



November 28, 2005  
7:00 P.M.

## CITY COUNCIL AGENDA

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

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

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

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

8. Consent Agenda
  - A. October 2005 – Financial Report
  - B. July – September 2005 – Quarterly Insurance Report
  - C. Revised City Council Assignments
  - D. Change Date for Last December 2005 City Council Meeting
  - E. 2006 Proposed Community Development Block Grant and HOME Projects
  - F. Alternate Surety for Public and Private Improvement Agreements at The Orchard
  - G. 2005 Crackseal Project Bid
  - H. Memorandum of Understanding for Adams County Mosquito Control
  - I. Water Meter Replacement Program and Related Purchases
  - J. 2005 Construction Crew Utility Material Purchase Orders
  - K. Second Reading CB No. 68 re Rezoning of the Country Club Highlands Property
  - L. Second Reading CB No. 69 re 2005 Edward Byrne Memorial Justice Assistance Grant Program
  - M. Second Reading CB No. 70 re 2005 3<sup>rd</sup> Quarter Budget Supplemental Appropriation

9. Appointments and Resignations
  - A. Council Appointments to the Board of Directors of The Broomfield-Westminster Open Space Foundation, Inc.

10. Public Hearings and Other New Business
  - A. Public Hearing re Application to Designate Wesley Chapel Cemetery as a Local Historic Landmark
  - B. Resolution No. 50 re Designate Wesley Chapel Cemetery as a Local Historic Landmark
  - C. Resolution No. 51 re State Income Tax Credit for Rehabilitation Costs re Landmarked Historic Properties
  - D. Resolution No. 52 re 2006 Jefferson County Joint Venture Grant Application
  - E. Tires and Emergency Road Services Purchase Contract with Tire Distribution Systems

11. Old Business and Passage of Ordinances on Second Reading
  - A. TABLED Second Reading CB no. 46 re Cellular Tower Leases for Countryside Recreation Center and the Hydropillar

12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
  - A. City Council
  - B. Executive Session
    1. Attorney Client Privileged Discussion re Litigation
    2. Attorney Client Privileged Discussion re Litigation

13. Adjournment

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### **GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS**

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, NOVEMBER 28, 2005 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Price moved, seconded by Major, to approve the minutes of the regular meeting of November 14, 2005. The motion passed unanimously.

CITY MANAGER COMMENTS

Mr. McFall announced that the annual lighting of the Christmas tree and display in the City Hall Courtyard and the arrival of Santa Claus would be on Sunday, December 4 beginning at 5:30 p.m. Refreshments would be served and everyone was welcome to attend.

Following this meeting, Council would be conducting a meeting of the Westminster Housing Authority. The post-meeting briefing would be held in the Council Board Room immediately after and the public was welcome to attend. At the conclusion of the briefing, Council would meet in executive session for two attorney/client privileged discussions regarding litigation. Executive sessions were not open to the public and were authorized under Colorado State Statute.

CITY COUNCIL COMMENTS

Councillor Price announced that Christmas Tree Lighting Ceremonies at Fire Station #1 would be from 7 to 8 p.m. on December 1. The community was welcome to attend this annual event.

Mayor McNally reported having attended the Hmong New Year's Celebration with Councillors Lindsey and Price.

Councillor Lindsey reported having attended a Historic Society event recently where John Fielder visited and talked about his book of historic photographs.

PROCLAMATION

Mayor Pro Tem Kauffman introduced Don Van Arsdale and presented him with a proclamation declaring December 1 Hyland Hills Day in recognition of the District's 50<sup>th</sup> Anniversary. Formed in 1955, the District had the honor of being the first park and recreation district designated in the State of Colorado. The City and the District had forged an intergovernmental agreement in 1990 that provided for residential rates to all Westminster facilities for all citizens in the Hyland Hills Recreation District boundaries regardless of whether they resided within the Westminster City limits. As part of the anniversary celebration, Mr. Van Arsdale, Wayne Morrison, and Greg Mastriona were being inducted into the District's Hall of Fame. Council joined the community in congratulating the District and those who were instrumental in its numerous successes.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: the October 2005 Financial Report; the 3<sup>rd</sup> Quarter 2005 Insurance Report; revised City Council assignments to external organizations and internal Boards and Commissions for the remainder of 2005 and 2006; changed the date of the last regularly scheduled meeting in December from December 26 to December 19; the allocation of 2006 Community Development Block Grant and HOME funds to the projects and programs proposed; authority for the City Manager, pending the City Attorney's approval of a final draft, to accept a Completion Guarantee backed by Forest City Enterprises, the parent company developing The Orchard at 144<sup>th</sup> Avenue and I-25, as an alternate form of surety for the required Public and Private Improvement Agreements for the commercial portions of the project; authority for the City Manager to sign an \$87,000 contract with Quality Paving Company for the 2005 Crackseal Project; authority for the Mayor to sign the Adams County Mosquito Control Memorandum of Understanding; authority for the establishment of open purchase orders not to exceed \$322,500 with National Meter & Automation, Inc. to purchase up to 1500 Badger water meters and TRACE transponders for attrition replacements and for a trial program quantity of 200 Badger water meters and ORION transponders; authority for the City Manager to execute purchase orders totaling \$157,446.34 with various vendors for the purchase of materials from National Waterworks, Dana Kepner, and Hughes for use by the utility operations construction crew; final passage of Councillor's Bill No. 68 to rezone the Country Club Highlands property from Light Industrial (M-1) to Planned Unit Development (PUD); final passage of Councillor's Bill No. 69 appropriating \$30,527 from the Edward Byrne Memorial Assistance Grant Program (JAG) to the Police Department's Investigations and Technical Services Division budget; and final passage of Councillor's Bill No. 70 providing for a supplemental appropriation to the 2005 budget of the General, General Capital Outlay Replacement, Open Space and General Capital Improvement Funds.

Mayor McNally asked if any member of Council wished to remove an item from the consent agenda for discussion purposes or separate vote. Councillor Kaiser removed the consideration of an alternate surety for Public and Private Improvement Agreements at The Orchard.

It was moved by Councillor Dittman and seconded by Councillor Price to approve the consent agenda as amended to exclude item 8F. The motion passed unanimously.

ALTERNATE SURETY FOR PUBLIC AND PRIVATE IMPROVEMENT AGREEMENTS AT THE ORCHARD

Councillor Dittman moved to authorize the City Manager, pending approval of a final draft by the City Attorney, to accept a Completion Guarantee backed by Forest City Enterprises, the parent company developing The Orchard at 144<sup>th</sup> Avenue and I-25, as an alternate form of surety for the required Public and Private Improvement Agreements, noting that such Guarantee would apply only to the commercial portion of the project. Councillor Price seconded the motion.

The motion passed by a 6:1 margin with Councillor Kaiser voting no.

CITIZEN COMMUNICATION

Clerk's Note: Mayor McNally inadvertently skipped over Citizen Communication and invited comment now.

Jane Fancher, 7260 Lamar Court, requested that information be mailed to her concerning City-funded improvements at The Orchard.

Larry Dean Valente, 3755 West 81<sup>st</sup> Avenue, termed the Forest City financial guarantee for public and private improvements at The Orchard to be an unfair precedent by which smaller developers could not benefit and asked if the City or the developer proposed the concession. Mr. McFall answered that the procedure proposed was authorized in the City Code and was not a concession.

**COUNCIL APPOINTMENTS TO THE BROOMFIELD-WESTMINSTER OPEN SPACE FOUNDATION, INC.**

Upon a motion by Councillor Major, seconded by Councillor Price, the Council voted unanimously to appoint Mary Lindsey as a member and Scott Major as the alternate member of the Board of Directors of the Broomfield-Westminster Open Space Foundation.

**HEARING TO CONSIDER DESIGNATING WESLEY CHAPEL CEMETERY A HISTORIC LANDMARK**

At 7:36 p.m., the Mayor opened a public hearing to consider an application to designate the Wesley Chapel Cemetery as a local historic landmark. Vicky Bunsen, Community Development Programs Coordinator, reviewed the application, which documented the history and significance of the Cemetery that was located at the northeast corner of West 120<sup>th</sup> Avenue and Huron Street. The Cemetery had been established by pioneer farming families in 1891 and was intensively used for burials through 1939. The Historic Landmark Board recommended that the Cemetery be designated as a local historic landmark. Ms. Bunsen entered the agenda memorandum and the application into the record and advised that the property had been posted and notice of this hearing published.

Mayor McNally invited public testimony. No one wished to speak, and there was no additional comment from staff. The hearing was closed at 7:42 p.m.

**RESOLUTION NO. 50 DESIGNATING WESLEY CHAPEL CEMETERY A LOCAL HISTORIC LANDMARK**

It was moved by Councillor Dittman, seconded by Councillor Price, to adopt Resolution No. 50 designating the Wesley Chapel Cemetery as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code. On roll call vote, the motion passed unanimously.

**RESOLUTION NO. 51 DESIGNATING HISTORIC LANDMARK BOARD THE LOCAL REVIEWING ENTITY**

Councillor Dittman moved to adopt Resolution No. 51 designating the Historic Landmark Board the local reviewing entity for state income tax credit applications for qualified rehabilitation costs incurred by owners of landmark historic homes and business properties. Councillor Price seconded the motion and it passed unanimously on roll call vote.

**RESOLUTION NO. 52 RE 2006 JEFFERSON COUNTY JOINT VENTURE GRANT APPLICATION**

It was moved by Mayor Pro Tem Kauffman and seconded by Councillor Price to adopt Resolution No. 52 authorizing the Department of Parks, Recreation and Libraries to apply for a 2006 Jefferson County Joint Venture Grant for the 2006 grant cycle. On roll call vote, the motion passed with all Councillors voting affirmatively.

**TIRE DISTRIBUTION SYSTEMS CONTRACT APPROVED**

It was moved by Councillor Price, seconded by Councillor Dittman, to authorize the City Manager to execute a contract with Tire Distribution Systems (TDS) as a vendor to the City of Westminster for tire sales and related services.

As an employee of Tire Distribution Systems, Councillor Kaiser recused himself. The Mayor polled the Council, and the motion passed by a 6:1 margin with Councillor Kaiser abstaining.

**CITIZEN PRESENTATION**

District Judge Ed Moss, 10362 Tennyson Court, provided a testimonial praising the services of Adams Community Reach and the Platte Valley Children's Center. He urged Council's continued funding of these worthy programs and services.

Westminster City Council Minutes  
November 28, 2005 – Page 4

ADJOURNMENT:

There was no further business to come before City Council, and the meeting adjourned at 7:50 p.m.

ATTEST:

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Mayor

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City Clerk

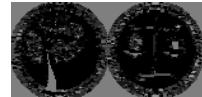


**W E S T M I N S T E R**  
**C O L O R A D O**

**Agenda Item 6 A**

**Agenda Memorandum**

City Council Meeting  
November 28, 2005



**Subject:** Proclamation re Hyland Hills Day in Westminster

**Prepared By:** Mary Joy Barajas, Executive Secretary

**Recommended City Council Action**

Present a proclamation to representatives of Hyland Hills Parks and Recreation District proclaiming Thursday, December 1 "Hyland Hills Day" in the City of Westminster in recognition of the District's 50<sup>th</sup> Anniversary.

**Summary Statement**

- The City of Westminster wishes to acknowledge its partnership with the Hyland Hills Parks and Recreation District in providing top notch recreation facilities and parks, such as the Senior Center, Ice Centre at the Promenade, Carroll Butts Park and Westfield Village Park for its residents.
- The Mayor, on behalf of City Council, is requested to proclaim Thursday, December 1, 2005 as "Hyland Hills Day" in the City of Westminster.
- Mayor Pro Tem Tim Kauffman will present the Proclamation.
- Don Van Arsdale from Hyland Hills Park and Recreation District will be present at Monday night's meeting to accept this proclamation.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified.

**Background Information**

On Thursday, December 1, 2005 the Hyland Hills Parks and Recreation District will be celebrating its 50<sup>th</sup> Anniversary of providing parks and recreation services to citizens within its boundaries. The District's boundaries include residents of Westminster in the Adams County portion of the City. In 1990, the City and the Hyland Hills Parks and Recreation District signed an intergovernmental agreement (IGA) that provides for resident rates to all Hyland Hills Parks and Recreation District facilities for all citizens of Westminster regardless of which county they reside in. This IGA also provided for resident rates to all Westminster facilities for all citizens in the Hyland Hills Recreation District boundaries regardless of whether they reside within the Westminster city limits.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**WHEREAS**, Hyland Hills Park and Recreation District is celebrating its 50<sup>th</sup> Anniversary in service to the residents of The District including a significant population in the City of Westminster;

**WHEREAS**, The District was formed in 1955 and has the honor of being the first park and recreation district ever designated in the State of Colorado;

**WHEREAS**, up until the early 1970's, The District provided all of the recreation services to the Adams County residents of Westminster;

**WHEREAS**, The District has continually offered a thoughtful array of recreation facilities and activities for all residents including preschoolers, young people, adults and seniors;

**WHEREAS**, all residents of Westminster enjoy District facilities at resident rates through a cooperative intergovernmental agreement;

**WHEREAS**, The District has utilized a mix of hard work and creativity in the funding and development of signature enterprise facilities that have kept user fees low, costs down, and have earned local, national and international awards that the Citizens of Westminster can be proud of;

**WHEREAS**, those enterprise facilities located in Westminster include:

The Golf Courses at Hyland Hills, where in 1962, a bond issue allowed work to begin on the first public golf course in the north metro area,

Adventure Golf and Raceway, featuring 54 holes of miniature golf in a fantasy setting, a one-of-a-kind dragster racer, and Colorado's first-ever outdoor electric go-kart raceway,

Ice Centre at The Promenade, one of the nation's largest publicly-owned ice facilities, featuring three NHL regulation-size ice rinks under one roof;

**WHEREAS**, The District and the City have formed valuable working intergovernmental relationships that include being co-owners of the Ice Centre at The Promenade, The Community Senior Center, Carroll Butts Park and the Slapshot Inline Hockey Center;

**WHEREAS**, other partnerships have included the construction of the Hyland Hills Gold Course, the City's Westfield Village Park and soon to be park at 128<sup>th</sup> Avenue and Big Dry Creek;

**WHEREAS**, these partnerships have benefited both the residents of Westminster and of the Hyland Hills Park and Recreation District;

**WHEREAS**, as part of the 50<sup>th</sup> Anniversary celebration three individuals are being inducted into the District's Hall of Fame and therefore congratulations are due to Wayne Morrison, Greg Mastriona and Donald E. VanArsdale;

**WHEREAS**, The District today continues to serve 110,000 residents in southwest Adams County with the same spirit of community service and innovation that it began in the 1950's.

**NOW THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim Thursday, December 1, 2005, as**

## **Hyland Hills Day**

Signed this 28<sup>th</sup> day of November, 2005.

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Nancy McNally, Mayor



W E S T M I N S T E R  
C O L O R A D O

**Agenda Memorandum**

**Agenda Item 8 A**

City Council Meeting  
November 28, 2005



**SUBJECT:** Financial Report for October 2005

**Prepared By:** Tammy Hitchens, Finance Director

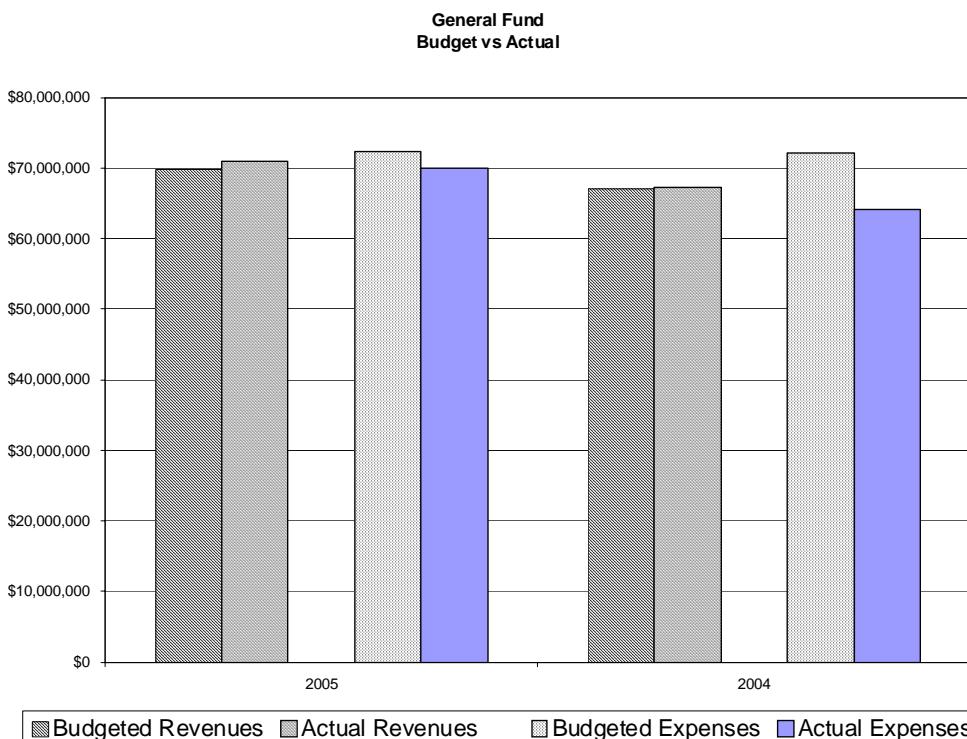
**Recommended City Council Action**

Accept the Financial Report for October as presented.

**Summary Statement**

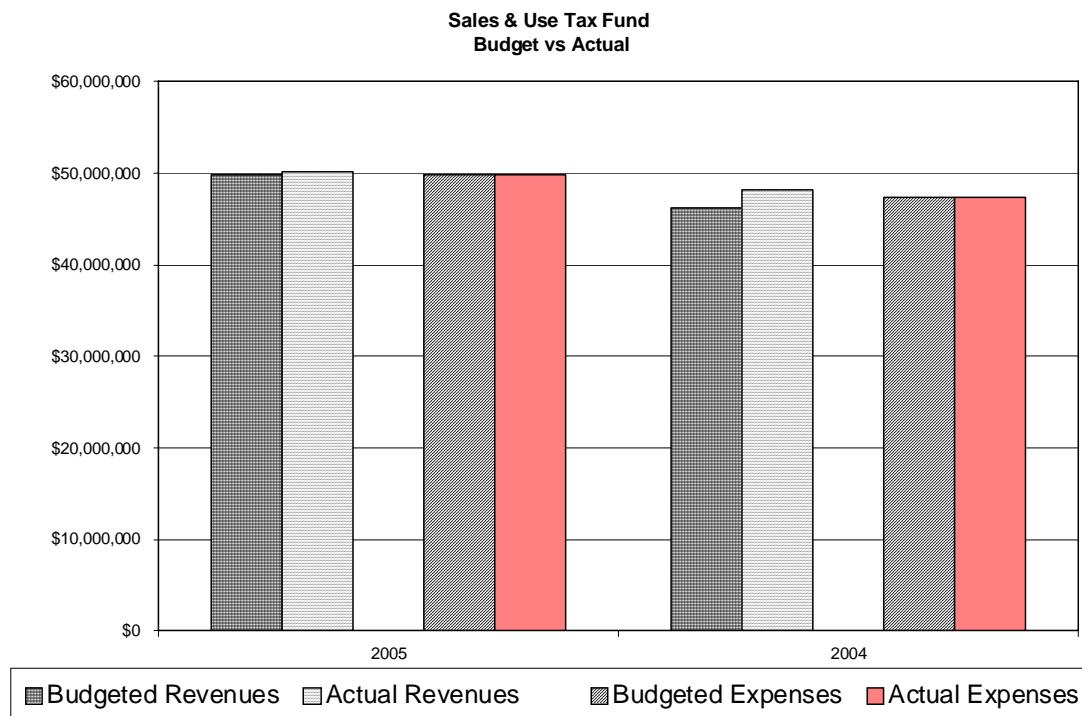
City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, "budget" refers to the pro-rated budget. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 4-year historical averages.

The General Fund revenues exceed expenditures by \$1,033,000. The following graph represents Budget vs. Actual for 2004 – 2005.

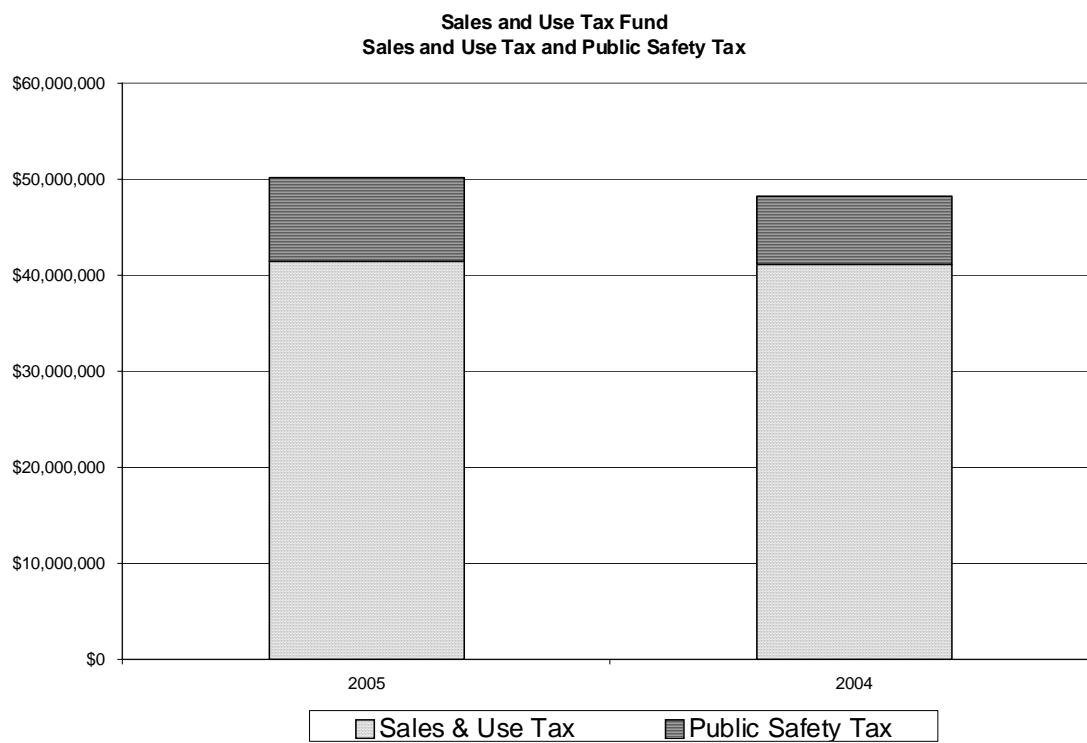


The Sales and Use Tax Fund's revenues exceed expenditures by \$386,000.

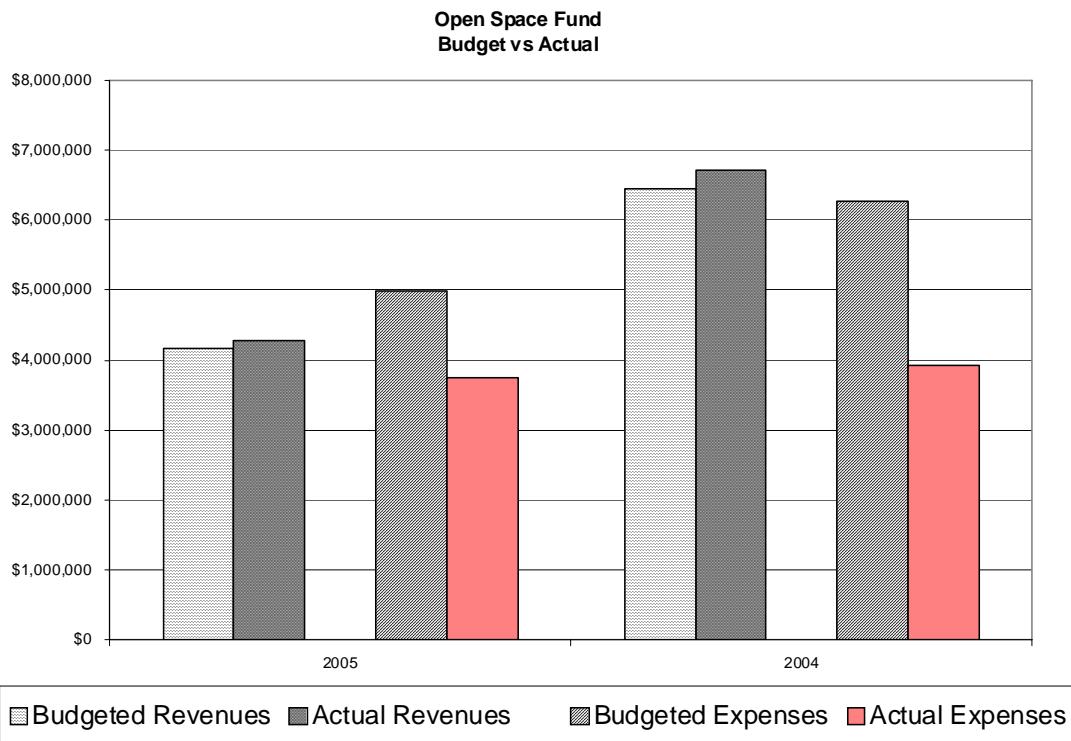
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 6%. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are down 0.8%.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 4.0%. This includes Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 8%.



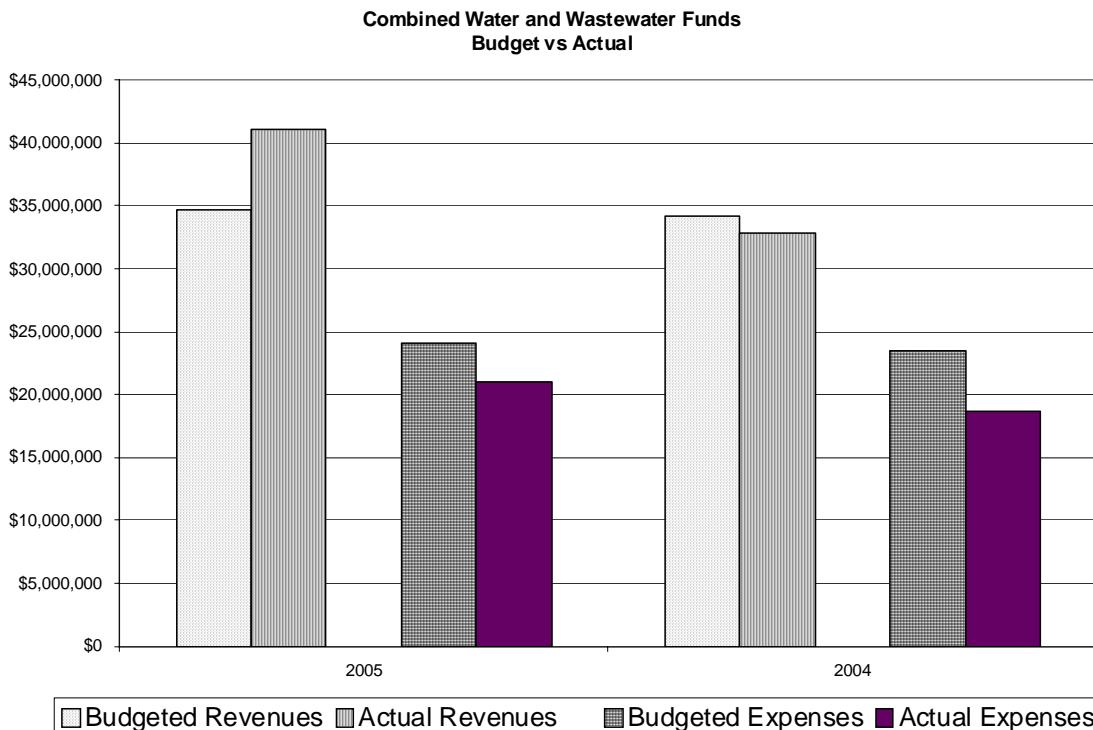
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



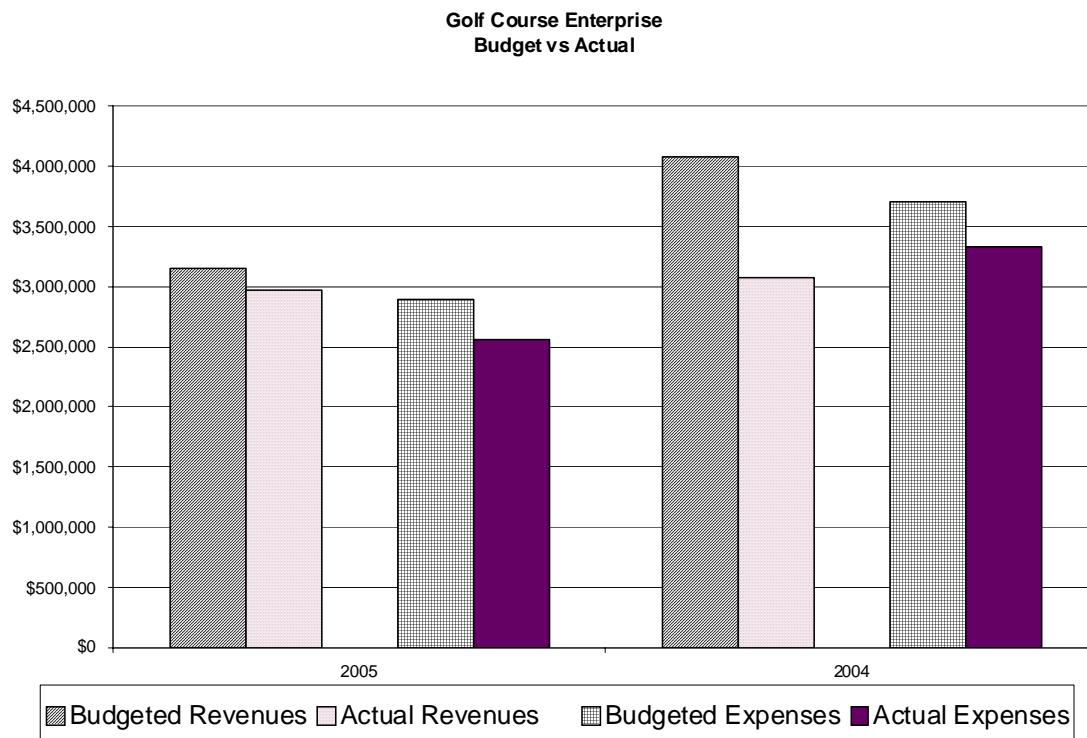
The Open Space Fund revenues exceed expenditures by \$524,000.



The combined Water & Wastewater Funds' revenues exceed expenses by \$20,071,000. Included in this figure is over \$10.0 million in tap fees.



The combined Golf Course Funds' revenues exceed expenditures by \$407,000. However it should be noted that the Heritage Golf Course will be making a debt payment of \$341,920 in December, which will significantly impact the final fund balance.



**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.

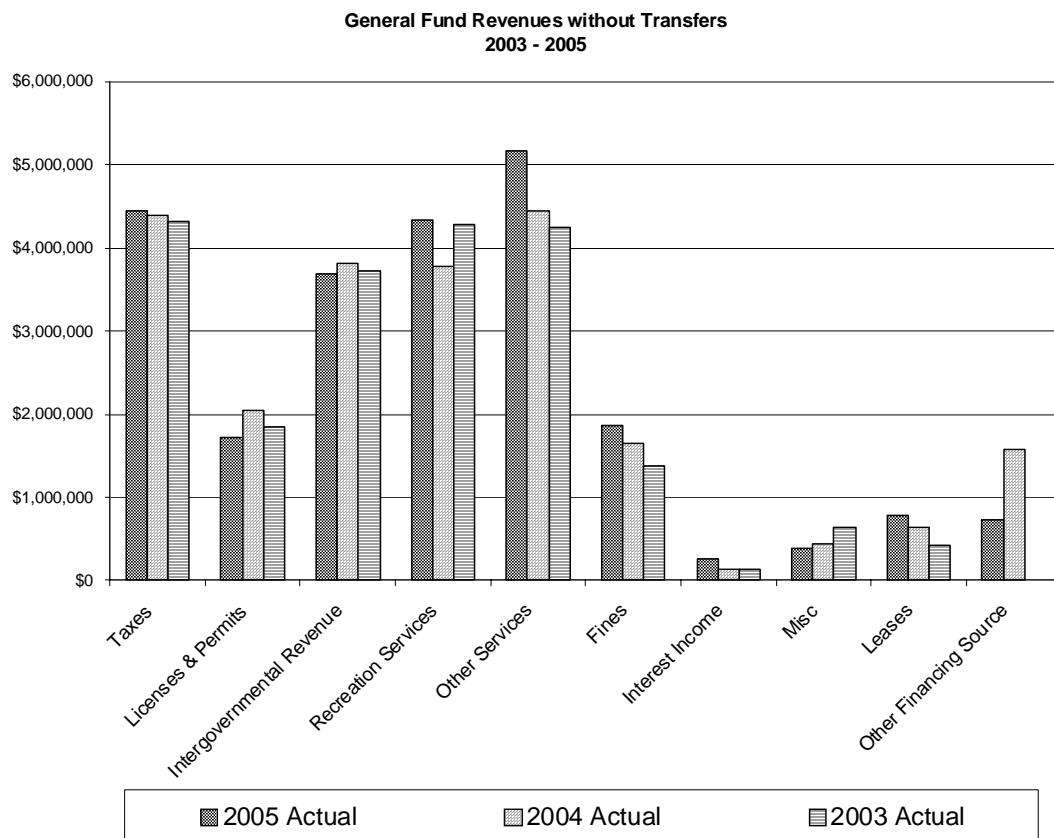
**Background Information**

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

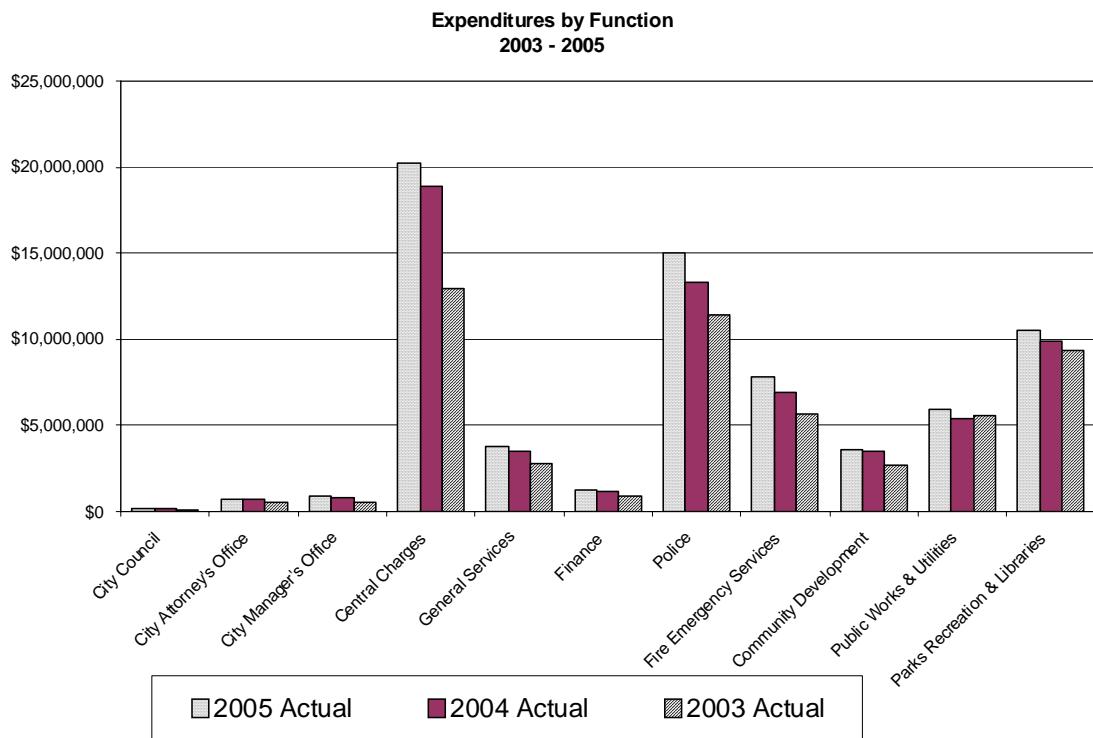
**General Fund**

This fund reflects the results 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 2003 – 2005 year-to-date.



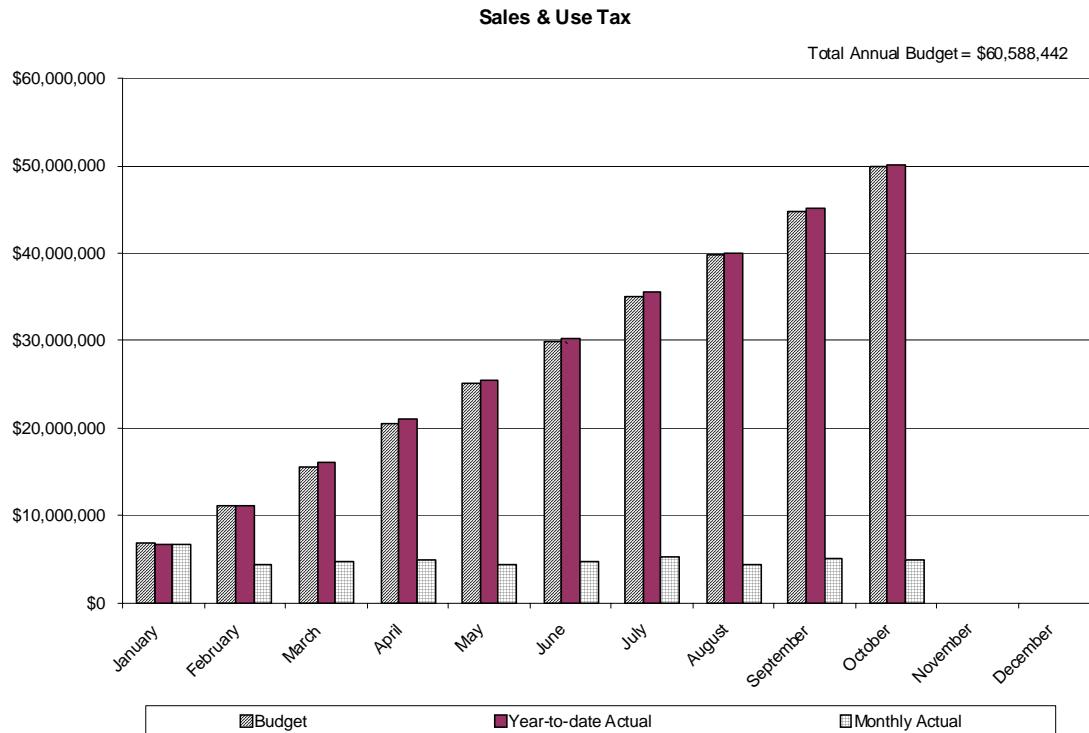
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2003 –2005.



**Sales and Use Tax Funds (Sales & Use Tax Fund and Open Space 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 Capital Project Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

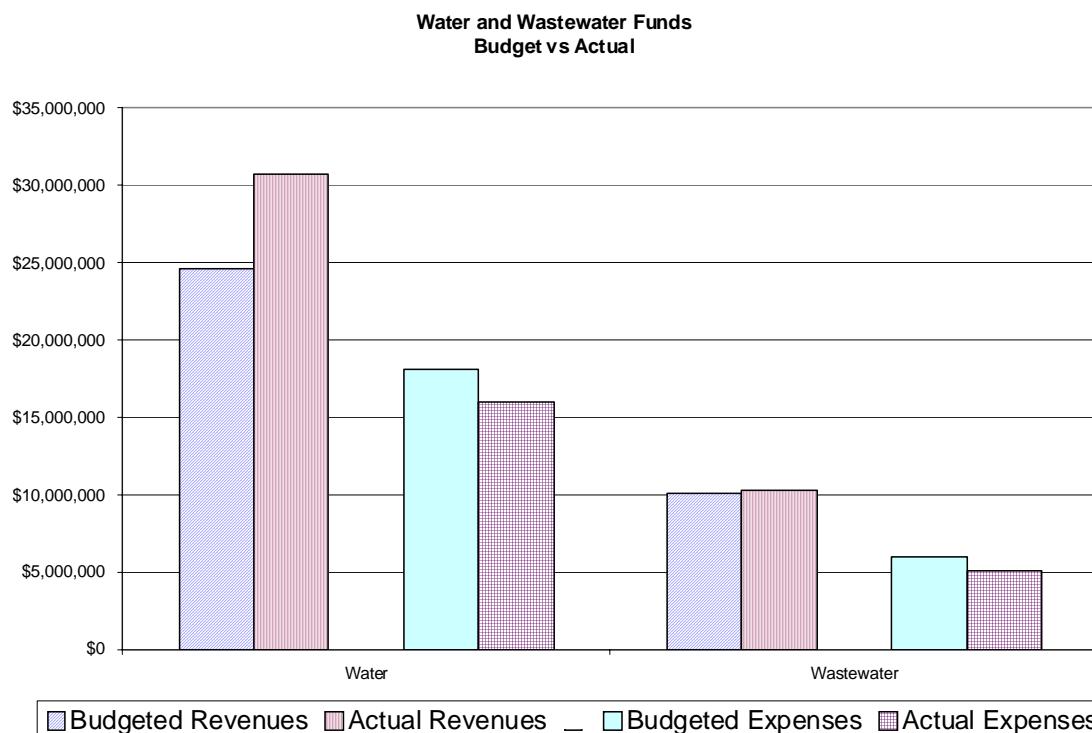
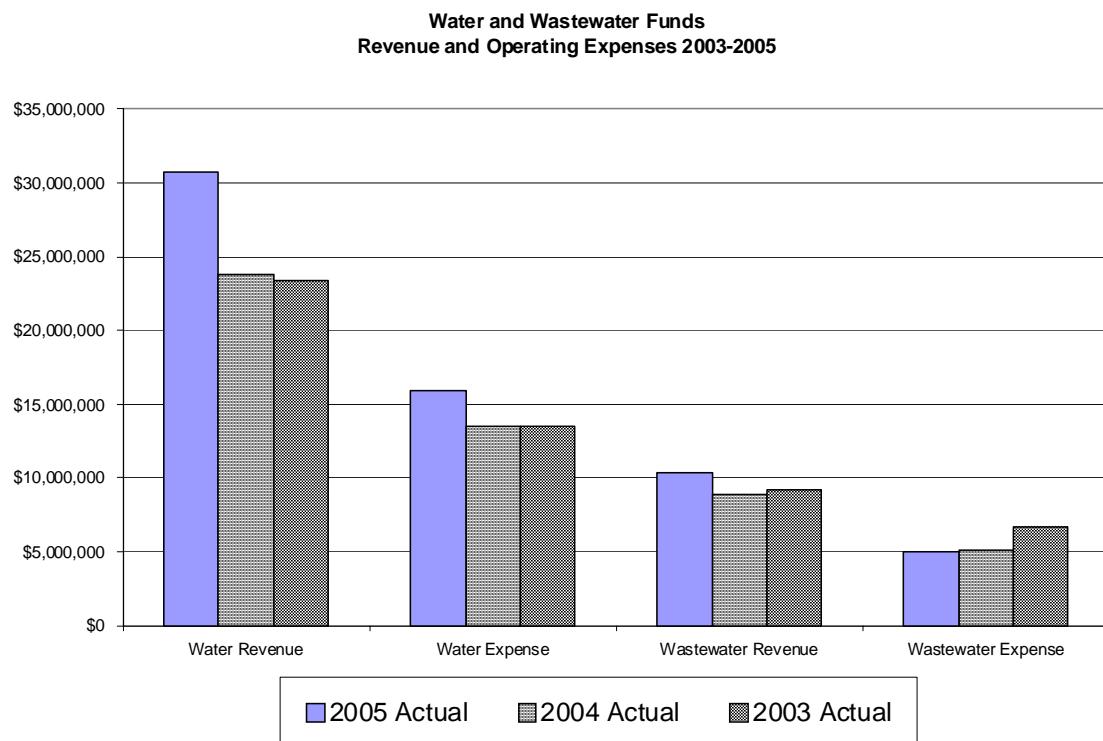
This chart indicates how the City's Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.



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

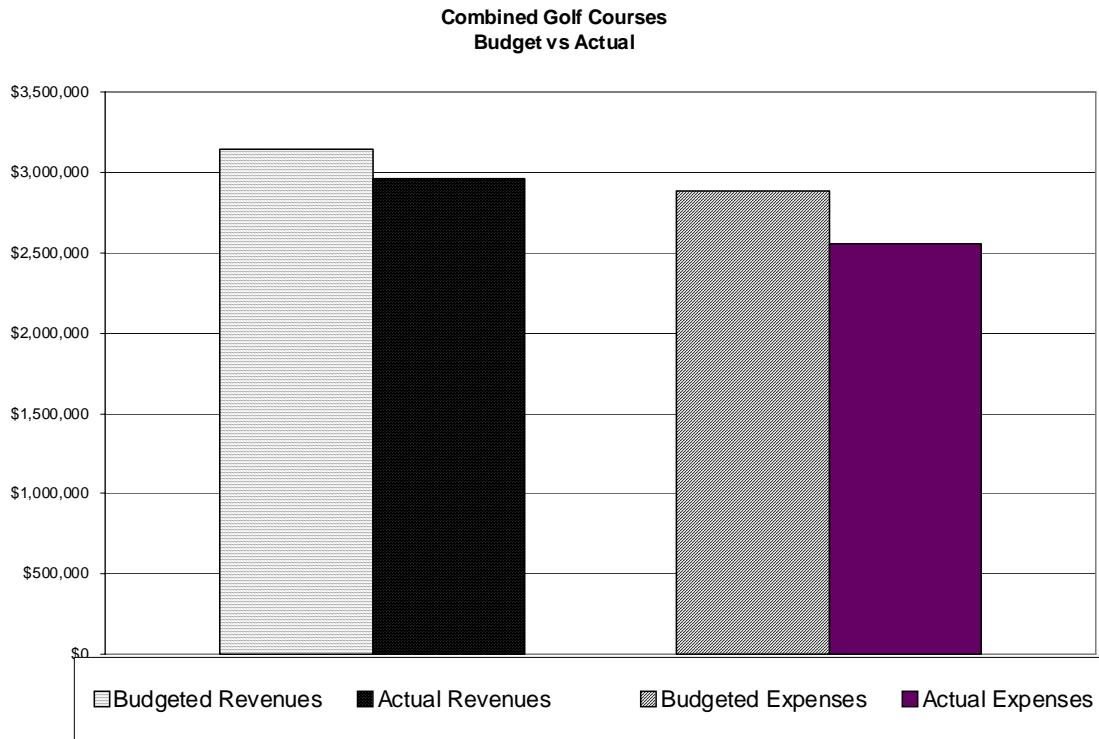
This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

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

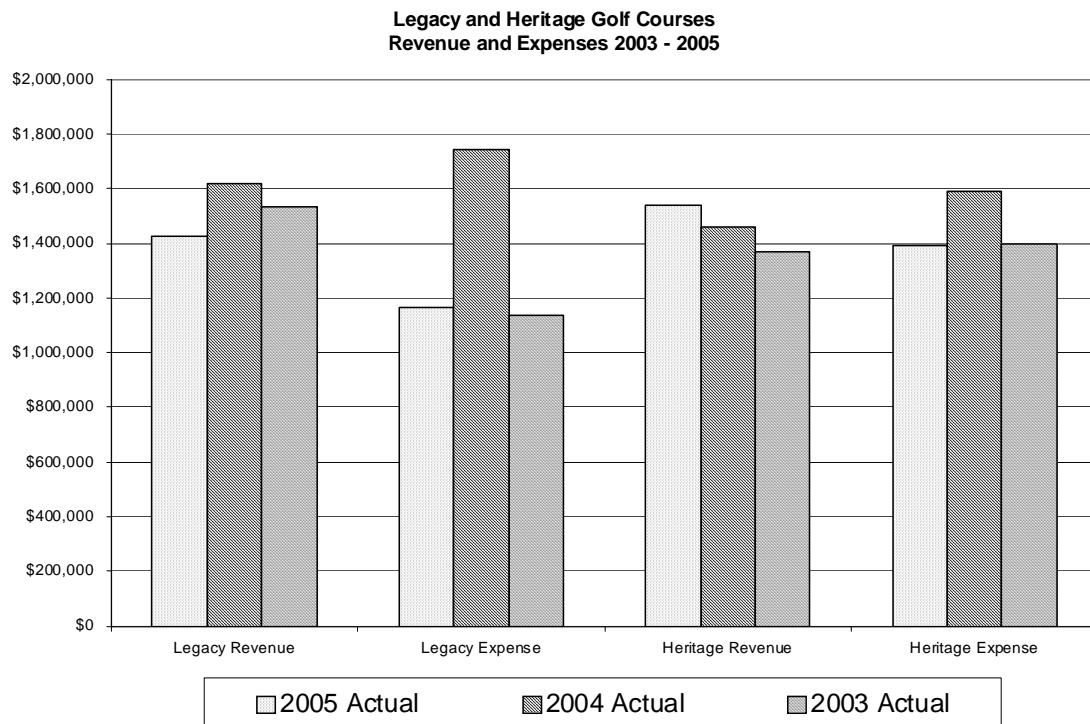


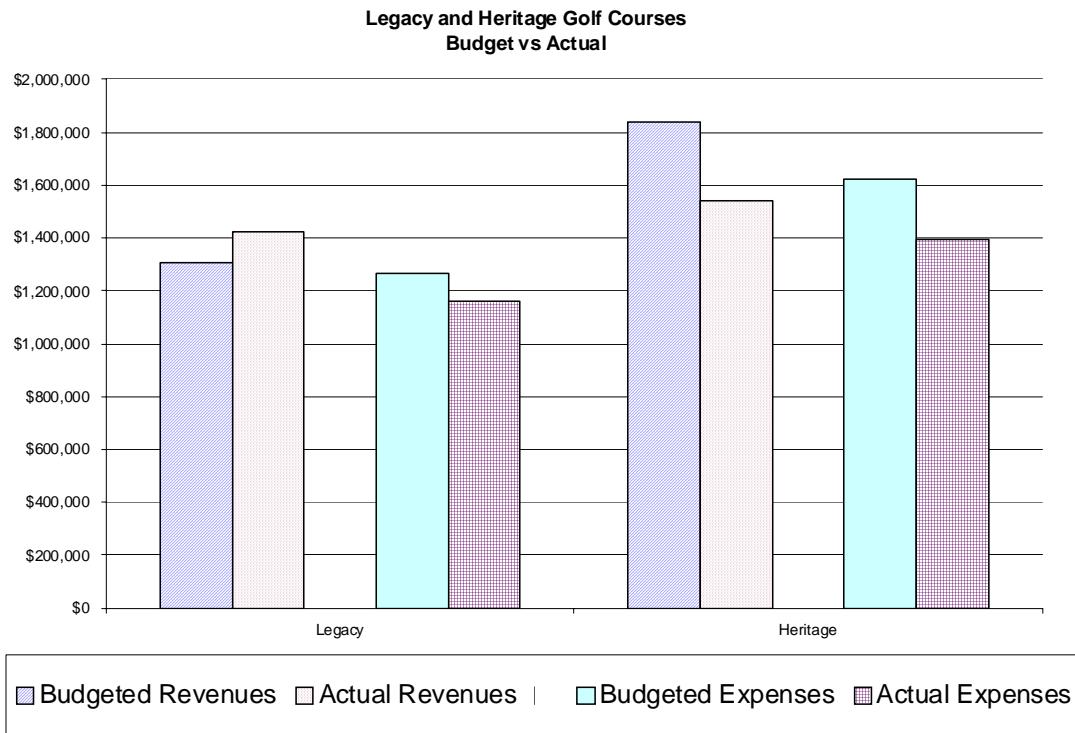
**Golf Course Enterprise (Legacy and Heritage Golf Courses)**

This enterprise reflects the operations of the City's two municipal golf courses. On October 11, 2004, City Council approved a four-point program to provide relief to the golf courses over the coming years.



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





Respectfully submitted,

J. Brent McFall  
City Manager

Attachments  
Statement  
Receipts

**City of Westminster**  
**Financial Report**  
**For the Ten Months Ending October 31, 2005**

| <b>Description</b>            | <b>Budget</b> | <b>Pro-rated<br/>for Seasonal<br/>Flows</b> |  | <b>Notes</b> | <b>Actual</b> | <b>(Under) Over<br/>Budget<br/>Pro-rated</b> | <b>%<br/>Pro-Rated<br/>Budget</b> |
|-------------------------------|---------------|---|--|--------------|---------------|--|-----------------------------------|
|                               |               |   |  |              |               |  |                                   |
| <b>Wastewater Fund</b>        |               |   |  |              |               |  |                                   |
| <b>Revenues</b>               |               |   |  |              |               |  |                                   |
| Charges for Services          |               |   |  |              |               |  |                                   |
| Rates and Charges             | 9,573,750     | 7,933,244                                   |  |              | 7,786,369     | (146,875)                                    | 98%                               |
| Tap Fees                      | 2,000,000     | 1,665,800                                   |  |              | 1,922,612     | 256,812                                      | 115%                              |
| Interest Income               | 600,000       | 468,600                                     |  |              | 623,844       | 155,244                                      | 133%                              |
| Miscellaneous                 | 10,000        | 8,333                                       |  |              | 50            | (8,283)                                      | 1%                                |
| Other Financing Sources       | 16,109,000    | 0   |  |              | 0             | 0  | N/A                               |
| Sub-total Water Revenues      | 28,292,750    | 10,075,977                                  |  |              | 10,332,875    | 256,898                                      | 103%                              |
| Carryover                     | 253,886       | 0   |  |              | 0             | 0  | N/A                               |
| Total Revenues                | 28,546,636    | 10,075,977                                  |  |              | 10,332,875    | 256,898                                      | 103%                              |
| <b>Expenditures</b>           |               |   |  |              |               |  |                                   |
| Central Charges               |               |   |  |              |               |  |                                   |
| Public Works & Utilities      | 2,363,971     | 1,595,564                                   |  |              | 1,444,340     | (151,224)                                    | 91%                               |
| Total Operating Expenses      | 6,100,965     | 4,387,306                                   |  |              | 3,585,402     | (801,904)                                    | 82%                               |
| Total Operating Expenses      | 8,464,936     | 5,982,870                                   |  |              | 5,029,742     | (953,128)                                    | 84%                               |
| Revenues Over(Under) Expenses | 20,081,700    | 4,093,107                                   |  |              | 5,303,133     | 1,210,026                                    |                                   |

## CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)  
MONTH OF OCTOBER 2005

| Center<br>Location<br>Major Tenant  | Current Month    |                |         | Last Year        |                |             | %Change   |     |     |
|---|------------------|----------------|---------|------------------|----------------|-------------|-----------|-----|-----|
|   | General<br>Sales | General<br>Use | Total   | General<br>Sales | General<br>Use | Total Sales | Use Total |     |     |
| WESTMINSTER MALL<br>88TH & SHERIDAN<br>5 DEPARTMENT STORES                    | 396,329          | 11,707         | 408,035 | 433,393          | 2,966          | 436,359     | -9        | 295 | -6  |
| WESTFIELD SHOPPING CENTER<br>NW CORNER 92ND & SHER<br>WALMART                 | 286,057          | 10,969         | 297,025 | 325,157          | 2,346          | 327,503     | -12       | 367 | -9  |
| CITY CENTER MARKETPLACE<br>NE CORNER 92ND & SHERIDAN<br>COMP USA/CIRCUIT CITY | 231,361          | 1,733          | 233,093 | 199,125          | 2,428          | 201,552     | 16        | -29 | 16  |
| BROOKHILL I & II<br>N SIDE 88TH OTIS TO WADS<br>HOME DEPOT                    | 189,883          | 3,054          | 192,937 | 192,701          | 1,192          | 193,894     | -1        | 156 | 0   |
| NORTHWEST PLAZA<br>SW CORNER 92 & HARLAN<br>COSTCO                            | 187,213          | 240            | 187,453 | 177,886          | 254            | 178,140     | 5         | -6  | 5   |
| PROMENADE SOUTH/NORTH<br>S/N SIDES OF CHURCH RANCH BLVD<br>SHANE/AMC          | 117,497          | 15,278         | 132,775 | 90,371           | 22,396         | 112,767     | 30        | -32 | 18  |
| SHERIDAN CROSSING<br>SE CORNER 120TH & SHER<br>ALBERTSONS                     | 128,564          | 1,004          | 129,568 | 156,629          | 2,359          | 158,988     | -18       | -57 | -19 |
| SHOPS AT WALNUT CREEK<br>104TH & REED<br>TARGET                               | 112,356          | 902            | 113,257 | 0                | 10,319         | 10,319      | *****     | -91 | 998 |
| VILLAGE AT THE MALL<br>S SIDE 88TH DEPEW-HARLAN<br>TOYS 'R US                 | 96,761           | 1,581          | 98,341  | 34,346           | 377            | 34,722      | 182       | 320 | 183 |
| WILLOW RUN<br>128TH & ZUNI<br>SAFEWAY   | 95,734           | 721            | 96,456  | 49,890           | 2,953          | 52,842      | 92        | -76 | 83  |
| NORTH PARK PLAZA<br>SW CORNER 104TH & FEDERAL<br>KING SCOOPERS                | 93,820           | 285            | 94,104  | 95,291           | 253            | 95,544      | -2        | 12  | -2  |
| STANLEY LAKE MARKETPLACE<br>NE CORNER 99TH & WADSWORTH<br>SAFEWAY             | 80,114           | 504            | 80,618  | 59,392           | 162            | 59,554      | 35        | 211 | 35  |
| WESTMINSTER PLAZA<br>FEDERAL-IRVING 72ND-74TH<br>SAFEWAY                      | 78,649           | 596            | 79,244  | 53,666           | 300            | 53,966      | 47        | 98  | 47  |
| STANLEY SHORES CENTER<br>SW CORNER 100TH & WADS<br>KING SCOOPERS              | 70,046           | 454            | 70,501  | 75,511           | 349            | 75,859      | -7        | 30  | -7  |
| WESTMOOR<br>NW OF 108TH AND WADSWORTH   | 9,878            | 45,182         | 55,061  | 11,590           | 13,354         | 24,944      | -15       | 238 | 121 |

## CITY OF WESTMINSTER

**GENERAL RECEIPTS BY CENTER - SUMMARY (CC)**  
**MONTH OF OCTOBER 2005**

| Center<br>Location<br>Major Tenant  | Current Month    |                |           | Last Year        |                |             | %Change   |     |     |
|---|------------------|----------------|-----------|------------------|----------------|-------------|-----------|-----|-----|
|   | General<br>Sales | General<br>Use | Total     | General<br>Sales | General<br>Use | Total Sales | Use Total |     |     |
| OFFICE MAX CENTER<br>SW CORNER 88TH & SHER<br>GUITAR STORE                | 50,287           | 438            | 50,724    | 57,400           | 560            | 57,960      | -12       | -22 | -12 |
| LUCENT/KAISER CORRIDOR<br>112-120 HURON - FEDERAL<br>LUCENT TECHNOLOGY    | 11,510           | 38,812         | 50,322    | 12,865           | 15,171         | 28,036      | -11       | 156 | 79  |
| VILLAGE AT PARK CENTRE<br>NW CORNER 120TH & HURON<br>CB & POTTS           | 41,025           | 180            | 41,205    | 40,781           | 417            | 41,198      | 1         | -57 | 0   |
| NORTHVIEW<br>S SIDE 92ND YATES-SHER<br>ALBERTSONS                         | 39,162           | 413            | 39,576    | 42,982           | 581            | 43,564      | -9        | -29 | -9  |
| SUMMIT SQUARE<br>NE CORNER 84TH & FED<br>SAFEWAY                          | 36,941           | 229            | 37,170    | 21,974           | 121            | 22,095      | 68        | 89  | 68  |
| MISSION COMMONS<br>W SIDE WADSWORTH 88-90TH<br>GATEWAY COMPUTERS          | 35,296           | 309            | 35,605    | 42,432           | 106            | 42,538      | -17       | 192 | -16 |
| CHURCH RANCH CORPORATE CENTER<br>CHURCH RANCH BOULEVARD<br>ANDERSON AMOCO | 9,854            | 24,995         | 34,849    | 15,316           | 12,894         | 28,211      | -36       | 94  | 24  |
| HIDDEN LAKE<br>NE CORNER 72 & SHERIDAN<br>ALBERTSONS                      | 29,013           | 27             | 29,040    | 33,408           | 348            | 33,756      | -13       | -92 | -14 |
| ELWAY/DOUGLAS CORRIDOR<br>NE CORNER 104TH & FED<br>ELWAY MOTORS           | 25,729           | 1,029          | 26,758    | 25,624           | 725            | 26,349      | 0         | 42  | 2   |
| STANLEY PLAZA<br>SW CORNER 88TH & WADS<br>WALGREENS                       | 25,146           | 628            | 25,774    | 24,863           | 1,963          | 26,826      | 1         | -68 | -4  |
|   | 2,478,224        | 161,268        | 2,639,492 | 2,272,592        | 94,895         | 2,367,486   | 9         | 70  | 11  |

## CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)  
MONTH OF OCTOBER 2005

| Center<br>Location<br>Major Tenant  | /-----/<br>General<br>Sales | YTD 2005<br>General<br>Use | /-----/<br>Total | /-----/<br>General<br>Sales | YTD 2004<br>General<br>Use | /-----/<br>Total Sales | %Change<br>Use Total |
|---|-----------------------------|----------------------------|------------------|-----------------------------|----------------------------|------------------------|----------------------|
| WESTMINSTER MALL<br>88TH & SHERIDAN<br>5 DEPARTMENT STORES                    | 4,356,374                   | 41,896                     | 4,398,271        | 4,713,760                   | 64,005                     | 4,777,765              | -8 -35 -8            |
| WESTFIELD SHOPPING CENTER<br>NW CORNER 92ND & SHER<br>WALMART                 | 3,140,762                   | 71,541                     | 3,212,303        | 3,745,601                   | 20,738                     | 3,766,338              | -16 245 -15          |
| CITY CENTER MARKETPLACE<br>NE CORNER 92ND & SHERIDAN<br>COMP USA/CIRCUIT CITY | 2,304,367                   | 11,093                     | 2,315,461        | 2,278,025                   | 37,477                     | 2,315,502              | 1 -70 0              |
| NORTHWEST PLAZA<br>SW CORNER 92 & HARLAN<br>COSTCO                            | 2,140,770                   | 3,983                      | 2,144,753        | 2,137,346                   | 5,262                      | 2,142,608              | 0 -24 0              |
| BROOKHILL I & II<br>N SIDE 88TH OTIS TO WADS<br>HOME DEPOT                    | 1,953,725                   | 43,903                     | 1,997,628        | 1,947,570                   | 23,642                     | 1,971,212              | 0 86 1               |
| SHERIDAN CROSSING<br>SE CORNER 120TH & SHER<br>ALBERTSONS                     | 1,619,401                   | 31,001                     | 1,650,402        | 1,485,354                   | 39,139                     | 1,524,493              | 9 -21 8              |
| PROMENADE SOUTH/NORTH<br>S/N SIDES OF CHURCH RANCH BLVD<br>SHANE/AMC          | 1,250,893                   | 263,817                    | 1,514,710        | 1,058,223                   | 211,068                    | 1,269,290              | 18 25 19             |
| SHOPS AT WALNUT CREEK<br>104TH & REED<br>TARGET                               | 1,021,000                   | 21,307                     | 1,042,306        | 0                           | 65,172                     | 65,172 *****           | -67 1499             |
| VILLAGE AT THE MALL<br>S SIDE 88TH DEPEW-HARLAN<br>TOYS 'R US                 | 972,055                     | 45,505                     | 1,017,560        | 459,073                     | 4,117                      | 463,190                | 112 1005 120         |
| NORTH PARK PLAZA<br>SW CORNER 104TH & FEDERAL<br>KING SOOPERS                 | 946,341                     | 6,618                      | 952,960          | 1,044,354                   | 2,841                      | 1,047,195              | -9 133 -9            |
| STANDLEY SHORES CENTER<br>SW CORNER 100TH & WADS<br>KING SOOPERS              | 776,425                     | 5,794                      | 782,219          | 819,021                     | 5,250                      | 824,270                | -5 10 -5             |
| OFFICE MAX CENTER<br>SW CORNER 88TH & SHER<br>GUITAR STORE                    | 620,344                     | 6,205                      | 626,549          | 520,385                     | 4,071                      | 524,456                | 19 52 19             |
| WILLOW RUN<br>128TH & ZUNI<br>SAFEWAY   | 600,835                     | 12,329                     | 613,164          | 524,581                     | 8,073                      | 532,654                | 15 53 15             |
| STANDLEY LAKE MARKETPLACE<br>NE CORNER 99TH & WADSWORTH<br>SAFEWAY            | 598,763                     | 2,405                      | 601,169          | 618,261                     | 2,966                      | 621,226                | -3 -19 -3            |
| WESTMINSTER PLAZA<br>FEDERAL-IRVING 72ND-74TH                                 | 549,706                     | 7,536                      | 557,243          | 558,052                     | 3,291                      | 561,343                | -2 129 -1            |

## CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)  
MONTH OF OCTOBER 2005

| Center<br>Location<br>Major Tenant | /-----/          |                            |            | /-----/          |                            |            | /-----/ |       |       | %Change ---/ |  |  |
|------------------------------------|------------------|----------------------------|------------|------------------|----------------------------|------------|---------|-------|-------|--------------|--|--|
|                                    | General<br>Sales | YTD 2005<br>General<br>Use | Total      | General<br>Sales | YTD 2004<br>General<br>Use | Total      | Sales   | Use   | Total |              |  |  |
| SAFEWAY                            |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| MISSION COMMONS                    | 515,786          | 5,949                      | 521,735    | 300,479          | 408                        | 300,887    | 72      | 1357  | 73    |              |  |  |
| W SIDE WADSWORTH 88-90TH           |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| GATEWAY COMPUTERS                  |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| NORTHVIEW                          | 447,033          | 5,111                      | 452,143    | 498,510          | 3,848                      | 502,359    | -10     | 33    | -10   |              |  |  |
| S SIDE 92ND YATES-SHER             |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| ALBERTSONS                         |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| VILLAGE AT PARK CENTRE             | 421,654          | 3,569                      | 425,224    | 386,229          | 6,457                      | 392,687    | 9       | -45   | 8     |              |  |  |
| NW CORNER 120TH & HURON            |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| CB & POTTS                         |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| HIDDEN LAKE                        | 334,731          | 3,128                      | 337,858    | 375,167          | 3,140                      | 378,307    | -11     | 0     | -11   |              |  |  |
| NE CORNER 72 & SHERIDAN            |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| ALBERTSONS                         |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| BROOKHILL IV                       | 314,861          | 3,109                      | 317,971    | 353,165          | 1,461                      | 354,626    | -11     | 113   | -10   |              |  |  |
| E SIDE WADS 90TH-92ND              |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| MEDIA PLAY                         |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| ELWAY/DOUGLAS CORRIDOR             | 263,606          | 14,671                     | 278,277    | 259,047          | 5,444                      | 264,491    | 2       | 169   | 5     |              |  |  |
| NE CORNER 104TH & FED              |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| ELWAY MOTORS                       |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| STANLEY PLAZA                      | 255,784          | 12,499                     | 268,283    | 253,721          | 24,786                     | 278,507    | 1       | -50   | -4    |              |  |  |
| SW CORNER 88TH & WADS              |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| WALGREENS                          |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| WESTMINSTER SQUARE                 | 248,402          | 7,969                      | 256,371    | 240,431          | 2,927                      | 243,358    | 3       | 172   | 5     |              |  |  |
| NW CORNER 74TH & FED               |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| ARC THRIFT STORE                   |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| SUMMIT SQUARE                      | 233,590          | 1,512                      | 235,102    | 236,292          | 7,532                      | 243,824    | -1      | -80   | -4    |              |  |  |
| NE CORNER 84TH & FED               |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| SAFEWAY                            |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| FEDERAL STRIP                      | 201,843          | 292                        | 202,135    | 211,683          | 223                        | 211,906    | -5      | 31    | -5    |              |  |  |
| W SIDE FEDERAL 68TH-72ND           |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
| BOVAS                              |                  |                            |            |                  |                            |            |         |       |       |              |  |  |
|                                    | 26,089,054       | 632,743                    | 26,721,797 | 25,024,330       | 553,336                    | 25,577,666 | 4       | 14    | 4     |              |  |  |
|                                    | =====            | =====                      | =====      | =====            | =====                      | =====      | =====   | ===== | ===== |              |  |  |

938,927



## Agenda Item 8 B

**W E S T M I N S T E R**  
**C O L O R A D O**

**Agenda Memorandum**

City Council Meeting  
November 28, 2005



**SUBJECT:** Quarterly Insurance Report: July - September 2005

**Prepared By:** Martee Erichson, Risk Management Officer

**Recommended City Council Action**

Accept the 3rd Quarter 2005 Insurance Report.

**Summary Statement**

- The attached report provides detailed information on each claim including the City's claim number, date of loss, claimant's name and address, a summary of the claim, and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. The listing of the claims in this report is provided in accordance with Westminster Municipal Code 1-30-3.
- In accordance with Code provisions, the Risk Management Officer, acting as the City Manager's designee, has the authority to settle claims of less than \$30,000. However, under our contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjustor and settlement of claims proceed with the concurrence of both CIRSA and the Risk Management Officer. The City retains the authority to reject any settlement recommended by CIRSA, but does so at the risk of waiving its insurance coverage for such claims.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

Information on the status of each claim received during the 3rd quarter of 2005 is provided on the attached spreadsheet. All Incident Report forms are signed and reviewed by appropriate supervisors, Safety Committee Representatives and Department Heads. Follow up action, including discipline if necessary, is taken on incidents where City employees are at fault.

For the 3rd quarter of 2005, Staff has noted the following summary information:

- Four of the nineteen claims reported in the 3rd quarter of 2005 remain open at this time.
- Total claims for the quarter and year-to-date breakdown by department as follows:

| <b>Department</b> | <b>3rd Qtr 2005</b> |             |               | <b>YTD</b>   |
|-------------------|---------------------|-------------|---------------|--------------|
|                   | <b>Total Claims</b> | <b>Open</b> | <b>Closed</b> | <b>Total</b> |
| CD                | 0                   | 0           | 0             | 1            |
| Fire              | 1                   | 0           | 1             | 2            |
| Police            | 6                   | 1           | 5             | 12           |
| PR&L              | 3                   | 2           | 1             | 5            |
| PWU - Streets     | 2                   | 0           | 2             | 3            |
| PWU - Utilities   | 7                   | 1           | 6             | 12           |
| <b>TOTAL</b>      | <b>19</b>           | <b>4</b>    | <b>15</b>     | <b>35</b>    |

The attached report provides detailed information on each claim made during the third quarter of 2005.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

## **Quarterly Insurance Report**

| Claim   | Date      | Dept     | Claimant                | Address   | Description   | Reserves           | Paid               | Status | Notes  |
|---|-----------|----------|-------------------------|---|---|--------------------|--------------------|--------|--|
| 2005-399  | 29-Sep-05 | PWU-Util | Jay Sampson             | 8357 Benton Way, Arvada CO 80003                                      | The claimant was driving his vehicle behind a City vehicle when a block of wood fell off the City trailer and cracked the claimant's car windshield.  | \$662.53           | \$662.53           | Closed |  |
|   |           |          |                         |   | <b>SUB TOTAL</b>  | <b>\$12,315.47</b> | <b>\$12,315.47</b> |        |  |
|   |           |          |                         |   |   |                    |                    |        |  |
| <b>CLAIMS SUBMITTED IN 3RD QUARTER WITH OCCURRENCE DATES PRIOR TO 3RD QUARTER 2005:</b> |           |          |                         |   |   |                    |                    |        |  |
| 2005-431  | 29-Jul-04 | PR&L     | Florida Bernal          | Claim submitted by insurance carrier for AMC Westminster Promenade 24 | Claimant allegedly fell outside the AMC theater. The claim was originally submitted to the insurance carrier for AMC, who then submitted Notice to the City alleging that the City is responsible for all walkways and sidewalks around the theatre | \$0.00             | \$0.00             | O      | CIRSA Investigating  |
| 2004-625  | 05-Dec-04 | PR&L     | Ruby Holman             | 2885 W. 128th Ave. #502, Denver CO 80234                              | Citizen allegedly slipped and fell on ice in the parking lot of the Westminster Promenade.  | \$100.00           | \$0.00             | Open   | CIRSA Investigating  |
| 2005-309  | 08-Jan-05 | PD       | Samuel Eubanks          | 10018 Carson Way, Commerce City 80022                                 | Claimant alleges that he suffered a serious injury and emotional distress while being arrested.   | \$0.00             | \$0.00             | Closed | Claim denied based on Colorado Governmental Immunity Act and that the investigation determined the actions of the officers were lawful and followed the City's current polices and procedures. |
| 2005-398  | 06-Apr-05 | PD       | Charles Wilmsen         | 4680 W 100th Ave., Westminster CO                                     | A citizen claims that he was threatened and traumatized during an encounter with a police officer while on Westminster Open Space with his wife and dogs.   | \$0.00             | \$0.00             | Closed | Claim denied based on Colorado Governmental Immunity Act and that the investigation determined the actions of the officers were lawful and followed the City's current polices and procedures. |
| 2005-353  | 23-May-05 | PD       | La Quinta Inns          | 8701 Turnpike Dr., Westminster CO 80030                               | Damage to hotel property during a stand-off situation.  | \$0.00             | \$0.00             | Closed | Claim denied based on Colorado Governmental Immunity Act and that the investigation determined the actions of the officers were lawful and followed the City's current polices and procedures. |
| 2005-385  | 27-May-05 | PD       | William C. Davidson     | 6650 W. 74th Place, Arvada CO 80003                                   | Claimant alleges that he suffered injury while being arrested.  | \$0.00             | \$0.00             | Closed | Claim denied based on Colorado Governmental Immunity Act and that the investigation determined the actions of the officers were lawful and followed the City's current polices and procedures. |
| 2005-137  | 02-Jun-05 | PWU-Util | Rafael Jurado Rodriguez | 1962 W. 54th Ave., Denver CO 80221                                    | Claimant's vehicle was rear-ended by City vehicle driven by an employee   | \$1,765.35         | \$1,765.35         | Closed |  |
| 2005-277  | 11-Jun-05 | PD       | RTS, Inc.               | 7961 S Federal Blvd, Westminster CO 80030                             | A Police Officer driving a police unit after a fleeing felon ran over a cement parking block crushing the block.  | \$100.00           | \$0.00             | Open   | CIRSA Investigating  |
|   |           |          |                         |   | <b>SUB TOTAL</b>  | <b>\$1,965.35</b>  | <b>\$1,765.35</b>  |        |  |
|   |           |          |                         |   | <b>GRAND TOTAL</b>  | <b>\$14,280.82</b> | <b>\$14,080.82</b> |        |  |



**W E S T M I N S T E R**  
**C O L O R A D O**

**Agenda Item 8 C**

**Agenda Memorandum**

City Council Meeting  
November 28, 2005



**SUBJECT:** Revised City Council Assignments

**Prepared By:** Mary Joy Barajas, Executive Secretary

**Recommended City Council Action**

Approve the attached Revised Council Assignments list as discussed at the November 14th Post City Council briefing.

**Summary Statement**

- Council approval is requested pertaining to Council assignments for the remainder of 2005 and 2006 to fill vacancies left by Councillor's Dave Davia, Sam Dixon, and Butch Hicks and the related changes that have occurred with various organizations.
- These assignments pertain to internal committees of the City organization as well as numerous external organizations in which the City has an involvement.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

No policy issue was identified.

**Alternative**

Council could choose not to make assignments at this time to committees that Councillor's Dave Davia, Sam Dixon and Butch Hicks previously served on. This alternative is not recommended, as the City should have representation for organizations such as Adams County Economic Development and various City boards and commissions.

**Background Information**

The City of Westminster is involved in a number of organizations that are external to the city government. These include a wide range of both standing committees as well as groups that are formed to address current issues. They range from regional air quality and transportation issues to representation on the Denver Regional Council of Governments (DRCOG) and the Urban Drainage and Flood Control District (UDFCD). City Council and Staff are active participants on a number of committees related to regional issues such as the U.S. 36 Environmental Impact Study (EIS).

Also, there are 14 City Boards and Commissions to which a City Council liaison is assigned. The purpose of such Council assignments is to assure open and timely sensitive communications between City Council and the respective Board or Commission. These particular assignments are to be handled on an "on-call" basis. The Chairperson of each respective Board or Commission shall be responsible to contact the Council representative when he or she is needed to be at the respective meeting. Otherwise, the Council representative is not required to be in attendance at the Board/Commission meeting.

City Council reviewed the City Council assignments at their November 14 Post City Council briefing and provided Staff with direction on changes to the Council assignments. These changes are reflected on the attached City Council Assignment list for Council's official action.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**CITY COUNCIL ASSIGNMENTS**  
**November 2005**

| <u>Organization</u>  | <u>Meeting Time/Date/Place</u>  | <u>Council/Staff Representatives</u>            |
|--|---|---|
| ADCOG Dinner   | 4 <sup>th</sup> Wednesday, quarterly (except Dec which varies due to holidays).   | All   |
| Adams County Economic Development                                    | 4th Thursday, 11:30 a.m.-1:30 p.m. 12050 Pecos St, Suite 200.   | Tim Kauffman/Nancy McNally/Susan Grafton        |
| ADCO Mayors Executive Committee                                      | 2 <sup>ND</sup> Friday, 7:30 a.m., location varies per municipality.  | Nancy McNally/Brent McFall                      |
| Broomfield-Westminster Open Space Foundation                         | To be announced.  | Mary Lindsey/Scott Major                        |
| CML Policy Committee   | Three times a year at CML offices (2/6 9:30am–3pm – final meeting in May)   | Chris Dittman/Jo Ann Price /Brent McFall        |
| CML Tax Policy Committee   | Varies  | Steve Smithers                                  |
| DRCOG Board  | 3 <sup>rd</sup> Wednesday, 7:00-9:00 p.m. 4500 S. Cherry Dr. S, Den   | Nancy McNally/Tim Kauffman/Barbara Opie         |
| Jefferson County Transportation Advisory & Advocacy Group (JEFFTAAG) | 2nd Wednesday, 7-8:30am at Jeffco Admin Courts Bldg – Lookout Mountain Room, 100 Jefferson Cty Pkwy, Golden   | Tim Kauffman/Dave Downing                       |
| Jeffco Economic Council  | 3 <sup>rd</sup> Friday, 7:30 – 9:30 a.m., Jeffco Admin. Building  | Tim Kauffman/Susan Grafton                      |
| JEFFCO Mayor/Commissioner/Manager Breakfast                          | 7:15 a.m.-8:45 a.m. @ Jeffco Admin Bldg. – Lookout Mtn Rm. on specific Weds in Feb, May, Aug, & Nov. Specific dates to be announced.  | Tim Kauffman/other Council invited/Brent McFall |
| Jeffco Youth Alcohol Intervention Program Board                      | 1/13, 4/14, 7/14, 10/13. 11:30am-1:30pm, Jeffco Admin Bldg., Buffalo Bill Room.   | Jo Ann Price                                    |
| Metro Mayors Caucus  | 1/14, 2/8, 4/12, 6/14, 8/9, 10/11 at Denver Metro Chamber from 8:30 – noon.<br>Except 1/14 meeting runs from 8:00 am to 4:00 pm and will take place at the Denver Museum of Nature & Science. | Nancy McNally                                   |

| <b><u>Organization</u></b>                         | <b><u>Meeting Time/Date/Place</u></b>   | <b><u>Council/Staff Representatives</u></b>             |
|--|---|---|
| Metro North Arts Alliance                          | Tentatively every 4 <sup>th</sup> Thursday, 4:30 p.m. depending on Conference Rm. availability      | Scott Major/ Jo Ann Price                               |
| Rocky Flats Coalition of Local Governments         | 1 <sup>st</sup> Monday, 8:30 – 11:30 a.m., Jeffco Airport. No meeting March 1- meet Feb 23 instead. | Jo Ann Price/Ron Hellbusch                              |
| Volunteer Firefighter Pension Board                | As needed, will send notices.   | Nancy McNally/Gary Doane & Gary Buschy                  |
| US 36 Transportation Management Organization (TMO) | 2 <sup>nd</sup> Tuesday, 7:30-9:00 a.m. at the TMO offices, 4 Garden Center.                        | Nancy McNally/Dave Downing/Steve Smithers               |
| U.S. 36 Mayors/Commissioners Coalition             | As needed, will send notices.   | Nancy McNally/Tim Kauffman/Steve Smithers /Dave Downing |
| Westminster Historical Society                     | 3 <sup>rd</sup> Saturday, 10:00 – 11:30 am at the Bowles House.                                     | Jo Ann Price/Mary Lindsey                               |

| <b>City Boards/Commission/Panel</b>                                      | <b>Meeting Time/Date/Place</b>   | <b>Council Representative</b> |
|--|--|-------------------------------|
| Board of Adjustment<br>Staff Liaison – Dave Falconieri/Terrilyn Willette | 3 <sup>rd</sup> Tuesday of the month @ 7:00 p.m. in Council Chambers   | Scott Major/Mark Kaiser       |
| Board of Building Code Appeals<br>Staff Liaison – Dave Horras            | Meets on an as needed basis, typically Wednesday evening.  | Mark Kaiser                   |
| Election Commission – Staff Liaison – Linda Yeager                       | As needed basis in the GS Conf Rm.   | Chris Dittman                 |
| Environmental Advisory Board<br>Staff Liaison - Rachel Harlow-Schalk     | Last Thursday of every month @ 6:30 p.m.<br>Council Board Room   | Mary Lindsey                  |
| Historic Landmark Board<br>Staff Liaison – Vicky Bunsen                  | 2 <sup>nd</sup> Wednesday of every month @ 7pm<br>Council Board Room   | Mary Lindsey                  |
| Human Services Board<br>Staff Liaison – James Mabry                      | Two to seven times a year. (Location: TBD)   | Jo Ann Price                  |
| Library Board<br>Staff Liaison – Mary Grace Barrick                      | Meets every other month on the 2 <sup>nd</sup> Wednesday @ 6:00 p.m. at College Hill Library or Irving Street Community Room | Jo Ann Price                  |
| Open Space Advisory Board<br>Staff Liaison – Ruth Becker                 | 4 <sup>th</sup> Wednesday of every month @ 5:00 p.m. in the Main Level Conference Room                                       | Nancy McNally                 |
| Planning Commission<br>Staff Liaison – Betty Losasso                     | 2 <sup>nd</sup> & 4 <sup>th</sup> Tuesday of each month @ 7:00 p.m. in Council Chambers                                      | Chris Dittman/Mark Kaiser     |
| Parks & Recreation Advisory Board<br>Staff Liaison – Brad Chronowski     | 3rd Thursday of each month (except December) @ 5:30 p.m. in the PRL Conf Rm.   | Mary Lindsey                  |
| Personnel Board<br>Staff Liaison – Debbie Mitchell                       | Meets 2 times per year for legal updates and training of Board's choice and as needed for personnel hearings.                | Jo Ann Price                  |
| Special Permit & License Board<br>Staff Liaison – Linda Yeager           | 1 <sup>st</sup> and 3 <sup>rd</sup> Wednesdays of each month (dependent upon applications) 7:00 p.m., Council Chambers       | Chris Dittman                 |

| <b>Board/Commission/Panel</b>   | <b>Meeting Time/Date/Place</b>   | <b>Council Representative</b> |
|---|--|-------------------------------|
| Transportation Commission<br>Staff Liaison – Dave Downing/Frances Velasquez | 2 <sup>nd</sup> Wednesday of every odd month @ 7:00 p.m. in CD Conf Rm. C        | Scott Major                   |
| Youth Advisory Panel<br>Staff Liaison – Cindy McDonald                      | 1 <sup>st</sup> Monday of each month @ 5:30 p.m. in the Main Lev Conference Room | Jo Ann Price/Chris Dittman    |



## **Agenda Item 8 D**

**W E S T M I N S T E R**  
**C O L O R A D O**

### **Agenda Memorandum**

City Council Meeting  
November 28, 2005

**SUBJECT:** Change Date for Last December City Council Meeting

**Prepared By** Linda Yeager, City Clerk

#### **Recommended City Council Action**

Change the date of the last regularly scheduled City Council meeting in December from December 26 to December 19.

#### **Summary Statement**

- Because the fourth Monday of December is the day after Christmas and a legal holiday, it is suggested that Council reschedule the December 26 meeting to December 19.
- If approved, City Council will meet in study session on December 5 and in regular session on December 12 and 19.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

Council could decide to conduct its last meeting in December on a different date.

**Background Information**

Historically, City Council has changed the date of the last meeting in December due to the fourth Monday's proximity to Christmas Day. Since study sessions and regular meetings normally are conducted on different Mondays of the month, changing the date of the last meeting in December to December 19 will eliminate the second study session of that month.

The public is aware that regular Council meetings and study sessions are held on Mondays, and it is logical, therefore, to reschedule meetings to a different Monday of the month when conflicts arise.

Respectfully submitted,

J. Brent McFall  
City Manager



**W E S T M I N S T E R**  
**C O L O R A D O**

**Agenda Item 8 E**

**Agenda Memorandum**

City Council Meeting  
November 28, 2005



**SUBJECT:** 2006 Proposed Community Development Block Grant (CDBG) and HOME Projects

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

**Recommended City Council Action**

Approve the allocation of 2006 Community Development Block Grant (CDBG) and HOME funds to the projects and programs as proposed.

**Summary Statement**

- The City of Westminster receives an annual allocation of Community Development Block Grant funds (CDBG) from the United States Department of Housing and Urban Development (HUD);
- The 2006 CDBG allocation is anticipated to be approximately \$560,000.
- The funds must be used towards programs and projects meeting eligibility requirements established by HUD that primarily benefit low to moderate income populations and areas. The City may use up to 20% of the allocation towards CDBG-related administration.
- The City's Human Service Advisory Board recommended \$84,000 in CDBG funding to the following agencies: Adams County School District No. 50, Adams County Housing Authority, Alternatives to Family Violence, Colorado Homeless Families, Family Tree, Inc., Senior Hub, and Clinica Campesina Family Health Services, Inc. Funding of human services organizations is limited to no more than 15% of the City's annual CDBG allocation.
- The balance of 2006 CDBG funds in the amount of \$364,000 is proposed to design Lowell Boulevard improvements from 75<sup>th</sup> to 78<sup>th</sup> Avenues, provide enhancements to the 7200 block of Lowell Boulevard, and to accumulate funds for future construction of improvements north of 75<sup>th</sup> Avenue.
- As a member of the Adams County HOME consortium, a HUD-approved funding entity the City receives an annual allocation of about \$220,000 through the County to be used on affordable housing projects and programs. These proceeds have previously been used to provide down payment assistance to low- and moderate-income households looking to purchase a home and the county housing rehabilitation program providing low interest loans to income eligible households.
- Staff is recommending that the HOME funds be allocated as follows:

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

**Expenditure Required:** \$560,000  
\$220,000

**Source of Funds:** HUD CDBG Program  
HUD HOME Program

### **Policy Issue**

Should the City accept the CDBG and HOME funds knowing that expenditure of funds must adhere to federal requirements and conditions?

### **Alternative**

The Council may choose to not accept the funds. Staff recommends that such an alternative not be considered as the CDBG and HOME funds have provided significant benefit to Westminster residents and have provided needed funds for capital projects in south Westminster and non-profit human services organizations.

### **Background Information**

The City of Westminster receives an annual allocation of Community Development Block Grant funds (CDBG) from the United States Department of Housing and Urban Development (HUD). The 2006 CDBG allocation is anticipated to be about \$560,000, which is 13% less than the 2005 allocation of \$641,000. This estimate is based on the reductions that have occurred for the past two years and verbal warnings from HUD staff that reductions may be in the range of 10-15%.

The CDBG funds are to be used for projects and programs that primarily benefit the City's low to moderate-income populations and address blight conditions. Eligible project activities may include economic development/redevelopment, public facility and infrastructure improvements, and affordable housing activities. Based upon eligibility criteria and the limited level of funding, Staff is recommending that the following projects be funded in 2006:

|   |                  |
|---|------------------|
| 2006 CDBG Program Administration (20% of total grant) | \$112,000        |
| Lowell Boulevard Enhancements                         | \$364,000        |
| Human Service Advisory Board Recommendations          | <u>\$ 84,000</u> |
| <b>TOTAL:</b>   | <b>\$560,000</b> |

The proposed 2006 CDBG budget and projects were developed from input provided by Westminster residents, City Staff, and non-profit human services organizations that provide services to City residents. Public notices and two administrative public hearings were used to solicit community input on the development of the 2006 CDBG Action Plan. The following is a summary of each proposed project.

#### *2006 CDBG Program Administration*

The program administration funds would cover the salaries of the Community Development Programs Coordinator and one full-time Secretary. HUD allows grantees to utilize up to 20% of the CDBG funding for administration and planning expenses.

In the past, there has been sufficient funding to cover a number of costs associated with the administration of the CDBG program in addition to salaries. Based on projected funding, it is anticipated that only office supplies and website maintenance will be covered.

#### *Lowell Boulevard Enhancements*

- The balance of 2006 CDBG funds in the amount of \$364,000 is proposed to design Lowell Boulevard improvements from 75<sup>th</sup> to 78<sup>th</sup> Avenues, provide enhancements to the 7200 block of Lowell Boulevard, and to accumulate funds for future construction of improvements north of 75<sup>th</sup> Avenue.

Human Service Advisory Board Recommendation

The City's Human Services Board Members recommended that the following seven human services organizations be provided CDBG funds totaling \$84,000, and these recommendations were previously approved by City Council during the adoption of the 2006 City budget process.

Adams County School District 50. \$13,000

The School District applied for funding to provide affordable high-quality primary and preventive health care, including well-child visits, treatment of minor illnesses, management of chronic illnesses and mental health services for uninsured and underserved children, age birth to 21 years.

Adams County Housing Authority. \$12,000

The housing authority uses the funding to pay for costs associated with the delivery of services under the Housing Counseling Program, including homelessness prevention, utility assistance, home ownership programs, foreclosure and eviction prevention, money management, and post-counseling to ensure continued housing retention.

Alternatives to Family Violence. \$13,000

This organization provides 24-hour crisis line services, emergency safe shelter, counseling and referrals to victims of domestic violence and support service counseling. Services are available in English and Spanish.

Colorado Homeless Families. \$11,000

CHF provides transitional housing for homeless persons, a food, furniture and clothing bank, case management, support services, counseling, educational seminars, and support group meetings.

Family Tree, Inc \$13,000

Family Tree uses the funding to provide a family and housing services hotline, which assists homeless or at-risk families and individuals to find housing, food and other resources.

The Senior Hub \$12,000

The Senior Hub uses the grant funding to pay for costs associated with the provision of respite care to caregivers of seniors, adult day-care services, and the Meals on Wheels program that delivers hot meals to homebound Westminster residents.

Clinica Campesina Family Health Services, Inc. \$10,000

To provide direct health care to Westminster patients including prenatal, well child care, immunizations, chronic disease treatment, minor procedures, mental health care, and dental care.

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

Pursuant to an existing agreement with Adams County, the proceeds have been appropriated to administration, housing rehabilitation and homeowner down-payment assistance. While funds have been allocated to support these endeavors, the agreement permits the City to redirect funds as necessary to support other HOME eligible programs and projects, such as affordable housing projects. Given past assignments and having the flexibility to redirect funds as necessary, Staff is recommending the 2005 HOME funds be appropriated as follows:

Housing Rehabilitation Program \$70,000

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

Homebuyer Down-Payment Assistance Programs \$130,000

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

HOME Program Administration \$20,000

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

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 F

### W E S T M I N S T E R C O L O R A D O

#### Agenda Memorandum

City Council Meeting  
November 28, 2005



**SUBJECT:** Alternate Surety for Public and Private Improvement Agreements at The Orchard

**Prepared By:** Aaron B. Gagné, Senior Projects Coordinator

#### Recommended City Council Action

Authorize the City Manager, pending approval of a final draft by the City Attorney, to accept a Completion Guarantee backed by Forest City Enterprises, the parent company developing The Orchard at 144<sup>th</sup> Avenue and I-25, as an alternate form of surety for the required Public and Private Improvement Agreements. Such a Guarantee shall only apply to the commercial portions of the project.

#### Summary Statement

- Official Development Plans are progressing for the construction of the commercial portions of The Orchard project, including submittals for both the Target and JC Penny stores. Construction documents are underway for the installation of private and portions of the associated public utility systems.
- City of Westminster code requires financial guarantees, or surety, for the completion of certain private and public improvements associated with the subject development, including landscaping, sidewalks and utility systems. These improvements are specified in the contractual Public Improvement Agreement and Private Improvement Agreement offered by the Developer, Forest City, to the City of Westminster.
- Specific forms of surety are defined in the Westminster City Code. Other forms of surety not specifically referenced therein are required to be approved by City Council.
- The “Completion Guarantee” proposed by Forest City has been reviewed by staff, and is recommended for acceptance by City Council.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

### **Policy Issue**

Should Council authorize the acceptance of a “Completion Guarantee” backed by Forest City Enterprises in lieu of a form of surety specifically referenced in the Westminster City Code?

### **Alternative**

Council could decide to not accept the alternate form of surety and instead require a performance bond or cash bond to guarantee the improvements. Staff does not recommend this option, as it adds unnecessary costs to the overall project, because many of the improvements being guaranteed are actually being reimbursed by WEDA under the Final Development Agreement between WEDA, the City and Forest City.

### **Background Information**

Westminster City Code requires that the completion and first year of maintenance of certain improvements associated with a development project be guaranteed by the developer. This guarantee is intended to commit the project developer to timely and quality performance, in both public (dedicated to and owned by the City) and private (continue to be privately held) improvements. Public improvements typically include, but are not limited to, public road improvements, sidewalks and utilities. Private improvements typically include, but are not limited to, landscaping and significant site improvements or features.

In most projects, the City is not a financially involved party. In the case of the Forest City/The Orchard project, the City is actively participating with extensive infrastructure investments as well as investments in certain on-site private improvements. These investments are being made to facilitate a higher quality, better functioning project than might otherwise have been proposed. In several areas, the improvements for which guarantees are being sought are actually being reimbursed by WEDA from proceeds of previously issued tax-increment financing bonds and Certificates of Participation (“COP’s”).

Given the fact that many of the improvements are subject to reimbursement by WEDA and that a more traditional performance bond would cause the developer to incur additional project costs, the alternate “Completion Guarantee” was proposed. This type of a guarantee is fairly typical in the development industry, is backed by the asset-holding corporate parent of the developer-of-record for The Orchard, with over \$7 billion in assets, and neither releases Forest City from any obligations nor waives any rights on the part of the City.

Under the terms of the proposed Guarantee, in the event of default on either the Public or Private Improvement Agreements, the City is empowered to first demand their completion, and subsequently to “pursue any action” to bring about the completion of the defined improvements. Per the proposal, “the obligations of the Guarantor [Forest City Enterprises] shall be absolute, independent and unconditional under any and all circumstances....”

A draft of the proposed “Completion Guarantee” as reviewed and recommended by staff is attached.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**COMPLETION GUARANTEE**

THIS COMPLETION GUARANTEE (this "Guarantee") is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by FOREST CITY ENTERPRISES, INC., an Ohio corporation, having an address of Terminal Tower, Suite 1100, 50 Public Square, Cleveland, Ohio 44113 ("Guarantor"), to and in favor of the CITY OF WESTMINSTER, COLORADO, a Colorado home rule city, having an address of 4800 West 92<sup>nd</sup> Avenue, Westminster, Colorado 80031 ("City"). Capitalized terms not otherwise defined herein shall have the meanings set forth in the Development Agreement (as defined in Paragraph A below).

**PRELIMINARY STATEMENTS**

A. Forest City Commercial Group, Inc., an Ohio corporation ("FCCG"), the City and the Westminster Economic Development Authority, a Colorado urban renewal authority (the "Authority"), entered into that certain Final Development Agreement, dated as of December 3, 2004, as amended by a First Amendment to the Final Development Agreement dated as of May 9, 2005 (as such Final Development Agreement may be further amended from time-to-time, the "Development Agreement"), which provides, among other things, for the right and obligation of FCCG to construct and/or install certain On-Site Improvements.

B. FC Orchard Town Center, Inc., a Colorado corporation ("FCTC"), succeeded to certain interests of FCCG in and to the Development Agreement when it acquired certain parcels of land comprising the commercial portion of the Project (the "Commercial Site").

C. FCTC and the City entered into that certain (i) Landscaping and Private Improvements Agreement for Orchard Town Center, dated \_\_\_\_\_, 2005 ("Private Agreement"), providing for the installation and/or construction of certain private improvements on the Commercial Site as described therein ("Private Improvements"), and (ii) Public Improvements Agreement (Orchard Town Center), dated \_\_\_\_\_, 2005 ("Public Agreement"), providing for the installation and/or construction of certain public improvements on the Commercial Site as described therein ("Public Improvements," and together with the Private Improvements, the "Guaranteed Improvements") and the conveyance of the Public Improvements to the City.

D. FCCG and FCTC are wholly-owned subsidiaries of Guarantor, and Guarantor will derive substantial benefit from the aforesigned transactions.

**AGREEMENT**

In consideration of the foregoing Preliminary Statements, which are incorporated herein and made a part hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Guarantor enters into the following agreement.

1. Subject to Section 6 hereof, Guarantor hereby absolutely, unconditionally and irrevocably guarantees and promises to the City that the Guaranteed Improvements will be constructed, completed and paid for, as applicable, as described in and in accordance with the Development Agreement, the Private Agreement and the Public Agreement (collectively, the "Agreements"), free and clear from all defects and liens, and in compliance with all applicable laws (collectively, the "Construction Requirements").

2. If, following a failure by FCTC to (a) construct and/or complete the Guaranteed Improvements in accordance with the Construction Requirements, or (b) pay all costs of construction relating to the Guaranteed Improvements in excess of the City Share (as defined in Section 6 below), then, upon the written demand of the City to Guarantor, Guarantor shall, subject to Section 6 hereof, promptly commence and diligently pursue completion of the Guaranteed Improvements in accordance with the Construction Requirements and Section 1 hereof, other than the performance or cure of those conditions or defaults of FCTC that are purely personal to FCTC and not capable of being performed or cured by Guarantor.

The obligations referred to in this Section 2 are hereinafter referred to collectively as the “Guaranteed Obligations” and individually as a “Guaranteed Obligation”. Except as otherwise expressly set forth in this Guarantee with respect to payments to third parties in connection with the construction and completion of the Guaranteed Improvements, this Guarantee is a guaranty of performance only and not a guaranty of payment or indebtedness.

3. Guarantor agrees that the City may exercise or not exercise any remedy or waiver of any right under the Agreements without notice to, without consent of, and without affecting the liability of Guarantor hereunder.

4. Before calling upon Guarantor for payment or performance of any Guaranteed Obligations, the City need not resort to, or exhaust its remedies, if any, against, FCTC or against any other party or parties liable thereon. If Guarantor fails to promptly perform the Guaranteed Obligations as required hereunder, the City may pursue any action at law or in equity against Guarantor. Guarantor further waives any right to require City to join FCTC in any action brought hereunder or to commence any action against or obtain any judgment against FCTC or to pursue any other remedy or enforce any other right. Guarantor further agrees that nothing contained herein or otherwise shall prevent City from pursuing concurrently or successively all rights and remedies available to it at law and/or in equity or under the Guaranteed Obligations and the exercise of any of its rights or the completion of any of its remedies shall not constitute a discharge of Guarantor’s obligations hereunder, it being the purpose and intent of Guarantor that the obligations of Guarantor hereunder shall be absolute, independent and unconditional under any and all circumstances whatsoever, except as set forth in Section 6 hereof.

5. None of the Guarantor’s obligations under this Guarantee or any remedy for the enforcement thereof shall be impaired, modified, changed or released in any manner whatsoever by any impairment, modification, change, release or limitation of the liability of FCTC under the Guaranteed Obligations or by reason of the bankruptcy of FCTC or by reason of any creditor or bankruptcy proceeding instituted by or against FCTC. In addition, the liability of Guarantor shall in no way be released, mitigated or otherwise affected by (a) the release or discharge of FCTC in any creditors’ proceeding, receivership, bankruptcy or other proceedings, or the commencement or pendency of any such proceedings; (b) the impairment, limitation or modification of the liability of FCTC or the estate of FCTC in bankruptcy or of any remedy for the enforcement of FCTC’s liability under any instrument, evidencing any Guaranteed Obligation, or under any other instrument executed and delivered in connection therewith, resulting from the operation of any present or future provision of the United States Bankruptcy Code or other statute or from a decision in any court; or (c) any assignment or transfer of any instrument evidencing any Guaranteed Obligation by operation of law or otherwise.

6. Pursuant to the Development Agreement, and subject to the terms thereof, the City and Authority have agreed to fund certain costs of the Guaranteed Improvements (collectively, the “City Share”). In addition, Bank of America, N.A. , as lender and administrative agent, together with one or more other lenders, has agreed, pursuant to a loan commitment dated April 25, 2005, as amended by a letter dated August 10, 2005, to make a loan to FCTC in the maximum principal amount of \$65,000,000 (the “Loan”) to fund a portion of the costs associated with the design, development, construction and installation of the Guaranteed Improvements. Notwithstanding anything to the contrary contained in this Guarantee, Guarantor’s guaranty to complete the Guaranteed Improvements shall only apply as long as any undisbursed funds representing the City Share and the Loan (with respect to the Guaranteed Improvements) are made available to the Guarantor in the same manner as though Guarantor were FCTC and the Guarantor shall have the same rights and obligations under the Agreements as FCTC except for those obligations which are personal to FCTC or which cannot by their nature reasonably be performed by Guarantor.

7. All notices, demands, requests, approvals, consents and other communications (collectively, "Notices") which may be required or are desired to be given hereunder shall be in writing and shall be hand delivered, sent by certified U.S. Mail, return receipt requested, or sent by overnight courier service, designated for next-day delivery, as follows:

If to Guarantor: Forest City Enterprises, Inc.

Terminal Tower, Suite 1360  
50 Public Square  
Cleveland, Ohio 44113-2267

Attention: General Counsel

With a copy to:

Forest City Development California, Inc.  
949 S. Hope Street, Suite 200  
Los Angeles, California 90015  
Attention: Brian Jones and Colm Macken

If to the City:

City of Westminster  
4800 W. 92<sup>nd</sup> Avenue  
Westminster, Colorado 80031  
Attention: J. Brent McFall, City Manager

With a copy to:

City of Westminster  
4800 W. 92<sup>nd</sup> Avenue  
Westminster, Colorado 80031  
Attention: Martin R. McCullough, City Attorney

Either party hereto may designate a different address to which or person to whom Notices shall be directed by written notice given in the same manner and directed to the other at its address hereinabove set forth. Any Notice given hereunder shall be deemed received when delivered if delivered by hand, one (1) business day after delivery if sent overnight delivery service, designated for next-day delivery, and three (3) business days after mailing if sent by certified U.S. mail.

8. This Guarantee is effective immediately and shall continue until the completion of the Guaranteed Improvements in accordance with the Construction Requirements. Guarantor waives notice of the acceptance hereof, waives demand for payment and protest relative to each Guaranteed Obligation (other than those required under this Guarantee), and waives all notices (other than those required under this Guarantee) to which Guarantor might otherwise be entitled by law. This Guarantee shall be construed in accordance with the laws of the State of Colorado. In the event of any action or proceeding relating to the enforcement of obligations of the undersigned hereunder by the City, the undersigned agrees to pay the City's reasonable attorney's fees in connection therewith. This Guarantee shall inure to the benefit of the City, its successors and assigns, and to any other holder of any Guaranteed Obligation, and shall be binding upon the successors and assigns of Guarantor. At the request of Guarantor, the City agrees to deliver an instrument evidencing the termination of this Guarantee following termination according to the terms of this Guarantee.

9. Guarantor and the City intend and believe that each provision in this Guarantee comports with all applicable local, state and federal laws and judicial decisions. However, if any provision or provisions, or any portion thereof, in this Guarantee is found by a court of law to be in violation of any applicable local, state or federal ordinance, statute, law, administrative or judicial decision, or public policy, and if such court should declare such portion, provision or provisions of this Guarantee to be illegal, invalid, unlawful, void or unenforceable as written, then it is the intent of Guarantor and the City that such portion, provision or provisions shall be given force to the fullest possible extent that they are legal, valid and enforceable, that the remainder of this Guarantee shall be construed as if such illegal, invalid, unlawful, void or unenforceable portion, provision or provisions were not contained therein, and that the rights, obligations and interest of City under the remainder of this Guarantee shall continue in full force and effect.

10. Guarantor makes the following representations and warranties to the City:
- (a) Guarantor is duly formed, validly existing and in good standing in the State of Ohio and has qualified to do business and is in good standing in any state in which it is necessary in the conduct of its business.
  - (b) Guarantor maintains an office at the address set forth in the initial paragraph of this Guarantee.
  - (c) The execution, delivery, and performance by Guarantor of this Guarantee does not and will not contravene or conflict with (i) any laws, order, rule, regulation, writ, injunction or decree now in effect of any government authority or court having jurisdiction over Guarantor, (ii) any contractual restriction binding on or affecting Guarantor or Guarantor's property or assets which may adversely affect Guarantor's ability to fulfill its obligations under this Guarantee, (iii) the instruments creating any trust holding title to any assets included in Guarantor's financial statements, or (iv) the organizational or other documents of Guarantor.
  - (d) This Guarantee creates legal, valid, and binding obligations of Guarantor enforceable in accordance with its terms.
  - (e) There is no action, proceeding, or investigation pending or, to the knowledge of Guarantor, threatened or affecting Guarantor, which may materially and adversely affect Guarantor's ability to fulfill its obligations under this Guarantee.
  - (f) All 10-K, 10-Q and/or other financial statements previously furnished to the City to accurately reflect the financial condition and operation of Guarantor in all material respects as of the date of this Guarantee.
  - (g) No consent, approval or authorization of or declaration, registration or filing with any governmental authority or nongovernmental person or entity, including any creditor or shareholder of Guarantor, is required in connection with the execution, delivery and performance of this Guarantee.
  - (h) The execution, delivery and performance of this Guarantee has not constituted and will not constitute upon the giving of notice or lapse of time or both, a breach or default under any other agreement to which Guarantor is a party or may be bound or affected.

11. This Guarantee constitutes the entire agreement between Guarantor and the City with respect to the matters referred to herein, and no modification or waiver of any of the terms hereof shall be effective unless in writing, signed by the party to be charged with such modification or waiver.

12. Guarantor's liability hereunder for any or all of the Guaranteed Obligations shall automatically terminate upon the earlier to occur of (a) the date the Guaranteed Obligations are completed or satisfied in accordance with applicable provisions of the Agreements, (b) the default beyond any applicable notice and/or cure periods by the City of its obligations under either or both of the Public Agreement and Private Agreement, (c) the termination of one or more of the Agreements, or (d) the failure to disburse undisbursed funds to Guarantor representing the City Share as required by this Guarantee.

Guarantor has executed this Completion Guarantee as of the date first written above.

GUARANTOR:

FOREST CITY ENTERPRISES, INC.,  
an Ohio corporation

By: \_\_\_\_\_  
Name: Charles A. Ratner  
Title: President and Chief Executive Officer



## Agenda Item 8 G

W E S T M I N S T E R  
C O L O R A D O

### Agenda Memorandum

City Council Meeting  
November 28, 2005



**SUBJECT:** 2005 Crackseal Project Bid

**Prepared By:** Ray Porter, Infrastructure Improvements Division Manager

#### Recommended City Council Action

Authorize the City Manager to sign a contract for the 2005 Crackseal Project to the low bidder, Quality Paving Company, in the amount of \$87,000 and charge the expense to the appropriate 2005 Department of Public Works and Utilities – Infrastructure Improvements Division budget account.

#### Summary Statement

- City Council action is requested to award the bid for the 2005 Crackseal Project.
- Funds are available for this expense in the 2005 Department of Public Works and Utilities – Infrastructure Improvements Division budget.
- Formal bids were solicited in accordance with City bidding requirements for the 2005 Crackseal Project. Request for bids were sent to the eight (8) contractors in the metropolitan area who do this type of pavement preventative maintenance treatment with four responding.
- Twenty-two streets totaling 78 lane miles of improvement earmarked for 2006 will receive the crackseal preventative maintenance treatment prior to next year's planned resurfacing (see location list).
- Contracting this work early allows the material to fully cure, before next year's resurfacing and will reduce asphalt preparation work for the Street Division crews.

**Expenditure Required:** \$87,000

**Source of Funds:** General Fund – Infrastructure Improvements Division

**Policy Issue**

Should City Council approve authorization to award the 2005 Crackseal Bid to Quality Paving Company?

**Alternative**

Do not crackseal these streets prior to resurfacing. Water would be allowed to penetrate the pavement's subgrade and reduce the life expectancy of the resurfacing projects by 50%. Staff does not recommend elimination of cracksealing prior to resurfacing applications.

**Background Information**

The low bidder, Quality Paving Company, meets all of the City bid requirements and has successfully completed this process for the City in 2001, 2002, 2003 and 2004.

The 2005 Crackseal Project represents a total of 78 lane miles of asphalt pavement preventative maintenance at twenty-two street locations (see location list). Cracksealing these streets earmarked for 2006 improvements will decrease the Street Division's pavement cracksealing workload next year by 30%. This will allow Street Division crews to increase routine maintenance tasks, i.e.: patching potholes, watermain breaks and preventative maintenance patchwork.

The following sealed bids were received:

|   |           |
|---|-----------|
| Quality Paving Company                    | \$ 87,000 |
| Rocky Mountain Pavement Maintenance, Inc. | \$ 93,500 |
| Coatings, Inc.                            | \$ 97,500 |
| Foothills Paving & Maintenance, Inc.      | \$130,000 |
| Staff Estimate                            | \$100,000 |

The Crackseal application price of \$0.87 per pound is an increase of 12% above the 2004 price. This increase is directly attributed to the rising costs of oil and fuel.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**CITY OF WESTMINSTER**  
**DEPARTMENT OF PUBLIC WORKS & UTILITIES**  
**INFRASTRUCTURE IMPROVEMENTS DIVISION**  
**2005 ASPHALT PAVEMENT CRACKSEAL PROJECT, PROJECT IICRS-05-5**  
**LOCATION LIST**

1. Lowell Boulevard, 68<sup>th</sup> Avenue to 73<sup>rd</sup> Avenue
2. 72<sup>nd</sup> Avenue, Sheridan Boulevard to Pierce Street
3. 76<sup>th</sup> Avenue, Turnpike Drive to Sheridan Boulevard
4. 76<sup>th</sup> Avenue, Sheridan Boulevard West to City Limits
5. Lowell Boulevard, 80<sup>th</sup> Avenue to 92<sup>nd</sup> Avenue
6. 84<sup>th</sup> Avenue, Federal Boulevard to Lowell Boulevard
7. 88<sup>th</sup> Avenue, Lowell Boulevard to Federal Boulevard
8. Yates Drive, 88<sup>th</sup> Avenue to Wolff Court
9. 88<sup>th</sup> Avenue, Yates Street to Wagner Lane
10. Wolff Court, 88<sup>th</sup> Avenue to South End
11. Yates Street, 92<sup>nd</sup> Avenue to 88<sup>th</sup> Avenue
12. 88<sup>th</sup> Place, Yates Street to Sheridan Boulevard
13. Turnpike Drive, Sheridan Boulevard to South End
14. 88<sup>th</sup> Avenue, Wadsworth Parkway to 650 ft. west of Independence Drive
15. 92<sup>nd</sup> Avenue, Federal Boulevard to 300' West of Harlan Street
16. 104<sup>th</sup> Avenue, Sheridan Boulevard to Federal Boulevard
17. 100<sup>th</sup> Avenue, Simms Street to Alkire Street
18. 108<sup>th</sup> Avenue, Dover Street to Simms Street
19. Dover Street, 108<sup>th</sup> Avenue to North End
20. Pecos Street, 112<sup>th</sup> Avenue to 120<sup>th</sup> Avenue
21. Huron Street, 120<sup>th</sup> Avenue to 128<sup>th</sup> Avenue
22. Zuni Street, 132<sup>nd</sup> Avenue to 136<sup>th</sup> Avenue (Eastside only)



## Agenda Item 8 H

**W E S T M I N S T E R**  
**C O L O R A D O**

### **Agenda Memorandum**

City Council Meeting  
November 28, 2005



**SUBJECT:** Memorandum of Understanding for Adams County Mosquito Control

**Prepared By:** Richard Dahl, Park Services Manager

#### **Recommended City Council Action**

Authorize the Mayor to sign the Adams County Mosquito Control Memorandum of Understanding.

#### **Summary Statement**

Staff from Adams County and the Cities of Arvada, Aurora, Bennett, Brighton, Commerce City, Federal Heights, Northglenn, Thornton and Westminster have determined that the West Nile Virus presents a serious threat to the citizens of Adams County and, through the Memorandum of Understanding (MOU), the parties agree to participate in a collaborative effort to prevent the spread of West Nile Virus in 2006.

**Expenditure Required:** \$43,105

**Source of Funds:** Parks, Recreation and Libraries 2006 General Fund

**Policy Issue**

Should the City Council authorize the Mayor to sign the Memorandum of Understanding and agree to uphold its provisions to better coordinate efforts to control mosquito populations resulting in improved control of the West Nile Virus in 2006?

**Alternative**

Do not sign the MOU, but continue the City's practice of sharing data and research with other Cities in Adams County and with the Tri-County Health Department. Staff does not recommend this as the MOU is a cooperative effort to deal with the very serious problem of the West Nile Virus and Staff believes that this is important to City residents.

**Background Information**

The Adams County Mosquito Control Group, a task force of Tri-County Health, Adams County, and staff members from the Cities of Arvada, Aurora, Bennett, Brighton, Commerce City, Federal Heights, Northglenn, Thornton and Westminster, have met over the past several months to discuss the potential spread of West Nile Virus in 2006. Tri-County Health and Adams County are concerned that some communities may reduce their mosquito control efforts in 2006 in belief that any outbreak of West Nile Virus will be less than in 2005. However, Tri-County Health estimates the spread of West Nile Virus will be just as severe in 2006 and could rise to new levels if conditions are right.

The MOU addresses the following points:

- Implementing a mosquito control program for Westminster that includes surveying, controlling and monitoring mosquito populations
- Sharing mosquito control data with Tri-County Health and other local jurisdictions
- Committing financial resources at a level that is at least as great as City mosquito control expenditures in 2005
- Participation with the Adams County Mosquito Control Group on an as-needed basis to discuss supplemental controls if Tri-County declares West Nile Virus a county health crisis in 2006
- Participation in county-wide mosquito control group meetings in April, June and November of 2006
- The initial term of this Memorandum of Understanding shall be from January 1, 2006, through December 31, 2006. The Memorandum of Understanding shall then automatically renew for up to five (5) additional one-year terms. Any party may elect not to participate in a renewed term by stating such in writing to the other parties.

The City of Westminster currently meets all the standards of the Memorandum of Understanding through its existing mosquito management program. For 2006, the Parks, Recreation and Libraries Department has budgeted \$43,105 (a 3% increase over 2005) for mosquito control through Colorado Mosquito Control, Inc., which has been the City's contractor since 1987.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**ADAMS COUNTY MOSQUITO CONTROL  
MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (MOU) is entered into by the Adams County Board of County Commissioners (“Adams County”), the City of Arvada, the City of Aurora, the Town of Bennett, the City of Brighton, the City of Commerce City, the City of Federal Heights, the City of Northglenn, the City of Thornton, and the City of Westminster (collectively “the Cities”).

WHEREAS, the West Nile Virus presents a potentially serious threat to the health and well being of the citizens of Adams County; and,

WHEREAS, the Cities and Adams County are committed to reducing the spread of West Nile Virus by implementing mosquito control programs within their respective jurisdictions; and,

WHEREAS, given the migratory nature of mosquitoes and the geographic proximity of the Cities and unincorporated areas of Adams County, the success of any mosquito control program is dependant on the mosquito control efforts of neighboring jurisdictions; and,

WHEREAS, the effectiveness of the parties’ existing mosquito control programs would be enhanced by an agreement among the Cities and Adams County to communicate, cooperate, and financially commit to reducing the health threat caused by West Nile Virus; and,

WHEREAS, the Tri-County Health Department, as the official public health agency for Adams County, monitors and reports the public health dangers presented by West Nile Virus, and is in the best position to evaluate the effectiveness of the mosquito control programs implemented by the Cities and Adams County; and,

WHEREAS, the parties agree that the commitment of financial resources necessary to fund mosquito control measures within each jurisdiction is critical to preventing the further spread of West Nile Virus throughout Adams County.

NOW THEREFORE, for the consideration herein set forth, the Cities and Adams County agree as follows:

1. Each of the Cities and Adams County will be responsible for implementing a 2006 mosquito control program within its respective jurisdiction. Mosquito control programs must be consistent with CDC (Center for Disease Control) and Colorado Department of Public Health recommendations, the Colorado Department of Agriculture regulations, and Tri-County Health Department standards and regulations. In addition, each mosquito control program shall, at a minimum:

a. Survey and locate potential mosquito breeding sites within the boundaries of the jurisdiction;

b. Monitor and control larval breeding to reduce adult mosquito populations and the accompanying need for adult control services; and,

c. Monitor and control the remaining adult mosquito populations to reduce severe annoyance and the potential for mosquito-borne disease transmission.

The parties agree to share data generated by the mosquito control programs with appropriate Tri-County Health Department officials.

2. Each of the Cities and Adams County intend to commit adequate financial resources to fund a mosquito control program for the initial term and any renewed term(s) of this Memorandum of Understanding. This commitment shall be at least as great as the actual expenditures, excluding capital equipment costs, by the Cities and Adams County for mosquito control efforts during the term of the Memorandum of Understanding in the previous year.
3. The parties agree that the Tri-County Health Department will act as the primary referral agency on public health issues associated with West Nile Virus. In the event the Tri-County Health Department declares that West Nile Virus is a county health crisis during the term of this Memorandum of Understanding shall, the parties will reconvene at the earliest possible date to discuss supplemental controls and cooperation to respond to the health crisis.
4. To facilitate communication and coordination among the Cities and Adams County, county-wide mosquito control meetings will be held in April, July and November during the term of this Memorandum of Understanding. The purpose of these meetings is to receive infestation projections, to share information about mosquito-control strategies, and to evaluate successes or weaknesses of mosquito control programs county-wide during the preceding season.

5. The initial term of this Memorandum of Understanding shall be from January 1, 2006, through December 31, 2006. The Memorandum of Understanding shall then automatically renew for up to five (5) additional one-year terms. Any party may elect not to participate in a renewed term by stating such in writing to the other parties.

IN WITNESS WHEREOF, this Memorandum of Understanding is executed by the Cities and Adams County as of the dates indicated below.

BOARD OF COUNTY COMMISSIONERS  
ADAMS COUNTY, COLORADO

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Chair

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Date

ATTEST:

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CITY OF ARVADA, COLORADO

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Mayor

---

Date

ATTEST:

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CITY OF AURORA, COLORADO

---

Mayor

---

Date

ATTEST:

---

TOWN OF BENNETT, COLORADO

---

Town Clerk

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Date

ATTEST:

---

CITY OF BRIGHTON, COLORADO

---

Mayor

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Date

ATTEST:

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CITY OF COMMERCE CITY, COLORADO

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Mayor

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Date

ATTEST:

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CITY OF FEDERAL HEIGHTS, COLORADO

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Mayor

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Date

ATTEST:

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CITY OF NORTHGLENN, COLORADO

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Mayor

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Date

ATTEST:

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CITY OF THORNTON, COLORADO

---

Mayor

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Date

ATTEST:

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CITY OF WESTMINSTER, COLORADO

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Mayor

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Date

ATTEST:

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**W E S T M I N S T E R**  
**C O L O R A D O**

**Agenda Memorandum**

**Agenda Item 8 I**

City Council Meeting  
November 28, 2005



**SUBJECT:** Water Meter Replacement Program and Related Purchases

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

**Recommended City Council Action**

Upon recommendation of the City Manager, City Council finds that the public interest will best be served by a negotiated purchase from National Meter & Automation, Inc. Authorize the establishment of open purchase orders with National Meter & Automation, Inc., to be used for the purchase of up to 1500 Badger water meters and TRACE transponders for attrition replacements and for a trial program quantity of 200 Badger water meters and ORION transponders in an amount not to exceed \$ 322,500.

**Summary Statement**

- The Utilities Division anticipates purchasing up to 1,500 5/8 x 3/4 Badger water meters and TRACE transponders to address annual needs within the current meter and transponder inventory.
- The Utilities Division anticipates purchasing up to 200 5/8 x 3/4 Badger water meters and ORION transponders as a trial program to evaluate the ORION system.
- Funding for the water meter replacement program is in the Utilities Fund Capital Improvements Program (CIP), where \$500,000 is budgeted in 2005. These funds are specifically designated for systematic replacement of the entire meter inventory over the next ten years.
- The Badger TRACE and ORION meter systems are proprietary items and fully compatible components are only available from Badger Meter Company through their authorized local distributor, National Meter & Automation, Inc.

**Expenditure Required:** Not to exceed \$322,500

**Source of Funds:** Utility Fund 2005 Capital Improvement Budget

## Policy Issue

Should the City spend Utility Fund monies to purchase replacement meters from a single vendor?

## Alternatives

- 1) Conduct an open bid and select an alternate manufacturer or manufactures of water meters and reading equipment. This is not recommended as the City would need to support multiple support systems and spare parts inventories.
- 2) Allow the reading equipment to continue to fail and read the meters manually. This is not recommended due to the loss of revenue impacts and the increased labor costs for manual reading and data entry.

## Background Information

As part of the City's potable water supply system, the Utilities Operations Division reads and maintains the City's water meter inventory. As of June 2005, the City had 31,144 water and sewer accounts. Of these accounts, 27,322 (88 percent) were 5/8 x 3/4 residential sized meters. The balance of the accounts are larger commercial/industrial accounts, flat rate sewer only accounts or accounts created for homes and business still under construction.

\$500,000 has been budgeted in each of the 2005 and 2006 CIPs for meter and transponder replacements. This is in addition to lesser amounts in the operating budget for maintenance replacements and new account meters. Approximately 1,500 TRACE transponders and Badger 5/8 x 3/4 meter bodies are required to address the annual needs and bring the system into better operational status.

Badger Meter Company through their authorized local distributor, National Meter & Automation, Inc., has offered to supply 200 ORION transponders and meters at a cost of \$40 per meter and \$110 per ORION transponder. This is roughly two-thirds the cost of a TRACE transponder. They will also supply the necessary software upgrades, a ruggedized laptop PC, the data radio that receives the meter readings and a handheld programmer at no cost to the City. City staff proposes to accept this offer and purchase the 200 ORION sets and perform a trial installation in the Lexington Subdivision. This area would be one of the first on a full scale meter replacement program and has a sufficient number of meters in a concentrated area to make for a good trial installation. If the trial is successful (as has been the case in several surrounding communities), Orion transponders may be substituted for part of the TRACE purchases.

|                      | Quantity | Current (11/05)<br>Quote | 2005<br>Total Cost | Previous(1/05)<br>Quote |
|----------------------|----------|--------------------------|--------------------|-------------------------|
| 5/8 x 3/4 Meters     | 1,500    | \$ 40                    | \$ 60,000          | \$ 40                   |
| TRACE<br>Transponder | 1,500    | \$155                    | \$232,500          | \$165                   |
| 5/8 x 3/4 Meters     | 200      | \$ 40                    | \$ 8,000           | \$ 40                   |
| ORION<br>Transponder | 200      | \$110                    | \$ 22,000          | -                       |
| Total Investment     |          |                          | \$322,500          |                         |

Ultimately, the replacement of the water meters should become a level, routine program and be incorporated into the operating budget, rather than a sporadic replacement project in the capital budget. The future replacement program will be designed to protect the City's revenue stream, minimize re-reading costs and spread out the replacement program over time. The current 31,144 meters, if replaced on a 12-year cycle will require 2,600 meters per year at an approximate cost of \$200 per meter or \$520,000 annually (price includes cost of transponder).

Staff is currently studying meter/transponder failures in excess of what could normally be expected in the system. Additional funding through the CIP program will be required to help bring the system current and compress the replacement schedule to avoid revenue losses. A detailed recommendation will be brought to the City Council in February of 2006. A report on the ORION trial program will be part of that recommendation.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 J

### W E S T M I N S T E R C O L O R A D O

#### **Agenda Memorandum**

City Council Meeting  
November 28, 2005



**SUBJECT:** 2005 Construction Crew Utility Material

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

#### **Recommended City Council Action**

Authorize the City Manager to execute purchase orders with various vendors for the purchase of materials for use by the Utility Operations Construction Crew from National Waterworks, Dana Kepner, and Hughes for a total cost of \$157,446.34.

#### **Summary Statement**

- This request consists of the purchase of nine individual lots of related waterworks materials.
- Formal bids for this project were issued October 21, 2005, and a bid opening took place on November 10, 2005. A total of four vendors provided bids on this purchase.
- Dana Kepner was the lowest bidder on two lots totaling \$57,888.46. National Waterworks was the lowest bidder on four lots totaling \$65,045.98; and Hughes was low bid on three lots totaling \$34,511.90.

**Expenditure Required:** \$157,446.34

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

### Policy Issue

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

### Alternative

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

### Background Information

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

The Construction Crew Utility Material Purchase was advertised on the Internet site "Demand Star" with bids being submitted by November 10, 2005. As written, each lot was a separate purchase and a bidder could submit pricing for any or all lots of material. Delivery is to be immediate and in one shipment. This is not an annually renewable purchase, as pricing is too volatile to allow for long term pricing.

The results of the submitted bids are as follows: (Bold numbers indicate low bid). Incorrect bid indicates an unacceptable substitution or another uncorrectable error in the vendor's bid as submitted.

| Lot Description          | Dana Kepner        | Hughes             | National Waterworks | Mountain States |
|--------------------------|--------------------|--------------------|---------------------|-----------------|
| M J Fittings             | \$18,319.05        | <b>\$18,311.00</b> | Incorrect Bid       | Incorrect Bid   |
| Mechanical Restraints    | \$5,063.80         | \$5,218.75         | <b>\$4,794.75</b>   | \$4,807.00      |
| Fire Hydrants            | <b>\$50,868.44</b> | No Bid             | \$56,896.00         | No Bid          |
| Valves                   | \$50,767.06        | \$44,268.00        | <b>\$43,097.00</b>  | \$47,517.00     |
| Brass/Copper             | \$16,861.84        | \$16,949.75        | <b>\$15,798.47</b>  | \$18,968.13     |
| Miscellaneous            | \$14,287.44        | <b>\$13,775.90</b> | \$15,943.50         | \$19,205.00     |
| Water Main Repair Clamps | <b>\$7,020.02</b>  | No Bid             | \$7,787.24          | \$13,342.00     |
| Sewer Couplings Pipe     | Incorrect Bid      | Incorrect Bid      | <b>\$1,355.76</b>   | Incorrect Bid   |
| Sampling stations        | \$2,531.25         | <b>\$2,425.00</b>  | \$2,445.00          | \$3,300.00      |

Related to this annual request to purchase waterline replacement material, Staff would usually bring the request to purchase PVC pipe material to City Council for approval before the end of the year. However, at this time, fluctuating oil prices and hurricane damage to plastic resin facilities have dramatically increased the current price of PVC pipe, which is an oil-based material. Staff has determined that it would be in the best interest of the City to delay the annual purchase of PVC pipe until 2006 to allow for a reduction in the price of PVC pipe. Pipe already in inventory will be used for all current needs. A request to carry over 2005 funds to cover this expenditure in 2006 will be included in the Public Works and Utilities Department carryover request.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 K

**W E S T M I N S T E R**  
**C O L O R A D O**

### Agenda Memorandum

City Council Meeting  
November 28, 2005



**SUBJECT:** Second Reading Councillor's Bill No. 68 re Rezoning of the Country Club Highlands Property

**Prepared By:** Michele McLoughlin, Planner II

### Recommended City Council Action

Pass Councillor's Bill No. 68 on second reading rezoning the Country Club Highlands property from Light Industrial (M-1) to Planned Unit Development (PUD). This recommendation is based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met.

### Summary Statement

- This request was approved on first reading by City Council on November 14, 2005.
- The proposed Country Club Highlands development is located north of 120th Avenue and west of Zuni Street and contains approximately 44 acres.
- The developer, John Laing Homes, is proposing 118 single-family detached lots on approximately 40 acres of the site. A 4-acre commercial site will be set aside for future development.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully Submitted,

J. Brent McFall  
City Manager

Attachment  
- Zoning Ordinance

BY AUTHORITY

ORDINANCE NO. 3253

SERIES OF 2005

COUNCILLOR'S BILL NO. 68

INTRODUCED BY COUNCILLORS  
**Price - Dittman**

**A BILL**

**FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING  
CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND  
LOCATED IN SECTION 32, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF  
ADAMS, STATE OF COLORADO.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminster M-1 to City of Westminster Planned Unit Development (PUD). A parcel of land located in Section 32, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

A parcel of land located in the east  $\frac{1}{2}$ , southeast  $\frac{1}{4}$ , Section 32, Township 1 South, Range 68 West of the 6<sup>th</sup> P.M., except that part conveyed to County of Adams by deed recorded in Book 233 at Page 36, more particularly described as follows:

Beginning at a point which is the southeast corner of Section 32, Township 1 South, Range 68 West; Thence North 89 degrees 54 minutes West a distance of 2643.3 feet; Thence North a distance of 40 feet; Thence South 89 degrees 43 minutes East a distance of 1306.7 feet; Thence North a distance of 20 feet; Thence South 80 degrees 43 minutes east a distance of 1336.6 feet; Thence South a distance of 50 feet, more or less, to the point of beginning, County of Adams, State of Colorado.

Also described as follows:

That part of the east 1/2 southeast 1/4 of Section 32, Township 1 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, described as:

Beginning at the southeast corner of said East 1/2 southeast 1/4;

Thence North 00 degrees 20 minutes 00 seconds east on an assumed bearing along the East line of said East 1/2 southeast 1/4 a distance of 50 feet to the true point of beginning;

Thence continuing North 00 degrees 20 minutes 00 seconds east along said East line a distance of 2574.30 feet to the northeast corner of said East 1/2 Southeast 1/4;

Thence North 89 degrees 10 minutes 55 seconds West along the North line of said East 1/2 Southeast 1/4 a distance of 1324.14 feet to the northwest corner of said East 1/2 Southeast 1/4;

Thence South 00 degrees 18 minutes 35 seconds West along the West line of said East 1/2 Southeast 1/4 a distance of 2580.51 feet to a point on the North line of a parcel of land described in Book 233 at Page 36, Adams County Records;

Thence along said North line a distance of 1323.04 feet to the true point of beginning, County of Adams, State of Colorado.

Except those portions conveyed in deeds recorded August 31, 2001 at Reception No. C0851506 and November 29, 2001 at Reception No. C0892789, County of Adams, State of Colorado, containing 44.80 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of November, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of November, 2005.

ATTEST:

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Mayor

---

City Clerk

Country Club Highlands Zoning

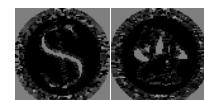


**W E S T M I N S T E R**  
**C O L O R A D O**

## **Agenda Item 8 L**

### **Agenda Memorandum**

City Council Meeting  
November 28, 2005



**SUBJECT:** Second Reading Councillor's Bill No. 69 Re 2005 Edward Byrne Memorial Assistance Grant Program

**Prepared By:** Dan Montgomery, Chief of Police  
Carol Workman, Senior Management Analyst

### **Recommended City Council Action**

Pass Councillor's Bill No. 69 on second reading appropriating \$30,527 from the Edward Byrne Memorial Assistance Grant Program (JAG) to the Police Department's Investigations and Technical Services Division budget.

### **Summary Statement**

- Councillor's Bill No. 69 was passed on first reading November 14, 2005.
- In June 2005, the Police Department applied for a Federal Bureau of Justice Assistance Grant known as the Edward Byrne Memorial Assistance Grant which provides funding for the purchase of law enforcement related programs, equipment, software and services.
- The funding of \$30,527 will be used to provide funding to the North Metro Drug Task Force, purchase a projector for the Communications Center, purchase equipment for the Animal Management Unit, purchase a drug safe for the property and evidence warehouse and assist in purchasing miscellaneous other equipment.

**Expenditure Required:** \$30,527 / No City Match

**Source of Funds:** Office of Justice Programs Bureau of Justice Assistance

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3254**

SERIES OF 2005

COUNCILLOR'S BILL NO. **69**

INTRODUCED BY COUNCILLORS  
**Dittman – Price**

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL FUND AND  
AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED  
REVENUES IN THE FUNDS.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$30,527 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$91,765,743. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This is an appropriation of a Federal Bureau of Justice Assistance Grant.

Section 2. The \$30,527 increase in the General Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

**REVENUES**

| Description              | Account Number  | Current Budget | Amendment       | Revised Budget |
|--------------------------|-----------------|----------------|-----------------|----------------|
| Federal Grants           | 1000.40610.0000 | \$4,471        | \$30,527        | \$34,998       |
| Total Change to Revenues |                 |                | <u>\$30,527</u> |                |

**EXPENSES**

| Description              | Account Number      | Current Budget | Amendment       | Revised Budget |
|--------------------------|---------------------|----------------|-----------------|----------------|
| Other Equip-Inv Svcs     | 10020300.76000.0344 | \$52,505       | \$30,527        | \$83,032       |
| Total Change to Expenses |                     |                | <u>\$30,527</u> |                |

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of November, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of November, 2005.

ATTEST:

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City Clerk

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Mayor



## Agenda Item 8 M

W E S T M I N S T E R  
C O L O R A D O

### Agenda Memorandum

City Council Meeting  
November 28, 2005



**SUBJECT:** Second Reading Councillor's Bill No. 70 re 2005 3rd Quarter Budget Supplemental Appropriation

**Prepared By:** Gary Newcomb, Accountant

### Recommended City Council Action

Pass Councillor's Bill No. 70 on second reading providing for a supplemental appropriation to the 2005 budget of the General, General Capital Outlay Replacement, Open Space and General Capital Improvement Funds.

### Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on second reading, which authorizes a supplemental appropriation to the 2005 budget of the General, General Capital Outlay Replacement, Open Space and General Capital Improvement Funds.

|   |           |
|---|-----------|
| General Fund amendments total:                            | \$40,810  |
| General Capital Outlay Replacement Fund amendments total: | \$396,932 |
| Open Space Fund amendments total:                         | \$28,887  |
| General Capital Improvement Fund amendments total:        | \$5,100   |

- This Councillor's Bill was passed on first reading November 14, 2005.

**Expenditure Required:** \$ 471,729

**Source of Funds:** The funding sources for these expenditures include lease proceeds, community events, donation, reimbursements, grants, and easement payment, contributions and a recycling rebate.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3255**

SERIES OF 2005

COUNCILLOR'S BILL NO. **70**

INTRODUCED BY COUNCILLORS  
**Kauffman - Dittman**

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL, GENERAL CAPITAL OUTLAY REPLACEMENT, OPEN SPACE AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$40,810 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$91,806,553. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of various donations, sponsorships and reimbursements, grants, community events and a rebate.

Section 2. The \$40,810 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

| Description              | Account Number  | Current Budget | Amendment       | Revised Budget |
|--------------------------|-----------------|----------------|-----------------|----------------|
| Gen Misc                 | 1000.43060.0000 | \$204,322      | \$2,200         | \$206,522      |
| Federal Grants           | 1000.40610.0000 | 4,471          | 17,472          | 21,943         |
| State Grants             | 1000.40620.0000 | 20,000         | 4,370           | 24,370         |
| Youth Scholarship        | 1000.41030.0528 | 0              | 4,343           | 4,343          |
| Contributions            | 1000.43100.0000 | 24,750         | <u>12,425</u>   | 37,175         |
| Total Change to Revenues |                 |                | <u>\$40,810</u> |                |

EXPENSES

| Description              | Account Number      | Current Budget | Amendment       | Revised Budget |
|--------------------------|---------------------|----------------|-----------------|----------------|
| Solid Waste Coll         | 10012390.67300.0702 | \$20,080       | \$2,200         | \$22,280       |
| Special Promotion        | 10030340.67600.0000 | 24,900         | 12,375          | 37,275         |
| Special Promotion        | 10050760.67600.0528 | 1,322          | 4,343           | 5,665          |
| Prof Services            | 10020300.65100.0344 | 22,000         | 1,270           | 23,270         |
| Overtime                 | 10020500.60400.0349 | 502,500        | 4,370           | 506,870        |
| Supplies                 | 10020500.70200.0347 | 50,598         | 50              | 50,648         |
| Overtime                 | 10020300.60400.0344 | 192,471        | <u>16,202</u>   | 208,673        |
| Total Change to Expenses |                     |                | <u>\$40,810</u> |                |

Section 3. The 2005 appropriation for the General Capital Outlay Replacement Fund initially appropriated by Ordinance No. 3162 in the amount of \$2,917,759 is hereby increased by \$396,932 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$3,314,691. The actual amount in the General Capital Outlay Replacement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of lease proceeds for a fire truck.

Section 4. The \$396,932 increase in the General Capital Outlay Replacement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

#### REVENUES

| Description              | Account Number  | Current Budget | Amendment        | Revised Budget |
|--------------------------|-----------------|----------------|------------------|----------------|
| Other Financing Sources  | 4500.46000.0000 | \$0            | <u>\$396,932</u> | \$396,932      |
| Total Changes to Revenue |                 |                | <u>\$396,932</u> |                |

#### EXPENSES

| Description              | Account Number      | Current Budget | Amendment        | Revised Budget |
|--------------------------|---------------------|----------------|------------------|----------------|
| Other Financing Uses     | 45010900.78800.0000 | \$0            | <u>\$396,932</u> | \$396,932      |
| Total Change to Expenses |                     |                | <u>\$396,932</u> |                |

Section 5. The 2005 appropriation for the Open Space Fund initially appropriated by Ordinance No. 3162 in the amount of \$4,414,869 is hereby increased by \$28,887 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$6,594,399. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of a construction easement.

Section 6. The \$28,887 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

#### REVENUES

| Description              | Account Number  | Current Budget | Amendment       | Revised Budget |
|--------------------------|-----------------|----------------|-----------------|----------------|
| Miscellaneous            | 5400.43060.0000 | \$0            | <u>\$28,887</u> | \$28,887       |
| Total Changes to Revenue |                 |                | <u>\$28,887</u> |                |

#### EXPENSES

| Description              | Account Number      | Current Budget | Amendment       | Revised Budget |
|--------------------------|---------------------|----------------|-----------------|----------------|
| Land Purchases           | 54010900.76600.0000 | \$772,142      | <u>\$28,887</u> | \$801,029      |
| Total Change to Expenses |                     |                | <u>\$28,887</u> |                |

Section 7. The 2005 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,587,000 is hereby increased by \$5,100 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$32,361,618. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of a Great Outdoors Colorado grant.

Section 8. The \$5,100 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description              | Account Number  | Current Budget | Amendment      | Revised Budget |
|--------------------------|-----------------|----------------|----------------|----------------|
| Miscellaneous            | 7501.40620.0026 | \$0            | <u>\$5,100</u> | \$5,100        |
| Total Changes to Revenue |                 |                | <u>\$5,100</u> |                |

EXPENSES

| Description              | Account Number         | Current Budget | Amendment      | Revised Budget |
|--------------------------|------------------------|----------------|----------------|----------------|
| Trail Development        | 80175050135.80400.8888 | \$525,065      | <u>\$5,100</u> | \$530,165      |
| Total Change to Expenses |                        |                | <u>\$5,100</u> |                |

Section 9. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of November, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of November, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**W E S T M I N S T E R**  
**C O L O R A D O**

**Agenda Item 9 A**

**Agenda Memorandum**

City Council Meeting  
November 28, 2005



**SUBJECT:** Council Appointments to the Board of Directors of The Broomfield-Westminster Open Space Foundation, Inc.

**PREPARED BY:** Ruth C. Becker, Open Space Coordinator

**Recommended City Council Action**

Appoint Mary Lindsey as a member of the Board of Directors of the Broomfield-Westminster Open Space Foundation and Scott Major as an alternate Board member.

**Summary Statement**

- The City of Westminster and the City and County of Broomfield approved an Intergovernmental Agreement for the creation of The Broomfield-Westminster Open Space Foundation, a non-profit corporation (the “Foundation”) for the acquisition, financing, ownership, operation and maintenance of the Metzger Farm Property, at the northeast corner of 120<sup>th</sup> Avenue and Lowell Boulevard.
- The Intergovernmental Agreement, Articles of Incorporation, and the Bylaws for the Foundation provide that the Foundation’s Board of Directors shall be comprised of an equal number of directors appointed by each City, and one additional impartial director selected by Broomfield and Westminster (the “Board”).
- The Foundation’s Board is comprised of the Mayor of Broomfield, the Mayor of Westminster, the City and County Manager of Broomfield, the City Manager of Westminster, one councillor of Broomfield, one councillor of Westminster, and one additional jointly selected member.
- The Foundation documents also provide that each City shall select one alternate councillor to serve during absences of its appointed councillor.
- At a Study Session on November 21, 2005, Council discussed the appointments to the Board and recommended Mary Lindsey be appointed to the Board, with Scott Major as alternate.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Which Councillors would be most suitable for appointment as Director and alternate to the Foundation Board?

**Alternative**

Different Council members could be appointed to the Board and serve as alternates.

**Background Information**

According to the Foundation documents, the terms of the Directors shall expire when such Directors are no longer elected or appointed to their respective offices and positions. In addition, the City and County Manager of Broomfield and the City Manager of Westminster shall jointly appoint one director not elected or employed or a resident of either Broomfield or Westminster. The term of such director shall be three (3) years or until a successor is appointed. Such director may be removed by a majority vote of the entire Board of Directors. The mayors shall act as Co-Chairpersons of the Board of Directors and Co-Presidents of the Foundation.

Staff is working with Broomfield to schedule the first meeting for the Foundation Board. Westminster approved the creation of the Foundation on first reading on October 24, 2005 and second reading on November 7, 2005. Broomfield approved the first reading for creation of the Foundation on October 25, 2005. Broomfield's second reading is scheduled for November 22, 2005. Based on Broomfield's publication requirements, the earliest date for the initial Foundation meeting is December 5, 2005. At the initial Foundation meeting, the Purchase Agreement with the Metzger family will be presented for review and approval. Following action, the Cities will commence their due diligence for the Metzger Farm property with closing anticipated late spring 2006.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 10 A&B

**W E S T M I N S T E R**  
**C O L O R A D O**

### **Agenda Memorandum**

City Council Meeting  
November 28, 2005



**SUBJECT:** Resolution No. 50 re Application to Designate Wesley Chapel Cemetery as a Local Historic Landmark

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

#### **Recommended City Council Action**

1. Hold a public hearing on the application to designate the Wesley Chapel Cemetery as a local historic landmark.
2. Adopt Resolution No. 50 designating the Wesley Chapel Cemetery as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code.

#### **Summary Statement**

An application has been prepared that documents the history and significance of the Wesley Chapel Cemetery. The Cemetery is owned by the City of Westminster and is located at the northeast corner of West 120<sup>th</sup> Avenue and Huron Street. It was established by pioneer farming families in 1891 and intensively used for burials through 1939. The Historic Landmark Board recommends that the Cemetery be designated as a local historic landmark.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

## **Policy Issue**

Should the Wesley Chapel Cemetery, owned by the City of Westminster, be designated as a local historic landmark?

## **Alternatives**

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

It is not recommended that the site not be designated as a local historic landmark. The Cemetery demonstrates the history of the area. Protection of the historic cemetery will be beneficial to the beauty and value of the site as a public park facility.

## **Background Information**

The Wesley Chapel Cemetery was the site of burials in 1891 and the three-acre site was donated as a permanent cemetery in 1892. It was used intensively through the 1930s and has been cared for throughout the 20<sup>th</sup> century by the Wesley Chapel Cemetery Association. It was conveyed by the Association to the City of Westminster in 2001 for the purpose of long-term maintenance and preservation of the pioneer cemetery.

City Staff has studied the options for this site extensively. It was decided to proceed with an application to designate the Cemetery as a local historic landmark to raise community awareness of its history and to make the site eligible for State Historic Fund grants. If the site is designated by City Council, Staff will proceed with a grant application to the State Historic Fund on April 1, 2006, to request funds for master and preservation planning.

## **Compliance with Westminster Municipal Code**

The Westminster Municipal Code requires an application to include the following content:

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

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

1. The site is at least fifty years old,
2. It exemplifies the social heritage of the community,
3. It represents an association with notable persons in the history of the community, and
4. The site is an established and familiar natural setting and visual feature of the community.

Westminster Municipal Code section 11-13-5(A)(10, 11, 15).

**SUBJECT:** Resolution re Designate Wesley Chapel Cemetery as a Local Historic Landmark Page 3

Notice of the November 28, 2005, City Council public hearing was published in the Westminster Window on November 23, 2005. The property was posted by City Staff on November 17, 2005. The application was referred to Linda Cherrington, President, Westminster Historical Society, on October 27, 2005, as required by the Westminster Municipal Code.

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

The site is currently zoned O-1 as open space and is listed as an existing park facility in the Parks and Recreation Master Plan. The intent is for the cemetery to remain as a park facility. The landmark designation should be beneficial to the neighborhood because designation will help the neighborhood understand the history of the area and will also support City Staff's plans to seek grant funding for master planning and a preservation plan for the cemetery. The application appears to meet the criteria set forth in the ordinance.

### **City Council Findings**

The City Council needs to consider the following issues:

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

### **Recommendations by the Historic Landmark Board**

The Historic Landmark Board recommends to the Westminster City Council that the Wesley Chapel Cemetery be designated as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code. They recommend that the particular features that should be preserved include:

- a. The former chapel and cistern site,
- b. The seventy grave markers that are present at this time,
- c. The wrought iron fence around the Hutchinson family plot,
- d. All existing burials on the site, whether known or unknown at this time.

The resolution of the Historic Landmark Board and the landmark application are attached.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments:  
Historic Landmark Board Resolution  
Proposed City Council Resolution  
Landmark Application

**HISTORIC LANDMARK BOARD**

**RESOLUTION NO. 2005-004**

WHEREAS, the Wesley Chapel Cemetery is historically significant because:

1. The cemetery was established in 1881 and was used intensively through 1939, qualifying it as a historic resource that is more than 50 years old,
2. The cemetery is historically related to the burial practices of the pioneer era during the late 1800s and the early 1900s, and therefore exemplifies the social heritage of Westminster,
3. The cemetery is associated with notable persons in the community, particularly with the Quimby agricultural district's pioneering families, and
4. The cemetery represents an established and familiar natural setting and has served as a recognizable landmark in the Westminster area for over a century.

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

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

1. The Board recommends to the Westminster City Council that the Wesley Chapel Cemetery be designated as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code.
2. The particular features that should be preserved include the former chapel and cistern site, the seventy grave markers that are present at this time, the wrought iron fence around the Hutchinson family plot, and all existing unmarked burials on the site, whether known or unknown at this time.

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

**Address and general location:**

Three-acre parcel at the northeast corner of West 121<sup>st</sup> Avenue and Huron Street, Adams County, Westminster, Colorado.

**Legal description:**

That portion of the SW/4 of Section 34, T. 1 S., R. 68 W., 6<sup>th</sup> Principal Meridian, described as follows: Commencing at the SW corner of the SW/4 of Section 34, T. 1 S., R. 68 W., thence east 12 rods, thence north 40 rods, thence west 12 rods, thence south 40 rods to the place of beginning, excepting therefrom that portion of said premises lying within road rights of way; also excepting therefrom that portion conveyed to the City of Westminster by deed recorded September 15, 1995, Book 4589, Page 188, public records of the Adams County Clerk and Recorder,

And including any interest of the City of Westminster in a 30' strip described as follows:  
A Parcel of land located in the Southwest One Quarter (SW1/4) of Section 34, Township 1  
South, Range 68 West of the 6<sup>th</sup> P.M., City of Westminster, County of Adams, State of  
Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Section 34;

Thence Northerly along the West line of said SW 1/4 Section 34 a distance of 670 feet;

Thence Easterly and parallel with the South line of said SW 1/4 a distance of 30 feet to a point  
on the East Right-of-Way line of Huron Street;

Thence continuing Easterly and parallel with the South line of said SW 1/4 a distance 198 feet  
to the West line of Brutger Woods Subdivision, as recorded at Reception No. 8549706 and  
filed in File 16 Map 211 of the Adams County Clerk and Recorders Office;

Thence Southerly and parallel with the West line of said SW 1/4 and along the West line of  
Brutger Subdivision, a distance of 45 feet to the TRUE POINT OF BEGINNING;

Thence continuing along said West line of Brutger Subdivision 566 feet to the Northerly  
Right-of-Way line of 120<sup>th</sup> Avenue (Colorado Highway 128);

Thence Westerly along said Right-of-Way to the East line of the Wesley Chapel and  
Cemetery Association parcel as described in Book 156 at Page 341 and in Book 2901 at Page  
267;

Thence Northerly and parallel with the West line of said SW 1/4 and along the East line of  
said Wesley Chapel and Cemetery Association parcel, a distance of 566 feet to the South line  
of a Parcel of land conveyed to Public Service Company of Colorado, A Colorado  
Corporation (PSCO) by Deeds recorded May 9, 1972 in Book 1795 at Pages 307, 308, 309  
and 310;

Thence Easterly along the South line of said PSCO parcel, a distance of 30 feet to a point on  
the Westerly line of Brutger Woods Subdivision and the TRUE POINT OF BEGINNING.  
County of Adams,  
State of Colorado.

**UTM coordinates:**

UTM Zone13  
Datum NAD 83  
Linear Unit: Meter  
500323.74; 4418301.30

PASSED AND ADOPTED this 9<sup>th</sup> day of November, 2005.

April E. Huber

## RESOLUTION

RESOLUTION NO. **50**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

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WHEREAS, the Wesley Chapel Cemetery is historically significant because:

1. The cemetery was established in 1891 and was used intensively through 1939, qualifying it as a historic resource that is more than 50 years old,
2. The cemetery is historically related to the burial practices of the pioneer era during the late 1800s and the early 1900s, and therefore exemplifies the social heritage of Westminster,
3. The cemetery is associated with notable persons in the community, particularly with the Quimby agricultural district's pioneering families, and
4. The cemetery represents an established and familiar natural setting and has served as a recognizable landmark in the Westminster area for over a century, and

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

WHEREAS, the Historic Landmark Board recommended on November 9, 2005, that the City Council designate the Wesley Chapel Cemetery to be a local historic landmark,

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

1. The Wesley Chapel Cemetery is hereby designated as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code.
2. The particular features that should be preserved include the former chapel and cistern site, the seventy grave markers that are present at this time, the wrought iron fence around the Hutchinson family plot, and all existing unmarked burials on the site, whether known or unknown at this time.
3. The legal description and location of the property are:

**Address and general location:**

Three-acre parcel at the northeast corner of West 121<sup>st</sup> Avenue and Huron Street, Adams County, Westminster, Colorado.

**Legal description:**

That portion of the SW/4 of Section 34, T. 1 S., R. 68 W., 6<sup>th</sup> Principal Meridian, described as follows: Commencing at the SW corner of the SW/4 of Section 34, T. 1 S., R. 68 W., thence east 12 rods, thence north 40 rods, thence west 12 rods, thence south 40 rods to the place of beginning, excepting therefrom that portion of said premises lying within road rights of way; also excepting therefrom that portion conveyed to the City of Westminster by deed recorded September 15, 1995, Book 4589, Page 188, public records of the Adams County Clerk and Recorder,

And including any interest of the City of Westminster in a 30' strip described as follows:  
A Parcel of land located in the Southwest One Quarter (SW1/4) of Section 34, Township 1 South, Range 68 West of the 6<sup>th</sup> P.M., City of Westminster, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Section 34;

Thence Northerly along the West line of said SW 1/4 Section 34 a distance of 670 feet;

Thence Easterly and parallel with the South line of said SW 1/4 a distance of 30 feet to a point on the East Right-of-Way line of Huron Street;

Thence continuing Easterly and parallel with the South line of said SW 1/4 a distance 198 feet to the West line of Brutger Woods Subdivision, as recorded at Reception No. 8549706 and filed in File 16 Map 211 of the Adams County Clerk and Recorders Office;

Thence Southerly and parallel with the West line of said SW 1/4 and along the West line of Brutger Subdivision, a distance of 45 feet to the TRUE POINT OF BEGINNING;

Thence continuing along said West line of Brutger Subdivision 566 feet to the Northerly Right-of-Way line of 120<sup>th</sup> Avenue (Colorado Highway 128);

Thence Westerly along said Right-of-Way to the East line of the Wesley Chapel and Cemetery Association parcel as described in Book 156 at Page 341 and in Book 2901 at Page 267;

Thence Northerly and parallel with the West line of said SW 1/4 and along the East line of said Wesley Chapel and Cemetery Association parcel, a distance of 566 feet to the South line of a Parcel of land conveyed to Public Service Company of Colorado, A Colorado Corporation (PSCO) by Deeds recorded May 9, 1972 in Book 1795 at Pages 307, 308, 309 and 310;

Thence Easterly along the South line of said PSCO parcel, a distance of 30 feet to a point on the Westerly line of Brutger Woods Subdivision and the TRUE POINT OF BEGINNING.

County of Adams,  
State of Colorado.

**UTM coordinates:**

UTM Zone13  
Datum NAD 83  
Linear Unit: Meter  
500323.74; 4418301.30

PASSED AND ADOPTED this 28<sup>th</sup> day of November, 2005.

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Mayor

ATTEST:

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City Clerk

Local Landmark Nomination

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**WESLEY CHAPEL CEMETERY  
120<sup>th</sup> Ave. and Huron St.**

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Westminster, Colorado



Prepared by  
**Ron Sladek**  
**Tatanka Historical Associates, Inc.**  
612 S. College Ave., Suite 21  
P.O. Box 1909  
Fort Collins, CO 80522  
970.221.1095

© Ron Sladek  
26 October 2005

**WESLEY CHAPEL CEMETERY  
WESTMINSTER, COLORADO**

**Local Landmark Nomination**

**Introduction**

Wesley Chapel Cemetery is a remnant of the early days of Adams County and the Westminster area, serving as the burial ground of many of the rural agricultural district's pioneers from approximately 1891 through 1939. Originally the cemetery was associated with a church, the

Wesley Chapel, which occupied the now-vacant space between 120<sup>th</sup> Ave. and the graves to the north from approximately 1891 to 1934. While the church was removed decades ago, the cemetery that emerged behind the building remained in place and persevered amidst the surrounding suburban development of the late 1900s and early 2000s. Today it remains a landmark that reminds area residents and visitors of Westminster's early rural history.

Because of the significance of pioneer cemeteries to the history of any community, this document seeks to nominate Wesley Chapel Cemetery for local landmark designation through the mechanism of the city's historic preservation ordinance. The nomination, prepared by Ron Sladek of Tatanka Historical Associates, Inc. under contract to the city, is submitted for consideration by the City of Westminster.

### **Resource Ownership and Legal Description**

The Wesley Chapel Cemetery is a resource owned by the City of Westminster, which oversees and maintains the site. The cemetery is located in the SW¼ of the SW¼ of the SW¼ of the SW¼ of Section 34, Township 1 South, Range 68 West in the City of Westminster, Adams County, Colorado. This corresponds to the northeast corner of 120<sup>th</sup> Avenue and Huron Street, one-third mile west of Interstate 25. The cemetery property is bordered by fencing along all four of its sides, forming a clearly marked boundary for this nomination. Beyond the fencing are 121<sup>st</sup> Avenue, condominiums and apartments to the north; an office building, hotel and a restaurant to the east; sidewalk, 120<sup>th</sup> Avenue, commercial buildings, and RTD parking lots to the south; and sidewalk, Huron Street, and a shopping center to the west.

For the purpose of this nomination, the boundaries of the property follow the fencing along all four sides of the cemetery. These boundaries include the cemetery itself, together with the open buffer zones to the north and south of the graves that constitute the original parcel designated in 1892 for this purpose. The only feature within these boundaries that is not historic, and therefore non-contributing for this nomination, is the modern gas valve house in the site's northeast corner.

### **Description of the Cemetery**

Wesley Chapel Cemetery is a three-acre rectangular parcel of land that runs lengthwise from north to south. Entirely planted with grass, the only other landscaping on the site consists of a small number of lilac bushes and evergreen trees. While the majority of these are concentrated around the graves, two small pine trees also flank the main entry gate along the north-central edge of the site and several more are found around a gas valve house in the northeast corner of the property. The stump of a large cottonwood tree is also located along the east-central edge of the site just northeast of the burial area. A small natural gas valve house is located in the northeast corner of the site, representing the only modern intrusion on the property. Also found in the open northern area of the property just north of the graves is a low swale that travels from northwest to southeast across the width of the site. This marks the historic location of an irrigation ditch that formerly ran through the site and was filled decades ago. In all directions, the cemetery is bordered by chain link fencing that marks the property's boundaries.

The graves are concentrated in the southern half of the site, with a large open area to the north and a smaller vacant space to the south. An early 1970s record of the cemetery refers to a central north-south drive that divided the graves between eastern and western sections. While this drive is no longer clearly defined, a gap can be seen that marked its previous location among the graves. In the open area to the south of the graves is a single pine tree, beneath which is an old horizontal pipe projecting from the ground. This marks the location of a buried water cistern that collected rainwater shed by the roof of Wesley Chapel. The Chapel itself sat in the now open space south of the graves, with a horse shed to the east and the cistern and an

outhouse to the west. All of these features, except for the below-grade cistern, were removed from the site in 1934.

The historic main entrance gate for the chapel and cemetery was previously located at the center of the south property line. This was removed when 120<sup>th</sup> Ave. was widened. The current entrance gate at the north end of the property was made possible only after the irrigation ditch was filled, prior to which access to the graves from the north would have been blocked. While the site was never planted with ornamental grass, water from the ditch (and possibly the underground cistern) was used to support trees and flowers that were planted there. The area to the north of the ditch, now the open northern area of the site, was planted with crops and contained no burials. The southern half of the site that contained the graves and chapel was carpeted with short prairie grass. A modern water spigot is present among the graves today.

The number of burials at the Wesley Chapel Cemetery appears to be around 110, with seventy markers present. While the majority of gravestones are granite (56), a much smaller number of marble (9), sandstone (4), and metal markers (1) are also found there. Some of the graves include footstones, typically of marble inscribed with the deceased's initials. Other footstones are made of granite or concrete. According to the inscriptions and death records, the earliest burial was that of Francis Moxley in 1891. Inscriptions show the most recent burial as that of Alda Sullivan in 1987; however as many as three additional burials occurred there during the early 1990s, all of them believed to involve cremated remains. The following breakdown by decade shows the approximate intensity of use of the site throughout the past 114 years:

|           |    |
|-----------|----|
| 1891-1899 | 10 |
| 1900-1909 | 24 |
| 1910-1919 | 12 |
| 1920-1929 | 25 |
| 1930-1939 | 18 |
| 1940-1949 | 7  |
| 1950-1959 | 2  |
| 1960-1969 | 5  |
| 1970-1979 | 0  |
| 1980-1989 | 1  |
| 1990-1999 | 2  |

|                |   |
|----------------|---|
|                |   |
| 2000-2005      | 0 |
| unknown decade | 4 |

The family names among the stones and archival records are predominantly Anglo-Saxon, indicating that many of the area's settlers were English, Irish, Scottish or German in origin and ethnic background. All but one are inscribed in English, with the single non-English stone (Jacob Frey) inscribed in German. A smaller number of Hispanic names are also present, with all of these graves located along the west fence line.

Two Union Civil War veterans (Ambrose Langston and Theodore Hutchinson) are buried in the cemetery. However, only Langston has a government-issue marble marker at his grave. The burial lots and blocks throughout the cemetery were resurveyed and located in recent years. During the course of the survey, they were identified by metal pins with inscribed caps. The Hutchinson family plot of several graves is surrounded by wrought iron fencing with a gate on the east. Several other graves are lined by pieces of marble or ornamental concrete coping, and some of these are filled on the surface with marble chips. A small metal painted sign that identifies the site as "Wesley Chapel Cemetery, Founded 1889" is attached to the north fence near the main entry gate. The date on this sign is unsubstantiated by the historical records, which show that the cemetery was actually established in 1891.

#### Historic Integrity of the Cemetery

Aside from the loss of Wesley Chapel in 1934, the cemetery appears to have undergone a modest degree of change over the past fifty years. Naturally, the number of graves at the site increased over the decades from the 1890s through the 1950s as burials periodically took place. Since that time, a few headstones have reportedly been stolen. Flat markers have also been placed on the site in recent years by the Cemetery Association to mark previously unmarked graves. These are unobtrusive and can only be seen from above, resulting in little change to the overall historic appearance of the cemetery. As seen in the chart above, the period of intensive use of Wesley Chapel Cemetery ran from 1891 through 1939, yet the site continued to be used over the following decades at a much slower rate of burials. Changes to the site since this early period have done little to reduce the overall historic integrity of this important historic property. In general, the cemetery is largely intact and exhibits a good degree of integrity related to its historic period of use prior to fifty years ago.

#### History of Wesley Chapel Cemetery

The first settlers arrived among the open rolling hills flanking Big Dry Creek twelve miles due north of Denver during the 1860s and 1870s, where they homesteaded and acquired parcels of rich cropland that over the following century would provide them with a good living. When the Denver Pacific Railroad laid track through the area in 1870, the agricultural district became known as Quimby. The Quimbys were a local farming family after whom the railroad named a rail stop in the countryside four miles southeast of the cemetery and members of the family were eventually buried in Wesley Chapel Cemetery. Only later in the 20<sup>th</sup> century did this area come to be part of the expanding City of Westminster. During the final decades of the 1800s, many of these pioneers built farms and new lives for themselves. However illness, injury, old age and death were always present among them and before long a burial ground was needed.

Wesley Chapel Cemetery was first dedicated as a family graveyard in October 1891 with the death of 37-year-old Francis Moxley from tuberculosis. He was buried on the Moxley farm in Arapahoe County (later Adams County) north of Denver. This area of the farm, in its extreme

southwest corner, was located near the intersection of two county roads, the east-west of which (now 120<sup>th</sup> Ave.) was known as the "Broomfield Highway." The following year, on 13 August 1892, his brother Richard deeded a three-acre parcel surrounding the burial site to the trustees of Morey Chapel, at the time led by Rev. F. R. Morey, for the sum of one dollar. In the document of transfer, Moxley stipulated that the land be used "for church and grave yard purposes to remain as such for ever and ever." (Richard Moxley is also buried in the cemetery.) He required that the chapel there remain associated with the Methodist Episcopal denomination and that no dancing or improper conduct be allowed within its walls. The wood frame Morey Chapel (later renamed Wesley Chapel) was constructed just south of the cemetery around 1891-1892 and became a community gathering place for the surrounding agricultural region.

In December 1894, seven residents of the agricultural district who were also trustees of chapel gathered to sign Articles of Incorporation for the Wesleyan Methodist Chapel and Cemetery Association. Leading the group was Rev. Alfred Tuck, founder and pastor of the church. Born in England, Tuck was involved with the Colorado congregation from 1894 through his death in 1922, following which he was buried in the cemetery. While the small church at the county crossroads was first known as Morey Chapel, under the Articles of Incorporation its name was changed to Wesley Chapel. Behind the building to the north the community continued to use the former Moxley family burial ground. In January 1895, the property was deeded to the Wesley Chapel and Cemetery Association and burial lots were made available to the community for \$10 each.

Over the following decades, the chapel and cemetery continued to be used on a regular basis. However with membership declining due to the Depression and the popularity of the automobile, which allowed rural residents to travel to Denver for church services, Wesley Chapel fell into difficult times and the building was finally demolished in 1934. Dismantlement of the building took place under the guidance of Rev. Leon Foster of the nearby Broomfield Methodist Episcopal Church, which used the materials to remodel their own building. Most notable among these items were the stained glass windows from Wesley Chapel, which were first used in that building and today are on display in their third home, the Broomfield United Methodist Church.

Although the chapel was removed from the site (together with the horse shed and outhouse), the cemetery remained in its original location and over the following decades continued to be used for a much smaller number of burials. Mostly it was utilized by family members who had other relatives already present there. The most intensive period of burials occurred during the period from 1891 through 1939, when around 90 persons were interred at the site. Since that time, approximately twenty additional burials have taken place, a number of them involving the placement there of cremated remains that went largely unrecorded.

The Wesley Chapel Cemetery Association, composed of surviving family members, continued to own and maintain the site throughout the remainder of the 1900s. In the final decades of the century, the rural area surrounding Wesley Chapel Cemetery was incorporated into the City of Westminster and began to experience intensive suburban development. Before long the site was bordered by improved streets, along with apartments, offices, condominiums, restaurants, parking lots, a hotel, and a shopping center. Developers attempting to purchase the site for redevelopment were rebuffed by the cemetery association, as the descendants of those buried there remained determined to honor Richard Moxley's century-old stipulation that it be a cemetery forever. To ensure future maintenance and that the burial ground remain historic and undeveloped, the association donated the site to the City of Westminster in 2001.

### **Significance and Eligibility for Designation**

Wesley Chapel Cemetery is significant as Westminster's only identified pioneer burial ground and as the surviving remnant of the pioneer chapel that existed at this location from 1891 to 1934. The cemetery was intensively used by the surrounding agricultural community from 1891 through 1939, although it continued to be used for a much smaller number of burials throughout

the 1940s and 1950s as well. Since 1960, only eight additional burials are known to have taken place there.

In light of the criteria for eligibility established by the City of Westminster's historic preservation ordinance (*Westminster Municipal Code, chapter 13, section 11-13-5*), Wesley Chapel Cemetery is eligible for local designation under the following categories:

- First among these is the age of the cemetery, which was established in 1891 and used intensively through 1939, qualifying it as a historic resource that is more than fifty years old. (*subsection A*)
- Second, the cemetery is historically related to the burial practices of the pioneer era during the late 1800s and early 1900s, and therefore exemplifies the social heritage of the community. (*subsection A-10*)
- Third, the cemetery is associated with notable persons in the community; particularly with the burial there of many of the Quimby agricultural district's pioneering families. (*subsection A-11*)
- Finally, the cemetery represents an established and familiar natural setting and has served as a recognizable landmark in the Westminster area for over a century. (*subsection A-15*)

Although Wesley Chapel was dismantled in 1934, the cemetery has remained intact and exhibits a good degree of integrity. Designation of this landmark by the City of Westminster will highlight its importance to the heritage of the community, draw attention to its restoration needs, educate the public about the pioneer era, and ensure that this resource will survive into the future. While the cemetery is largely intact, it is in need of ongoing attention to prevent the loss of materials due to deterioration and vandalism, and will require designation and public support for future efforts there.

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"Forever is a Long Time." 14 February 1974, p. 11.

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*The Messenger.* Broomfield, CO: Methodist Episcopal Church, 18 October 1908. This weekly was published for the members of the Warren Chapel in Broomfield and the Wesley Chapel "near Quimby."

"Recorded Internments in the Wesley Chapel Cemetery." This website includes descriptions of the burials, monuments and inscriptions found at Wesley Chapel Cemetery. [www.rootsweb.com/pub/usgenweb/co/adams/cemeteries/wesleych.txt](http://www.rootsweb.com/pub/usgenweb/co/adams/cemeteries/wesleych.txt)

### *Rocky Mountain News*

"Aging Cemetery in Westminster Valued by Many." 16 May 1986, p. 11.

"Wesley Chapel Cemetery Founded in 1889." 22 April 1984, p. 19.

Shwayder, Carol Rein. "Wesley Methodist Chapel & Cemetery Association: Burials from 1891-1991." Greeley: self-published, 1999.

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USGS Eastlake 7.5' Topographic Quadrangle Maps, 1957 and 1994.

Wagner, Albin. *Adams County, Colorado: A Centennial History, 1902-2002.* Virginia Beach, VA: The Donning Company, 2002.

Warranty Deed between Richard Moxley (grantor) and The Trustees of Morey Chapel (grantee), 13 August 1892.

Weingarten, Roy. Interview conducted on 25 October 2005 by Ron Sladek. Roy's family has been involved with the cemetery since its early years, and his grandparents and brothers are buried there. He has been involved with the site's maintenance for fifty years.

"Wesley Chapel Cemetery." Boulder, CO: National Society, Daughters of the American Revolution, Genealogical Records Committee, Arapahoe Chapter, 1995.

"Wesley Chapel Cemetery." *The Colorado Genealogist*. Denver: The Colorado Genealogical Society, May 1972.

"Wesley Methodist Chapel Cemetery: Tombstone Photographs." This website includes photographs and inscriptions from the monuments found at Wesley Chapel Cemetery. [www.rootsweb.com/~usgenweb/co/costones/adams/weschap.htm](http://www.rootsweb.com/~usgenweb/co/costones/adams/weschap.htm)

*Westminster Window*

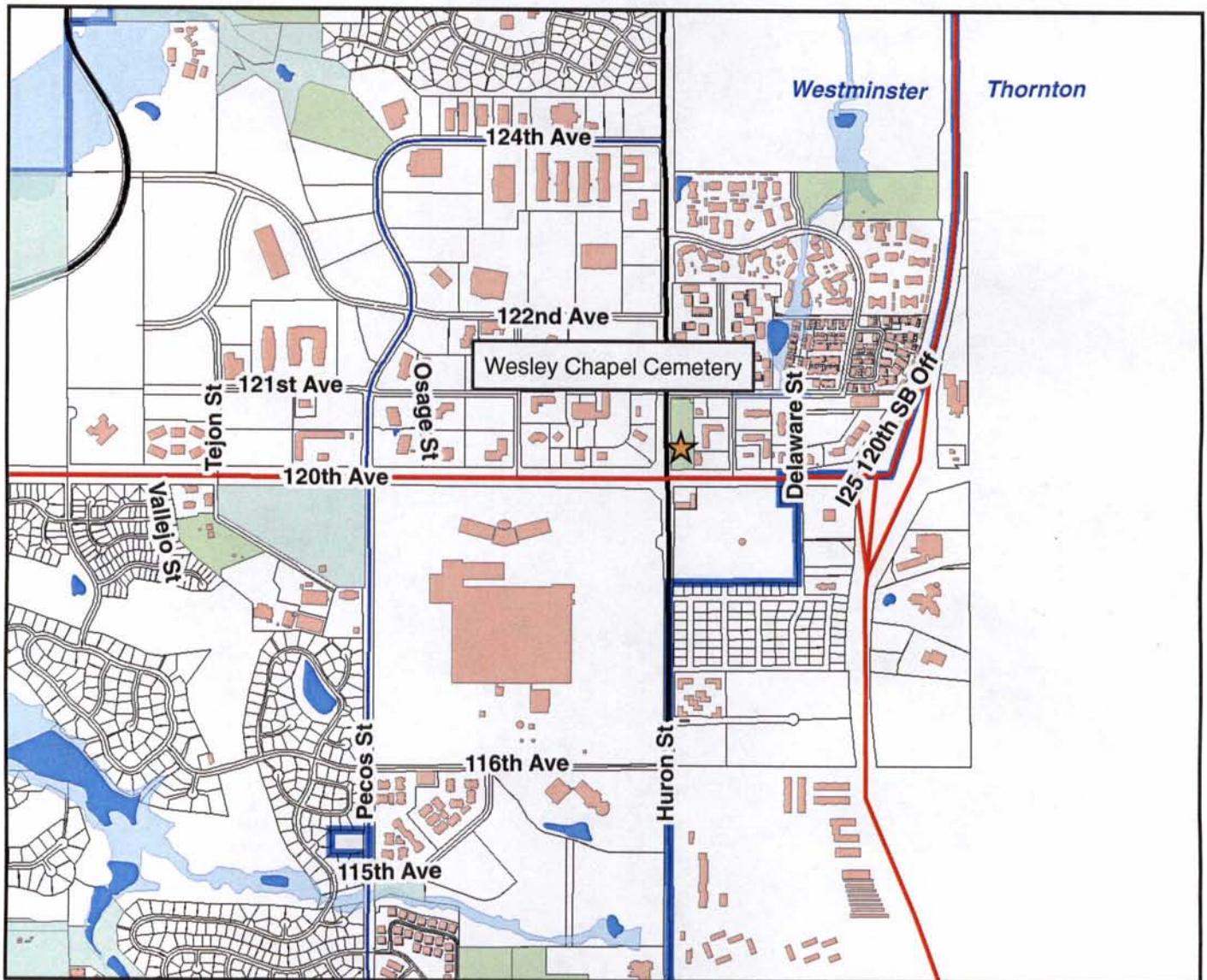
"Pioneer Cemetery Could Become City's Own." 6 April 2000, p. 1A.

*Willit's Farm Map*. Denver: W.C. Willits, 1899. Located in the Denver Public Library's Western History Collection.

Wommack, Linda. *From the Grave: A Roadside Guide to Colorado's Pioneer Cemeteries*. Caldwell, ID: Caxton Press, 1998.

# Appendix A

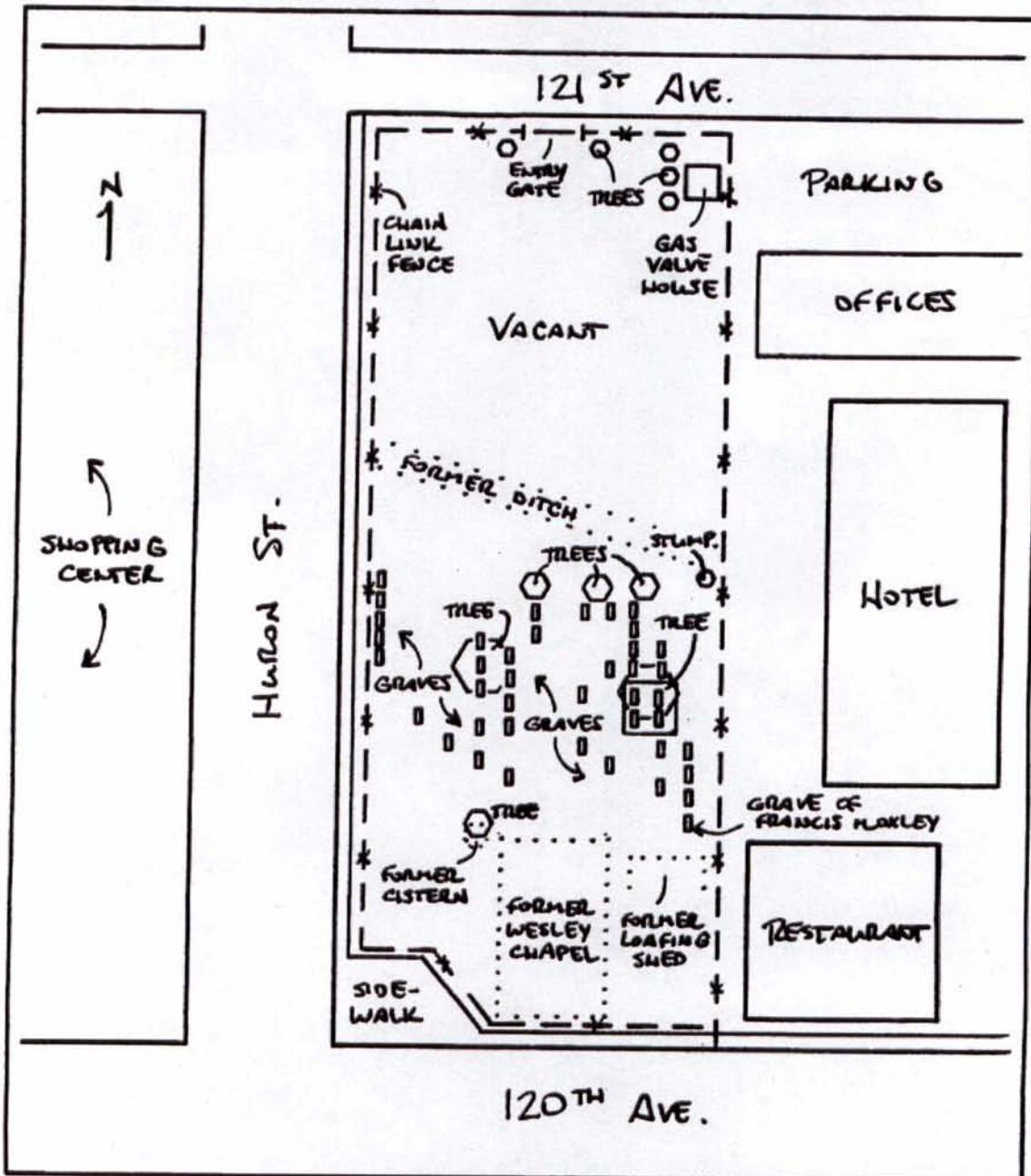
## Site Location Map



## Appendix B Site Diagram

Not to Scale

Note that features shown on the diagram are in their approximate locations and that not all of the graves are shown.



## **Appendix C**

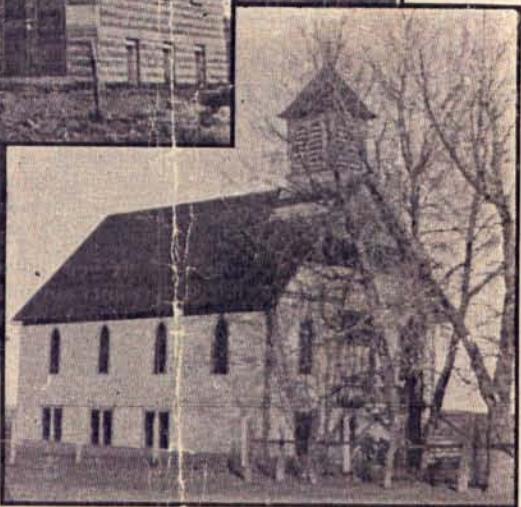
### **Historic Photographs**

**The Messenger.**  
"FOR CHRIST AND THE CHURCH"

*Broomfield, Colorado, Sunday, October 18, 1908*



Warren Chapel  
Broomfield

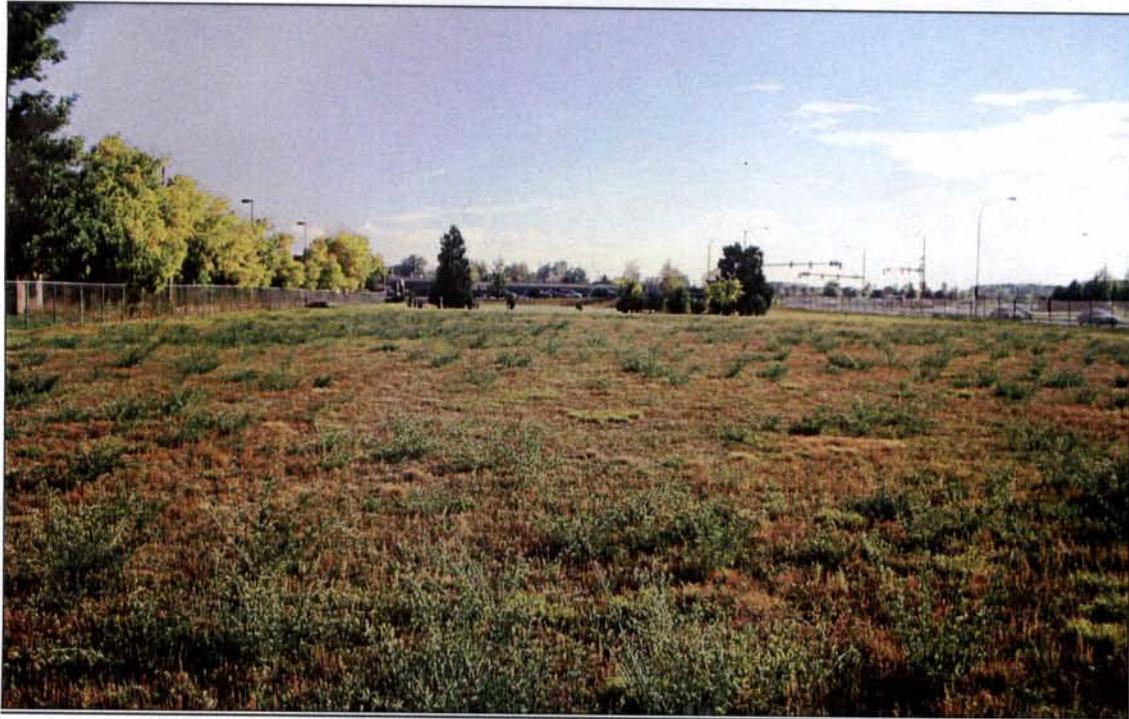


Wesley Chapel  
Near Quimby

A. F. GLOVER, Pastor.      Residence, University Park, Colo.  
DR. R. A. CARNINE, District Superintendent,  
229 So. Bannock Street, Denver, Colo.  
The Pastor desires to meet all strangers.  
PLEASE REPORT ALL SICKNESS PROMPTLY.

## **Appendix C**

### **Current Photographs**



View of the site from the entry gate along 121<sup>st</sup> Ave. View to the south.



View of the gas valve house in the northeast corner of the site. View to the northeast.



View of the modern entry gate along 121<sup>st</sup> Ave. View to the northwest.



View of the central area of the site, with the low swale from left to right that marks the previous location of the irrigation ditch. View toward the east.



View of the graveyard area from the west fence line. View to the southeast.



View of graves along the west fence line. View to the south.

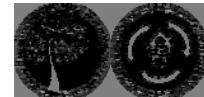


## Agenda Item 10 C

W E S T M I N S T E R  
C O L O R A D O

### Agenda Memorandum

City Council Meeting  
November 28, 2005



**SUBJECT:** Resolution No. 51 re Allowing Local Review of State Income Tax Credit Applications for Qualified Rehabilitation Costs Incurred By Owners of Landmarked Historic Properties

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

#### Recommended City Council Action

Approve Resolution No. 51 allowing local review of state income tax credit applications for qualified rehabilitation costs incurred by owners of landmarked historic homes and business properties.

#### Summary Statement

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

**Expenditure Required:** Not determined at this time

**Source of Funds:** Application fees will be charged to help defray any extra expenses.

**Policy Issue**

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

**Alternative**

Do not allow the Historic Landmark Board to perform this function.

**Background Information**

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

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

In order to allow Board review of these applications, the City Council is required by state law to pass a resolution each year stating whether review of state tax credit applications is authorized for the upcoming year. Approval of this resolution would allow the Board to accept and review these applications in 2006.

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

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

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

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

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

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

## **1. RESOLUTION**

**RESOLUTION NO. 51**

**INTRODUCED BY COUNCILLORS**

**SERIES OF 2005**

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

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

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

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

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

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

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

The City of Westminster, through its Historic Landmark Board, hereby agrees to act as a reviewing entity for the purposes of subsections (3) and (6) of C.R.S. § 39-22-514 for calendar year 2006. The City will maintain the "preservation fund" as required by C.R.S. § 39-22-514 (11) (a), for use in administering the program and to provide information and education to the community within the context of historic preservation.

PASSED AND ADOPTED this 28th day of November, 2005.

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Mayor

ATTEST:

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City Clerk



## Agenda Item 10 D

W E S T M I N S T E R  
C O L O R A D O

### Agenda Memorandum

City Council Meeting  
November 28, 2005



**SUBJECT:** Resolution No. 52 re 2006 Jefferson County Joint Venture Grant Application

**Prepared By:** Brad Chronowski, Landscape Architect II

#### Recommended City Council Action:

Adopt Resolution No. 52 authorizing the Department of Parks, Recreation and Libraries to apply for a 2006 Jefferson County Joint Venture Grant application for the 2006 grant cycle.

#### Summary Statement

- The Department of Parks, Recreation and Libraries wishes to pursue a grant from the Jefferson County Joint Venture Grant Program for the construction of the Armed Forces Tribute Garden to be located at City Park.
- Staff recommends requesting a \$250,000 grant for the Armed Forces Tribute Garden construction.
- The Department of Parks, Recreation and Libraries has approximately \$625,000 in anticipated and budgeted funds to meet the estimated \$1,900,000 project cost (not including sculptures) for the Armed Forces Tribute Garden.
- The Department of Parks, Recreation and Libraries will continue to raise funds through donations and brick/amenity sales for the Armed Forces Tribute Garden to help defray the costs of the project.
- The project's major benefactor and fundraising chairman, Jim Sullivan, will pursue additional capital fundraising by selling the newly-completed sculpture maquettes.
- The City's matching funds of \$250,000 will come from existing accumulated funds.

**Expenditure Required:** \$250,000

**Source of Funds:** Grant Funds

**Policy Issue**

Should the City attempt to increase the funding for the Armed Forces Tribute Garden by pursuing grant monies from the Jefferson County Joint Venture Grant Program?

**Alternatives**

1. Council could choose not to pursue additional funding for the Armed Services Project and proceed with the improvements at the current budget level. However, Staff recommends attempting to secure additional funding for the project through this grant opportunity.
2. Council could choose to pursue another project for the 2006 Jefferson County Joint Venture Grant Program. However, at this time City Staff has no further recommendations for consideration.

**Background Information**

The Department of Parks, Recreation and Libraries has been successful in applying for and receiving grants from a variety of sources in the past. In 2005, the Jefferson County Joint Venture Grant Program assisted the City with a \$144,000 grant for the Armed Forces Tribute Garden.

The proposed Armed Forces Tribute Garden Community Project was brought to City Council in January 2003. Staff proposed to allow individuals, service clubs, non-profit groups, or community groups to participate in the project by raising funds to commission individual sculpture pieces for the park and/or help with actual construction costs to build the park. The Legacy Foundation and the two Westminster Rotary Clubs have committed cash and in-kind services to the project. Staff is continuing to contact service clubs, military recruiters, corporations and individuals to procure additional funding and support. Additionally, Jim Sullivan, the fundraising chairman, is expected to begin capital fundraising by selling the sculpture maquettes to large corporations and philanthropists.

The City's design consultant, DHM Design, has prepared an updated master plan including conceptual architectural elements, landscaping, pedestrian access and paving patterns for the engraved bricks. The plan includes six private seating areas and an elaborate fountain dedicated to the armed forces who serve our country. The bronze sculptures were unveiled on Veterans Day of 2005.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **52**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

---

**GRANT REQUESTS FOR THE 2006 JEFFERSON COUNTY JOINT VENTURE GRANT  
PROGRAM**

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

WHEREAS, The City of Westminster has budgeted for improvements for the Armed Forces Tribute Garden;

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

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit a grant application to the Jefferson County Joint Venture Grant program for 2006, requesting funding in the amount of \$250,000 to enhance the Armed Forces Tribute Garden.

PASSED AND ADOPTED this 28th day of November 2005.

Attest:

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Mayor

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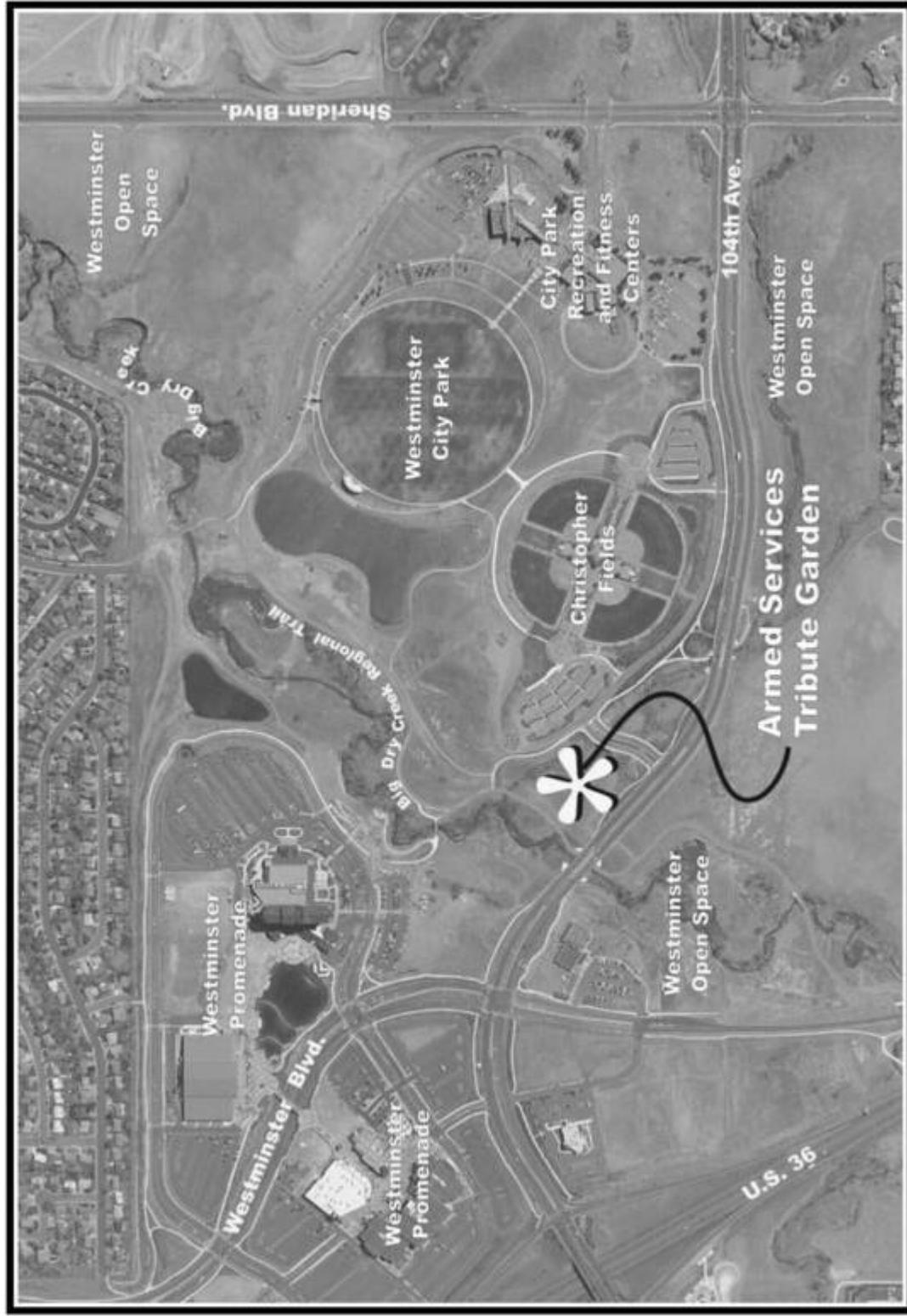
City Clerk

## Central Plaza Enlargement



Revised Master Plan

# Armed Forces Tribute Garden at City Park



## Vicinity Map

WESTMINSTER



## Agenda Item 10 E

WESTMINSTER  
COLORADO

### Agenda Memorandum

City Council Meeting  
November 28, 2005



**SUBJECT:** Contract with Tire Distribution Systems for the Purchase of Tires and Emergency Road Services

**Prepared By:** Judy Workman, Fleet Manager  
Carl F. Pickett, Purchasing Officer

#### Recommended City Council Action

Authorize the City Manager to execute a contract with Tire Distribution Systems (TDS) as a vendor to the City of Westminster, for tire sales and related services.

#### Summary Statement

- Section 5.12 of the City Charter provides that no contract in excess of \$100 may be approved with a company in which a City Councillor or an appointed City officer has a “pecuniary interest,” unless the contract is unanimously approved by all of the other members of City Council without any such interest. A City Councillor is deemed to have a pecuniary interest if the Councillor is an employee, partner, officer, director or sales representative of the company.
- Tire Distribution Systems (TDS) has been a vendor to the City since 1977. Councillor Mark Kaiser has been TDS’ sales representative to the City since 1977. Because of Mr. Kaiser’s affiliation with TDS, unanimous approval from the rest of the Council is required for the City to continue to do business with this company.
- TDS is one of only a few vendors capable of meeting all of the City’s tire and service requirements.

**Expenditure Required:** Approximately \$65,000 Annually

**Source of Funds:** Fleet Maintenance Fund

**Policy Issue**

Should the City continue to use TDS for its tire purchases and related services?

**Alternative**

Do not approve the City's using TDS for tire sales and related services. This is not recommended because of the level of service and knowledge that the company brings to the City.

**Background Information**

The City of Westminster's fleet has many different kinds of vehicles, many of which require different types and brands of tires. The City has always used the price agreements that the State sets up annually with the tire manufacturers themselves. The manufacturers then have their distributors sell the tires at the bid price. Any tire distributor can sell tires at the State bid price, but there are only a few distributors that have the ability to supply all the different manufacturers' tires. TDS is one of those vendors, and has been supplying the City with tires for the past twenty eight years.

Mark Kaiser has been the TDS sales representative to the City for this entire time. Mr. Kaiser was elected to City Council on November 1, 2005. Westminster Municipal Code 15-1-3-E provides that City Staff is prohibited from approving a purchase involving an amount in excess of one hundred dollars (\$100) in which any elective or appointive officer of the City or member of the officer's family has a pecuniary interest, as defined in section 5.12 of the City Charter, without the unanimous approval of members of the City Council.

Respectfully submitted,

J. Brent McFall  
City Manager

## Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, November 28, 2005. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the November 14, 2005 regular meeting were approved.

Council proclaimed December 1 to be Hyland Hills Day in celebration of the Hyland Hills Park and Recreation District 50<sup>th</sup> Anniversary.

Council approved the following: October 2005 Financial Report; 3<sup>rd</sup> Qtr Insurance Report; revised City Council assignments; changed the date for last December 2005 City Council meeting to December 19; 2006 proposed Community Development Block Grant and HOME Projects; alternate surety for Public and Private Improvement Agreements at The Orchard; 2005 Crackseal Project Bid; Memorandum of Understanding for Adams County Mosquito Control; Water Meter Replacement Program and related purchases; 2005 Construction Crew Utility Material Purchase Orders; final passage of Councillor's Bill No. 68 re Country Club Highlands property rezone; final passage of Councillor's Bill No. 69 re 2005 Edward Byrne Memorial Justice Assistance Grant Program; final passage of Councillor's Bill No. 70 re 2005 3<sup>rd</sup> Quarter Budget Supplemental Appropriation; and contract with Tire Distribution Systems for purchase of tires and emergency road services.

Council adopted the following resolutions: Resolution No. 50 designating Wesley Chapel Cemetery as a Local Historic Landmark; Resolution No. 51 designating City Council the reviewing entity for State Income Tax Credit Rehabilitation Program; and Resolution No. 52 authorizing 2006 Jefferson County Joint Venture Grant application.

Council conducted a public hearing to consider designating the Wesley Chapel Cemetery as a Local Historic Landmark.

Council appointed Mary Lindsey as a member and Scott Major as an alternate member of the Broomfield-Westminster Open Space Foundation, Inc. Board of Directors.

At 7:50 p.m., the meeting was adjourned.

By order of the Westminster City Council  
Linda Yeager, MMC, City Clerk  
Published in the Westminster Window on December 8, 2005

**A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminster M-1 to City of Westminster Planned Unit Development (PUD). A parcel of land located in Section 32, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

A parcel of land located in the east  $\frac{1}{2}$ , southeast  $\frac{1}{4}$ , Section 32, Township 1 South, Range 68 West of the 6<sup>th</sup> P.M., except that part conveyed to County of Adams by deed recorded in Book 233 at Page 36, more particularly described as follows:

Beginning at a point which is the southeast corner of Section 32, Township 1 South, Range 68 West; Thence North 89 degrees 54 minutes West a distance of 2643.3 feet;

Thence North a distance of 40 feet;

Thence South 89 degrees 43 minutes East a distance of 1306.7 feet;

Thence North a distance of 20 feet;

Thence South 80 degrees 43 minutes east a distance of 1336.6 feet;

Thence South a distance of 50 feet, more or less, to the point of beginning, County of Adams, State of Colorado.

Also described as follows:

That part of the east  $\frac{1}{2}$  southeast  $\frac{1}{4}$  of Section 32, Township 1 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, described as:

Beginning at the southeast corner of said East  $\frac{1}{2}$  southeast  $\frac{1}{4}$ ;

Thence North 00 degrees 20 minutes 00 seconds east on an assumed bearing along the East line of said East  $\frac{1}{2}$  southeast  $\frac{1}{4}$  a distance of 50 feet to the true point of beginning;

Thence continuing North 00 degrees 20 minutes 00 seconds east along said East line a distance of 2574.30 feet to the northeast corner of said East  $\frac{1}{2}$  Southeast  $\frac{1}{4}$ ;

Thence North 89 degrees 10 minutes 55 seconds West along the North line of said East  $\frac{1}{2}$  Southeast  $\frac{1}{4}$  a distance of 1324.14 feet to the northwest corner of said East  $\frac{1}{2}$  Southeast  $\frac{1}{4}$ ;

Thence South 00 degrees 18 minutes 35 seconds West along the West line of said East  $\frac{1}{2}$  Southeast  $\frac{1}{4}$  a distance of 2580.51 feet to a point on the North line of a parcel of land described in Book 233 at Page 36, Adams County Records;

Thence along said North line a distance of 1323.04 feet to the true point of beginning, County of Adams, State of Colorado.

Except those portions conveyed in deeds recorded August 31, 2001 at Reception No. C0851506 and November 29, 2001 at Reception No. C0892789, County of Adams, State of Colorado, containing 44.80 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of November, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of November, 2005.

ORDINANCE NO. **3254**  
SERIES OF 2005

COUNCILLOR'S BILL NO. **69**  
INTRODUCED BY COUNCILLORS  
**Dittman – Price**

**A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL FUND  
AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED  
REVENUES IN THE FUNDS.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$30,527 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$91,765,743. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This is an appropriation of a Federal Bureau of Justice Assistance Grant.

Section 2. The \$30,527 increase in the General Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

**REVENUES**

| Description              | Account Number  | Current Budget | Amendment | Revised Budget |
|--------------------------|-----------------|----------------|-----------|----------------|
| Federal Grants           | 1000.40610.0000 | \$4,471        | \$30,527  | \$34,998       |
| Total Change to Revenues | <u>\$30,527</u> |                |           |                |

**EXPENSES**

| Description              | Account Number      | Current Budget | Amendment | Revised Budget |
|--------------------------|---------------------|----------------|-----------|----------------|
| Other Equip-Inv Svcs     | 10020300.76000.0344 | \$52,505       | \$30,527  | \$83,032       |
| Total Change to Expenses | <u>\$30,527</u>     |                |           |                |

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of November, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of November, 2005.

**A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL, GENERAL CAPITAL OUTLAY REPLACEMENT, OPEN SPACE AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$40,810 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$91,806,553. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of various donations, sponsorships and reimbursements, grants, community events and a rebate.

Section 2. The \$40,810 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

| Description              | Account Number  | Current Budget | Amendment       | Revised Budget |
|--------------------------|-----------------|----------------|-----------------|----------------|
| Gen Misc                 | 1000.43060.0000 | \$204,322      | \$2,200         | \$206,522      |
| Federal Grants           | 1000.40610.0000 | 4,471          | 17,472          | 21,943         |
| State Grants             | 1000.40620.0000 | 20,000         | 4,370           | 24,370         |
| Youth Scholarship        | 1000.41030.0528 | 0              | 4,343           | 4,343          |
| Contributions            | 1000.43100.0000 | 24,750         | <u>12,425</u>   | 37,175         |
| Total Change to Revenues |                 |                | <u>\$40,810</u> |                |

EXPENSES

| Description              | Account Number      | Current Budget | Amendment       | Revised Budget |
|--------------------------|---------------------|----------------|-----------------|----------------|
| Solid Waste Coll         | 10012390.67300.0702 | \$20,080       | \$2,200         | \$22,280       |
| Special Promotion        | 10030340.67600.0000 | 24,900         | 12,375          | 37,275         |
| Special Promotion        | 10050760.67600.0528 | 1,322          | 4,343           | 5,665          |
| Prof Services            | 10020300.65100.0344 | 22,000         | 1,270           | 23,270         |
| Overtime                 | 10020500.60400.0349 | 502,500        | 4,370           | 506,870        |
| Supplies                 | 10020500.70200.0347 | 50,598         | 50              | 50,648         |
| Overtime                 | 10020300.60400.0344 | 192,471        | <u>16,202</u>   | 208,673        |
| Total Change to Expenses |                     |                | <u>\$40,810</u> |                |

Section 3. The 2005 appropriation for the General Capital Outlay Replacement Fund initially appropriated by Ordinance No. 3162 in the amount of \$2,917,759 is hereby increased by \$396,932 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$3,314,691. The actual amount in the General Capital Outlay Replacement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of lease proceeds for a fire truck.

Section 4. The \$396,932 increase in the General Capital Outlay Replacement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

| Description              | Account Number  | Current Budget | Amendment        | Revised Budget |
|--------------------------|-----------------|----------------|------------------|----------------|
| Other Financing Sources  | 4500.46000.0000 | \$0            | <u>\$396,932</u> | \$396,932      |
| Total Changes to Revenue |                 |                | <u>\$396,932</u> |                |

**EXPENSES**

| Description              | Account Number      | Current Budget | Amendment        | Revised Budget |
|--------------------------|---------------------|----------------|------------------|----------------|
| Other Financing Uses     | 45010900.78800.0000 | \$0            | <u>\$396,932</u> | \$396,932      |
| Total Change to Expenses |                     |                | <u>\$396,932</u> |                |

Section 5. The 2005 appropriation for the Open Space Fund initially appropriated by Ordinance No. 3162 in the amount of \$4,414,869 is hereby increased by \$28,887 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$6,594,399. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of a construction easement.

Section 6. The \$28,887 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

**REVENUES**

| Description              | Account Number  | Current Budget | Amendment       | Revised Budget |
|--------------------------|-----------------|----------------|-----------------|----------------|
| Miscellaneous            | 5400.43060.0000 | \$0            | <u>\$28,887</u> | \$28,887       |
| Total Changes to Revenue |                 |                | <u>\$28,887</u> |                |

**EXPENSES**

| Description              | Account Number      | Current Budget | Amendment       | Revised Budget |
|--------------------------|---------------------|----------------|-----------------|----------------|
| Land Purchases           | 54010900.76600.0000 | \$772,142      | <u>\$28,887</u> | \$801,029      |
| Total Change to Expenses |                     |                | <u>\$28,887</u> |                |

Section 7. The 2005 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,587,000 is hereby increased by \$5,100 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$32,361,618. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of a Great Outdoors Colorado grant.

Section 8. The \$5,100 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

**REVENUES**

| Description              | Account Number  | Current Budget | Amendment      | Revised Budget |
|--------------------------|-----------------|----------------|----------------|----------------|
| Miscellaneous            | 7501.40620.0026 | \$0            | <u>\$5,100</u> | \$5,100        |
| Total Changes to Revenue |                 |                | <u>\$5,100</u> |                |

**EXPENSES**

| Description              | Account Number         | Current Budget | Amendment      | Revised Budget |
|--------------------------|------------------------|----------------|----------------|----------------|
| Trail Development        | 80175050135.80400.8888 | \$525,065      | <u>\$5,100</u> | \$530,165      |
| Total Change to Expenses |                        |                | <u>\$5,100</u> |                |

Section 9. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of November, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of November, 2005.