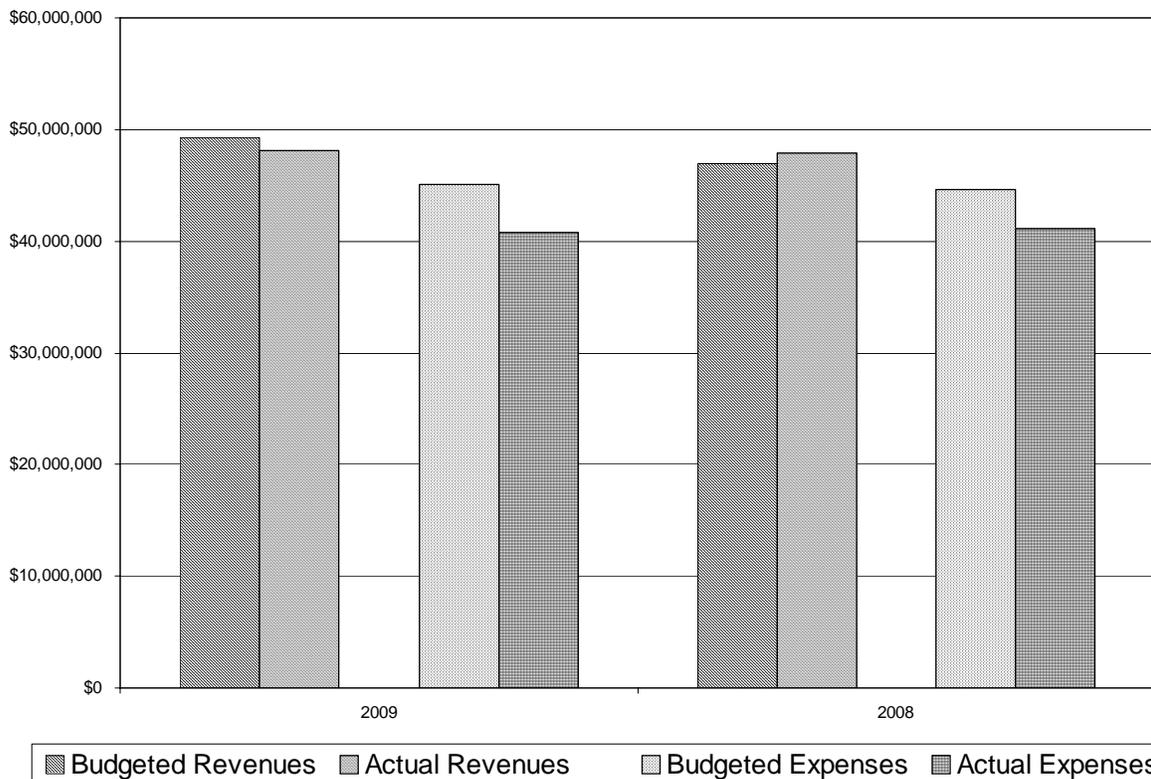
Accept the Financial Report for June as presented.

Summary Statement

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

The General Fund revenues and carryover exceed expenditures by \$7,365,052. The following graph represents Budget vs. Actual for 2008 – 2009. There is currently \$1,013,635 in budgeted funds that have been put on hold from spending. As transfers from the Sales Tax Fund are reduced as part of the overall economic downturn management plan, revenues in the General Fund will decline.

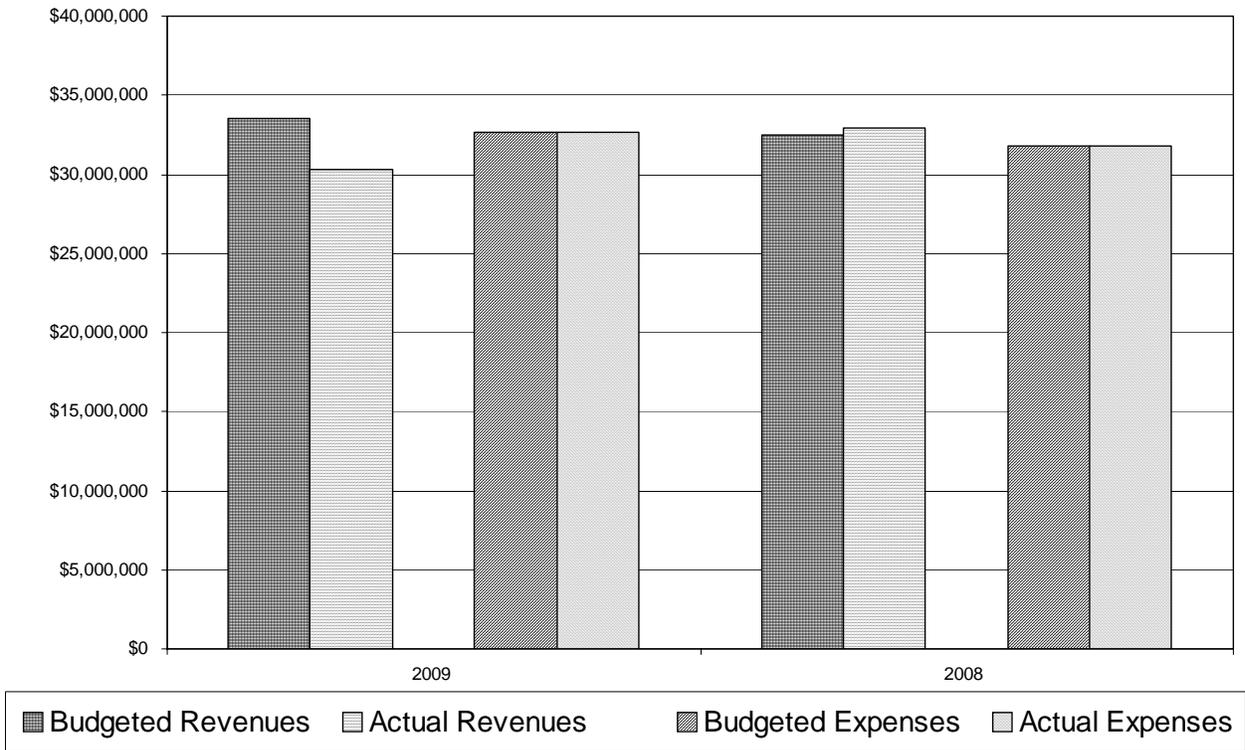
**General Fund
Budget vs Actual**



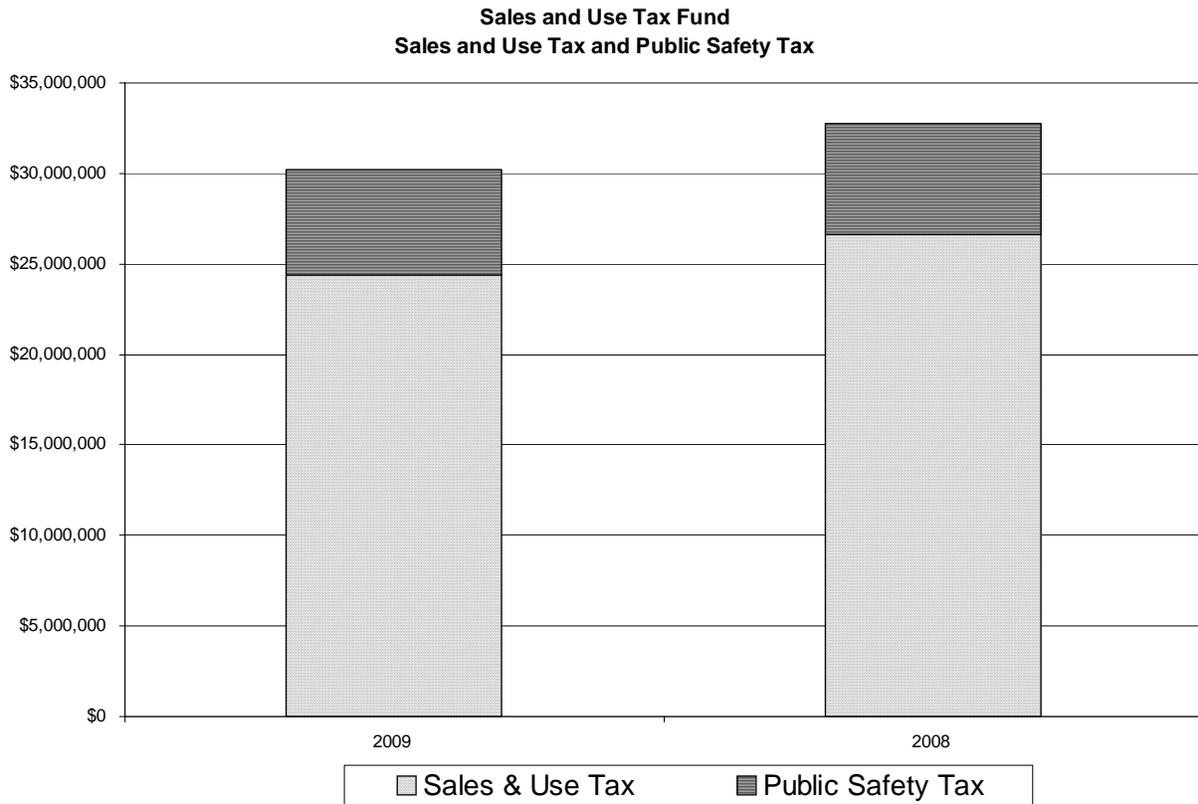
The Sales and Use Tax Fund revenues and carryover are less than expenditures by \$2,391,018.

- On a year-to-date cash basis, sales and use tax returns are down 5.6% from 2008.
- On a year-to-date basis, across the top 25 shopping centers, total sales and use tax receipts are up 1.7% from the prior year. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are down 5.2%.
- The top 50 Sales Tax payers, who represent about 62% of all collections, were down 2.9% after adjusting for Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 25.0% on a year-to-date basis.
- Building Use Tax is down 67.9% year-to-date from 2008.

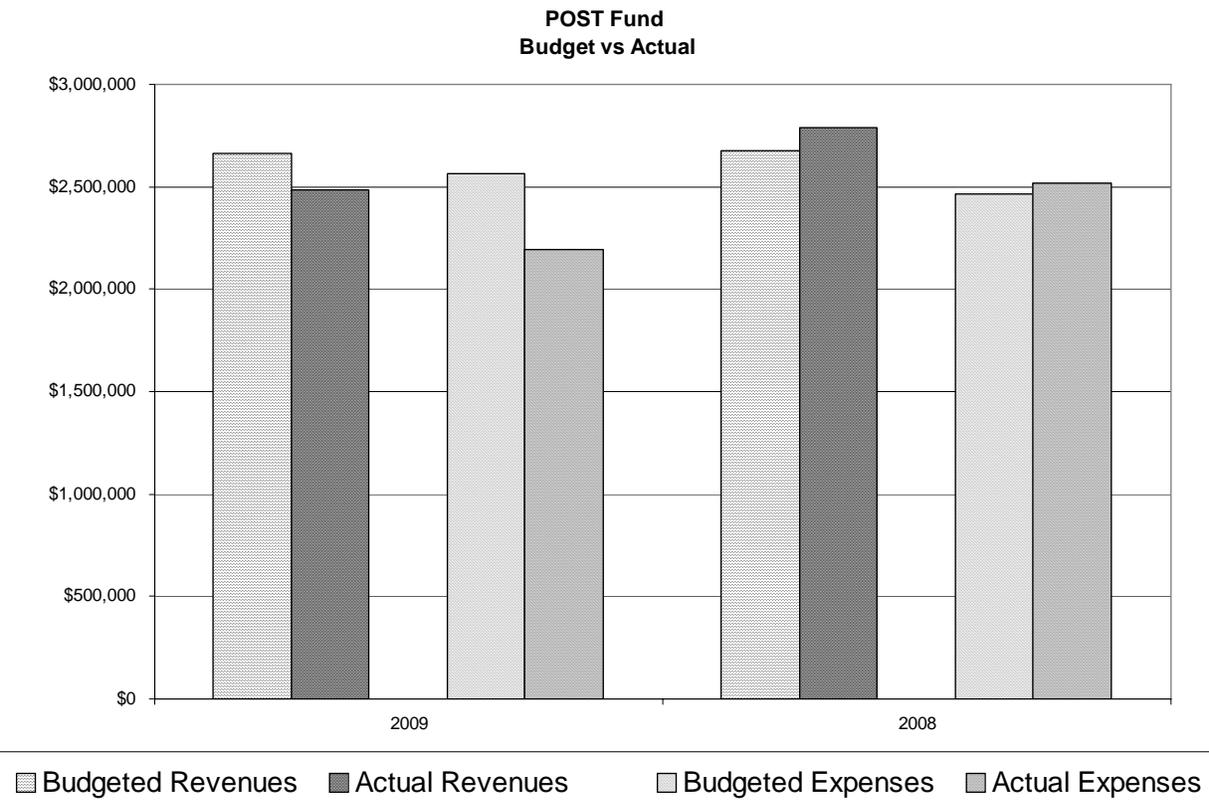
**Sales & Use Tax Fund
Budget vs Actual**



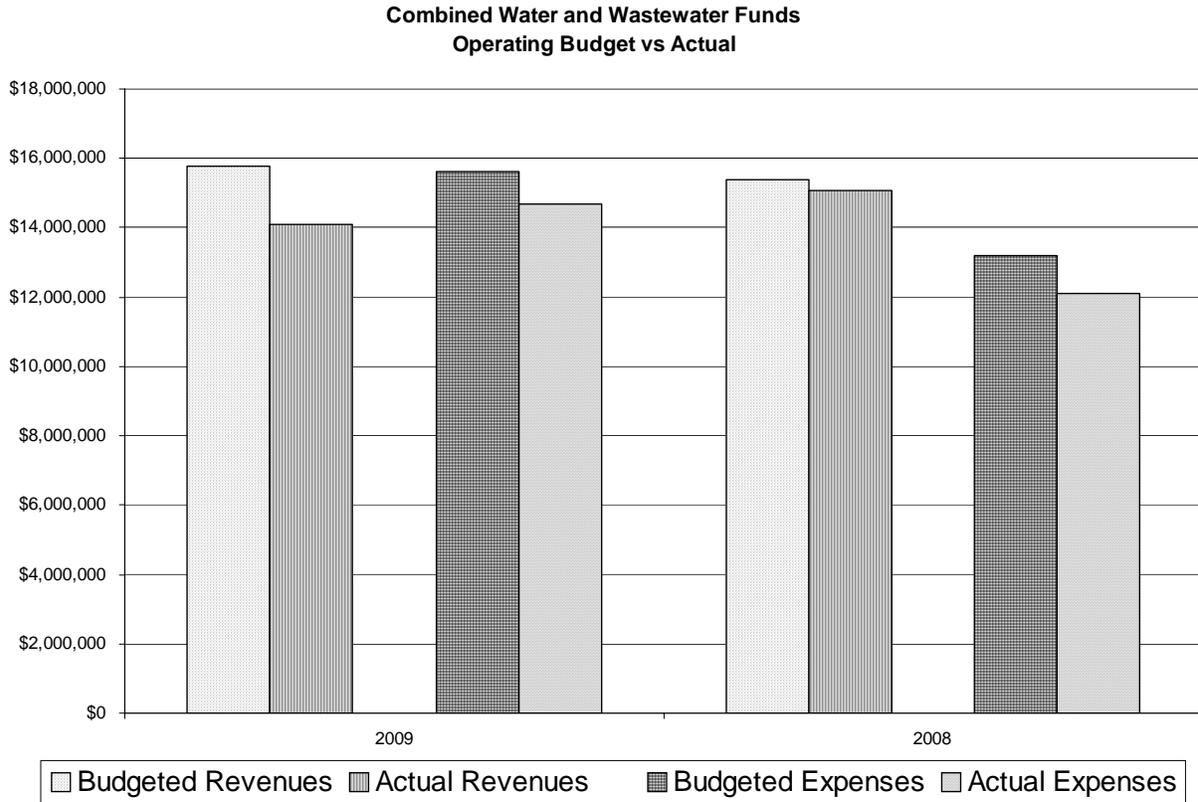
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



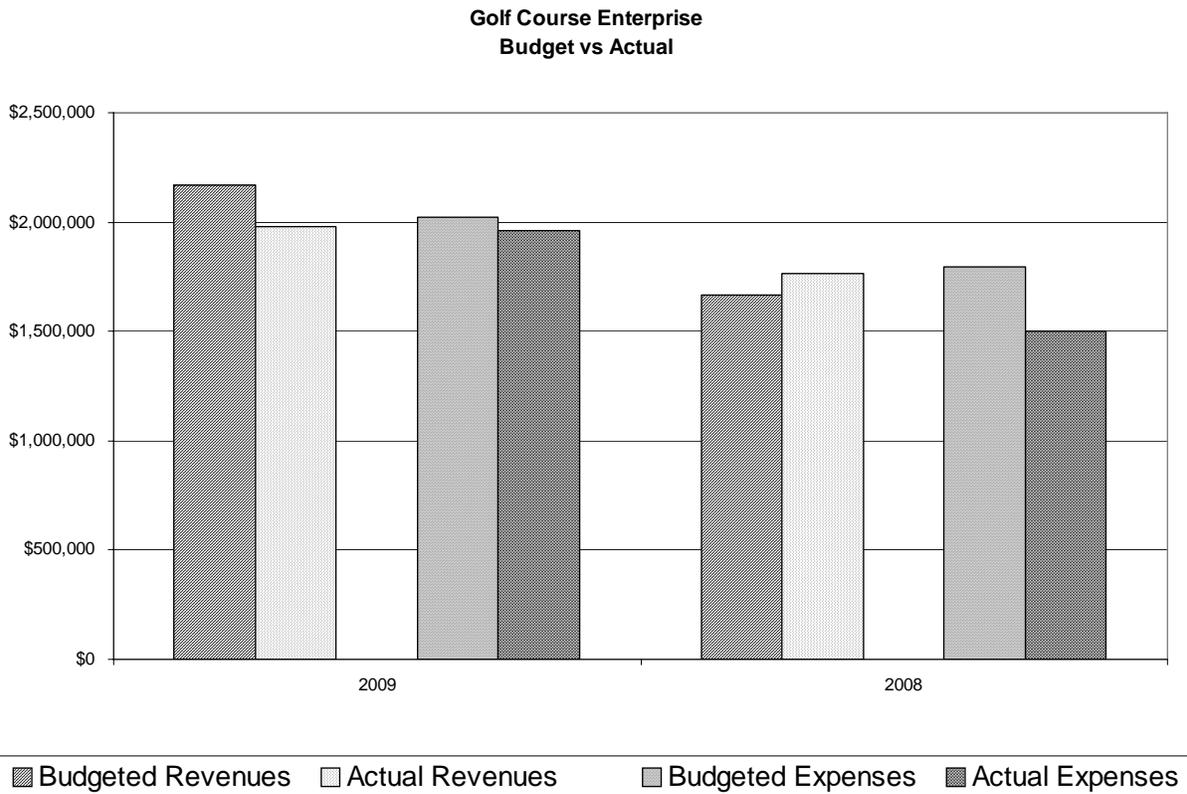
The Parks Open Space and Trails Fund revenues exceed expenditures by \$286,070.



The combined Water & Wastewater Fund revenues and carryover exceed expenses by \$8,674,608. \$24,283,469 is budgeted for capital projects and reserves.



The combined Golf Course Fund revenues exceed expenses by \$15,912.



Policy Issue

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

Alternative

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

Background Information

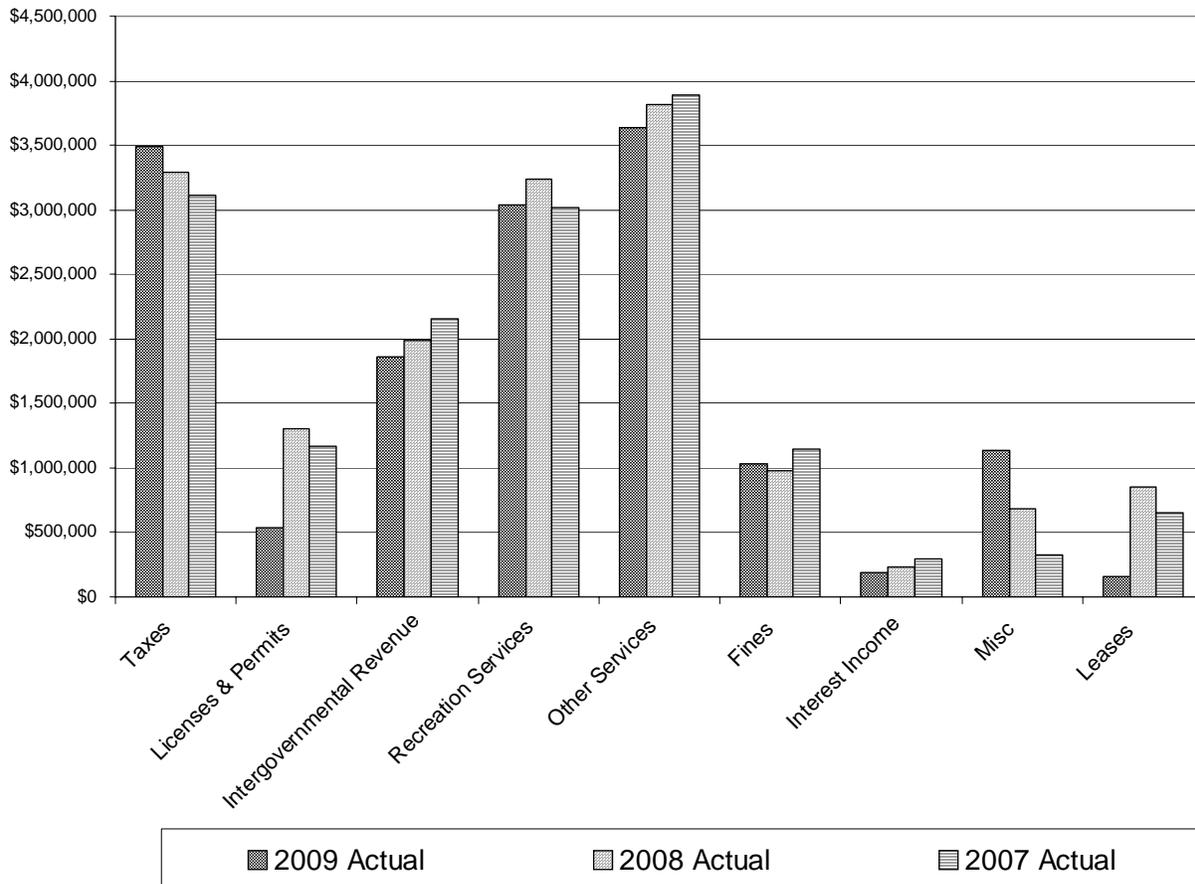
This section includes a discussion of highlights of each fund presented.

General Fund

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

The following chart represents the trend in actual revenues from 2007 – 2009 year-to-date.

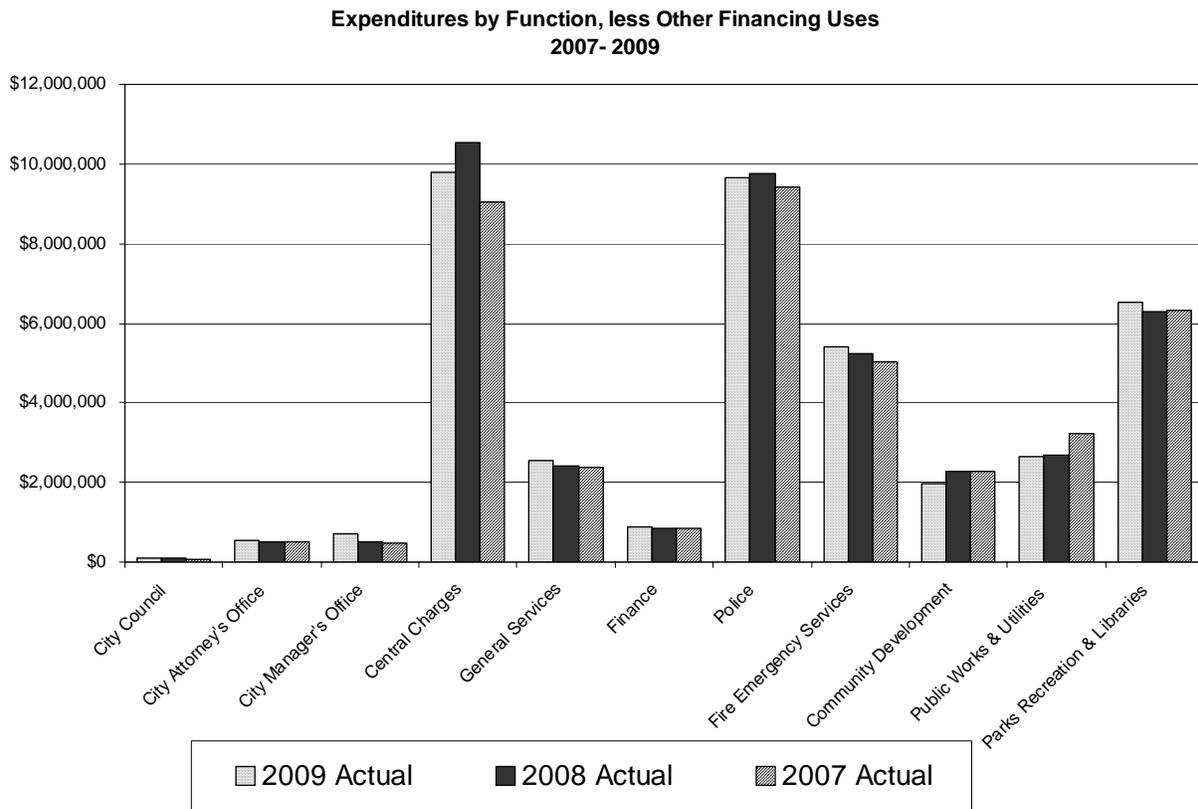
**General Fund Revenues without Transfers, Carryover, and Other Financing Sources
2007 - 2009**



Significant variances in General Fund revenue categories are explained as follows:

- Increase in Taxes reflects Accommodations Tax previously recorded in the General Capital Improvement Fund, now recorded in the General Fund.
- Decrease in License and Permit revenue reflects commercial and residential building permit activity, primarily in Adams County.
- Decrease in Intergovernmental Revenue is primarily attributable to Highway Users Tax and grant revenue.
- Decrease in Recreation Services revenue is largely due to activity at the City Park Recreation Center.
- Decreased in Other Services revenue reflects in large part XCEL franchise fees.
- Increase in Miscellaneous revenue reflects reimbursements received from Thornton relating to the 144th Avenue bridge construction IGA.
- Decrease in Lease revenue is due mostly to the Conference Center and Pavillion leases which were terminated in 2008.

The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2007 –2009.



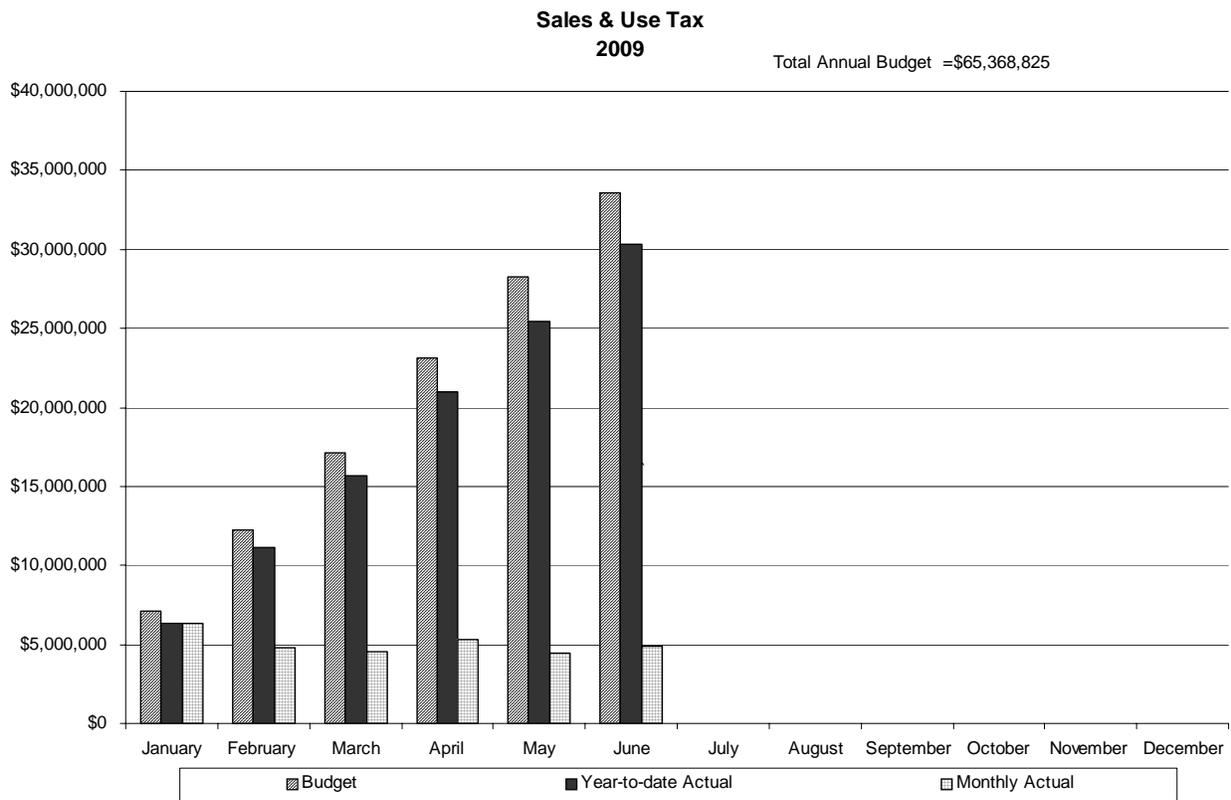
Significant variances in General Fund departmental expenditure categories are explained as follows:

- Decrease in Central Charges is primarily due to a decrease in budgeted transfers.

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

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

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

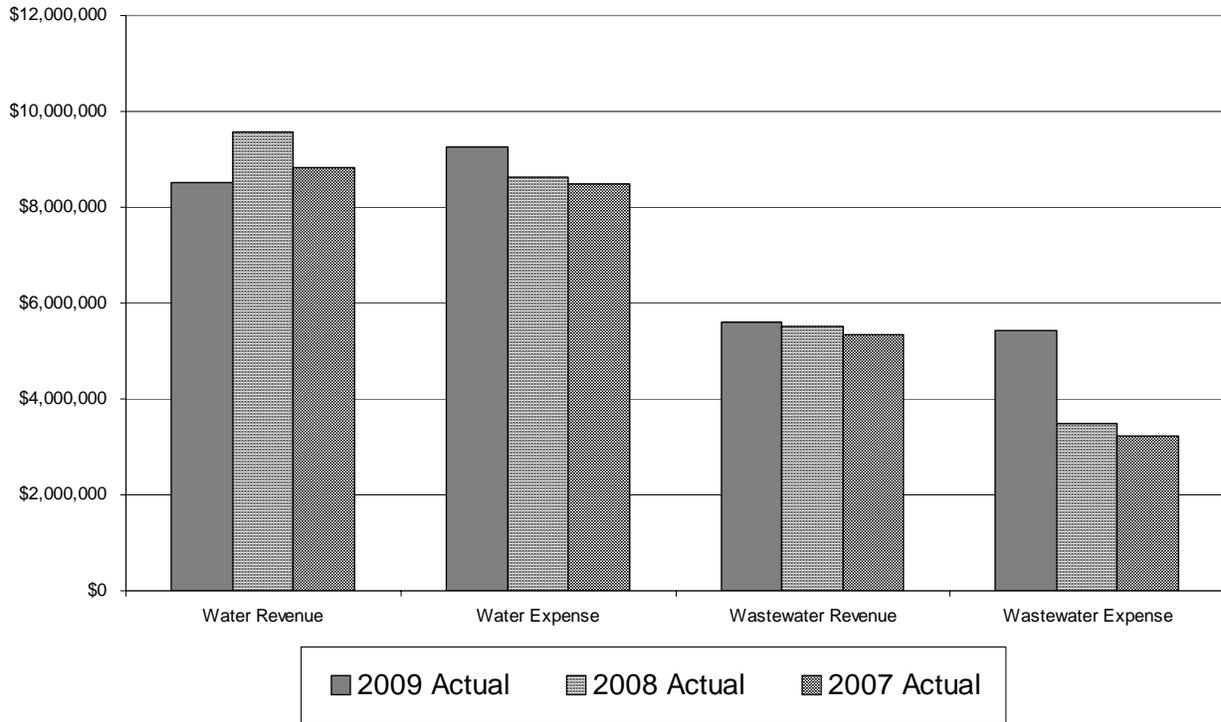


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

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

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

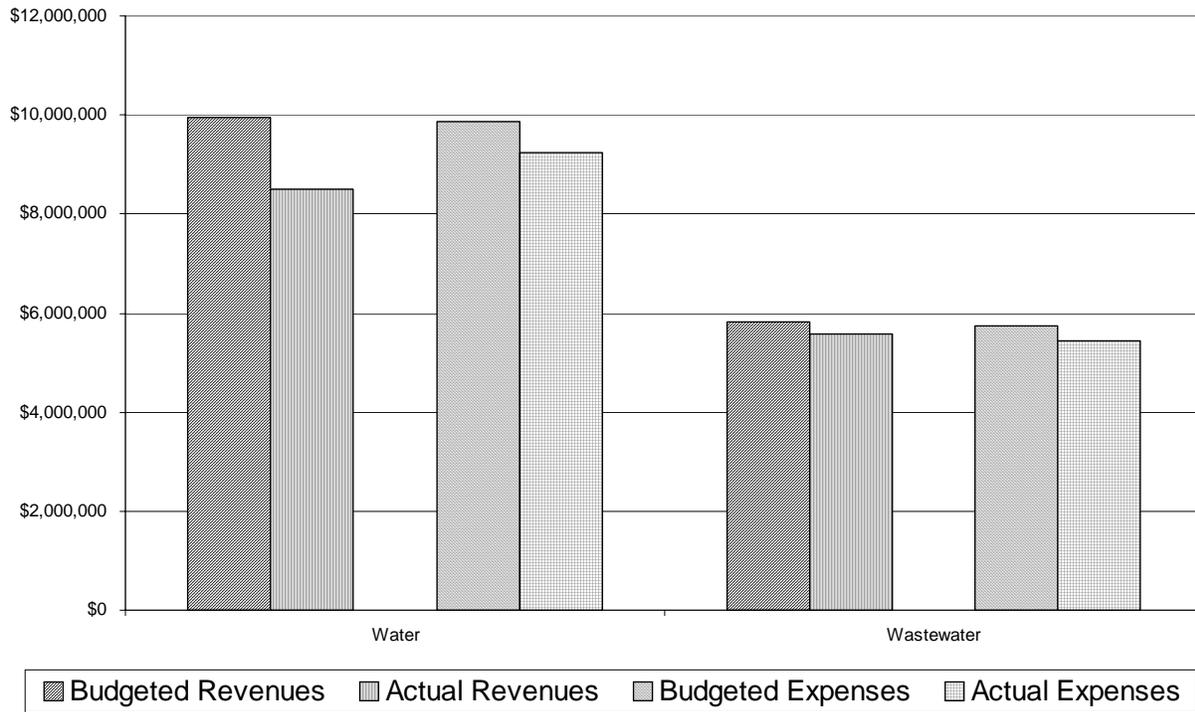
**Water and Wastewater Funds
Operating Revenue and Expenses 2007-2009**



Fluctuation in Water revenue between years reflects the effect of weather variations on demand. The Water expenditure increase in 2009 is the effect of costs related to employee benefits, energy payments, contract services charges and Zebra Mussel control efforts.

Expenses in the Wastewater Fund reflect a \$1.9M payment to Metro Wastewater Reclamation District to bring wastewater treatment in-house as approved by Council in March.

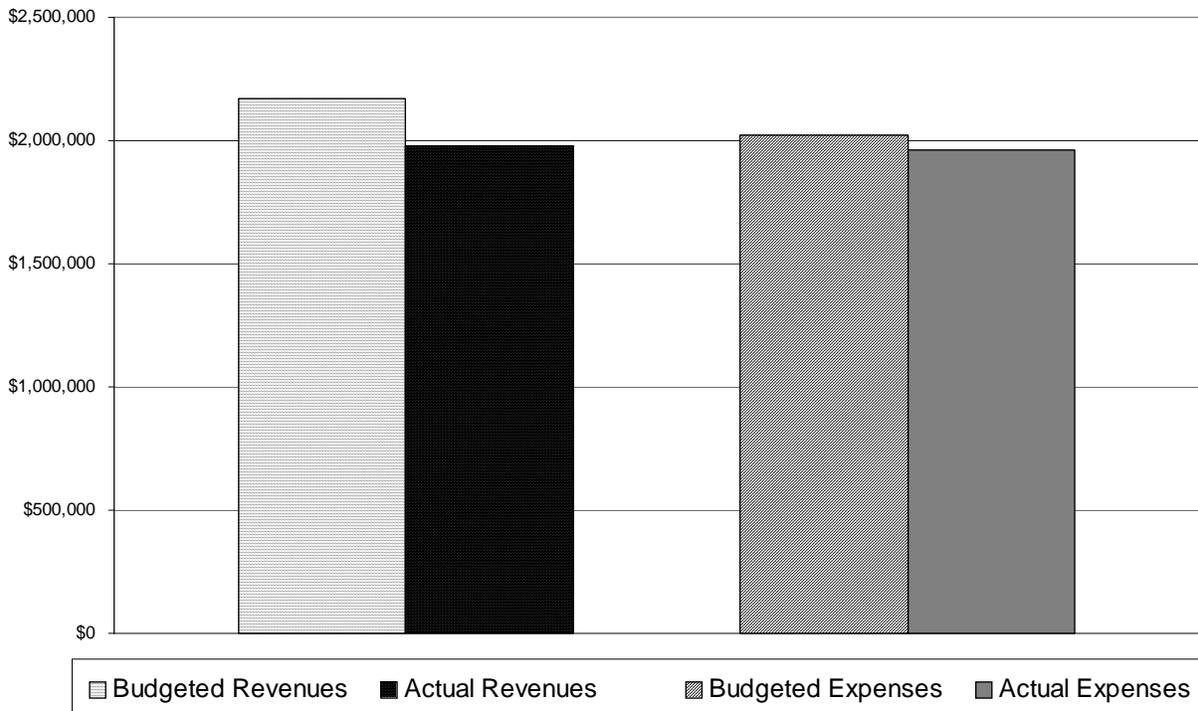
**Water and Wastewater Funds
2009 Operating Budget vs Actual**



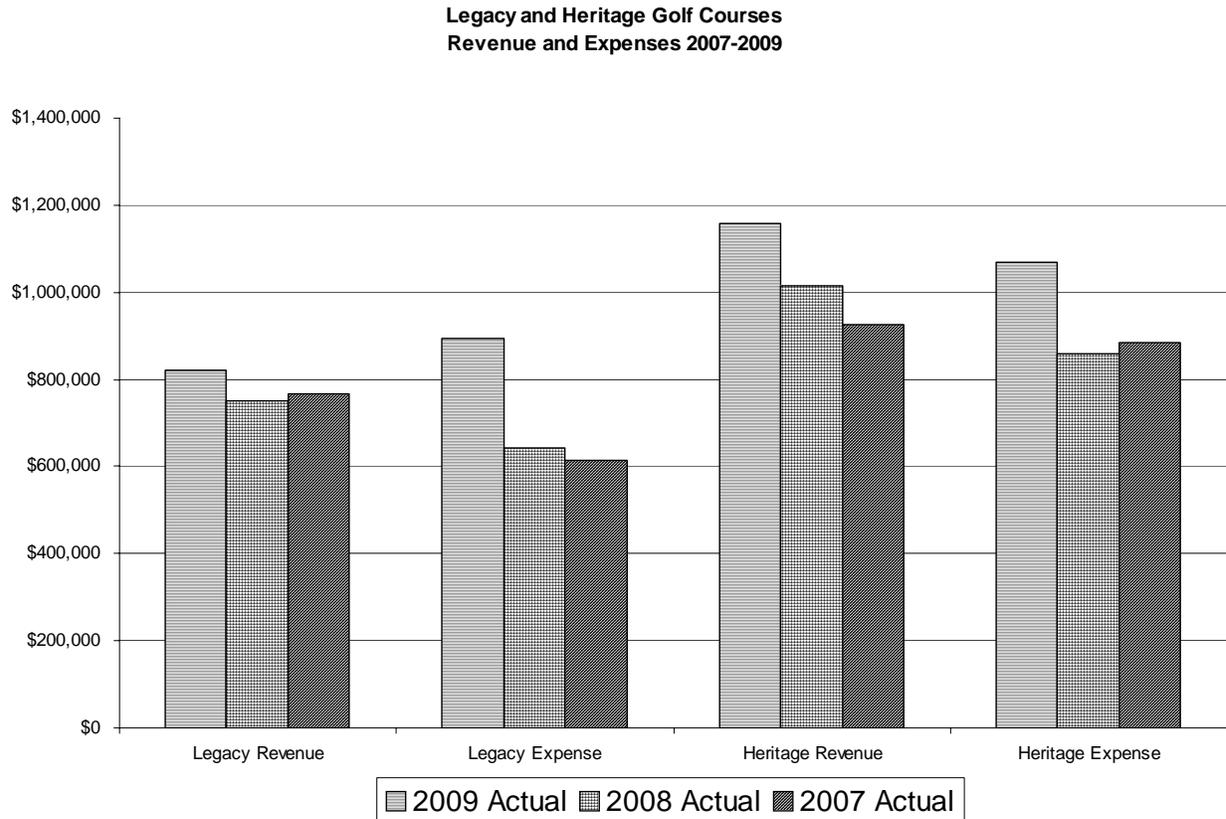
Golf Course Enterprise (Legacy and Heritage Golf Courses)

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

**Combined Golf Courses
2009 Budget vs Actual**

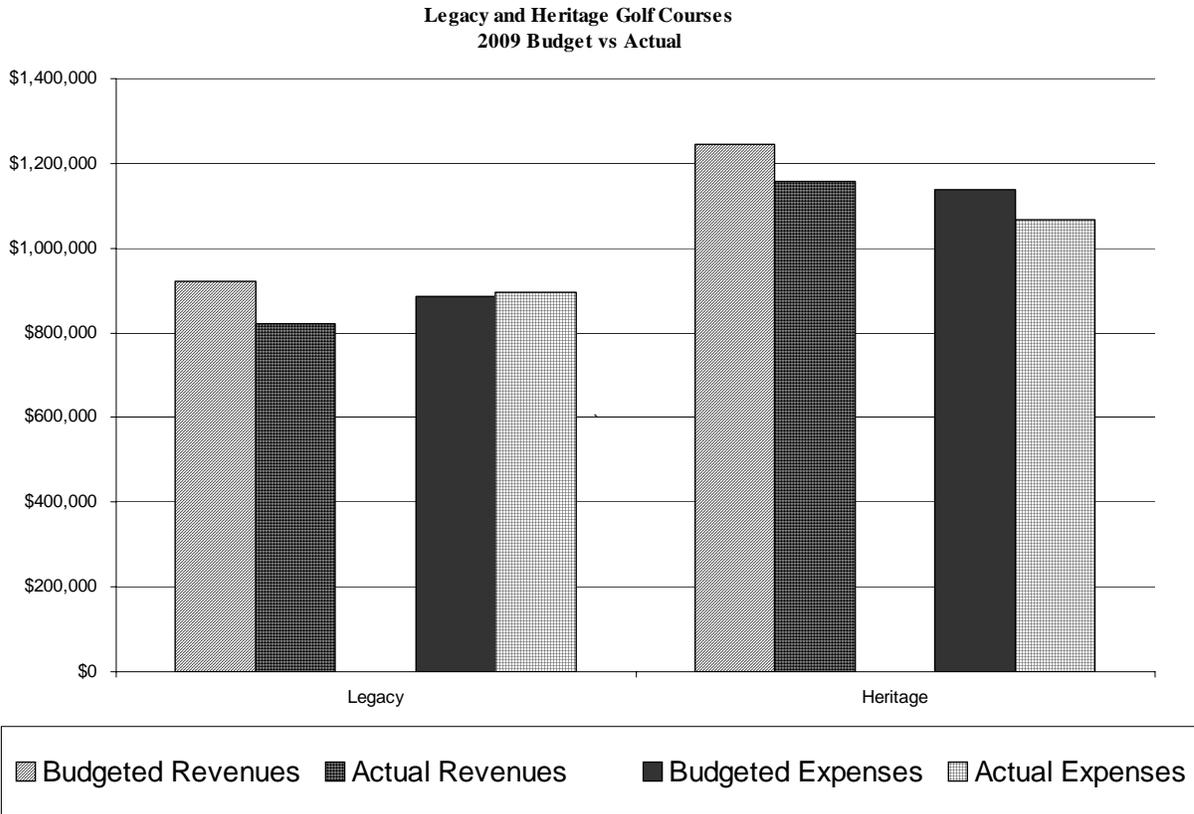


The following graphs represent the information for each of the golf courses.



Allocation of \$96,156 in carryover from Legacy to Heritage, a transfer that Heritage receives to help pay outstanding bonds and lease financing of a new golf cart fleet impacts this revenue representation. Elimination of these items would indicate a decrease in operating revenues from 2008 of \$114,715 at Legacy and \$112,145 at Heritage.

Legacy and Heritage expenses reflect the lease purchase of golf cart equipment totaling \$439,745.



Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**City of Westminster
Financial Report
For Six Months Ending June 30, 2009**

| Description General Fund | Budget | Pro-rated for Seasonal Flows | Notes | Actual | (Under) Over Budget | % Budget |
|-------------------------------|-------------------|------------------------------------|-------|-------------------|------------------------|--------------|
| Revenues and Carryover | | | | | | |
| Taxes | 6,089,541 | 3,878,522 | | 3,495,331 | -383,191 | 90.1% |
| Licenses & Permits | 1,597,600 | 797,569 | | 535,277 | -262,292 | 67.1% |
| Intergovernmental Revenue | 5,039,622 | 2,110,977 | | 1,865,542 | -245,435 | 88.4% |
| Charges for Services | | | | | | |
| Recreation Services | 5,910,792 | 3,230,234 | | 3,035,587 | -194,647 | 94.0% |
| Other Services | 9,236,959 | 4,141,201 | | 3,638,660 | -502,541 | 87.9% |
| Fines | 2,211,050 | 1,110,525 | | 1,026,365 | -84,160 | 92.4% |
| Interest Income | 515,000 | 228,201 | | 186,486 | -41,715 | 81.7% |
| Misc | 1,697,505 | 533,483 | | 1,140,710 | 607,227 | 213.8% |
| Leases | 295,925 | 147,963 | | 152,544 | 4,581 | 103.1% |
| Interfund Transfers | 62,330,989 | 31,178,069 | (1) | 31,191,641 | 13,572 | 100.0% |
| Other Financing Sources | 584,990 | 584,990 | | 584,990 | 0 | 100.0% |
| Sub-total Revenues | <u>95,509,973</u> | <u>47,941,734</u> | | <u>46,853,133</u> | <u>-1,088,601</u> | <u>97.7%</u> |
| Carryover | 1,300,524 | 1,300,524 | | 1,300,524 | 0 | 100.0% |
| Revenues and Carryover | <u>96,810,497</u> | <u>49,242,258</u> | | <u>48,153,657</u> | <u>-1,088,601</u> | <u>97.8%</u> |
| Expenditures | | | | | | |
| City Council | 213,244 | 95,122 | | 94,365 | -757 | 99.2% |
| City Attorney's Office | 1,174,835 | 584,712 | | 551,097 | -33,615 | 94.3% |
| City Manager's Office | 1,625,634 | 794,151 | | 723,432 | -70,719 | 91.1% |
| Central Charges | 24,413,530 | 10,416,186 | | 9,778,479 | -637,707 | 93.9% |
| General Services | 5,927,432 | 2,857,801 | | 2,537,959 | -319,842 | 88.8% |
| Finance | 1,984,987 | 983,053 | | 896,583 | -86,470 | 91.2% |
| Police | 21,263,639 | 10,547,236 | | 9,659,589 | -887,647 | 91.6% |
| Fire Emergency Services | 11,916,716 | 5,886,585 | | 5,408,393 | -478,192 | 91.9% |
| Community Development | 4,353,877 | 2,168,341 | | 1,970,426 | -197,915 | 90.9% |
| Public Works & Utilities | 7,710,392 | 3,070,850 | | 2,636,909 | -433,941 | 85.9% |
| Parks, Recreation & Libraries | 16,226,211 | 7,635,571 | | 6,531,373 | -1,104,198 | 85.5% |
| Total Expenditures | <u>96,810,497</u> | <u>45,039,608</u> | | <u>40,788,605</u> | <u>-4,251,003</u> | <u>90.6%</u> |
| Revenues and Carryover | | | | | | |
| Over(Under) Expenditures | <u>0</u> | <u>4,202,650</u> | | <u>7,365,052</u> | <u>3,162,402</u> | |

(1) The Interfund Transfers variance reflects an unbudgeted payment from the 144th Avenue GID

**City of Westminster
Financial Report
For Six Months Ending June 30, 2009**

| Description | Budget | Pro-rated for Seasonal Flows | Notes | Actual | (Under) Over Budget | % Budget |
|--|-------------------|------------------------------------|-------|-------------------|------------------------|---------------|
| Sales and Use Tax Fund | | | | | | |
| Revenues and Carryover | | | | | | |
| Sales Tax | | | | | | |
| Sales Tax Returns | 42,096,853 | 22,102,723 | | 20,311,447 | -1,791,276 | 91.9% |
| Sales Tx Audit Revenues | 697,800 | 411,538 | | 201,479 | -210,059 | 49.0% |
| S-T Rev. STX | <u>42,794,653</u> | <u>22,514,261</u> | | <u>20,512,926</u> | <u>-2,001,335</u> | <u>91.1%</u> |
| Use Tax | | | | | | |
| Use Tax Returns | 9,037,161 | 4,224,789 | | 2,970,812 | -1,253,977 | 70.3% |
| Use Tax Audit Revenues | 777,018 | 400,941 | | 897,291 | 496,350 | 223.8% |
| S-T Rev. UTX | <u>9,814,179</u> | <u>4,625,731</u> | | <u>3,868,103</u> | <u>-757,627</u> | <u>83.6%</u> |
| Total STX and UTX | <u>52,608,832</u> | <u>27,139,992</u> | | <u>24,381,029</u> | <u>-2,758,962</u> | <u>89.8%</u> |
| Public Safety Tax | | | | | | |
| PST Tax Returns | 12,401,153 | 6,254,555 | | 5,633,313 | -621,242 | 90.1% |
| PST Audit Revenues | 128,840 | 54,618 | | 219,671 | 165,053 | 402.2% |
| Total Rev. PST | <u>12,529,993</u> | <u>6,309,174</u> | | <u>5,852,984</u> | <u>-456,189</u> | <u>92.8%</u> |
| Total Interest Income | 230,000 | 115,000 | | 59,382 | -55,618 | 51.6% |
| Total Revenues and Carryover | <u>65,368,825</u> | <u>33,564,166</u> | | <u>30,293,395</u> | <u>-3,270,769</u> | <u>90.3%</u> |
| Expenditures | | | | | | |
| Central Charges | <u>65,368,825</u> | <u>32,684,413</u> | | <u>32,684,413</u> | <u>0</u> | <u>100.0%</u> |
| Revenues and Carryover Over(Under) Expenditures | <u>0</u> | <u>879,753</u> | | <u>-2,391,018</u> | <u>-3,270,769</u> | |

**City of Westminster
Financial Report
For Six Months Ending June 30, 2009**

| Description POST Fund | Budget | Pro-rated for Seasonal Flows | Notes | Actual | (Under) Over Budget | % Budget |
|-------------------------------|-------------------------|------------------------------------|-------|-------------------------|------------------------|---------------------|
| Revenues and Carryover | | | | | | |
| Sales & Use Tax | 5,228,386 | 2,625,136 | | 2,438,073 | -187,063 | 92.9% |
| Interest Income | 31,000 | 15,500 | | 33,131 | 17,631 | 213.7% |
| Miscellaneous | 88,832 | 22,652 | | 10,258 | -12,394 | 45.3% |
| Interfund Transfers | 180,000 | 0 | | 0 | 0 | N/A |
| Sub-total Revenues | <u>5,528,218</u> | <u>2,663,288</u> | | <u>2,481,462</u> | <u>-181,826</u> | <u>93.2%</u> |
| Carryover | 0 | 0 | | 0 | 0 | N/A |
| Total Revenues and Carryover | <u><u>5,528,218</u></u> | <u><u>2,663,288</u></u> | | <u><u>2,481,462</u></u> | <u><u>-181,826</u></u> | <u><u>93.2%</u></u> |
| Expenditures | | | | | | |
| Central Charges | 5,187,989 | 2,390,788 | | 2,074,176 | -316,612 | 86.8% |
| Park Services | 340,229 | 170,115 | | 121,216 | -48,899 | 71.3% |
| | <u>5,528,218</u> | <u>2,560,902</u> | | <u>2,195,392</u> | <u>-365,511</u> | <u>85.7%</u> |
| Over(Under) Expenditures | <u><u>0</u></u> | <u><u>102,386</u></u> | | <u><u>286,070</u></u> | <u><u>183,685</u></u> | |

**City of Westminster
Financial Report
For Six Months Ending June 30, 2009**

| Description | Budget | Pro-rated for Seasonal Flows | Notes | Actual | (Under) Over Budget | % Budget |
|---|-------------------|------------------------------------|-------|-------------------|------------------------|--------------|
| Water and Wastewater Fund-Combined | | | | | | |
| Operating Revenues | | | | | | |
| License & Permits | 75,000 | 37,500 | | 46,680 | 9,180 | 124.5% |
| Intergovernmental Revenue | 21,965 | 4,972 | | 4,972 | 0 | 100.0% |
| Rates and Charges | 38,724,370 | 15,512,677 | | 13,926,550 | (1,586,127) | 89.8% |
| Miscellaneous | 435,000 | 217,500 | | 113,672 | (103,828) | 52.3% |
| Total Operating Revenues | <u>39,256,335</u> | <u>15,772,649</u> | | <u>14,091,874</u> | <u>(1,680,775)</u> | <u>89.3%</u> |
| Operating Expenses | | | | | | |
| Central Charges | 5,880,390 | 2,940,196 | | 2,916,756 | (23,440) | 99.2% |
| Finance | 671,815 | 316,425 | | 306,881 | (9,544) | 97.0% |
| Public Works & Utilities | 22,421,266 | 10,910,304 | | 10,111,746 | (798,558) | 92.7% |
| Parks, Recreation & Libraries | 157,226 | 78,613 | | 38,735 | (39,878) | 49.3% |
| Information Technology | 2,808,228 | 1,367,607 | | 1,303,775 | (63,832) | 95.3% |
| Total Operating Expenses | <u>31,938,925</u> | <u>15,613,145</u> | | <u>14,677,893</u> | <u>(935,252)</u> | <u>94.0%</u> |
| Operating Income (Loss) | <u>7,317,410</u> | <u>159,504</u> | | <u>(586,019)</u> | <u>(745,523)</u> | |
| Other Revenue and Expenses | | | | | | |
| Tap Fees | 7,020,000 | 3,505,852 | | 1,908,234 | (1,597,618) | 54.4% |
| Interest Income | 1,600,000 | 800,000 | | 611,749 | (188,251) | 76.5% |
| Interfund Transfers | 14,394,824 | 8,874,087 | | 8,874,087 | 0 | 100.0% |
| Carryover | 254,654 | 254,654 | | 254,654 | 0 | 100.0% |
| Debt Service | (6,303,419) | (2,388,097) | | (2,388,097) | 0 | 100.0% |
| Total Other Revenue (Expenses) | <u>16,966,059</u> | <u>11,046,496</u> | | <u>9,260,627</u> | <u>(1,785,869)</u> | <u>83.8%</u> |
| Increase (Decrease) in Net Assets | <u>24,283,469</u> | <u>11,206,000</u> | (1) | <u>8,674,608</u> | <u>(2,531,392)</u> | |

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

**City of Westminster
Financial Report
For Six Months Ending June 30, 2009**

| Description | Budget | Pro-rated for Seasonal Flows | Notes | Actual | (Under) Over Budget | % Budget |
|-----------------------------------|-------------------|------------------------------------|-------|------------------|------------------------|--------------|
| Water Fund | | | | | | |
| Operating Revenues | | | | | | |
| License & Permits | 75,000 | 37,500 | | 46,680 | 9,180 | 124.5% |
| Intergovernmental Revenue | 21,965 | 4,972 | | 4,972 | 0 | 100.0% |
| Rates and Charges | 27,006,370 | 9,683,269 | | 8,339,598 | (1,343,671) | 86.1% |
| Miscellaneous | 425,000 | 212,500 | | 110,672 | (101,828) | 52.1% |
| Total Operating Revenues | <u>27,528,335</u> | <u>9,938,241</u> | | <u>8,501,922</u> | <u>(1,436,319)</u> | <u>85.5%</u> |
| Operating Expenses | | | | | | |
| Central Charges | 4,142,873 | 2,071,437 | | 2,059,709 | (11,728) | 99.4% |
| Finance | 671,815 | 316,425 | | 306,881 | (9,544) | 97.0% |
| Public Works & Utilities | 13,839,429 | 6,036,172 | | 5,538,804 | (497,368) | 91.8% |
| Parks, Recreation & Libraries | 157,226 | 78,613 | | 38,735 | (39,878) | 49.3% |
| Information Technology | 2,808,228 | 1,367,607 | | 1,303,775 | (63,832) | 95.3% |
| Total Operating Expenses | <u>21,619,571</u> | <u>9,870,254</u> | | <u>9,247,904</u> | <u>(622,350)</u> | <u>93.7%</u> |
| Operating Income (Loss) | <u>5,908,764</u> | <u>67,987</u> | | <u>(745,982)</u> | <u>(813,969)</u> | |
| Other Revenue and Expenses | | | | | | |
| Tap Fees | 5,739,000 | 2,867,095 | | 1,559,168 | (1,307,927) | 54.4% |
| Interest Income | 900,000 | 450,000 | | 457,515 | 7,515 | 101.7% |
| Interfund Transfers | 10,859,076 | 6,124,038 | | 6,124,038 | 0 | 100.0% |
| Carryover | 254,654 | 254,654 | | 254,654 | 0 | 100.0% |
| Debt Service | (4,798,025) | (1,782,519) | | (1,782,519) | 0 | 100.0% |
| Total Other Revenues (Expenses) | <u>12,954,705</u> | <u>7,913,268</u> | | <u>6,612,856</u> | <u>(1,300,412)</u> | <u>83.6%</u> |
| Increase (Decrease) in Net Assets | <u>18,863,469</u> | <u>7,981,255</u> | (1) | <u>5,866,874</u> | <u>(2,114,381)</u> | |

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

**City of Westminster
Financial Report
For Six Months Ending June 30, 2009**

| Description | Budget | Pro-rated for Seasonal Flows | Notes | Actual | (Under) Over Budget | % Budget |
|-----------------------------------|-------------------|------------------------------------|-------|------------------|------------------------|--------------|
| Wastewater Fund | | | | | | |
| Operating Revenues | | | | | | |
| Rates and Charges | 11,718,000 | 5,829,408 | | 5,586,952 | (242,456) | 95.8% |
| Miscellaneous | 10,000 | 5,000 | | 3,000 | (2,000) | 60.0% |
| Total Operating Revenues | <u>11,728,000</u> | <u>5,834,408</u> | | <u>5,589,952</u> | <u>(244,456)</u> | <u>95.8%</u> |
| Operating Expenses | | | | | | |
| Central Charges | 1,737,517 | 868,759 | | 857,047 | (11,712) | 98.7% |
| Public Works & Utilities | 8,581,837 | 4,874,132 | | 4,572,942 | (301,190) | 93.8% |
| Total Operating Expenses | <u>10,319,354</u> | <u>5,742,891</u> | | <u>5,429,989</u> | <u>(312,902)</u> | <u>94.6%</u> |
| Operating Income (Loss) | <u>1,408,646</u> | <u>91,517</u> | | <u>159,963</u> | <u>68,446</u> | |
| Other Revenue and Expenses | | | | | | |
| Tap Fees | 1,281,000 | 638,757 | | 349,066 | (289,691) | 54.6% |
| Interest Income | 700,000 | 350,000 | | 154,234 | (195,766) | 44.1% |
| Interfund Transfers | 3,535,748 | 2,750,049 | | 2,750,049 | 0 | 100.0% |
| Debt Service | (1,505,394) | (605,578) | | (605,578) | 0 | 100.0% |
| Total Other Revenues (Expenses) | <u>4,011,354</u> | <u>3,133,228</u> | | <u>2,647,771</u> | <u>(485,457)</u> | <u>84.5%</u> |
| Increase (Decrease) in Net Assets | <u>5,420,000</u> | <u>3,224,745</u> | (1) | <u>2,807,734</u> | <u>(417,011)</u> | |

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

**City of Westminster
Financial Report
For Six Months Ending June 30, 2009**

| Description | Budget | Pro-rated for Seasonal Flows | Notes | Actual | (Under) Over Budget | % Budget |
|-----------------------------------|------------------|------------------------------------|-------|------------------|------------------------|---------------|
| Storm Drainage Fund | | | | | | |
| Revenues and Carryover | | | | | | |
| Charges for Services | 1,900,000 | 950,000 | | 998,153 | 48,153 | 105.1% |
| Interest Income | 0 | 0 | | 39,566 | 39,566 | N/A |
| Miscellaneous | 0 | 0 | | 953 | 953 | N/A |
| Total Revenues and Carryover | <u>1,900,000</u> | <u>950,000</u> | | <u>1,038,672</u> | <u>88,672</u> | <u>109.3%</u> |
| Expenses | | | | | | |
| General Services | 92,000 | 30,268 | | 25,953 | (4,315) | 85.7% |
| Community Development | 140,000 | 72,240 | | 42,181 | (30,059) | 58.4% |
| Park Services | 200,000 | 100,000 | | 33,572 | (66,428) | 33.6% |
| Public Works & Utilities | 396,000 | 144,540 | | 156,636 | 12,096 | 108.4% |
| Total Expenses | <u>828,000</u> | <u>347,048</u> | | <u>258,342</u> | <u>(88,706)</u> | <u>74.4%</u> |
| Increase (Decrease) in Net Assets | <u>1,072,000</u> | <u>602,952</u> | (1) | <u>780,330</u> | <u>177,378</u> | |

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

**City of Westminster
Financial Report
For Six Months Ending June 30, 2009**

| Description | Budget | Pro-rated for Seasonal Flows | Notes | Actual | (Under) Over Budget | % Budget |
|--|------------------|------------------------------------|-------|------------------|------------------------|--------------|
| Golf Courses Combined | | | | | | |
| Revenues | | | | | | |
| Carryover | 0 | 0 | | 0 | 0 | N/A |
| Charges for Services | 3,336,142 | 1,494,592 | | 1,294,568 | (200,024) | 86.6% |
| Interest Income | 0 | 0 | | 10,880 | 10,880 | N/A |
| Interfund Transfers | 467,272 | 233,636 | | 233,636 | 0 | 100.0% |
| Other Financing Sources | 439,745 | 439,745 | | 439,745 | 0 | 100.0% |
| Total Revenues | <u>4,243,159</u> | <u>2,167,973</u> | | <u>1,978,829</u> | <u>(189,144)</u> | <u>91.3%</u> |
| Expenses | | | | | | |
| Central Charges | 197,920 | 98,267 | | 102,751 | 4,484 | 104.6% |
| Recreation Facilities | 3,545,674 | 1,788,881 | | 1,722,883 | (65,998) | 96.3% |
| Total Expenses | <u>3,743,594</u> | <u>1,887,148</u> | | <u>1,825,634</u> | <u>(61,514)</u> | <u>96.7%</u> |
| Operating Income (Loss) | 499,565 | 280,825 | | 153,195 | (127,630) | |
| Debt Service Expense | 499,565 | 137,283 | | 137,283 | 0 | 100.0% |
| Increase (Decrease) in Net Assets | <u>0</u> | <u>143,542</u> | | <u>15,912</u> | <u>(127,630)</u> | |

**City of Westminster
Financial Report
For Six Months Ending June 30, 2009**

| Description | Budget | Pro-rated for Seasonal Flows | Notes | Actual | (Under) Over Pro rated Budget | % Budget |
|--|------------------|------------------------------------|-------|-----------------|----------------------------------|---------------|
| Legacy Ridge Fund | | | | | | |
| Revenues | | | | | | |
| Carryover | (192,312) | (96,156) | | (96,156) | 0 | 100.0% |
| Charges for Services | 1,782,013 | 798,342 | | 685,627 | (112,715) | 85.9% |
| Interest Income | 0 | 0 | | 10,880 | 10,880 | N/A |
| Other Financing Sources | 219,873 | 219,873 | | 219,873 | 0 | 100.0% |
| Total Revenues | 1,809,574 | 922,059 | | 820,224 | (101,835) | 89.0% |
| Expenses | | | | | | |
| Central Charges | 98,780 | 49,094 | | 54,811 | 5,717 | 111.6% |
| Recreation Facilities | 1,710,794 | 836,578 | | 840,587 | 4,009 | 100.5% |
| Total Expenses | 1,809,574 | 885,672 | | 895,398 | 9,726 | 101.1% |
| Increase (Decrease) in Net Assets | 0 | 36,387 | | (75,174) | (111,561) | |

**City of Westminster
Financial Report
For Six Months Ending June 30, 2009**

| Description | Budget | Pro-rated for Seasonal Flows | Notes | Actual | (Under) Over Budget | % Budget |
|--|------------------|------------------------------------|-------|------------------|------------------------|--------------|
| Heritage at Westmoor Fund | | | | | | |
| Revenues | | | | | | |
| Carryover | 192,312 | 96,156 | | 96,156 | 0 | 100.0% |
| Charges for Services | 1,554,129 | 696,250 | | 608,941 | (87,309) | 87.5% |
| Interfund Transfers | 467,272 | 233,636 | | 233,636 | 0 | 100.0% |
| Other Financing Sources | 219,872 | 219,872 | | 219,872 | 0 | 100.0% |
| Total Revenues | 2,433,585 | 1,245,914 | | 1,158,605 | (87,309) | 93.0% |
| Expenses | | | | | | |
| Central Charges | 99,140 | 49,173 | | 47,940 | (1,233) | 97.5% |
| Recreation Facilities | 1,834,880 | 952,303 | | 882,296 | (70,007) | 92.6% |
| Sub-Total Expenses | 1,934,020 | 1,001,476 | | 930,236 | (71,240) | 92.9% |
| Operating Income | 499,565 | 244,438 | | 228,369 | (16,069) | |
| Debt Service Expense | 499,565 | 137,283 | | 137,283 | 0 | 100.0% |
| Increase (Decrease) in Net Assets | 0 | 107,156 | | 91,087 | (16,069) | |

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR-TO-DATE JUNE 2009

| Center Location Major Tenant | Current Month | | | Last Year | | | %Change | | |
|---|------------------|----------------|---------|------------------|----------------|---------|---------|------|-------|
| | General Sales | General Use | Total | General Sales | General Use | Total | Sales | Use | Total |
| WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND | 342,655 | 1,327 | 343,982 | 362,823 | 2,152 | 364,976 | -6 | -38 | -6 |
| THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S | 301,770 | 10,880 | 312,650 | 246,121 | 24,369 | 270,491 | 23 | -55 | 16 |
| INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH | 251,868 | 580 | 252,448 | 231,632 | 6,037 | 237,669 | 9 | -90 | 6 |
| SHOPS AT WALNUT CREEK 104TH & REED TARGET | 197,185 | 4,264 | 201,449 | 195,167 | 1,468 | 196,635 | 1 | 191 | 2 |
| SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND | 192,660 | 517 | 193,177 | 158,959 | 3,023 | 161,982 | 21 | -83 | 19 |
| BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT | 191,847 | 936 | 192,783 | 198,151 | 1,434 | 199,585 | -3 | -35 | -3 |
| NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO | 181,065 | 268 | 181,333 | 182,086 | 500 | 182,586 | -1 | -46 | -1 |
| WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES | 179,303 | 959 | 180,262 | 250,072 | 2,536 | 252,609 | -28 | -62 | -29 |
| SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S | 154,425 | 974 | 155,400 | 119,879 | 3,211 | 123,090 | 29 | -70 | 26 |
| PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC | 116,982 | 20,899 | 137,880 | 141,860 | 24,104 | 165,965 | -18 | -13 | -17 |
| CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE | 108,292 | 532 | 108,824 | 186,323 | 1,617 | 187,940 | -42 | -67 | -42 |
| COUNTRYDALE BUSINESS PARK S SIDE 108TH & WADSWORTH BALL CORPORATION | 267 | 102,801 | 103,068 | 293 | 16,239 | 16,532 | -9 | 533 | 523 |
| NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS | 96,862 | 65 | 96,927 | 104,590 | 50 | 104,640 | -7 | 30 | -7 |
| WESTMINSTER CROSSING 136TH & I-25 LOWE'S | 94,220 | 1,067 | 95,287 | 81,190 | 67 | 81,257 | 16 | 1496 | 17 |
| VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US | 88,989 | 413 | 89,403 | 118,500 | 274 | 118,773 | -25 | 51 | -25 |

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR-TI-DATE JUNE 2009

| Center Location Major Tenant | Current Month | | | Last Year | | | %Change | | |
|--|------------------|----------------|-----------|------------------|----------------|-----------|---------|-------|-------|
| | General Sales | General Use | Total | General Sales | General Use | Total | Sales | Use | Total |
| LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY | 5,467 | 65,409 | 70,876 | 6,254 | 45,783 | 52,037 | -13 | 43 | 36 |
| STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS | 67,375 | 178 | 67,552 | 68,111 | 65 | 68,177 | -1 | 173 | -1 |
| ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE | 58,838 | 227 | 59,065 | 61,512 | 283 | 61,795 | -4 | -20 | -4 |
| BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE | 52,766 | 44 | 52,811 | 45,865 | 5 | 45,870 | 15 | 867 | 15 |
| WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY | 49,085 | 1,268 | 50,352 | 57,910 | 12,147 | 70,057 | -15 | -90 | -28 |
| STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY | 45,763 | 494 | 46,258 | 54,889 | 214 | 55,102 | -17 | 131 | -16 |
| VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS | 43,213 | 104 | 43,317 | 42,479 | 295 | 42,774 | 2 | -65 | 1 |
| WILLOW RUN 128TH & ZUNI SAFEWAY | 36,972 | 838 | 37,810 | 47,421 | 174 | 47,596 | -22 | 381 | -21 |
| CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD LA QUINTA | 15,564 | 19,316 | 34,880 | 14,871 | 11,738 | 26,609 | 5 | 65 | 31 |
| RANCHO PLAZA SE CORNER 72ND & FEDERAL RANCHO LIBORIO | 32,982 | 0 | 32,982 | 0 | 0 | 0 | ***** | ***** | ***** |
| | 2,906,415 | 234,361 | 3,140,776 | 2,976,959 | 157,786 | 3,134,745 | -2 | 49 | 0 |

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR-TO-DATE JUNE 2009

| Center Location Major Tenant | YTD 2009 | | | YTD 2008 | | | %Change | | |
|--|------------------|----------------|-----------|------------------|----------------|-------------|---------|-------|-----|
| | General Sales | General Use | Total | General Sales | General Use | Total Sales | Use | Total | |
| WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND | 2,164,086 | 47,216 | 2,211,302 | 2,505,777 | 13,544 | 2,519,321 | -14 | 249 | -12 |
| THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S | 1,732,579 | 91,412 | 1,823,991 | 1,089,505 | 167,712 | 1,257,216 | 59 | -45 | 45 |
| WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES | 1,421,071 | 7,076 | 1,428,147 | 1,859,512 | 42,669 | 1,902,181 | -24 | -83 | -25 |
| INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH | 1,414,194 | 16,530 | 1,430,724 | 1,265,433 | 78,367 | 1,343,801 | 12 | -79 | 6 |
| SHOPS AT WALNUT CREEK 104TH & REED TARGET | 1,259,867 | 17,144 | 1,277,011 | 1,304,393 | 10,253 | 1,314,646 | -3 | 67 | -3 |
| NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO | 1,160,310 | 7,691 | 1,168,001 | 1,127,069 | 4,029 | 1,131,099 | 3 | 91 | 3 |
| SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND | 1,079,536 | 5,739 | 1,085,274 | 160,166 | 3,353 | 163,519 | 574 | 71 | 564 |
| CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE | 1,032,682 | 4,768 | 1,037,450 | 1,321,661 | 13,913 | 1,335,574 | -22 | -66 | -22 |
| BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT | 1,032,471 | 14,116 | 1,046,587 | 1,144,509 | 13,934 | 1,158,443 | -10 | 1 | -10 |
| SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S | 938,976 | 12,061 | 951,037 | 744,550 | 20,822 | 765,372 | 26 | -42 | 24 |
| PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC | 729,362 | 91,496 | 820,859 | 818,750 | 209,867 | 1,028,617 | -11 | -56 | -20 |
| NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS | 682,019 | 3,123 | 685,142 | 686,268 | 3,811 | 690,079 | -1 | -18 | -1 |
| VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US | 533,241 | 2,558 | 535,799 | 615,297 | 3,113 | 618,410 | -13 | -18 | -13 |
| STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS | 450,927 | 1,255 | 452,182 | 443,494 | 5,275 | 448,770 | 2 | -76 | 1 |
| WESTMINSTER CROSSING 136TH & I-25 LOWE'S | 377,859 | 5,864 | 383,723 | 375,187 | 2,232 | 377,419 | 1 | 163 | 2 |

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR-TO-DATE JUNE 2009

| Center Location Major Tenant | YTD 2009 | | | YTD 2008 | | | %Change | | |
|--|-------------------|----------------|-------------------|-------------------|----------------|-------------------|----------|------------|----------|
| | General Sales | General Use | Total | General Sales | General Use | Total | Sales | Use | Total |
| ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE | 353,101 | 1,675 | 354,776 | 372,651 | 2,037 | 374,688 | -5 | -18 | -5 |
| WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY | 297,957 | 2,544 | 300,501 | 332,522 | 24,478 | 357,000 | -10 | -90 | -16 |
| STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY | 283,115 | 3,287 | 286,402 | 314,715 | 1,405 | 316,120 | -10 | 134 | -9 |
| WILLOW RUN 128TH & ZUNI SAFEWAY | 269,900 | 2,052 | 271,952 | 283,495 | 2,506 | 286,001 | -5 | -18 | -5 |
| VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS | 251,355 | 1,442 | 252,797 | 256,532 | 6,814 | 263,346 | -2 | -79 | -4 |
| RANCHO PLAZA SE CORNER 72ND & FEDERAL RANCHO LIBORIO | 141,003 | 24,750 | 165,753 | 0 | 0 | 0 | ***** | ***** | ***** |
| MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS | 138,888 | 636 | 139,524 | 124,077 | 1,809 | 125,886 | 12 | -65 | 11 |
| BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE | 138,444 | 1,216 | 139,660 | 143,725 | 620 | 144,344 | -4 | 96 | -3 |
| ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS | 137,147 | 2,687 | 139,834 | 171,070 | 2,162 | 173,233 | -20 | 24 | -19 |
| NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS | 135,748 | 47,070 | 182,819 | 147,273 | 20,229 | 167,503 | -8 | 133 | 9 |
| | <u>18,155,839</u> | <u>415,409</u> | <u>18,571,249</u> | <u>17,607,631</u> | <u>654,955</u> | <u>18,262,586</u> | <u>3</u> | <u>-37</u> | <u>2</u> |



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
July 27, 2009



SUBJECT: Fall 2009 Adams County Open Space Grant Applications

Prepared By: Heather Cronenberg, Open Space Coordinator

Recommended City Council Action

Authorize the Department of Community Development to pursue two grants with Adams County Open Space during the 2009 fall cycle for the acquisition of the Savory Farm Estates property located at 10900 Federal Boulevard and the Hawn-Hewitt parcel located at the northeast corner of 104th Avenue and Sheridan Boulevard for open space.

Summary Statement

- Staff has been doing preliminary work on the acquisition of the Savory Farm Estates property and the Hawn-Hewitt property for open space (see vicinity maps). Separate agenda memos will be brought to Council for approval of these acquisitions.
- The Department of Community Development is recommending pursuing two grants from Adams County Open Space for funding assistance with the Savory Farm Estates and the Hawn-Hewitt acquisitions.
- Staff recommends requesting up to \$550,000 for a grant to match open space bond funds to assist with the acquisition of the 8.13-acre Savory Farm Estates property, located at 10900 Federal Boulevard. Staff has negotiated a tentative purchase price of \$1,100,000 based on a buyer's appraisal and contingent upon the approval of Council and award of an Adams County grant.
- Staff recommends requesting up to \$1,085,017 for a grant to match open space bond funds to assist with the acquisition of the 6.34-acre Hawn-Hewitt property located at the northeast corner of 104th Avenue and Sheridan Boulevard. Staff has negotiated a tentative purchase price of \$2,170,033 based on a buyer's appraisal and contingent upon the approval of Council and award of an Adams County grant.
- The Open Space Advisory Board considers the acquisition of both properties as a top priority and recommends these purchases.

Expenditure Required: Matching funds in the amount of \$550,000 for the Savory Farm Estates acquisition if the City is successful in receiving 100% of the grant funds requested. This represents a 50% local match.

Matching funds in the amount of \$1,085,017 for the Hawn-Hewitt acquisition if the City is successful in receiving 100% of the grant funds requested. This represents a 50% local match.

Source of Funds: Open Space Bond Funds

Policy Issue

Should the City attempt to seek assistance with the acquisition of these properties by pursuing grant monies from the Adams County Open Space Grant Program?

Alternative

Council could choose not to pursue additional funding for these acquisitions and use Open Space Bond Funds for the entire purchase amounts. However, Staff recommends attempting to secure additional funding for these acquisitions through this grant opportunity to allow for open space acquisition assistance.

Background Information

The Department of Community Development has been successful in applying for and receiving grants from a variety of sources in the past. In recent years, the City has received grant money from the Adams County Open Space program for park and trail development projects as well as open space acquisitions. The City has developed a strong partnership with Adams County in its successful use of these grant funds. Some of the recent Adams County open space acquisition grants include: one grant in the amount of \$540,000 for the DePalma open space acquisition in Spring of 2009, two grants for a total amount of \$950,000 for the Doulos Ministries open space acquisition in the Fall of 2007 and the spring of 2008; one grant in 2006 for a total amount of \$775,000 for the Tanglewood Creek open space acquisition; and three grants in 2003 and 2004 for the Metzger Farm Open Space Acquisition totaling \$1,502,500.

The City has been interested in purchasing the Savory Farm Estates property for open space for many years. The property is currently zoned PUD with a Comprehensive Land Use Plan (CLUP) designation of residential (R-3.5), allowing detached single-family residential housing. The City previously approved a residential development on this property and the owner has all the required documents approved and recorded with the County to move forward with this development. Because of the downturn in the residential market, the developer decided not to move forward with this development. The owner, Carlson Associates, then listed the 8.13 acre property on the market for \$1,700,000. At that time, the City commissioned an appraisal valuing the property at \$1,100,000. The property then went into foreclosure and is now owned by the Community Bank of Colorado. The Bank received an appraisal that valued the property at \$1,400,000. Staff negotiated a final price of \$1,100,000 for the property. Staff believes that it is in the City's best interest to purchase the property at this time and at this price. Staff would like to request up to \$550,000 from Adams County, which represents a 50% request.

The Open Space Advisory Board recently added this property back onto the top priority list for acquisition. The property had been removed from the wish list when residential development of the site appeared imminent. This property is located west of the Mushroom Pond Open Space, and north of Legacy Ridge Golf Course (see attached vicinity map). Acquisition of this parcel will preserve the open views of this area from Federal Boulevard and provide a wildlife buffer to Mushroom Pond and the golf course. Once the City purchases the property for open space, the large pile of fill dirt that remains will be spread out on the property or removed, and the land will be restored to native open space.

The City has been pursuing the acquisition of a portion of the northeast corner of 104th Avenue and Sheridan Boulevard for open space for many years. The Open Space Advisory Board considers this parcel a top priority for acquisition. The City commissioned an appraisal that values the land at \$7.87/sf. Purchasing approximately 6.34 acres out of a total area of 12.13 acres comes to a total purchase price of \$2,170,033. The owner has received an appraisal that values the property at \$10/sf. The owner has agreed to sell the property to the City at our appraised value and take a tax benefit associated with the difference between the two appraisals. This parcel is currently zoned Retail Commercial according to the Comprehensive Land Use Plan. The property is being marketed for sale by the owners.

Acquiring a portion of this property for open space will create a buffer around the current open space to the south and to the Legacy Ridge Golf Course. Purchasing a portion of this property will also help to preserve the magnificent view of the mountains as you travel west down 104th Avenue. The triangular parcel at the northwest corner preserves a beautiful group of cottonwood trees. Staff would like to request up to 50% of the purchase price from Adams County or \$1,085,017.

These grant requests support the City's Strategic Plan Goals of "Financially Sustainable City Government" and "Beautiful City" by increasing revenues that support defined City projects and by providing the City with increased open space.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Vicinity Maps

Savory Farms Estates Open Space Acquisition



8.1 Acres

*Mushroom Pond
Open Space*

*Legacy Ridge
Golf Course*

-  Savory Farms Acquisition
-  Streams
-  Trails
-  Parks
-  Open Space
-  Golf Courses

0 100 200 400 Feet

Hawn-Hewit Open Space Acquisition





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 27, 2009



SUBJECT: Asbestos Abatement Contract at the Doulos Ministries Open Space Site

Prepared By: Heather Cronenberg, Open Space Coordinator

Recommended City Council Action

Based on the recommendation of the City Manager, find that the public interest would best be served by awarding this work to Smith Environmental and Engineering as the sole source of the work. Authorize the City Manager to award and execute a contract with Smith Environmental and Engineering (SMITH) for the asbestos abatement at the Doulos Ministries open space property. Authorize a project budget in the amount of \$58,943 and a project contingency of 10% in the amount of \$5,894 for a total project budget of \$64,837.

Summary Statement

- The City acquired the 38-acre Doulos Ministries property, located at 12550 Zuni Street, for open space in March of 2008.
- Various improvements and 7 buildings remain on the property. These improvements must be removed in order to restore the property to native open space.
- Asbestos containing materials were found in all of the buildings on-site.
- Staff has recommended awarding a contract to DeJohn Housemoving, Inc. for the removal and reuse of the buildings off-site and for the removal of the remaining improvements. Because DeJohn plans to reuse the buildings off-site, only partial asbestos abatement is required where the buildings will be affected by the move.
- Staff began working with SMITH to locate the areas within the buildings where the asbestos will need to be removed prior to the removal of the buildings off-site. SMITH sent out request for bids from subcontractors who will perform the actual abatement. Based on the lowest bid that SMITH received at \$52,620, Staff recommends award of the overall contract to SMITH at \$58,943. SMITH will be preparing and submitting the abatement completion report to the State of Colorado.

Expenditure Required: \$64,837

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

Policy Issue

Should the City proceed with the asbestos abatement at the Doulos Ministries Open Space, located at 12550 Zuni Street?

Alternative

City Council could choose not to authorize the contract or the expenditure at this time. Staff does not support this option because asbestos abatement is required before any removal or demolition of the buildings at the Doulos Ministries open space property. This property was acquired with the expectation that the structures would be removed and the property would be restored to native open space.

Background Information

The City purchased the 38-acre Doulos Ministries property, located at 12550 Zuni Street, for open space in March of 2008. The property was then rented back to the sellers through December, 2008. The sellers have vacated the property and 7 structures and various improvements remain on site that need to be removed in order to restore the property to native open space. The improvements include: a swimming pool, tennis courts, bike storage, pump house, climbing structure, bridge, soccer goals, baseball backstop, 2 storage sheds, and all associated sidewalks, asphalt, and pavement.

In January, 2008 the City contracted with Walsh, LLC to perform a survey of asbestos containing materials at the Doulos Ministries site. In their "Demolition Specific Asbestos Inspection Report", they identified many asbestos containing materials within the structures. The City later contracted with SMITH to perform a similar report for a few additional structures. Since asbestos containing materials were identified on-site, abatement must be completed before any removal or demolition begins. During negotiations to acquire the property, Staff negotiated \$150,000 off of the purchase price to help with abatement costs and to offset the lease of the property back to the seller.

Staff would like to move forward with removal and demolition of the structures and improvements on the Doulos Ministries open space property. Staff has recommended contracting with a housemoving company to remove and reuse the buildings off-site and demolish the remaining improvements. (Please see separate agenda memo.) After working with SMITH and Staff from the City's Environmental Services department, it was determined that only partial abatement of the asbestos would be required if the City worked with someone who could remove and reuse the buildings off-site. In this case, abatement is only necessary where the buildings will be affected by the move.

Staff is recommending sole sourcing with SMITH for this project. SMITH is a local Westminster business with whom the City has worked in the past. SMITH will only be performing a small portion of the project totaling \$6,322.97. This includes a pre-construction meeting and an abatement completion report. The actual abatement of the asbestos containing materials, totaling \$52,620.48, will be done by a sub-contractor who SMITH chose through a bid process. SMITH received three bids and selected the lowest bidder.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

- Site Map

Doulos Ministries Open Space

Zuni St

Lake

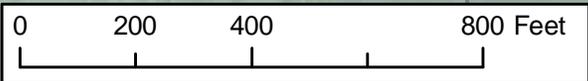
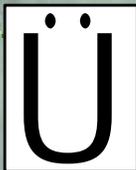
Buildings and Improvements to be Removed

Big Dry Creek

122nd Ave

Federal Pkwy

Park Centre Dr





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 27, 2009



SUBJECT: Removal of Structures and Improvements Contract at the Doulos Ministries Open Space Site

Prepared By: Heather Cronenberg, Open Space Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with DeJohn Housemoving, Inc. in the amount of \$132,300 for the removal and reuse of the buildings and demolition of remaining improvements at the Doulos Ministries open space property, and authorize a project contingency of 10% in the amount of \$13,230, for a total project budget of \$145,530.

Summary Statement

- The City acquired the 38-acre Doulos Ministries property, located at 12550 Zuni Street, for open space in March of 2008.
- Various improvements and 7 buildings remain on the property. These improvements must be removed in order to restore the property to native open space.
- Staff sent out a Request for Proposals for the removal and demolition of improvements on May 7, 2009 and opened bids on June 3, 2009. Twelve bids were received.
- Staff has reviewed the bids and recommends award of the contract to DeJohn Housemoving Inc., in the amount of \$132,300 based on the fact that working with this company will result in the lowest total cost for the project. Gary DeJohn plans to move the buildings off-site and reuse them in Fort Morgan for low-income housing.

Expenditure Required: \$145,530

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

Policy Issue

Should the City proceed with the removal of the buildings and improvements at the Doulos Ministries Open Space site, located at 12550 Zuni Street?

Alternative

City Council could choose not to authorize the contract at this time. Staff does not support this option because the Doulos Ministries property was acquired with the expectation that the structures would be removed and the property would be restored to native open space. Additionally, the buildings on-site are currently sitting vacant and subject to vandalism.

Background Information

The City purchased the 38-acre Doulos Ministries property, located at 12550 Zuni Street, for open space in March of 2008. The property was then rented back to the sellers through December, 2008. The sellers have vacated the property and remaining are 7 structures and various improvements that need to be removed. The improvements include: a swimming pool, tennis courts, bike storage, pump house, climbing structure, bridge, soccer goals, baseball backstop, 2 storage sheds, and all associated sidewalks, asphalt, and pavement. Asbestos reports were performed prior to the purchase and asbestos containing materials were found in all the buildings.

Staff sent out a Request for Proposals for the removal and demolition of the buildings and improvements on May 7, 2009 and opened bids on June 3, 2009. The first bid option was the removal and reuse of the buildings and demolition of remaining improvements. The second bid option was full demolition of all the structures and improvements on the property. The City received a total of 12 bids ranging from a high of \$228,312 to the lowest bid of \$78,906 from Colorado Cleanup Company (CCC). The only bid received to remove and reuse the buildings off-site was from DeJohn Housemoving Inc. in the amount of \$132,300. Gary DeJohn would like to move the buildings off-site and reuse them for low-income housing.

If the City chooses the lowest bidder, CCC at \$78,906, who will demolish all the structures, the City would be required to fully abate all asbestos on site. Staff obtained quotes from asbestos removal companies for full removal of the asbestos if the buildings are demolished. The lowest quote came in at \$140,000. After working with an environmental company and staff from the City's Environmental Services division, it was determined that only partial abatement of the asbestos would be required if the City worked with someone who could remove and reuse the buildings off-site. Because DeJohn Housemoving, Inc. plans to remove and reuse the buildings off site, the City will need only to abate the asbestos on the portions of the buildings that will be affected by the move. Partial abatement as described above was put out for bid by Smith Environmental and Engineering and the lowest bid plus report costs came in at \$58,943.

Staff evaluated the total estimated costs for the top bidders, with the estimated asbestos abatement costs included (see chart below). The total estimated cost to fully demolish all of the improvements on site and perform full asbestos abatement is \$218,906. The total estimated cost to remove and reuse the structures, demolish the remainder of improvements, and provide for partial abatement is \$191,243. This is a difference of \$27,663. During negotiations to acquire the property, Staff negotiated \$150,000 off of the purchase price to help with abatement costs and to offset the lease of the property back to the sellers.

| Contractor | Submitted Bid | Estimated Asbestos Abatement Cost | Total Estimated Cost |
|----------------------------|----------------------|--|-----------------------------|
| DeJohn Housemoving | \$132,300 | \$58,943 | \$191,243 |
| Colorado Cleanup Corp. | \$78,906 | \$140,000 | \$218,906 |
| Fiore & Sons, Inc. | \$83,331 | \$140,000 | \$223,331 |
| Alpine Demolition | \$98,453 | \$140,000 | \$238,453 |
| Recycled Materials Co. | \$124,432 | \$140,000 | \$264,432 |
| Superior Maintenance | \$135,567 | \$140,000 | \$275,567 |
| Mendoza Demo Services | \$144,053 | \$140,000 | \$284,053 |
| Mountain Constructors | \$169,325 | \$140,000 | \$309,325 |
| TC2, Inc. | \$178,337 | \$140,000 | \$318,337 |
| LBI Environmental Services | \$186,937 | \$140,000 | \$326,937 |
| Left Hand Excavating | \$199,945 | \$140,000 | \$339,945 |
| Duran Excavating, Inc. | \$228,312 | \$140,000 | \$368,312 |

The qualifications of the lowest bidder, CCC, and DeJohn Housemoving Inc. were investigated by Staff. CCC provided several letters of recommendation. DeJohn Housemoving, Inc. provided references and related several projects similar in size and complexity to the Doulos Ministries property. The references conveyed a high level of expertise in removal and reuse of structures by Gary DeJohn. Staff also contacted the Planning Manager in Morgan County to discuss the reuse of the buildings for a low income housing project in Morgan County. The Planning Manager indicated that Gary DeJohn has adequate utilities to service the site, that has been working with the Planning Department on this project, and that the project should be approved when Mr. DeJohn comes in to request the permit.

There are many benefits to having someone move the buildings off site and reuse them including: lowering the cost of the asbestos abatement, reusing the buildings so that the materials do not end up in a landfill, and assisting with a low income housing project in Morgan County. For the above reasons, and because removing and reusing the structures will result in the lowest total estimated cost, Staff recommends awarding the contract to DeJohn Housemoving, Inc.

A Bill of Sale will be included in the contract with DeJohn Housemoving that will transfer ownership of all of the buildings. Language within this Bill of Sale indemnifies the City from any claims arising out of the Buyer's use of the buildings from and after the date of sale. This includes acknowledgement that the buildings may contain asbestos, and that moving the buildings to an off-site location may pose risks to the Buyer and the general public for which the City shall have no responsibility.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

- Site Map

Doulos Ministries Open Space

Zuni St

Lake

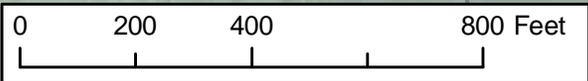
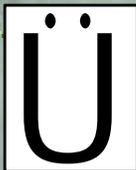
**Buildings and Improvements
to be Removed**

Big Dry Creek

122nd Ave

Federal Pkwy

Park Centre Dr





Agenda Item 8 E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 27, 2009



SUBJECT: Purchase of the 2.85-acre Lowell Group Property located at 7010 Lowell Boulevard for Open Space

Prepared By: Heather Cronenberg, Open Space Coordinator

Recommended City Council Action

Authorize the purchase of the 2.85-acre parcel located at 7010 Lowell Boulevard for \$350,000 plus closing costs not to exceed \$5,000, along with a First Right of Offer on the remainder of the property; and authorize the City Manager to execute all documents required to close on the purchase of the property.

Summary Statement

- The Lowell Group property is a Priority 1 open space acquisition for the City's Open Space Advisory Board.
- The acquisition of this property will allow the City to purchase a portion of one of the last remaining private properties along Little Dry Creek between Lowell Boulevard and Federal Boulevard for the future Little Dry Creek Park.
- Staff has negotiated the purchase of 2.85 acres out of the 4.77 acre parcel for a total purchase price of \$350,000 (\$2.80 per square foot).
- Funds are available from the POST bond funds for this purchase.
- The Seller has agreed to enter into a First Right of Offer Agreement with the City for the remainder portion of the property. This portion contains a large building that is currently being leased out to Quest. The Seller is not willing to sell this portion of the property to the City at this time.

Expenditure Required: \$350,000 plus closing costs not to exceed \$5,000

Source of Funds: Open Space Bond Funds

Policy Issue

Does City Council approve the use of the open space bond funds for the purchase of the 2.85-acre parcel located at 7010 Lowell Boulevard?

Alternative

City Council could choose not to authorize the acquisition at this time. Staff does not recommend this option because acquiring this portion of the property for the future Little Dry Creek Park is essential to the park plan.

Background Information

The acquisition of the Lowell Group property will expand the current Little Dry Creek open space area for the residents in south Westminster. It will also help to preserve the view into the Little Dry Creek valley from Lowell Boulevard. The City's Little Dry Creek open space area provides the citizens of south Westminster with recreational opportunities. It also protects wildlife habitat that is used by coyotes, red fox, and many species of birds and snakes. This property is also essential for the future Little Dry Creek Park that will extend from Lowell Boulevard to Federal Boulevard. The park design incorporates the undeveloped portion of this property but does not require the purchase of the developed area.

Staff proposes acquiring the Lowell Group property for \$350,000 or \$2.80/sf. The City approached the owner about selling the parcel and provided an estimate of value in June, 2008 that came in at \$320,000. The Seller countered back with an estimate of value for the property at \$383,000. After discussions with the Seller's representative, Staff believes paying \$350,000 for this property is a fair price. This price also includes the First Right of Offer on the remainder portion of the property where the building is located. The building is currently being leased out to Quest. The First Right of Offer requires the owner to approach the City first if it decides to sell the property. The City will then have 90 days to either agree to purchase the property at the Seller's offered price or turn down the offer. The Seller can then offer the property to the outside market but not for a price less than 95% of the original offered price. Staff will bring this additional purchase back to City Council for direction should the property be put on the market at a reasonable price.

The funds for this purchase are available from the POST Bond issue approved by the voters in 2006.

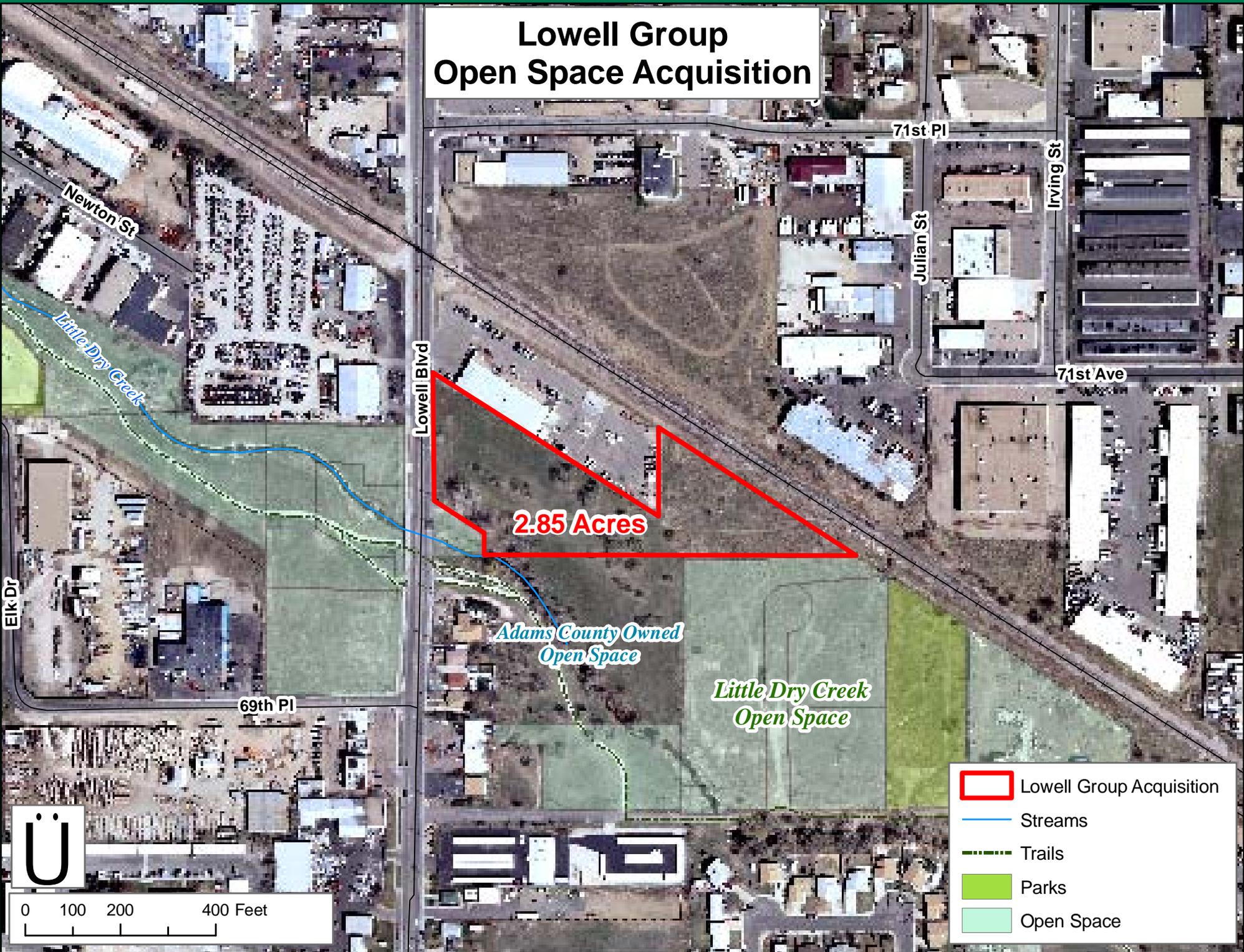
Respectfully submitted,

J. Brent McFall
City Manager

Attachment

- Vicinity Map

Lowell Group Open Space Acquisition

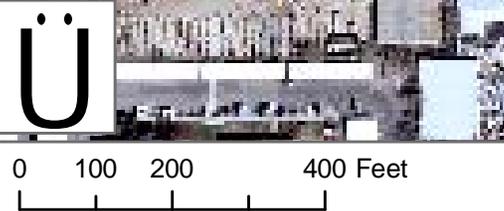


2.85 Acres

*Adams County Owned
Open Space*

*Little Dry Creek
Open Space*

-  Lowell Group Acquisition
-  Streams
-  Trails
-  Parks
-  Open Space





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 27, 2009



SUBJECT: Purchase of the 8.1-acre Savory Farms Property located at 10900 Federal Boulevard for Open Space

Prepared By: Heather Cronenberg, Open Space Coordinator

Recommended City Council Action

Authorize the purchase of the 8.1-acre parcel located at 10900 Federal Boulevard for \$1,100,000; and authorize the City Manager to execute all documents required to close on the purchase of the property.

Summary Statement

- The Savory Farms property has been recommended by the City's Open Space Advisory Board as a top priority acquisition.
- The acquisition of this property will allow the City to expand the current Mushroom Pond Open Space and provide a view corridor into the open space from Federal Boulevard.
- Staff has negotiated the purchase of the 8.1-acre parcel for a total purchase price of \$1,100,000 (\$3.20 per square foot).
- Funds for the City's share of this acquisition are available from the voter approved POST bonds.
- The City would like to apply for an Adams County open space grant in the amount of \$550,000 to assist with this purchase. The purchase will be contingent upon receipt of the grant award.

Expenditure Required: \$1,100,000 plus closing costs not to exceed \$5,000
\$550,000 Adams County Grant (to be requested)

Source of Funds: Open Space Bond Funds

Policy Issue

Does City Council approve the use of the open space bond funds for the purchase of the 8.1-acre parcel located at 10900 Federal Boulevard?

Alternative

City Council could choose not to authorize the acquisition or the expenditure at this time. Staff does not recommend this option because the bank is actively marketing this property for development. This property has an approved and recorded ODP and is ready for residential development. If the City does not purchase this property for open space, it will be acquired and developed.

Background Information

The City has been interested in purchasing the Savory Farm Estates property for open space for many years. The property is currently zoned PUD with a Comprehensive Land Use Plan (CLUP) designation of residential (R-3.5), allowing detached single-family residential housing. The City previously approved a residential development on this property and the owner has all the required documents approved and recorded with the County to move forward with this development. Because of the downturn in the residential market, the developer decided not to move forward with this development. The owner, Carlson Associates, then listed the 8.1 acre property on the market for \$1,700,000, which is the amount of the mortgage on the property. At that time, the City received an appraisal valuing the property at \$1,100,000. The property then went into foreclosure and is now owned by the Community Bank of Colorado. The bank received an appraisal that valued the property at \$1,400,000. Staff negotiated a final price of \$1,100,000 for the property. Staff believes that it is in the City's best interest to purchase the property at this time and at this price.

The Open Space Advisory Board recently added this property back onto the top priority list for acquisition. The property had been removed from the wish list when residential development of the site appeared imminent. Acquisition of this property will provide a wildlife buffer to the City's Mushroom Pond Open Space and to the Legacy Ridge Golf Course. Acquisition of this parcel will also preserve the open views of this area and 750 linear feet of property along Federal Boulevard. If this parcel develops as residential, houses would be placed along the ridge looking down into the Mushroom Pond that would adversely affect the wildlife habitat and the natural feel of this open space area. Once the City purchases the property for open space, the large pile of fill dirt that remains will be spread out on the property or removed, and the land will be restored to native open space. Staff has already received indications from the Homeowner Associations surrounding this property that purchasing this property for open space would be supported.

This property was part of the former Savory Savory Mushroom Farm along with City owned open space property to the east and the residential development to north of this site. The owner of this 8.1-acre site entered into a Voluntary Clean-up Plan with the State to address the DDT contamination that was identified in the soil. The Clean-up Plan required remediation of the contamination by removing some of the building foundations and soil on this property. The owner has completed this remediation and is waiting for the "No Further Action" letter from the state that will show that the owner has successfully cleaned up the hazardous contamination on site. The City will require receipt of the No Further Action letter from the state prior to closing.

The City plans to apply for an Adams County open space grant in the amount of \$550,000 to help with the purchase of this property. The funds for this purchase are available from the POST Bond issue approved by the voters in 2006.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment - Vicinity Map

Savory Farms Estates Open Space Acquisition



8.1 Acres

*Mushroom Pond
Open Space*

*Legacy Ridge
Golf Course*

-  Savory Farms Acquisition
-  Streams
-  Trails
-  Parks
-  Open Space
-  Golf Courses

0 100 200 400 Feet



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 27, 2009



SUBJECT: Second Reading of Councillor's Bill No. 19 re Supplemental Appropriation for the Purchase of a Park Bench for the City Hall Plaza

Prepared By: Debbie Mitchell, Human Resources Manager
Tami Noonng, Administrative Secretary

Recommended City Council Action

Pass Councillor's Bill No. 19 on second reading providing for supplemental appropriation of funds to the 2009 Budget of the General Fund.

Summary Statement

- City Council action is requested to adopt the attached Councillor's Bill on second reading authorizing a supplemental appropriation to the 2009 Budget of the General Fund in the amount of \$1,240.
- These funds raised by City employees will be used to purchase a park bench for the City Hall Plaza to assist elderly and handicapped individuals.
- This Councillor's Bill was passed on first reading July 13, 2009.

Expenditure Required: \$1,240

Source of Funds: The funding source for this expenditure includes the receipt of contributed funds from the sale of baked goods and donations made by City employees and visitors to City Hall

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **19**

SERIES OF 2009

INTRODUCED BY COUNCILLORS
Lindsey - Major

**A BILL
FOR AN ORDINANCE AMENDING THE 2009 BUDGET OF THE GENERAL FUND AND
AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2009 ESTIMATED
REVENUES IN THE FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2009 appropriation for the General Fund, initially appropriated by Ordinance No. 3432 are hereby increased in aggregate by \$1,240. This appropriation is due to the receipt of contributed funds from the sale of baked goods and donations received by the Employee Advisory Committee for the purchase of a park bench for the City Hall Plaza.

Section 2. The \$1,240 increase shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10 B dated July 13, 2009 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

| | |
|--------------|----------------|
| General Fund | \$1,240 |
| Total | <u>\$1,240</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 13th day of July, 2009.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of July, 2009.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
July 27, 2009



SUBJECT: Public Hearing and Action on the Annexation, Comprehensive Land Use Plan Amendment, and Zoning for the Teeples Property Open Space

Prepared By: Walter Patrick, Planner I

Recommended City Council Action

1. Hold a public hearing
2. Pass Councillor’s Bill No. 20 on first reading annexing the Teeples Property Open Space into the City.
3. Pass Councillor’s Bill No. 21 on first reading amending the Comprehensive Land Use Plan for the Teeples Property Open Space changing the designation from Northeast Comprehensive Development Plan to City Owned Open Space. This recommendation is based on a finding that the proposed amendment will be in the public good and that:
 - a) There is justification for the proposed change and the Plan is in need of revision as proposed; and
 - b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c) The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d) The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.
4. Pass Councillor’s Bill No. 22 on first reading approving the rezoning of the Teeples Property Open Space from R-1 (Jefferson County) to Open District. This recommendation is based on a finding that the criteria set forth in Section 11-5-3 Westminster Municipal Code have been met.

Summary Statement

- The Teeples property consists of about 1 acre and is located on 108th Avenue just west of Zephyr Court.
- The property was purchased by the City in 2008 for Open Space purposes.
- The property is subject to the provisions of the Northeast Comprehensive Development Plan (NECDP) Subarea B, which permits open space uses on this property.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed this proposal on June 23, 2009 and voted unanimously (4-0) to recommend the City Council approve the annexation of the Teeples property. The Commission also recommended the approval of the proposed amendment to the Comprehensive Land Use Plan (CLUP) to change the designation of the Teeples property from Northeast Comprehensive Development Plan to City Owned Open Space, and rezoning from R-1 (Jefferson County) to O-1.

No one spoke in opposition to the request.

Policy Issues

1. Should the City annex the Teeples Open Space property?
2. Should the City approve a Comprehensive Land Use Plan (CLUP) amendment for the Teeples Open Space property changing the designation from Northeast Comprehensive Development Plan to City Owned Open Space?
3. Should the City approve the rezoning of the Teeples Open Space property from Jefferson County R-1 to O-1?

Alternatives

1. Determine that annexation of this parcel is not desirable at this time. If this action is taken the City owned property will remain unincorporated and subject to Jefferson County regulations. This action is not recommended as the Northeast Comprehensive Development Plan jointly adopted with Jefferson County contemplated that this entire enclave area would eventually be annexed to the City.
2. Deny the Comprehensive Land Use Plan amendment or assign a different designation. Any different designation must conform to the requirements of the Northeast Comprehensive Development Plan (NECDP).
3. Deny the rezoning of the Teeples Open Space property from Jefferson County R-1 to O-1, or assign an alternative zoning category. Any zoning must be compatible with the NECDP.

Background Information

Nature of Request

The City purchased this property in 2008 to be used for open space purposes. This property will allow the City to continue to put together the pieces necessary to build a trail for passive recreational and commuting purposes, from City Park to the Ball Corporation / Westmoor Technology Park area and the Heritage Golf Course.

Location

The site is located on 108th Avenue just west of Zephyr Court. (Please see attached vicinity map).

Annexation

This one-acre property is part of a larger enclave area that is anticipated to be annexed in the future, and is currently contiguous to City boundaries on two sides. As the property is solely owned by the City it may be annexed without the notice and hearing requirements attendant other annexations.

Comprehensive Land Use Plan Amendment

The Westminster Municipal Code requires the owner of the property requesting an amendment to the Comprehensive Land Use Plan (CLUP) to prove the amendment is in the public good and in overall compliance with the purpose and intent of the CLUP. Further, the CLUP provides four criteria to be used when considering a CLUP amendment. Staff has reviewed these criteria and has provided the following comments on each.

1. The proposed amendment must, “Demonstrate that there is justification for the proposed change, and that the Plan is in need of revision as proposed.” In September of 2006, the City Council renewed the NECDP with a number of revisions, one of which required annexed properties to be re-designated to a category within the CLUP. The proposed amendment will accomplish that directive as the parcel is intended to be used for open space purposes.
2. The proposed amendment must, “Be in conformance with the overall purpose, intent, goals, and policies of the Plan.” Applicable goals are stated in Section III of the Community Goals and Policies section of the Plan. They include:
 - Goal H4 – Enhance the City’s open space system to preserve and protect natural areas, vistas and view corridors, and to complete the open space and trail system.
 - Policy H4a – Use acquisition of open space as a tool to channel growth into appropriate locations and to shape the overall design of the community.

Based upon these goals and policies, staff has found this proposed amendment to be in conformance with the overall purpose, intent, goals, and policies of the Plan.

3. The proposal must, “Be compatible with existing and surrounding land uses.” Any uses proposed on this property must meet the requirements of the NECDP that was adopted after a number of meetings with the area residents to determine a vision for the area. Said vision was then adopted by both the City of Westminster and Jefferson County as the highest and best use for the area. This proposal will be compatible and consistent with the surrounding neighborhood as the NECDP lists open space as a permitted use for this property.
4. The proposal must, “Not result in detrimental impacts to the City’s existing or planned infrastructure or provide measures to mitigate such impacts to the satisfaction of the City.” No development is proposed on this parcel; therefore, no detrimental impacts are anticipated.

Public Notification

Westminster Municipal Code 11-5-13 requires the following three public notification procedures for zonings or rezonings:

- **Published Notice:** Notice of public hearings scheduled before Planning Commission shall be published and posted at least 10 days prior to such hearing and at least four days prior to City Council public hearings. Notice was published in the Westminster Window on July 16, 2009. This notice is also required for CLUP amendments.
- **Property Posting:** Notice of public hearings shall be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. One sign was posted on the property on June 24, 2009.
- **Written Notice:** At least 10 days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowner’s associations registered with the City within 300 feet of the subject property. The applicant has provided the Planning Manager with a certification that the required notices were mailed on June 1, 2009.

Applicant/Property Owner

City of Westminster
4800 W. 92nd Avenue
Westminster, Colorado 80031

Surrounding Land Use and Comprehensive Land Use Plan Designation

| Development Name | Zoning | CLUP Designation | Use |
|--|------------------------|-------------------------|-----------------------|
| North - Green Knolls Park | PUD | Public Park | Park |
| West - Unincorporated Jefferson County | R-1 (Jefferson County) | NECDP | Large Lot Residential |
| East - Unincorporated Jefferson County | R-1 (Jefferson County) | NECDP | Large Lot Residential |
| South - Jamestown Subdivision | PUD | R-1 | Large Lot Residential |

Site Plan Information

No development is proposed.

Service Commitment Category

Not applicable.

Referral Agency Responses

A copy of the proposed plans was sent to the following agencies: Jefferson County. Staff received no responses.

Neighborhood Meeting(s) and Public Comments

Not applicable. No development is proposed.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Vicinity Map
- Annexation Ordinance
- Comprehensive Land Use Plan Amendment Ordinance (with Attachments Exhibit A and Exhibit B)
- Zoning Ordinance (with Attachments Exhibit A and Exhibit B)
- Criteria and Standards for Land Use Applications

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **20**

SERIES OF 2009

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, KNOWN AS THE TEEPLES PROPERTY

WHEREAS, the City of Westminster is the sole owner of a parcel of land, which parcel is eligible for annexation under the provisions of Sections 31-12-104(a) and 31-12-105, C.R.S.; and

WHEREAS, the property to be annexed is not solely a public street or right-of-way and is therefore eligible to be annexed pursuant to Section 31-12-106(3), C.R.S.;

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the parcel of land, below described, meets the requirements of Sections 31-12-104(a) and 31-12-105, C.R.S. and annexation of the following described contiguous unincorporated territory, situate, lying and being in the County of Jefferson, State of Colorado, is hereby accomplished by and to the City of Westminster, State of Colorado:

The Teeples Open Space Property:

A parcel of land located in the northwest quarter of section 11, township 2 south, range 69 west of the sixth principal meridian, City of Westminster, County of Jefferson, State of Colorado, recorded under reception number F0558217, more particularly described as follows.

Commencing at the west quarter corner of said section 11, being a found in place 2-1/2" diameter aluminum cap LS 2419, whence the center quarter of said section, being a found in place 3-1/4" diameter aluminum cap illegible in range box is assumed to bear S 89°58'11" E, 2741.08 feet, with all bearings contained herein relative thereto; thence along the south line of the northwest quarter of said section S 89°58'11" E, 1137.56 (1137) feet; thence N 00°01'49"E, 25.00 feet to the true point of beginning; thence N 01°05'42" E, 313.40 feet; thence S 89°58'11" E, 139.00 feet; thence S01°05'42" W, 313.40 feet; thence N 89°58'11" W, 139 feet to the true point of beginning, containing 1.00 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of July, 2009.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of August, 2009.

ATTEST:

Mayor

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **21**

SERIES OF 2009

INTRODUCED BY COUNCILLORS

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That the City has initiated an amendment to the Westminster Comprehensive Land Use Plan, pursuant to W.M.C. §11-4-16(D), for the properties described in attached Exhibit A, incorporated herein by reference, requesting a change in the land use designations from "Northeast Comprehensive Development Plan" to "City-Owned Open Space" for the 1-acre parcel located on 108TH Avenue just west of Zephyr Court.

b. That such amendment has been referred to the Planning Commission, which body held a public hearing thereon on June 23, 2009, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendment.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. §11-4-16(B).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly the goal that encourages the enhancement of the City's open space system to preserve and protect natural areas, vistas, and view corridors, and to complete the open space and trail system.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designation(s) of the property more particularly described on attached Exhibit A, to "City-Owned Open Space", as depicted on the map attached as Exhibit B.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

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 27th day of July, 2009.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of August, 2009.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **22**

SERIES OF 2009

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING OF THE TEEPLES OPEN SPACE PROPERTY, A 1-ACRE PARCEL LOCATED ON 108TH AVENUE WEST OF ZEPHYR COURT, JEFFERSON COUNTY, COLORADO FROM R-1 (JEFFERSON COUNTY) TO O-1

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That a rezoning of the property generally located on the north side 108TH Avenue just west of Zephyr Court, as described in attached Exhibit A, incorporated herein by reference, from the Jefferson County R-1 zone to an O-1 zone is desirable because:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such rezoning has been referred to the Planning Commission, which body held a public hearing thereon on June 23, 2009, and has recommended approval of the requested amendment.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. §11-5-3.

e. That based on the evidence produced at the public hearing, a rezoning to the proposed O-1 zoning complies with all requirements of Westminster Municipal Code, including, but not limited to, the provisions of W.M.C. §11-4-3, requiring compliance with the Comprehensive Land Use Plan, and the criteria of W.M.C. §11-5-3.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described in Exhibit A, attached hereto and incorporated herein by reference, from the Jefferson County R-1 zoning district to the O-1 zoning district, as depicted on Exhibit B, attached hereto.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of July, 2009.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of August, 2009.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

- The owner/applicant has “the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan...” (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)

11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:

1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.
2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

City Initiated Rezoning

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
3. The surrounding development is or may be adversely impacted by the current zoning.
4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

Teeples Property - Vicinity Map

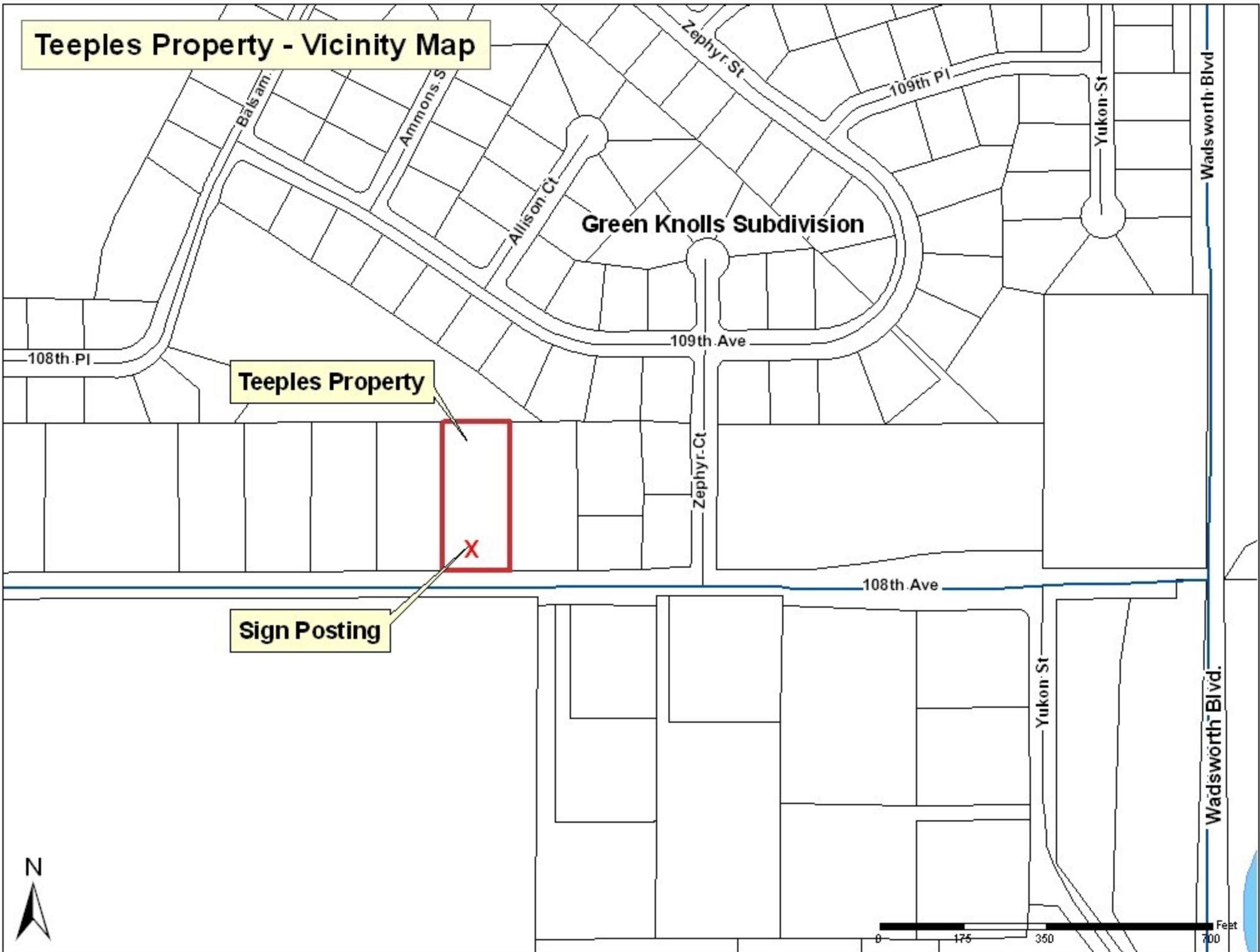
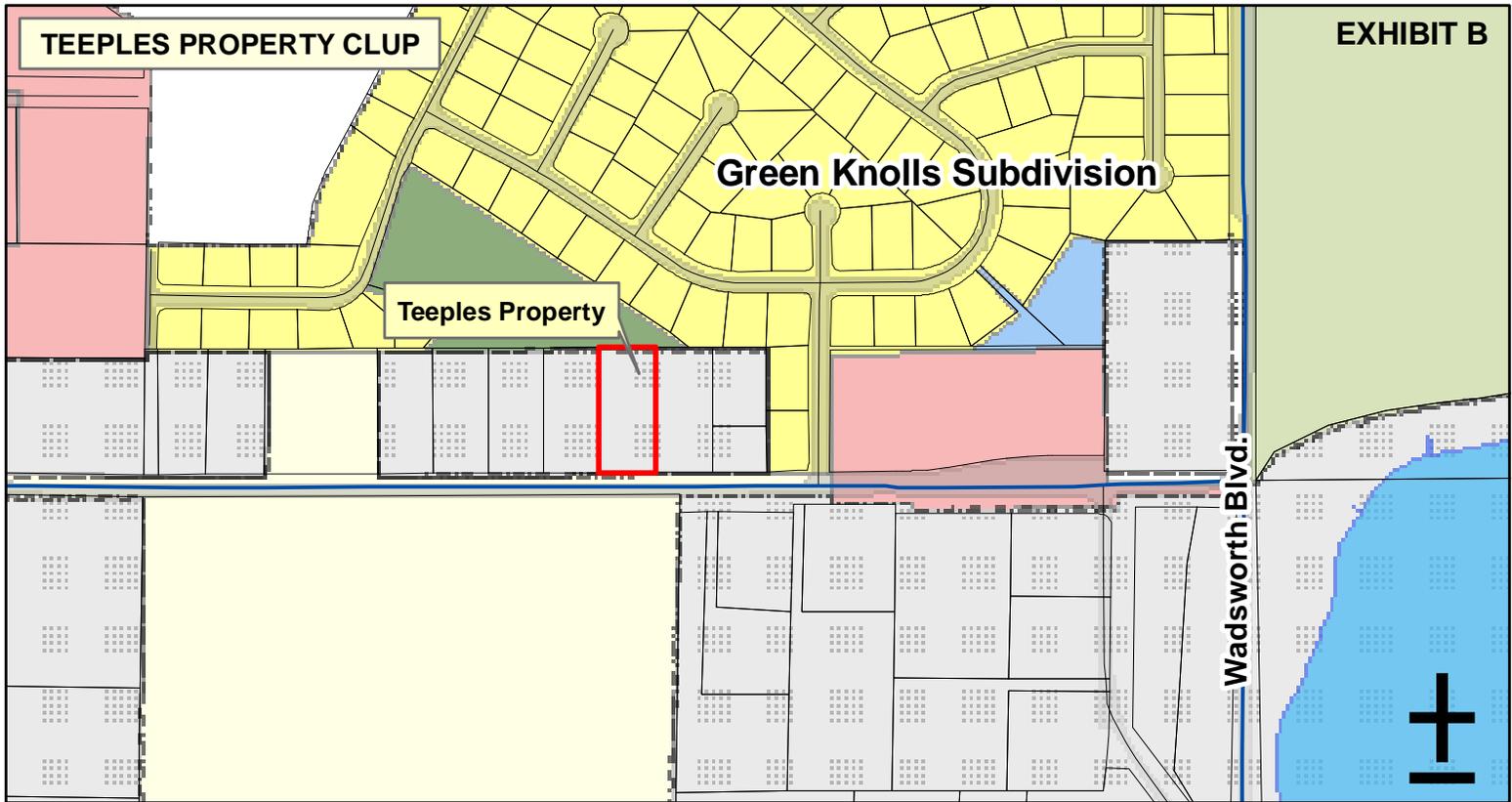


Exhibit A

The parcel of land located in the northwest quarter of section 11, township 2 south, range 69 west of the sixth principal meridian, City of Westminster, County of Jefferson, State of Colorado, recorded under reception number F0558217, more particularly described as follows.

Commencing at the west quarter corner of said section 11, being a found in place 2-1/2" diameter aluminum cap LS 2419, whence the center quarter of said section, being a found in place 3-1/4" diameter aluminum cap illegible in range box is assumed to bear S 89°58'11" E, 2741.08 feet, with all bearings contained herein relative thereto; thence along the south line of the northwest quarter of said section S 89°58'11" E, 1137.56 (1137) feet; thence N 00°01'49"E, 25.00 feet to the true point of beginning; thence N 01°05'42" E, 313.40 feet; thence S 89°58'11" E, 139.00 feet; thence S01°05'42" W, 313.40 feet; thence N 89°58'11" W, 139 feet to the true point of beginning, containing 1.00 acres more or less.



TEEPLES PROPERTY CLUP

Green Knolls Subdivision

Teeples Property

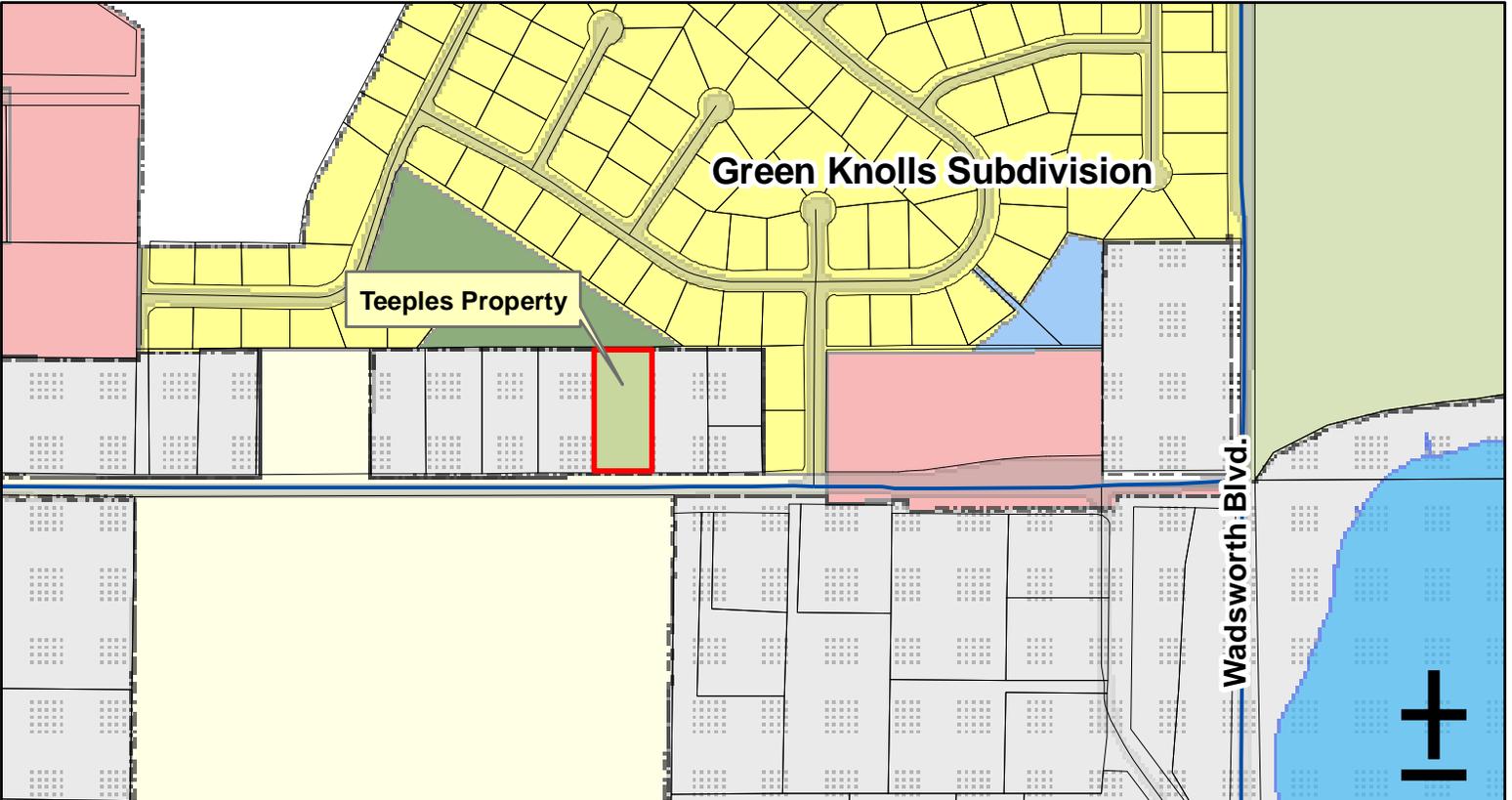
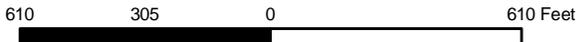
Wadsworth Blvd.



Description of Change: NECDP (Outside City Limits) to City Owned Open Space

| | | | | |
|---------------|--------|--------------------|-----------------------|----------------------|
| Legend | R-5 | Office | District Center | Priv. Parks/Open Sp. |
| R-1 | R-8 | Industrial | Traditional Mixed Use | Golf Courses |
| R-2.5 | R-18 | Business Park | City Owned Open Space | Public/Quasi Public |
| R-3.5 | Retail | Office/Residential | Public Parks | NECDP |

Teeples Property New CLUP Designation = City Owned Open Space



Green Knolls Subdivision

Teeples Property

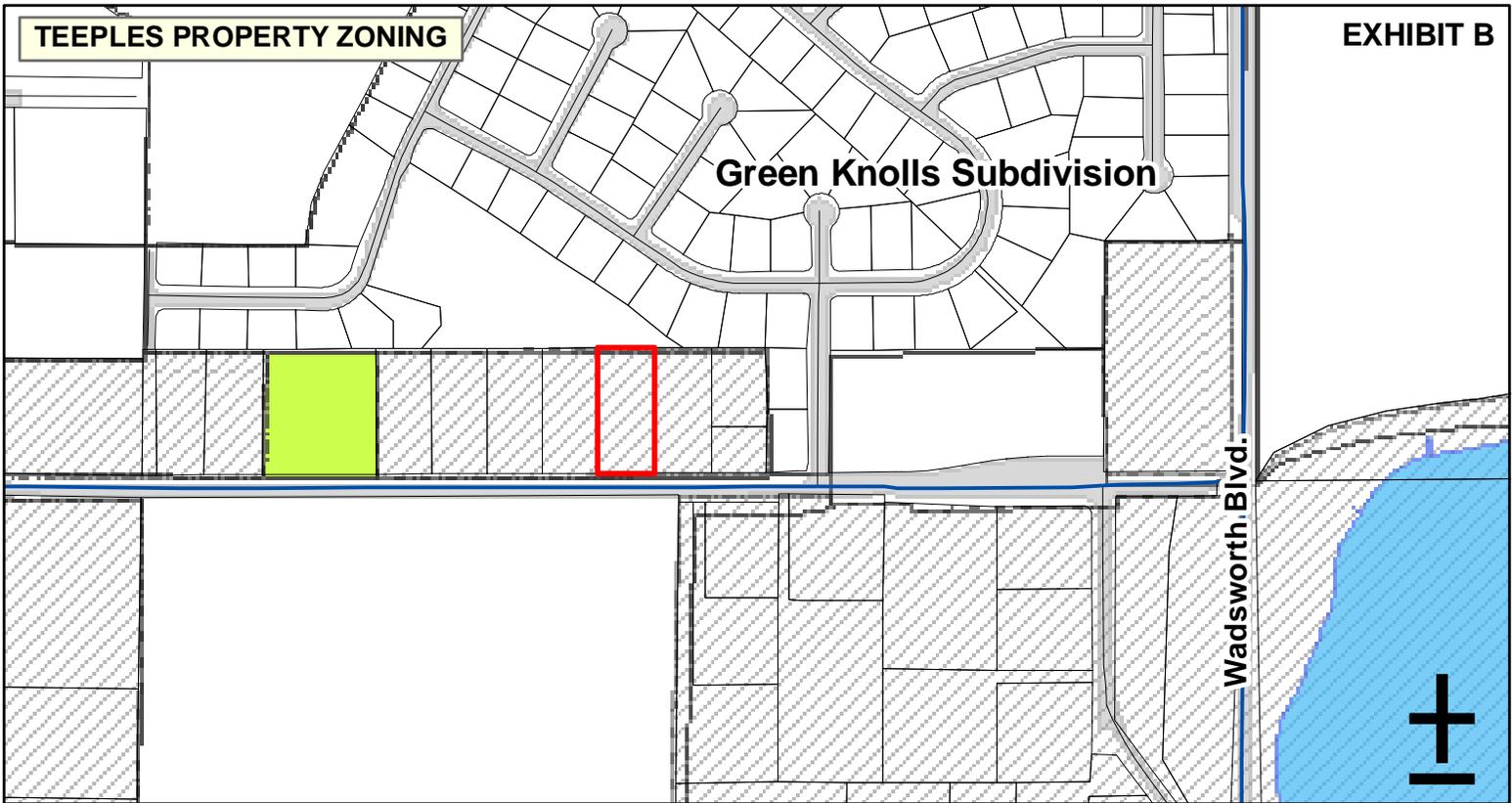
Wadsworth Blvd.



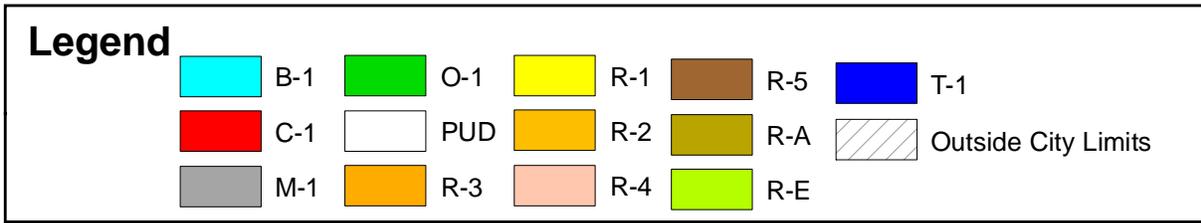
Exhibit A

The parcel of land located in the northwest quarter of section 11, township 2 south, range 69 west of the sixth principal meridian, City of Westminster, County of Jefferson, State of Colorado, recorded under reception number F0558217, more particularly described as follows.

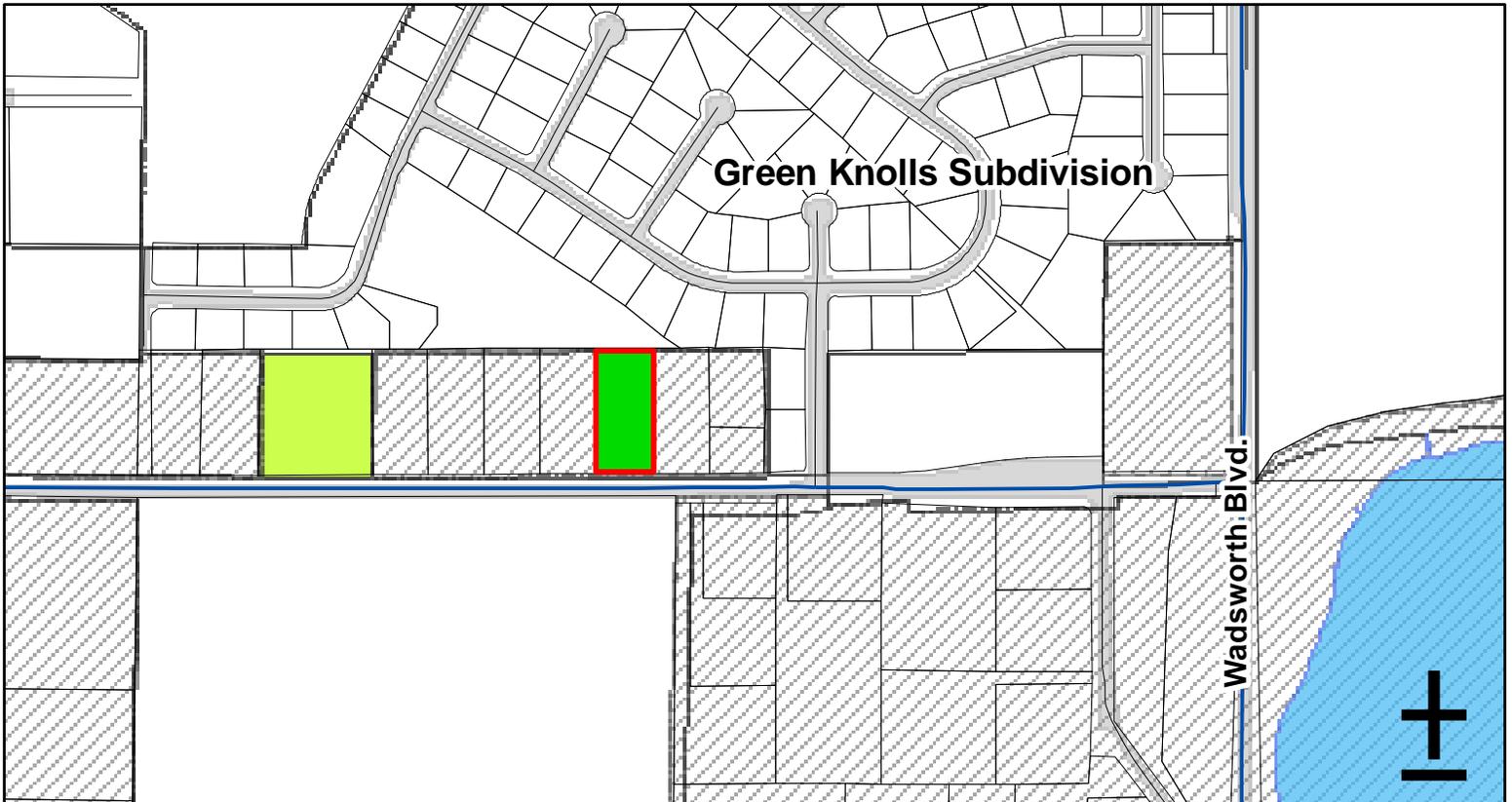
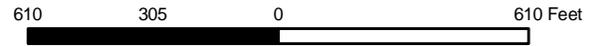
Commencing at the west quarter corner of said section 11, being a found in place 2-1/2" diameter aluminum cap LS 2419, whence the center quarter of said section, being a found in place 3-1/4" diameter aluminum cap illegible in range box is assumed to bear S 89°58'11" E, 2741.08 feet, with all bearings contained herein relative thereto; thence along the south line of the northwest quarter of said section S 89°58'11" E, 1137.56 (1137) feet; thence N 00°01'49"E, 25.00 feet to the true point of beginning; thence N 01°05'42" E, 313.40 feet; thence S 89°58'11" E, 139.00 feet; thence S01°05'42" W, 313.40 feet; thence N 89°58'11" W, 139 feet to the true point of beginning, containing 1.00 acres more or less.



Description of Change: R-1 (Outside City Limits) to O-1



Teeples Property New Zoning Designation = O-1





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 27, 2009



SUBJECT: Resolution No. 36 re Support for the Harris Park Station Postal Facility

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action

Adopt Resolution No. 36 expressing City Council's support for retaining the Harris Park Station Postal Facility at 7262 Meade Street in Westminster.

Summary Statement

- The South Westminster neighborhood is home to the Harris Park Station post office, which has been located at 7262 Meade Street since 1960.
- The post office has had a historic presence in the community for over 100 years on 73rd Avenue, Lowell Boulevard and the present location on Meade Street.
- The post office is a critical community asset integral to the City's efforts to revitalize the South Westminster neighborhood.
- The U.S. Postal Service (USPS) leases the property, with the present lease due to expire within the next two years.
- The Harris Park Station postal office is located in an area serving a disproportionate senior and low-income population within the City of Westminster.
- The U. S. Postal Service has included the Harris Park Station postal office in a study evaluating the possible closure of several thousand postal facilities across the nation.
- The study findings could lead to the recommended closure of the Harris Park Station postal office.
- The attached resolution will put the City officially on record in support of keeping post office operations open in this South Westminster neighborhood.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City Council take formal action to support the continuation of post office operations in the South Westminster neighborhood, and further support the continued presence of a postal facility providing convenient access and service to the area's residents and businesses?

Alternative

The City Council could delay any formal action on this matter until the U.S. Postal Service completes its study and makes a recommendation relative to closing the facility. City Staff does not recommend this alternative given Staff's view that it is very important that Westminster citizens, the U.S. Postal Service, and congressional representatives understand the City's formal position on this issue at the earliest so as to provide time for Staff to engage the U.S. Postal Service in a constructive dialog.

Background Information

The U.S. Postal Service (USPS) has had a long term post office presence in the historic Harris Park area of South Westminster. The post office had its humble beginnings having shared commercial space at 73rd Avenue and Bradburn Boulevard. By 1953, growth of the City forced the post office to relocate to commercial space in the Harris Park shopping center on Lowell Boulevard between 72nd and 73rd Avenues. Growth again required the facility to relocate to its present location at 7262 Meade Street in 1960. This facility continued to serve the entire City of Westminster until the opening of a new postal facility at 105th Avenue and Federal Boulevard several years ago. Since the opening of the new facility, the Harris Park Station post office has continued to provide critical service to Westminster residents in the 80030 zip code covering an area south of 80th Avenue and east of Sheridan Boulevard.

The USPS is experiencing challenges due to the Internet, ever changing business market and competition from private postal operations. As a consequence, USPS is looking to restructure its business operations partly by eliminating inefficiencies and increasing productivity. As part of this effort, the USPS has embarked upon a study of 3,100 post offices in major metropolitan areas across the nation to evaluate whether the facilities should be closed. The Harris Park Station is included in the list of post offices for possible closure. Congressional representatives of affected districts have been notified of the study by the USPS. The USPS anticipates completing the study and making its recommendations by October, 2009.

Several factors may have contributed to the inclusion of the Harris Park Station post office in the national "closure" study, which include:

- The USPS has indicated that walk-in traffic volumes to the facility are down;
- According to the USPS, the new postal facility at 105th Avenue and Federal Boulevard has the capability to absorb the Harris Park Station operations.
- The USPS has previously evaluated the possibility of closing the Harris Park Station facility at such time as the new facility on Federal Boulevard and 105th Avenue was built;
- The USPS does not own the property on Meade Street and has only about 2 years remaining on its present lease;
- The current property on Meade Street is outdated having been constructed in 1960; and,
- The Meade Street building and grounds are in major disrepair given its age and a general lack of maintenance over the years.

These factors could influence the final decision of the USPS to maintain a post office in South Westminster. While the existing facility may not meet current requirements, other options may be available such as relocating to a new facility in South Westminster. Given the post office's history and its relative importance in the South Westminster revitalization effort, the Staff believes that City representation should take the opportunity to meet with USPS representatives at the earliest convenience to discuss options prior to a final determination being made relative to closure.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **36**

INTRODUCED BY COUNCILLORS

SERIES OF 2009

A RESOLUTION IN SUPPORT OF RETAINING THE HARRIS PARK STATION POSTAL FACILITY AT 7262 MEADE STREET, WESTMINSTER, COLORADO

WHEREAS, the U.S. Postal Service has had a continued historic presence of a postal office in the South Westminster neighborhood for more than 100 years; and

WHEREAS, the Harris Park Station postal office continues to be a community asset providing convenient and essential services to the local residents and businesses; and

WHEREAS, the Harris Park Station postal office is located in an area having a disproportionate senior and low-income population within the City of Westminster; and

WHEREAS, retention of the Harris Park Station postal office is a critical community asset integral to the City's efforts to revitalize the South Westminster neighborhood; and

WHEREAS, the U. S. Postal Service has included the Harris Park Station postal office in a study evaluating the possible closure of several thousand postal facilities across the nation; and,

WHEREAS, the study findings could lead to the recommended closure of the Harris Park Station postal office.

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

1. The City Council strongly supports the continuation of post office operations in the South Westminster neighborhood, and further supports the continued presence of a postal facility providing convenient access and service to the area's residents and businesses.

2. The City Council authorizes City Staff to enter into discussions with the U.S. Postal Service to identify and evaluate options relative to keeping a U.S. Postal Office presence in the South Westminster neighborhood.

PASSED AND ADOPTED this 27th day of July, 2009.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
WESTMINSTER CITY HALL, 4800 W. 92ND AVENUE
MONDAY, July 27, 2009
7:00 P.M.

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (July 13, 2009)
- 3. New Business**
 - A. Public Hearing on the 2nd Quarter Budget Amendment
 - B. Resolution No. 114 re 2009 Budget Supplemental Appropriation and Reallocation of Bond Proceeds and Interest Earnings
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
MONDAY, JULY 13, 2009 AT 7:25 P.M.

ROLL CALL

Present at roll call were Chairperson McNally, Vice Chairperson Dittman and Board Members Kaiser, Lindsey, Major, and Winter. Board Member Briggs was absent and excused. Also present were J. Brent McFall, Executive Director, Martin McCullough, City Attorney for the Authority, and Carla Koeltzow, Acting Secretary.

CONSIDERATION OF MINUTES

Vice Chairperson Dittman moved, seconded by Kaiser, to approve the minutes of the meeting of June 8, 2009 with no additions or corrections. The motion carried unanimously.

PROJECT DESCRIPTION FOR THE WESTMINSTER CENTER URBAN REINVESTMENT PROJECT

It was moved by Winter, seconded by Major, to approve the Project Description provided for the Westminster Center Urban Reinvestment Project and direct staff to prepare and issue a Request for Proposal for the project. The motion carried unanimously.

ADJOURNMENT

There being no other business to come before the Authority, the meeting adjourned at 7:27 p.m.

ATTEST:

Acting Secretary

Chairperson

WEDA Agenda Item 3 A&B

Agenda Memorandum

Westminster Economic Development Authority
July 27, 2009



SUBJECT: Public Hearing and Resolution No. 114 re 2nd Quarter 2009 Housekeeping Supplemental Appropriation for the Westminster Economic Development Authority

Prepared By: Karen Creager, Special Districts Accountant

Recommended Board Action

1. Hold a Public Hearing on the 2nd quarter budget amendment for Westminster Economic Development Authority (WEDA).
2. Adopt Resolution No. 114 authorizing a supplemental appropriation to the 2009 budget of WEDA and authorizing the reallocation of previously appropriated bond proceeds and interest earnings.

Summary Statement

When necessary, Staff prepares a resolution to appropriate unanticipated revenues and adjust the budget side of transactions that occur during the year. Preparing a supplemental appropriation on a quarterly basis for WEDA simplifies administrative procedures and reduces paper work.

- This is the 2nd quarter 2009 housekeeping supplemental appropriation for WEDA.
- Amendments:
 - \$25,872 interest earnings
 - \$208,454 property tax increment
 - \$5,330,000 bond proceeds
 - \$1,570,916 reduction to sales tax increment
 - \$200,000 reduction to transfers in
 - \$2,510,349 North Huron Urban Renewal Area (URA) carryover
 - \$2,800,203 Mandalay Gardens URA carryover
 - \$70,000 Westminster Center East URA carryover
- A public hearing is required pursuant to Section 29-1-108 of the Colorado Revised Statutes.

Expenditure Required: \$9,173,962

Source of Funds: Interest earnings, transfer-in, bond proceeds, property tax increment, sales tax increment and carryover

Policy Issue

Should WEDA appropriate and unappropriate funds as set forth in the attached Resolution?

Alternatives

1. The Board could decide not to appropriate funds at this time. This is not recommended because the appropriation of the carryover is necessary for the URA's to meet their debt service obligations for the year. Additionally, the Board previously approved the issuance of refunding bonds for the South Westminster URA.

2. The Board could decide not to unappropriate funds at this time. Again this is not recommended as the sales tax pledge for the North Huron URA was reduced when the bonds were refinanced to a loan. This revenue will not be received by the URA, but will be retained by the City. In 2008 the Parks, Open Space and Trails (POST) Fund repaid WEDA the full amount for land in the Mandalay URA instead of repaying it over time. Since these funds will not be received by the URA this year, it is necessary to unappropriate the funds so they will not be spent.

Background Information

2008 Carryover

Westminster Center East URA

- On December 22, 2008, the Westminster Center East URA entered into an intergovernmental cooperation agreement (ICA) with the City providing for reimbursement of incurred costs by the City related to the planning, design, and construction of City Center Park as well as future operating and capital costs incurred after the park is in commission, as long as WEDA has fulfilled all, if any, superior obligations. The City has incurred costs related to the design of City Center Park and there are funds available from 2008 carryover in the amount of \$70,000 to reimburse the City.

Mandalay Gardens URA

- With the conversion of Mandalay Gardens URA's bonds to bank bonds in late 2008, the debt service schedule accelerated requiring larger than budgeted principal and interest payments in 2009. Appropriation of 2008 carryover of \$2,800,203 is requested to cover the increased payments.

North Huron URA

- With the conversion of North Huron URA's bonds to bank bonds in late 2008, the debt service schedule accelerated requiring larger than budgeted principal and interest payments in 2009. Appropriation of 2008 carryover of \$939,433 is necessary to cover the increased payments.

Interest Earnings – pooled interest

Mandalay Gardens URA

- Pooled interest earnings of \$25,872 are requested to be appropriated to assist in covering the additional debt service requirements, reducing the amount of carryover needed.

Bond Proceeds

South Westminster URA

- On May 18, 2009, the Board authorized the refunding of the WEDA Revenue Bonds, Series 1997. However, Staff did not include an appropriation of the refunded bonds at that time. Appropriation of \$5,330,000 of bond proceeds is now being requested to properly reflect the issuance of refunding bonds on WEDA's books.

Change in reporting Economic Development Agreements (EDA) payments

North Huron URA

- The North Huron URA encompasses the 136th Avenue General Improvement District (GID). The GID was created to assess a mill levy against the District's property owners to generate revenue to assist with the repayment of the 2002 Sales and Use Tax Bonds issued by the City to construct the interchange at 136th Avenue and I-25. Since the URA captures the property tax on the incremental assessed valuation of the District, the URA entered into an IGA to return to the GID the property tax attributable to the GID's mill levy. In the past, payments related to this IGA have been recorded as a reduction to the property tax increment revenue account, thereby reflecting only the net revenue received on the WEDA's financial statements. GASB now requires the new revenues to be fully recorded as received, and the applicable return of revenues to be recorded as an expense. This housekeeping appropriation makes the appropriate changes to WEDA's budget to reflect this new requirement. WEDA is scheduled to return \$208,454 to the 136th Avenue GID in 2009.

Revenue reductions

Mandalay Gardens URA

- The POST Fund had originally budgeted to repay WEDA for open space land in the Mandalay Gardens URA over three years. In 2008, the POST Fund had sufficient revenue to repay WEDA in one payment. Therefore, the \$200,000 transfer in 2009 will not take place. Due to the changes in the debt service for this URA as described above, Staff is requesting to unappropriate this transfer in order for the budget to reflect only anticipated revenues available to cover debt service and operating expenses.

North Huron URA

- On April 13, 2009, the Board authorized the issuance of a variable rate loan agreement with Compass Mortgage Company (Compass) to refinance the WEDA Revenue Bonds, Series 2005. As part of the loan agreement with Compass, the sales tax pledge was reduced from the 2% sales tax pledge required for the 2005 bonds to a 1% sales tax pledge for the loan. This reduction in the pledge will result in a reduction of the URA's sales tax increment of \$1,570,916 in 2009. The remainder will be reflected as revenue in the City's Sales and Use Tax Fund, and will be available to meet general City operating expenses. Again, in order for the budget to reflect only anticipated revenues available to cover debt service and operating expenses, Staff is requesting to unappropriate sales tax increment in the amount of \$1,570,916.

Reallocation-bond proceeds and interest earnings

North Huron URA

- As the initial projects identified for use of the WEDA Revenue Bonds, Series 2005 proceeds are being completed, there are savings in both the initial bond proceeds and the interest earned on the proceeds. While reviewing funding necessary to accomplish the refinancing of the bonds, it was noted that a portion of the savings were not needed for the refinancing and were available to allocate as additional funding to the 144th Avenue Zuni to Huron Project. In 2008, The Board authorized reallocation of funding to this project. This additional funding frees up funds in the City's General Capital Improvement Fund for other projects. Therefore, an additional \$1,169,422 of previously appropriated bond proceeds and bond interest earnings are being reallocated to the 144th Avenue Huron to Zuni project. This action does not change total appropriations in the fund and is provided here for informational purposes. However, Staff is requesting approval of the reallocation of the bond proceeds and applicable interest earnings.

The adjustments will amend Revenue and Expenditure accounts as follows:

REVENUES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|--------------------------|-----------------|----------------|--------------------|----------------|
| Property Tax Increment | 6800.40035.0183 | \$ 3,297,780 | \$ 208,454 | \$ 3,506,234 |
| Sales Tax Increment | 6800.40065.0183 | 5,385,990 | (1,570,916) | 3,815,074 |
| Transfers in | 6800.45000.0540 | 200,000 | (200,000) | 0 |
| Interest | 6800.42520.0182 | 0 | 25,872 | 25,872 |
| Bond Proceeds | 6800.46020.0184 | 0 | 5,330,000 | 5,330,000 |
| Carryover | 6800.40200.0183 | (3,024,807) | 1,570,916 | (1,453,891) |
| Carryover | 6800.40200.0183 | (1,453,891) | 939,433 | (514,458) |
| Carryover | 6800.40200.0182 | (776,982) | 2,800,203 | 2,023,221 |
| Carryover | 6800.40200.0189 | 0 | <u>70,000</u> | 70,000 |
| Total Change to Revenues | | | <u>\$9,173,962</u> | |

EXPENDITURES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|-----------------------------------|---------------------|----------------|--------------------|----------------|
| Principal | 68010900.78200.0182 | \$ 1,370,000 | \$2,287,875 | \$3,657,875 |
| Principal | 68010900.78200.0183 | 6,342,500 | 752,500 | 7,095,000 |
| Interest Expense | 68010900.78400.0183 | 2,724,812 | 186,933 | 2,911,745 |
| Interest Expense | 68010900.78400.0182 | 1,355,914 | 338,200 | 1,694,114 |
| Other Financing Use | 68010900.78800.0184 | 5,056 | 5,330,000 | 5,335,056 |
| Transfers GCIF | 68010900.79800.0750 | 0 | 70,000 | 70,000 |
| Transfer to 136 th GID | 68010900.79800.0630 | 0 | <u>208,454</u> | 208,454 |
| Total Change to Expenses | | | <u>\$9,173,962</u> | |

The above adjustments will bring WEDA's accounting records up-to-date to reflect the various detailed transactions.

Respectfully submitted,

J. Brent McFall
Executive Director

Attachment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. **114**

INTRODUCED BY COMMISSIONERS

SERIES OF 2009

2009 WEDA BUDGET SUPPLEMENTAL APPROPRIATION

WHEREAS, the Westminster Economic Development Authority (WEDA) established the 2009 budget on October 13, 2008 and

WHEREAS, proper notice for this amendment was published on July 23, 2009, pursuant to the requirements of Section 29-1-106 Colorado Revised Statutes; and

WHEREAS, a public hearing for this amendment was held on July 27, 2009, pursuant to the requirements of Section 29-1-108 Colorado Revised Statutes; and

WHEREAS, as necessary Staff prepares a resolution to make necessary adjustments to the budget; and

WHEREAS, there are adjustments to be made to the 2009 budget for the 2nd quarter of 2009; and

WHEREAS, the revenue adjustments consist of increases of: \$25,872 pooled interest earnings, \$208,454 property tax increment, \$5,330,000 bond proceeds, \$5,380,552 2008 carryover and decreases of: \$1,570,916 sales tax increment and \$200,000 transfers in; and

WHEREAS, the expense adjustments consist of: \$3,040,375 principal, \$525,133 interest expense, \$278,454 transfers out, and \$5,330,000 other financing use.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Westminster Economic Development Authority: The \$9,173,962 increase shall be allocated to WEDA Revenue and Expenditure accounts as described in the WEDA Agenda Item 3 A&B, July 27, 2009 (a copy of which may be obtained from the City Clerk) .

PASSED AND ADOPTED 27th day of July, 2009.

ATTEST:

Chairperson

Secretary