



**WESTMINSTER**  
**COLORADO**

**JANUARY 24, 2000**  
**7:00 P.M.**  
**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 5) 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 Meeting**
- 4. Presentations**
- 5. Citizen Communication**
- 6. Report of City Officials**
  - A. City Manager's Report
- 7. City Council Comments**

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

- 8. Consent Agenda**
  - A. Colorado Municipal League Annual Dues of \$42,163.44
  - B. Bid re Front End Loader to Honnen Equipment Co for \$98,215.40
  - C. Bid re New Ambulance to EDM Equipment Co for \$81,500
  - D. Capital Improvement Program Technical Assistance Service Contract to RG Consulting Engineers Inc for \$140,000
  - E. Property and Liability Excess Insurance payment to CIRSA for \$163,587
  - F. Councillor's Bill No. 1 on second reading re Annexation of Crowder Property (Hicks-Atchison)
  - G. Councillor's Bill No. 2 on second reading re Zoning of Crowder Property to R-E (Hicks-Atchison)
  - H. Councillor's Bill No. 3 on second reading re Annexation re RTD property at Church Ranch Boulevard and US 36 (Atchison-Merkel)
  - I. Councillor's Bill No. 4 on second reading re Zoning re RTD property at Church Ranch Boulevard and US 36 (Atchison-Merkel)
  - J. Councillor's Bill No. 5 on second reading appropriating \$100,000 from JeffCo Open Space grant for Big Dry Creek Trail (Atchison-Merkel)
  - K. Councillor's Bill No. 6 on second reading appropriating \$200,000 from Contingency for Little Dry Creek Trail at Sheridan (Merkel-Atchison)

- 9. Appointments and Resignations**
  - A. Resolution No. 7 re Re-appointments to Boards and Commissions
  - B. Resolution No. 8 re New Appointments to Boards and Commissions

- 10. Public Hearings and Other New Business**
  - A. Public Hearing re 128<sup>th</sup> Avenue & Zuni Street Right of Way Annexation
  - B. Resolution No. 9 re Annexation Findings re 128<sup>th</sup> Ave & Zuni Street ROW
  - C. Councillor's Bill No. 7 re Annexation 128<sup>th</sup> Avenue & Zuni Street ROW
  - D. Public Hearing re Northwest Business Park Third Amended PDP
  - E. Northwest Business Park Third Amended Preliminary Development Plan
  - F. Public Hearing re Amendments to Comprehensive Land Use Plan
  - G. Councillor's Bill No. 8 re Amendments to Comprehensive Land Use Plan

H.

- I. Resolution No. 10 re Fonay Property Annexation Petition involving 138.66 acres located at 144<sup>th</sup> Avenue and Huron Street
- J. Intergovernmental Agreement Amendment re Crown Point
- K. Councillor's Bill No. 9 re Business Assistance Package re Fun Services
- L. Resolution No. 10 re transfer of funds for implementation of Fun Services Business Assistance
- M. Acquisition of 133.043 acres at 146<sup>th</sup> Avenue & Huron Street for \$2,261,731
- N. Resolution No. 11 re Jefferson Economic Council
- O. Joint Development Agreement and Lease Agreement with Inland Pacific re Lakeview Pavilion
- P. Councillor's Bill No. 10 Sale and lease back of Cotton Creek Park and 2<sup>nd</sup> Amendment to 1998 Lease
- Q. Councillor's Bill No. 11 Receipt of \$1.6 Million in COP proceeds and 1<sup>st</sup> COP payment
- R. Agreement for Bond Counsel Services for \$1.6 Million Certificates of Participation
- S. Adoption of 2000 Standley Lake Fee Structure
- T. Councillor's Bill No. 12 re 1999 Budget Supplemental Appropriation
- U. Third Amendment to Intergovernmental Agreement with Jefferson County Hazardous Substance Response Authority
- V. Resolution No. 12 re Private Activity Bond Allocation

**11. Old Business and Passage of Ordinances on Second Reading**

None

**12. Citizen Presentations and Miscellaneous Business**

- A. Kings Mill Area Residents' Presentation re Kings Mill Library
- B. Ed Hass
- C. Insurance Report for 4th Quarter of 1999
- D. Financial Report for December, 1999
- E. City Council
- F. Request for Executive Session

**13. Adjournment**

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

- A. The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B. Any person 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, JANUARY 24, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Dixon led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Present at roll call were Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel, Moss and Smith. Also present were William Christopher City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Mayor Heil is on an extended medical absence.

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Merkel to accept the minutes of the meeting of January 10, 2000 with no additions or corrections. Councillor Moss stated that he had listened to the tape of the meeting. The motion carried unanimously.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher stated there would be Special City Council meeting on January 31, 2000.

CITY COUNCIL COMMENTS:

Councillor Hicks introduced a student in attendance at the meeting who was working on his Citizenship Badge. Councillor Smith introduced John Zits, the new President and Chairperson of the Friends of the Westminster Library. Councillor Merkel stated the library's book sale will be in April, and reported on the meeting she attended at the Ice Centre and that the public skating has increased from 3,200 in December, 1998 to 10,000 in December, 1999. Councillor Moss stated the next meeting of the Northwest Parkway is posted on the CDOT web page under Special Projects. Councillor Moss reported on the Public Defender interviews that he participated in today. The new post office located at 3051 West 105<sup>th</sup> Avenue has opened to the public this week. City Manager Bill Christopher stated there will be 3 more meetings on the Northwest Parkway, and in addition to the meeting being listed on CDOT's web page, the meetings are also part of the City's web page and also broadcast on Channel 8.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Colorado Municipal League Annual Dues - Authorize the payment of \$42,163.44 for the City's 2000 Colorado Municipal League dues and charge the expense to the appropriate Central Charges budget account in the 2000 Budget; Purchase of Front End Loader - Award bid for the front-end loader to the State low bidder, Honnen Equipment Co, in the amount of \$98,215.40 and charge the expense to the appropriate 2000 Public Works and Utilities budget account; Bid for New Ambulance Purchase - Award bid to EDM Equipment Company, in the amount of \$81,500 (\$91,500 bid price less \$10,000 trade in price for the 1994 ambulance) for one Road Rescue ambulance; Capital Improvement Program Technical Assistance Services Contract - Authorize City Manager to execute a contract with RG Consulting Engineers Inc. to provide technical assistance for the Capital Improvements Program for 2000 in an amount not to exceed \$140,000 with the expense associated for the services to be charged to the Capital Projects portion of the Utility Fund; Property and Liability Excess Insurance - Authorize City Manager to enter into an agreement with CIRSA for the purchase of excess insurance authorizing expenditure of \$163,587 for the City's 2000 Property and Liability coverage and charge this expense to the Property and Liability Self-Insurance Fund; Councillor's Bill No. 1 re Crowder Property Annexation; Councillor's Bill No. 2 re Crowder Property Zoning; Councillor's Bill No. 3 re RTD Park and Ride Property Annexation; Councillor's Bill No. 4 re RTD Park and Ride Property Zoning; Councillor's Bill No. 5 re Big Dry Creek Trail Grant Appropriation; and Councillor's Bill No. 6 re Little Dry Creek Trail Appropriation.

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

A motion was made by Merkel and seconded by Atchison to adopt the Consent Agenda items as presented. The motion carried unanimously.

BOARDS AND COMMISSIONS:

A motion was made by Atchison and seconded by Merkel to Table Resolution No. 7 making re-appointments, and Resolution No. 8 making new appointments, to the City's Boards and Commissions, with these items to be discussed at the Special Council meeting of January 31<sup>st</sup>. The motion carried unanimously.

PUBLIC HEARING ON 128<sup>TH</sup> AVENUE AND ZUNI STREET RIGHT OF WAY ANNEXATION:

At 7:20 P.M. the meeting was opened to a public hearing on the City initiated annexation of .51 acres of right-of-way along the south half of the existing 128<sup>th</sup> Avenue, immediately east of Zuni Street. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum and other related items as exhibits. No one spoke in opposition. At 7:25 P.M. the public hearing was declared closed.

RESOLUTION NO. 9 – 128<sup>TH</sup> AVENUE AND ZUNI STREET ROW ANNEXATION FINDINGS:

A motion was made by Hicks and seconded by Atchison to adopt Resolution No. 9 making certain findings of fact as required by Section 31-12-110 C.R.S regarding annexation of .51 acres of right-of-way along the south half of the existing 128<sup>th</sup> Avenue, immediately east of Zuni Street.. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 7 – 128<sup>TH</sup> AVENUE AND ZUNI STREET ROW ANNEXATION:

A motion was made by Hicks and seconded by Merkel to pass Councillor's Bill No. 7 on first reading annexing a portion of the 128<sup>th</sup> Avenue ROW to the City of Westminster. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ON NORTHWEST BUSINESS PARK THIRD AMENDED PDP:

At 7:26 P.M. the meeting was opened to a public hearing on the Third Amended Preliminary Development Plan for the Northwest Business Park, generally located at the southwest corner of 112<sup>th</sup> Avenue and Westminster Parkway. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items as exhibits. Ray Pittman, Senior Vice President of Catellus Development Company and Edwardo Illanes, Chief Architect, gave a brief presentation to Council. No one spoke in opposition. At 7:45 P.M. the public hearing was declared closed.

NORTHWEST BUSINESS PARK THIRD AMENDED PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Atchison and seconded by Merkel to approve the Northwest Business Park Third Amended PDP based on a finding that it is in substantial compliance with the City's Comprehensive Land Use Plan and Section 11-5-14 of the Municipal Code. The motion carried unanimously.

PUBLIC HEARING ON COMPREHENSIVE LAND USE PLAN AMENDMENTS:

At 7:46 P.M. the meeting was opened to a public hearing on proposed changes to the City's Comprehensive Land Use Plan. Planning Manager Dave Shinneman gave a brief presentation to Council. No one spoke in opposition. At 7:50 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 8 – AMENDMENTS TO COMPREHENSIVE LAND USE PLAN:

A motion was made by Merkel and seconded by Moss to pass Councillor's Bill No. 8 on first reading making certain changes to the Westminster Comprehensive Land Use Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 10 – FONAY PROPERTY ANNEXATION PETITION:

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 10 accepting the annexation petition submitted by Mr. Fonay and Ms. Swain and make findings required by State Statute on the sufficiency of the petition. Upon roll call vote, the motion carried unanimously.

AMENDED INTERGOVERNMENTAL AGREEMENT FOR CROWN POINTE ACADEMY:

A motion was made by Smith and seconded by Hicks to approve the amendment to the existing Intergovernmental Agreement between the City of Westminster and Adams County School District #50 for the expansion and use of the Crown Pointe Academy and authorize the expenditure of \$396,000 from the General Capital Improvement Program to fulfill the City's obligation under the amendment. The motion carried unanimously.

COUNCILLOR'S BILL NO. 9 - FUN SERVICES INC. BUSINESS ASSISTANCE PACKAGE:

A motion was made by Merkel and seconded by Atchison to pass Councillor's Bill No. 9 on first reading which authorizes the execution and implementation of the Assistance Agreement with Fun Services, Inc. for the construction of a new building. Mr. Bill Wilson, owner of Fun Services addressed the Council. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 10A – CONTINGENCY TRANSFER FOR FUN SERVICES ASSISTANCE PACKAGE:

A motion was made by Merkel and seconded by Smith to adopt Resolution No. 10A authorizing the transfer of \$2,500 from the General Fund Contingency account into the Economic Development budget in the General Fund for implementation of the Fun Services Business Assistance Agreement. Upon roll call vote, the motion carried unanimously.

LAND ACQUISITION AT 146<sup>TH</sup> AVENUE AND HURON STREET:

A motion was made by Atchison and seconded by Smith to authorize the City Manager to execute all necessary and appropriate documents on behalf of the City to purchase 135.043 acres of land, generally bounded by I-25, 150<sup>th</sup> Avenue, Huron Street and 146<sup>th</sup> Avenue; and authorize the expenditure of \$2,295,731 for the purchase plus related closing costs from the appropriate Capital Projects account in the Utility Fund. The motion carried unanimously.

RESOLUTION NO. 11 – JEFFERSON ECONOMIC COUNCIL'S LAND USE POLICY:

A motion was made by Merkel and seconded by Atchison to adopt Resolution No. 11 endorsing the Jefferson Economic Council's Land Use Policy Recommendations. Upon roll call vote, the motion carried unanimously.

JOINT LEASE & DEVELOPMENT AGREEMENT WITH INLAND PACIFIC RE LAKEVIEW PAVILION:

A motion was made by Atchison and seconded by Merkel to authorize the City manager to sign a Joint Development Agreement and Lease Agreement with Inland Pacific to construct and manage long term the Lakeview Pavilion. The motion carried unanimously.

ORDINANCE NO. 2745 – SALE AND LEASE BACK OF COTTON CREEK PARK:

A motion was made by Atchison and seconded by Merkel to adopt Councillor's Bill No. 10 as an emergency ordinance approving the sale and lease-back of Cotton Creek Park to the Building Authority, approving the 2<sup>nd</sup> Amendment to the 1998 lease with the Building Authority adding Cotton Creek Park to the project list and directing the Mayor and City Clerk to sign on behalf of the City. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 11 – COP PROCEEDS APPROPRIATION:

A motion was made by Atchison and seconded by Merkel to pass Councillor's Bill No. 11 on first reading revising the budget to reflect the receipt of \$1.6 million in Certificates of Participation proceeds and the first COP payment on December 1, 2000. Dee Wisor, Bond Counsel for the City, was present to address Council. Upon roll call vote, the motion carried unanimously.

AGREEMENT FOR BOND COUNSEL SERVICES FOR COP FINANCING:

A motion was made by Atchison and seconded by Hicks to authorize Sherman & Howard to act as Bond and Special Counsel to the City at a fee of \$12,000, plus out-of-pocket expenses, or the actual hours spent, whichever is less, to be paid for out of the proposed certificate of participation financing, and authorize the City Manager to execute an agreement with Sherman & Howard. The motion carried unanimously.

2000 STANDLEY LAKE RECREATION PROGRAM FEE STRUCTURE:

A motion was made by Merkel and seconded by Atchison to adopt the 2000 Standley Lake Recreation Area fee structure as proposed by Staff and outlined in Alternative 2 of the Agenda Memorandum and the addendum for Single Night Campers fee of \$10. The motion carried unanimously.

COUNCILLOR'S BILL NO. 12 – 1999 BUDGET SUPPLEMENTAL APPROPRIATIONS:

A motion was made by Smith and seconded by Hicks to pass Councillor's Bill No. 12 on first reading providing for supplementary appropriations to the 1999 General Fund and Heritage at Westmoor portion of the Golf Course Fund. Upon roll call vote, the motion carried unanimously.

AMENDMENT TO IGA FOR JEFFCO HAZARDOUS SUBSTANCE RESPONSE AUTHORITY:

A motion was made by Hicks and seconded by Smith to authorize the Mayor Pro Tem to sign the Third Amendment to the Intergovernmental Agreement with the Jefferson County Hazardous Substance Authority, which allows members of the Board to be appointed for more than two consecutive terms. The motion carried unanimously.

RESOLUTION NO. 12 – PRIVATE ACTIVITY BOND ALLOCATION:

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 12 which sets forth the distribution of the City of Westminster's \$2,432,675 Private Activity bond allocation with \$1,000,000 allocated to the single-family mortgage bond program and \$1,432,675 earmarked for South Westminster redevelopment efforts. Upon roll call vote, the motion carried unanimously.

KINGS MILL AREA RESIDENTS' PRESENTATION CONCERNING KINGS MILL LIBRARY:

Mayor Pro Tem Dixon stated that each side would be given 30 minutes to address Council regarding the proposed closing of the Kings Mill Library

At 8:24 P.M. the Mayor Pro Tem called a recess. Council reconvened at 8:30 P.M.

The following citizens addressed Council opposing the closure of the Library: Jeff Seifried, 9049 Garland Street, Cornelia Juleff, 9356 Flower Street, Kelly Hott, 9225 W. 94<sup>th</sup> Place, Becky Chase, 8933 Field Street, Sarah Claussen, 10935 W. 102<sup>nd</sup> Circle, and Leslie and Danny Buchanan, 9054 W. 93<sup>rd</sup> Avenue.

The following citizens addressed Council favoring the Sunday opening of College Hills Library: Front Range Student Government representative Dennis Sergant, 3721 W. 91<sup>st</sup> Place, John Zits, Chairperson of the Friends of the Library, Hal Smith, 4785 W. 99<sup>th</sup> Place, Dori Walter, 7901 Lowell Boulevard, Beverly Bishop, 4054 W. 74<sup>th</sup> Avenue, Bob Benson, 3765 W. 102<sup>nd</sup> Avenue and Ted Fleagle, 6842 W. 99<sup>th</sup> Avenue.

A motion was made by Hicks to build onto the Kings Mill Library for the Head Start facility and find other resources to keep the College Hill Library open on Sundays. The motion failed for lack of a second.

A motion was made by Moss and seconded by Merkel to direct Staff to proceed with negotiations with Jefferson County to pursue an Intergovernmental Agreement to lease the Kings Mill Library to Head Start for use as a classroom facility. The motion carried with 5 aye votes and a dissenting vote by Hicks.

A motion was made by Moss and seconded by Atchison to direct Staff to reallocate resources from the Kings Mill Library to the College Hill Library in order to open the College Hill facility on Sundays. The motion carried with 5 aye votes and a dissenting vote by Hicks.

MISCELLANEOUS BUSINESS:

City Manager Bill Christopher stated Mr. Ed Hass, 5811 W. 111<sup>th</sup> Avenue had been in contact with Staff members concerning the trash within the open space areas near the Westin Hotel and the City will stay on top of the situation.

Council reviewed the Quarterly Insurance Report and the Financial Report for December, 1999.

Councillor Merkel thanked everyone involved in the Kings Mill Library issue. Councillor Smith stated that she had struggled with the decision regarding the Kings Mill Library, and there has never been any question about the quality of services and friendly, helpful Staff at the Kings Mills Library.

Mayor Pro Tem Dixon stated there would be an Executive Session to discuss a real estate matter regarding the Federal Boulevard extension.

ADJOURNMENT:

The meeting was adjourned at 10:07 P.M.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** Colorado Municipal League Annual Dues

**Prepared by:** Barbara Gadecki, Assistant to the City Manager

#### **Introduction**

City Council is requested to authorize the payment of \$42,163.44 for the City's 2000 membership and dues to the Colorado Municipal League. Funds for this membership have been appropriated in the Central Charges portion of the 2000 City Budget.

#### **Summary**

The Colorado Municipal League (CML) provides services to over 200 cities and towns throughout the state. The annual membership dues to CML include subscriptions to the bimonthly magazine, *Colorado Municipalities*, and to the biweekly CML Newsletter for community officials. Other League services include municipal information services, municipal conferences and workshops, legislative services, administrative agency services, sample ordinances, research and publications. The CML is the main voice of cities at the State Legislature and has been important to cities in advocating and protecting municipal interests.

The City of Westminster's 2000 dues, which are based on population, assessed valuation, and sales tax collections, total \$42,163.44, an increase of \$2,384.02 over the 1999 dues. These funds have been included in the 2000 budget that was previously approved and adopted by City Council in October 1999.

#### **Staff Recommendation**

Authorize the payment of \$42,163.44 for the City's 2000 Colorado Municipal League dues and charge the expense to the appropriate Central Charges budget account in the 2000 Budget.

#### **Background Information**

The City of Westminster actively participates in CML meetings and workshops, and extensively utilizes the various services offered by the League. CML lobbies legislation on behalf of municipalities throughout the State, distributes two publications that provide information on timely topics and trends, hosts workshops and meetings on important municipal issues, and performs research as requested by member jurisdictions.

Over 200 cities and towns are members of CML and pay dues on an annual basis. CML's formula for arriving at a municipality's dues payment is based on a per capita charge using Department of Local Affairs population estimates, a fraction of the assessed valuation figures from the State Division of Property Taxation, and a fraction of state sales tax collections for the calendar year 1998.

Colorado Municipal League Annual Dues  
Page 2

As in previous years, the annual CML dues are included in the City Budget. City Council action is required because the expense is over \$25,000.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** January 24, 2000  
**Subject:** Bids re New Ambulance Purchase  
**Prepared by:** Steven M. Pacifico, Deputy Chief of Administration

**Introduction**

City Council action is requested to award the bid for the purchase of a replacement ambulance. Funds have been allocated in the 2000 Fire Department Budget for this expense.

**Summary**

The 2000 Fire Department Budget includes \$95,000 for the purchase of a new ambulance and related equipment. The new ambulance will replace a 1994 reserve unit. This reserve unit will be traded in for a \$10,000 reduction on the purchase of the new ambulance.

Formal bids in accordance with the City Charter bidding requirements were solicited from six vendors located both locally and nationally. Bids were received from four vendors. The lowest bidder, Wheeled Coach, pulled their bid when they discovered that they had overestimated the trade-in allowance for the existing 1994 unit. Staff from Fleet Maintenance and the Fire Department then completed an on-site equipment evaluation and analysis of the remaining bids.

**Staff Recommendation**

Award the bid to EDM Equipment Company, in the amount of \$81,500 (\$91,500 bid price less the \$10,000 trade in price for the 1994 ambulance) for one Road Rescue ambulance.

**Background**

Formal bids in accordance with the City Charter bidding requirements were solicited from six vendors located both locally and nationally. The bids were sent out on November 2, 1999 and opened on November 22, 1999. Four bids were received that met the required specifications:

<u>Vendor</u>	<u>Bid</u>	<u>Trade-In Allowance</u>	<u>Total Price</u>
Wheeled Coach (Wheeled Coach Ambulance)	\$94,086	\$16,000	\$78,086
EDM Equipment Company (Road Rescue Ambulance)	\$91,500	\$10,000	\$81,500
Rocky Mountain Emergency Vehicles (Lifeline Ambulance)	\$100,234	\$16,000	\$84,224
Peak Coachworks (McCoy Miller Ambulance)	\$99,370	\$10,000	\$89,370

Staff attempted for several weeks to contact Wheeled Coach in December, 1999 to set up an appointment to discuss their bid and inspect their product. After several weeks of failed attempts, Staff finally contacted the National Sales Manager for Wheeled Coach and he stated they had made an error in the estimated trade-in value for the 1994 unit and would not be able to honor their bid. Staff had no choice but to eliminate them from the process and subsequently did so at that time.

The next lowest bid was the EDM Equipment Company for a Road Rescue ambulance, which met or exceeded all of the City's specification requirements. The Fire Department currently has two Road Rescue ambulances in the fleet. These were purchased in May of 1999. Fleet Maintenance personnel and Fire Department personnel have been pleased with the performance of these two ambulances from an operational, maintenance, warranty service and engineering standpoint.

Ambulances are utilized on a very frequent and strenuous manner that limits their "life expectancy". The projected life expectancy of an ambulance is 5 years, with 3 years of frontline service and 2 years as a reserve. This new ambulance would be placed into frontline service at Fire Station 1, 3948 W. 73<sup>rd</sup> Avenue. This new unit will replace a 1994 unit that is currently used periodically as a reserve unit. The 1994 ambulance will be used as a trade-in to acquire the new ambulance and associated equipment. Staff has evaluated the \$10,000 trade-in value and considers it to be fair in light of the condition and serviceability of the 1994 unit.

The 1994 ambulance currently has 120,000 miles on it and has been identified by Fleet Maintenance personnel for replacement based on current condition and maintenance costs. Maintenance costs over the last three years have totaled \$19,726 with the majority of the costs being attributed to braking, transmission and suspension related problems. The purchase of this ambulance is in accordance with the Fire Departments 10-year replacement program for major apparatus.

Alternatives:

1. Approve Staff's recommendation of the low bidder, EDM Equipment Company, for the purchase of a Road Rescue Ambulance.
2. Award the bid to another vendor that submitted a bid that meets the City's specifications.
3. Direct Staff to have the project re-bid.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** January 24, 2000

**Subject:** Capital Improvement Program Technical Assistance Services Contract

**Prepared by:** Diane M. Phillips, Capital Improvement Projects Coordinator  
Ron Hellbusch, Director Public Works and Utilities

### Introduction

City Council action is requested to authorize the City Manager to sign a contract with RG Consulting Engineers, Inc., (RGCE) to provide management assistance for the Capital Improvement Projects Program for 2000. RGCE functions as an extension of City Staff to provide a variety of technical and management assistance with all phases of the Capital Improvement Program. Funds for this expense are available in the Capital Projects portion of the Utility Fund.

### Summary

The Public Works and Utilities Department underwent a reorganization during 1998 whereby all of Water Resources and Utilities Capital Projects were placed under the Capital Improvement Projects Coordinator position that is held by Diane Phillips. The Water Resources and Utilities Capital Improvement Projects budget for 2000 is \$7,219,000. The RG Consulting Engineers, Inc. contract amount of \$140,000 is less than 2% of the \$7,219,000 CIP budget amount. In addition, in 2000 the Reclaimed Water Project will be completed, the Replacement Clearwell will be designed and constructed and the new water treatment plant will be designed.

Public Works and Utilities retained the services of RGCE on a trial basis during 1998 to assist with the management of the Capital Improvement Program as opposed to hiring fulltime technical staff. In 1999 RGCE continued under contract to provide Capital Program assistance. The Staff has found this method of providing technical assistance has worked well, is very cost efficient and provides the immediate availability of a broad depth of technical services and project managerial skills to assist the City Staff.

### Alternative

As an alternative, the City could add three additional City full time staff positions and technical services consultants to assist in the management of the Capital Improvement Program. By using a multi-skilled consulting firm, the City can eliminate the cost of permanent positions. One full time Senior Civil Engineer and two full time Engineer Technicians would cost the City approximately \$66,000 and \$102,000 respectively for a total of \$168,000.

In addition, there is a cost savings by only periodically calling for contract services when a capital project demands support assistance.

### Staff Recommendation

Authorize the City Manager to execute a contract with RG Consulting Engineers, Inc., to provide technical assistance for the Capital Improvements Program for 2000 in an amount not to exceed \$140,000 with the expense associated for the services to be charged to the Capital Projects portion of the Utility Fund.

### **Background Information**

The Public Works and Utilities Department has centralized all Water Resources and Utilities Capital Projects under the Capital Improvement Projects Coordinator position. The projects are managed by using a team concept that includes individuals in the Water Resources and Utilities Operations that are familiar with the project; and the technical and management assistance of an outside engineering firm that serves as an extension of the City Staff.

The RGCE contract amount of \$140,000 consists of approximately \$90,000 in project management assistance and approximately \$50,000 in various technical assistance services. Project management services include preparing Request for Proposals, reviewing design proposals and overseeing construction activities. Technical assistance includes routine computer modeling, system operations planning and trouble shooting, and site surveys.

RGCE was retained and has successfully provided the needed assistance and support on the Capital Improvement Program during 1998 and 1999. Many surrounding cities including Thornton and Boulder have as many as five fulltime CIP staff managing similar CIP budgets as Westminster manages annually.

Staff originally interviewed other consulting firms and chose RGCE because they are able to provide the technical experience that is needed by the City and because they accepted the condition imposed by the City, that the firm chosen to provide CIP assistance would not be allowed to propose for the design of capital projects. Other firms that were contacted were not interested because they wanted the latitude to propose on design of capital projects. City Staff believes at this time that it is prudent and cost effective to continue with this approach to assist with CIP management during 2000.

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** Property and Liability Excess Insurance

**Prepared by:** Pierrette E. Ray, Risk Manager

#### **Introduction**

City Council action is requested to authorize the expenditure for the 2000 contribution to the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for property and liability insurance. Funds are available in the 2000 Property and Liability Fund budget for this expense.

#### **Summary**

The City annually purchases insurance to cover its assets (buildings, vehicles, equipment, open space, and parks) and to protect itself from liability exposure resulting from claims brought against the City and its employees. This insurance is purchased through CIRSA. The quote from CIRSA for 2000 is \$163,587, which represents a premium of \$187,354 minus \$13,259 in credit for Westminster's share of the CIRSA fund surplus from closed claim years and a loss control credit of \$10,508, for a total credit of \$23,767. Funds are budgeted in the Property and Liability Self Insurance Fund for this expense.

The cost of coverage in 1999 was \$130,845. This year's quote of \$163,587 is an increase of \$32,742 (25%) over 1999. This change is due to the reduction in surplus from closed claim years, the addition of new Westminster properties, including the Ice Centre and the Heritage at Westmoor Golf Course, the addition of new vehicles, and the increased value of existing properties.

The alternative to renewing insurance coverages with CIRSA would be to seek quotes from the insurance marketplace. This would most likely cost the City more money, both because of the limited number of companies that write governmental entity insurance and because of the commission that would be paid to the broker. Renewing with CIRSA is cost-effective and provides the City with insurance protection designed to meet its needs.

#### **Staff Recommendation**

Authorize the City Manager to enter into an agreement with CIRSA for the purchase of excess insurance authorizing expenditure of \$163,587 for the City's 2000 Property and Liability coverage and charge this expense to the Property and Liability Self-Insurance Fund.

#### **Background**

The City of Westminster has been a member of CIRSA since its inception in 1982. Since that time, the pool has grown from its original 18 cities to 153 members of the property and liability pool. CIRSA provides property and liability coverage that are tailored to meet the municipal exposures. On January 1, 1988, the City implemented a large, self-insured retention program, electing to pay the first \$100,000 of each property claim and the first \$150,000 of each liability claim. A reserve fund insures that funds are available to cover deductible expenses in the event of a catastrophic year or a year in which multiple, large claims occur that fall within the deductible level. Adequate reserves have been generated by transferring money remaining in the Property and Liability Fund at the year-end into this reserve fund.

The benefit of this process has been to allow for accumulation of reserves through the normal budgeting process without the need to tap contingency funds. In October 1998, the City's Risk Manager obtained the services of the Tillinghast-Towers Perrin Company to update the actual study of the City's Property and Liability Fund that was done in 1997. The figures reviewed the City's past loss history current claims and claim reserves and compared these figures with several difference ratios used in the insurance industry to evaluate practices in claims history. Based on the positive review by the actuary, Staff determined that the Property and Liability Fund reserve account was properly funded and that an adjustment could be made to the fund without putting the program in jeopardy. At the end of 1998 and the beginning of 1999, a total of \$2,000,000 was moved from the Property and Liability Fund into the General Fund Reserve Account, increasing that fund balance to \$4,000,000. With the continued growth of the City, Staff is recommending that the current reserving program be continued as is. The unaudited fund balance of the end of 1999 was \$1,806,115.05.

The City has continued to purchase its excess property and liability coverages from CIRSA for several reasons:

- CIRSA has provided favorable quotes for its insurance;
- CIRSA was established by municipalities specifically to provide insurance that meets the unique needs of Colorado cities and towns;
- Unlike all brokers or private insurance companies, CIRSA does not charge commissions; and
- CIRSA provides extensive loss control services, including training and a film library that are available at no additional cost to all of its members.

The services provided by CIRSA include all claims handling, loss control, administrative services, and the following excess coverage:

- Property coverage in excess of \$100,000 to \$201,000,000 (limits shared with all pool members);
- \$1,000,000 per occurrence/aggregate business interruption coverage;
- Public officials liability coverage from \$150,000 to \$5,000,000 per occurrence/aggregate;
- Police Professional Liability insurance from \$150,000 to \$5,000,000 per occurrence/aggregate;
- Motor vehicle fiscal damage from \$100,000 to \$600,000 per occurrence;
- Motor vehicle liability coverage from \$150,000 to \$600,000 per occurrence; and
- General Liability Insurance coverage from \$150,000 to \$600,000 per occurrence.

The success of the City's self-insured Property and Liability Program can be attributed to several factors, including the on-going employee safety training and other loss control practices initiated by the individual departments and the Risk Management Staff. The efforts of the City's Employee Safety Committee and the City's effective working relationship with CIRSA claims adjusting staff. Loss control activities include regular off-site inspection of facilities, annual defensive drivers training, and the annual snowplow rodeo and training sponsored by the Public Works and Utilities Department. By maintaining a strong focus on loss control, Staff believes that the benefits of the higher self-insured retention continue to outweigh the risks involved over the long term.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 24, 2000  
**Subject:** Resolution No. 7 re-appointments to Boards and Commissions  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to consider the re-appointments to the Open Space Advisory Board, Parks and Recreation Advisory Board, Personnel Board, Planning Commission, Special Permit and License Board and Transportation Commission where terms of office expired on December 31, 1999.

**Summary**

In 1993, Council implemented a performance feedback system in conjunction with the consideration of reappointment of individual Board and Commission members when terms of office were to expire. The Chairperson and Vice Chair of each Board were requested to give performance feedback to Council. This information has previously been submitted to City Council. Beginning in 1994, Council has considered the various re-appointments over several Council meeting periods.

Each individual whose term expired December, 1999 was contacted and asked if they were interested in being re-appointed to the Board, if Council so desires. The re-appointments are for a two year term.

**Staff Recommendation**

Adopt Resolution No. 7 making re-appointments to the Open Space Advisory Board, Parks and Recreation Advisory Board, Personnel Board, Planning Commission, Special Permit and License Board and Transportation Commission, with all terms to expire on December 31, 2001.

**Background Information**

The terms of office of four of the Open Space Advisory Board members expired on December 31, 1999. Kenneth Eichel (Alternate member); Ed Getsch, Karen Scheuerman and Randal Tucker are all interested in being reappointed to the Open Space Advisory Board.

The terms of office of two of the Parks and Recreation Advisory Board members expired on December 31, 1999. Michele Haney and Ronald Mayoral (Alternate member) are both interested in being re-appointed to the Parks and Recreation Advisory Board. Gary Lovato has recently moved out of Westminster.

The terms of office of four of the Personnel Board members expired on December 31, 1999. Nicholas DiTirro (Alternate member); Colleen Peace, Wesley Underwood (Alternate member) and Stacy Worthington have all indicated that they are interested in being re-appointed to the Personnel Board.

The terms of office of two of the Planning Commission members expired on December 31, 1999. Joseph Barsoom and James Boschert (Alternate member) are interested in being re-appointed to the Planning Commission.

Resolution re Board and Commission Re-appointments

Page 2

The terms of office of three members of the Special Permit and License Board expired on December 31, 1999. Frank Jaime (Alternate member), Tim Kauffman and Nancy Peters are all interested in being re-appointed.

The terms of office of five of the Transportation Commission member terms expired on December 31, 1999. Bob June, Jara Raphaelson, Dottie Urban, Doug Young (Alternate member) and Pat Wales have all indicated that they are interested in being re-appointed to the Transportation Commission.

Currently the City has 15 new applications for the 2000 "pool" to fill vacancies on the various Boards and Commissions. City Council finished interviewing the new applicants on January 18<sup>th</sup>.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **7**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, The City Council has established a review process for members of the various Boards and Commissions prior to expiration of the current term of office; and

WHEREAS, City Council has reviewed evaluations of the current Board and Commission members for the Open Space Advisory Board, Parks and Recreation Advisory Board, Personnel Board, Planning Commission, Special Permit and License Board and Transportation Commission; and

WHEREAS, Each member whose term expired on December 31, 1999 has been contacted and asked if they wish to be re-appointed to the Board where they are currently serving; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby reappoint the following individuals to the City of Westminster Board or Commission listed below with the terms of office to expire December 31, 2001.

<b>NAME</b>	<b>BOARD/COMMISSION</b>
Kenneth Eichel (Alternate member)	Open Space Advisory Board
Ed Getsch	Open Space Advisory Board
Karen Scheuerman	Open Space Advisory Board
Randal Tucker	Open Space Advisory Board
Michele Haney	Parks and Recreation Advisory Board
Ronald Mayoral (Moved to Regular member)	Parks and Recreation Advisory Board
Nicholas DiTirro (Alternate member)	Personnel Board
Colleen Peace	Personnel Board
Wesley Underwood (Alternate member)	Personnel Board
Stacy Worthington	Personnel Board
Frank Jaime (Moved to Regular member)	Special Permit and License Board
Tim Kauffman	Special Permit and License Board
Nancy Peters	Special Permit and License Board

Passed and adopted this 24th day of January, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 24, 2000  
**Subject:** Resolution No. 8 re New Board and Commission Appointments  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to make new appointments to various City Boards and Commissions where vacancies currently exist.

**Summary**

On Monday, January 17<sup>th</sup> and Tuesday, January 18<sup>th</sup>, City Council interviewed all of the 15 new applicants for the 2000 pool for Board and Commission vacancies. In addition there are 7 applicants who wish to be considered from the 1999 “pool”. A copy of the matrix of each individual’s preference on appointments is attached.

Currently there are several vacancies on various Boards and Commission where members did not wish to be re-appointed. In addition, several resignations have been accepted by City Council, and Council determined that a new appointment would not be made until all the new applicants for the 2000 “Pool” had been interviewed.

**Staff Recommendation**

Adopt Resolution No. 8 making new appointments to the various Boards and Commissions.

**Background Information**

A single Resolution has been prepared to consider the vacancies on the Board of Adjustment (2 vacancies); Board of Building Code Appeals (1 vacancy); Environmental Advisory Board (2 vacancies); Human Services Board (1 vacancy); Library Board (1 vacancy) Parks and Recreation Advisory Board (1 vacancy); Planning Commission (3 vacancies); Special Permit and License Board (1 vacancy) and Transportation Commission (1 vacancy)

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **8**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, Currently there are several vacancies on various Boards and Commissions; and

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

WHEREAS, Resignations have been received from Brian Barngrover of the Board of Building Code Appeals, and Gary Lovato of the Parks and Recreation Advisory Board; and

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint the following individuals to the City of Westminster Boards and Commissions as listed below with the terms of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRES</u>
Brian Lunning (Moved to Regular Member)	Board of Adjustment	12-31-00
Christopher Beall	Board of Adjustment	12-31-00
Leisa Schievelbein (Alternate Member)	Board of Adjustment	12-31-01
Steven Fenimore (Moved to Regular Member)	Board of Building Code Appeals	12-31-01
(Alternate Member)	Board of Building Code Appeals	12-31-01
Wendy Sukeena	Environmental Advisory Board	12-31-01
Raymond Parson (ALTERNATE MEMBER)	Environmental Advisory Board	12-31-01
DICK FREGOSI	HUMAN SERVICES BOARD	12-31-01
Hal Smith	Library Board	12-31-01
(ALTERNATE MEMBER)	PARKS AND RECREATION ADVISORY	12-31-01
Stephanie Bingham (Alternate Member)	Parks and Recreation Advisory Board	12-31-01
Bill Nordberg (Alternate Member)	Special Permit and License Board	12-31-01

Passed and adopted this 24th day of January, 2000.

ATTEST:

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

\_\_\_\_\_  
Mayor Pro Tem



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** 128th Avenue & Zuni Street Right-of-Way Annexation

**Prepared By:** Daniel E. Osborn, Planning Technician

**Introduction:**

City Council is requested to hold a public hearing and take action on the City initiated annexation of .51 acres of right-of-way along the south half of the existing 128th Avenue located immediately east of Zuni Street.

**Summary**

Applicant/Property Owner

City of Westminster has requested and received a petition from Adams County to annex said property.

Location

The southern half of the existing 128th Avenue, immediately east of Zuni Street. Please refer to the attached vicinity map.

Size of Site

.51 acres (22,451.2 Square Feet) of land ~ 30 feet deep and 760 feet long ~.

Major Issues

The City has received a petition from Adams County requesting annexation of .51 acres of right-of-way (ROW) from unincorporated Adams County into the City of Westminster. Currently, the north half of the 128th Avenue right-of-way is within Westminster and the south side is within unincorporated Adams County. (See attached vicinity map.) The annexation of the county right-of-way by the City of Westminster will eliminate any confusion regarding emergency services and will permit the City of Westminster to control access and maintenance along this entire portion of 128th Avenue.

Planning Commission action was not required for this annexation as no zoning request was made in conjunction with the ROW acquisition.

**Staff Recommendation**

1. Hold a public hearing.
2. Adopt Resolution No. 9 making certain findings of fact as required by Colorado Revised Statutes Section 31-12-110.
3. Pass Councilor's Bill No. 7 on first reading annexing a portion of the 128th Avenue ROW to the City of Westminster.

**Alternative**

Make a finding that the 128th Avenue ROW is not desirable for annexation and take no further action. Staff does not recommend this since the responsibility for maintenance, emergency response and access control would be split between two local government jurisdictions and would be confusing.

**Background Information**

It has been the policy of the City Council in the past to annex rights-of-way within and adjacent to the City in order to clarify emergency response, facilitate maintenance, and control access. This course of action will also permit the City of Westminster to control access to arterial streets affecting the City's traffic systems. Since no portion of the proposed area to be annexed will be available for development, it is not necessary that the property be zoned for any use.

Respectfully submitted,

William Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO **9**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk a petition (the "Petition") for the annexation of the property described in said Petition; and

WHEREAS, City Council has previously adopted Resolution No. 96 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by sections 31-12-108 and -109, C.R.S.; and

WHEREAS, having completed the required hearing, the City Council wishes to set forth its findings of fact and conclusion regarding the proposed annexation.

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

1. The City Council finds:
  - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
  - b. A community of interest exists between the area proposed to be annexed and the City;
  - c. The area is urban or will be urbanized in the near future; and
  - d. The area is integrated with or is capable of being integrated with the City.
2. The City Council further finds:
  - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
  - b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;

b. That the annexation will not result in the attachment of area from a school district;

c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;

d. That the City of Westminster has in place a plan for the area proposed to be annexed; and

e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

4. The City Council further finds that an election is not required and no additional terms or conditions are to be imposed upon the area to be annexed.

5. The City Council concludes that the City may proceed to annex the area proposed to be annexed by ordinance pursuant to section 31-12-111, C.R.S.

PASSED AND ADOPTED this 24th day of January, 2000

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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

128th Avenue & Zuni Street Annexation

BY AUTHORITY

ORDINANCE NO. **2746**

COUNCILOR'S BILL NO. **7**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

Hicks-Merkel

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPLE MERIDIAN, CITY OF WESTMINSTER, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33; THENCE N89° 42'20"E ALONG THE NORTH LINE OF SAID NORTHWEST ONE QUARTER, A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING; CONTINUING ALONG THE NORTH LINE OF SAID NORTHWEST ONE QUARTER N89° 42'20"E, A DISTANCE OF 761.76 FEET TO A POINT ON WESTERLY LINE OF THE ANNEXATION PLAT, FILE 13, MAP31, RECEPTION NO.956481; THENCE DEPARTING THE NORTH LINE OF SAID NORTHWEST ONE QUARTER ALONG THE WESTERLY LINE OF THE ANNEXATION PLAT S41° 41'00"W, A DISTANCE OF 40.35 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 128<sup>TH</sup> AVENUE AS DESCRIBED IN ROAD PETITION KNOWN AS ADAMS COUNTY ROAD NO.578, DATE JULY3,1916;

THENCE DEPARTING THE WESTERLY LINE OF THE ANNEXATION PLAT ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 128<sup>TH</sup> AVENUE S89°42'20"W, A DISTANCE OF 735.08 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF ZUNI STREET; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST 128<sup>TH</sup> AVENUE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ZUNI STREET N00° 04' 50"E, A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of January, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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

128th Avenue & Zuni Street Annexation



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** Northwest Business Park Third Amended Preliminary Development Plan

**Prepared by:** Max Ruppeck, Planner III

#### **Introduction**

City Council is requested to hold a public hearing and then approve the Northwest Business Park Third Amended Preliminary Development Plan (PDP).

#### **Summary**

##### Applicant/Property Owner

The owner of the property is the Catellus Development Company represented by Mr. Ray Pittman.

##### Location

The property is located at the southwest corner of 112th Avenue and Westminster Parkway.

##### Size of Site

The total area covered by the Northwest Business Park PDP is 69.93 acres. The first phase office building (Lot 1) has a site area of 7.56 acres.

##### Description of Proposed Use

The Northwest Business Park Third Amended PDP would allow a "Corporate Office Park" consisting of up to 1.25 million square feet of office, retail and restaurant development. (The retail-restaurant portion of the total would not exceed 170,000 square feet.) The first phase office building (which received final ODP approval by Planning Commission on January 11, 2000, subject to PDP approval by City Council ) consists of up to 140,000 square feet of office space and up to 30,000 square feet of retail/restaurant use. Later phases of building development will require further ODP amendments.

##### Major Issues

On December 14, 1999, and January 10, 2000 presentations were made by the applicant to the Sheridan Green subdivision residents. Concerns expressed by the attending residents include traffic impacts, view impacts and fears that there may be vacant buildings in the future if there is a downturn in the economy.

##### Discussion of Major Issues

#### 1. Traffic Volumes and Level of Service

Westminster Boulevard and associated improvements were built by the City largely in order to provide service to this development and the adjacent Westminster Promenade. A Traffic Impact Analysis was prepared by Felsberg Holt & Ullevig and projects that all streets and intersections in the immediate vicinity of the development at build-out will be operating at acceptable levels of service. (See attached "Summary and Recommendations".) In accordance with the desires of the Sheridan Green Subdivision residents, there will be no connections between the residential area and Westminster Boulevard, thereby preventing any negative traffic impact from the proposed development onto residential streets. The intersection of 112th and Marshal, which is where residents asked for a traffic signal, is on the City's priority list (ranked 6th) for signal installations. There may be funds to install this signal in 2000 depending upon the results of the upcoming bid process.

2. Buffering

To minimize any potential impact of traffic (e.g. noise and glare) of the proposed development on adjacent residents, a 130-foot bermed and landscaped buffer has been provided between Westminster Boulevard and the Sheridan Green subdivision. This buffer plus the Westminster Boulevard right-of-way and required building setbacks would result in an approximately 375-foot separation between any proposed office building and the rear property lines of the closest Sheridan Green residences. In contrast, the existing PDP/ODP could have allowed buildings closer than 100-feet from the residential lots.

3. Building Heights

The current Preliminary Development Plan on the property allows building heights from 35-ft. to 70-ft., with the shorter building closest to the existing residences. The proposed Preliminary Development Plan amendment will allow buildings from between four-stories and eight-stories, again with the tallest buildings furthest from the existing homes. Because the land slopes upward from the existing residences, even the shorter building heights will block views as much as taller buildings. The lower buildings coverages proposed in the proposed Preliminary Development Plan, however, will have more unbuilt space between and alongside buildings.

4. Future Vacancies

The developer will be targeting high tech office users and does not anticipate any slowdown in this market. Furthermore, the office space will be designed with enough flexibility to accommodate all types of office users. The project will be built in phases as the market develops, so there should not be any significant vacancies as buildings wait to be filled.

**Staff Recommendation**

1. Hold a Public Hearing.
2. Approve the Northwest Business Park Third Amended Preliminary Development Plan based on the finding that it is in substantial compliance with the City's Comprehensive Land Use Plan (CLUP) and Section 11-5-14 of the Municipal Code.

**Background Information**

The Northwest Business Park is intended to be a high tech – high image corporate business park in a campus setting. The overall plan allows for up to 1.25 million square feet of office development with up to 170,000 square feet of ancillary retail and restaurant space.

The 69.93 acre development is bisected by the Burlington Northern Santa Fe Railroad right-of-way forming a 48.10 acre “east parcel” and a 21.83 “west parcel”. The Third Amended Preliminary Development Plan for the Northwest Business Park includes the entire development for purposes of establishing the overall land use.

Parks and Open Space

There will be no required public park dedications for this development. There will, however, be several parcels developed as private open space and landscaped areas. A two and one-half acre central circular park will be extensively developed with seating areas, a central fountain, flower beds, trees and lawn space. There will also be a full service restaurant and an “eating kiosk” for park users within the park area.

A linear park, or “esplanade”, with a wide sidewalk/trail will parallel the railroad tracks on the east side and link the central circular park with the Westminster Promenade development to the south. Two drainage detention areas, one at the intersection of 112th Avenue and Westminster Boulevard and the other at the southeast corner of the site, will provide additional landscaped areas within the site.

Finally, there will be a number of landscaped courtyards between buildings as outdoor seating and gathering places.

Overall, 6.1 acres, or roughly 10% of the site, will be preserved within the circular park, esplanade and two detention areas.

#### Architecture/Building Materials

The first phase of development (which was unanimously approved by the Planning Commission on January 11, 2000 subject to PDP approval by City Council) will include a four-story office building on Lot 1 southeast of the circular park. The footprint of the building will be “bent” at the center to follow the circular shape of the park and surrounding driveway. The façade will be highly articulated with bands of different colored concrete materials at the various levels. The building will have a sloped metal roof with deep eaves and an interesting “bracket” feature. In general, the building design is very well done and will be perhaps the most interesting office building in the City. Subsequent office buildings in this development will be of similar design. This design is consistent with the design concepts planned for the Promenade office building.

#### Access

Vehicular access to the overall site will be provided off of 112th Avenue, Westminster Boulevard, and a future street connecting Westminster Boulevard and the area west of US-36 via an underpass where the Burlington Northern Sante Fe Railroad crosses US-36. The overall site is comprised of two major parcels, separated by the 130-foot railroad right-of-way. The larger east parcel is 48.10 acres and will be accessed by a full turn movement off of 112th Avenue, a full turn movement off of Westminster Boulevard about 900-feet south of 112th Avenue, two full turn movements off of a future street running along the southern boundary of the property, and two right-in-right-out access points along Westminster Boulevard approximately 400-feet and 1800-feet south of 112th Avenue.

Access to the smaller west parcel (21.83 acres) will be provided by a bridge over the Burlington Northern Sante Fe Railroad tracks and a full-turn movement off of 112th Avenue. An emergency access point is proposed at the southern tip of the west parcel, which will be a grade level crossing of the railroad tracks. It must be emphasized that all of the access points to the west parcel are subject to review by the Public Utilities Commission and the Burlington Northern Sante Fe Railroad. The west parcel is part of the PDP in order to establish land uses for the parcel. Bicycle access to the site will be provided by two 8-foot wide concrete walks along Westminster Boulevard and a north/south private drive near the railroad tracks.

A future RTD Park-n-Ride is proposed in the southwest quadrant of US-36 and 104th Avenue. This will provide regional bus service to the development. In addition, the City has initiated discussions with RTD to develop additional facilities on the east side of US-36, which will be convenient to both the Northwest Business Park and the Westminster Promenade development to the south.

#### Circulation and Site Design

As mentioned, access to the larger east parcel will be from streets to the north, east and south. A key feature of the site design will be a two and one-half acre central park surrounded by a one-way circular road. Three office sites will surround this circular park. Three or four additional buildings will be built along a private north/south drive approximately 100-feet east of the railroad right-of-way.

The 21.83-acre parcel west of the tracks will be primarily accessed by a private drive bridging over the railroad tracks as well as an access point off of 112th Avenue. Again, final access plans must be approved by the Public Utilities Commission and the Burlington Northern Sante Fe Railroad, and the submission of any Official Development Plans for this site will have to await these approvals.

An extensive system of perimeter and internal pedestrian/bicycle pathways are planned throughout the proposed development in order to encourage non-auto travel within the development and to adjacent developments such as the Westminster Promenade. Buildings are also pulled close to the central circular drive and park to encourage pedestrian usage of this facility and create a more “downtown” look.

#### Building Heights

Maximum building heights range from five to seven stories for the buildings around the central circular drive although the Phase I building is proposed at four stories. The two remaining buildings, although allowed to be five to seven-stories high, will probably be limited to four stories unless structured parking is employed, which would allow more building area. The buildings along the north-south drive are shown on four stories maximum, but will most likely develop at two to three stories with all surface level parking. The buildings on Lot 9, west of the railroad tracks are shown on the PDP with an eight-story maximum height. Parking decks would be needed to accommodate for a building of this height. These buildings are the furthest from the residential area (1/4-mile) and will have the least impact on the residents.

#### Service Commitment Category

Service Commitments will be taken from Category C – Non Residential.

#### Referral Agency Responses

Jefferson County and the City of Broomfield sent responses to referrals mailed out. Jefferson County had no concerns with the development. The City of Broomfield expressed concerns about the improvements planned to the 112th/Westminster Boulevard intersection, 112th Avenue and the further continuation of Westminster Boulevard, north of 112th Avenue (Broomfield’s Main Street). They also expressed concerns over the future alignment of West 112th Avenue between Westminster Boulevard and Wadsworth Parkway. These issues will be addressed when future Official Development Plans are submitted and the access to 112th Avenue is designed.

#### Existing Zoning, Surrounding Land Use and Comprehensive Land Use Plan Designations

The existing zoning on the property was established with the Second Amended Preliminary Development Plan adopted in 1986. This PDP allowed a wider range of land uses than the current proposal such as Retail Commercial uses, (including supermarkets, gas stations and movie theaters), residential uses up to 18 dwellings per acre, offices, manufacturing and warehousing. Depending on use and location, building heights ranged from 35-ft. to 70-ft. Moreover, buildings could occupy 40 percent to 50 percent of the land thus allowing a very dense development. The north/south circulation through the property was provided by an extension of Pierce Street which ran directly adjacent to the rear lot lines of the Sheridan Green residential development. Under this existing PDP buildings could be built as close as 135-ft. from the rear lot lines of the residential lots.

Under the proposed Third Amended PDP, the allowable uses have been limited to office and retail/restaurant uses (not to exceed 14 percent of the total floor area). Manufacturing, warehousing and general retail uses such as supermarkets and gas stations are not allowed. While maximum building heights have been raised to five to eight stories (depending on location), allowable building coverage (the total area of the “footprint of the building”) on the parcel east of the railroad tracks is under 11 percent (under 14 percent for the entire parcel). In addition, the City built a 130-ft. landscaped and bermed greenbelt along the west boundary of Sheridan Green. With this greenbelt, the Westminster Boulevard right-of-way and required building setbacks, the closest building on the proposed development is about 375-ft. from the residential lots, almost three times as far away as the current PDP allows.

The property to the north is located in the City of Broomfield. The property to the east (east of Westminster Boulevard and the 130-foot landscape buffer) is the Sheridan Green PUD, a single-family residential neighborhood. The property to the south (the “Ryan” parcel) was recently annexed to the City and is currently designated for office development. US-36 lies to the west.

The Comprehensive Land use Plan designation for this site is “Business Park”. This proposed development is consistent with the land use designation.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments



## WESTMINSTER COLORADO

### Agenda Memorandum

**Date:** January 24, 2000

**Subject:** Amendments to the Westminster Comprehensive Land Use Plan

**Prepared By:** David Falconieri, Planner III

### Introduction

City Council is requested to hold a public hearing and take action on the attached Councillor's Bill regarding several proposed changes to the City Comprehensive Land Use Plan (CLUP). This is a routine review of the CLUP in order to keep the document current with existing conditions.

### Summary

Annually, Staff reviews the CLUP in order to assure that it is kept current and continues to reflect actual conditions within the City. This year most of the recommended changes reflect land purchases by the City for various purposes as well as changes to reflect actual conditions.

The following featured fourteen (14) amendments are proposed for City Council's approval.

- **Map #1 71<sup>st</sup> & Craft Way**

Lots 42 & 43

From: Industrial

To: Single Family Detached

Acres: .52

Owner: Lot 42, Anne Ranum  
Lot 43, Robert B. Naysmith

Lots 44 & 45

From: Industrial

To: Multi-Family

Acres: .52

Owner: Lot 44, The Jackson J. Allen Trust  
Lot 45, James H. and Karen H. Donhowe

Lots 46 & 47

From: Industrial

To: Retail/Commercial

Acres: .44

Owner: Lot 46, Standby Inc.  
Lot 47, Roger Guzman

- **Map #2 Amherst Park and Trail**

From: Single Family Detached

To: Public Park

Acres: 9.57

Owner: City of Westminster

- **Map #3 Butterfly Pavilion**
  - From: Open Space
  - To: Public Park
  - Acres: 1.16
  - Owner: City of Westminster
  
- **Map #4 Church Ranch**
  - From: Open Space
  - To: Business Park
  - Acres: .33
  - Owner: Home Place Land; Cattle Co. Inc.
  
- **Map #5 College Hills Park**
  - From: Single Family Attached
  - To: Public Park
  - Acres: .59
  - Owner: City of Westminster
  
- **Map #6 Cotton Creek Park**
  - From: Multi-Family
  - To: Public Park
  - Acres: 7.48
  - Owner: City of Westminster
  
- **Map #7 Countryside Park**
  - From: Flood Corridor
  - To: Public Park
  - Acres: 1.92
  - Owner: City of Westminster
  
- **Map #8 Foster New Open Space**
  - From: Business Park
  - To: Open Space
  - Acres: 20.4
  - Owner: City of Westminster
  
- **Map #10 Open Space at Vista Ridge**
  - From: Single Family Detached
  - To: Open Space
  - Acres: 3.62
  - Owner: City of Westminster
  
- **Map #11 Standley Lake Public Park**
  - From: Public park
  - To: Single Family Detached
  - Acres: 3.78
  - Owner: James K. Nguyen
  
- **Map #12 Ten Eyck Mushroom Property**
  - From: Public Park
  - To: Single Family Detached
  - Acres: 2.19
  - Owner: Terry Ten Eyck

- **Map #13 Westcliff Public Park**  
From: Office/Residential  
To: Public Park  
Acres: 15.77  
Owner: City of Westminster
  
- **Map #14 Westminster Presbyterian Church Open Space**  
From: Public/Quasi-Public  
To: Open Space  
Acres: 1.63  
Owner: City of Westminster

All private property owners have been notified of the proposed changes and no adverse comments were received.

Map #9 was a change reviewed by the Planning Commission and shows the City owned property at the northeast corner of Wadsworth Parkway and 104th Avenue. Since alternative sites are presently being reviewed for the new water treatment plant, Staff has removed that map and will propose any necessary changes at a later date.

### **Planning Commission Recommendation**

The proposed amendments were reviewed by the Planning Commission on January 11, 2000. No one spoke in favor or in objection to the changes. The Commission voted unanimously to recommend that the changes to the CLUP be approved as submitted.

### **Staff Recommendation**

1. Hold a public hearing to receive any input.
2. Pass Councillor's Bill No. 8 on first reading making certain changes to the Westminster Comprehensive Land Use Plan as shown on Exhibits "A through M".

### **Alternative(s)**

Determine that none of the changes proposed be made to the CLUP at this time, or that one or more of the proposed changes not be made at this time.

### **Background Information**

The amendments proposed by Staff are shown on the attached maps, which are numbered from 1 to 14. Each map shows the current CLUP designations on the top and the proposed change on the bottom, with the exact location of the proposed change circled with a heavy black line. Each map is discussed below in numerical order.

1. On this map, six (6) lots on Craft Way are changed to reflect actual conditions. The current designation of "Industrial" is not accurate or desirable given the surrounding and existing land uses.
2. The recent City purchase of the Amherst Park and Trail is shown on this map.
3. The land just south of the Butterfly Pavilion is currently shown as Open Space, but should actually be shown as a Public Park.

4. The corner of land on the south side of Church Ranch Boulevard and north of the Walnut Creek Open Space is inaccurately shown as part of the Open Space property. It is actually part of the Church Ranch Preliminary Development Plan (PDP) and should therefore be shown as “Business Park”.
5. The boundary of the College Hill Park is inaccurately depicted. The proposed change accurately matches the boundary as shown on the PDP.
6. This map reflects the recent purchase of the Cotton Creek Park.
7. The floodplain area shown north of the Countryside Park was purchased by the City and should therefore be shown as part of the Park.
8. This map reflects the recent purchase of a portion of the Foster property south of 120th Avenue for Open Space and for a possible future school site.
9. The property at the northeast corner of Wadsworth Parkway and 104th Avenue was recently purchased by the City for a water treatment plant. It should therefore be designated as “Public”. (This map has been removed by Staff as explained in the “Summary” section.)
10. This map shows the recent purchase of the Vista Ridge Open Space on the south side of 104th Avenue.
11. A privately owned parcel east of the Standley Lake Park on the south side of 100th Avenue was mistakenly shown as part of the Park when it was annexed. It should be designated as “Single Family, Low Density”.
12. A portion of the Ten Eyck (Mushroom) property is currently shown as Park property. The proposed change accurately reflects the borders of the park.
13. This map depicts the recent acquisition of the Westcliff Park.
14. The final map reflects the acquisition of a portion of the Westminster Presbyterian Church property for Open Space.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **8**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council periodically reviews the plan to assure that it accurately reflects current; and

WHEREAS, amendments to the Plan are necessary to keep the plan up to date and to correct map inaccuracies; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are delineated and described on the attached "Exhibits A through M".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24<sup>th</sup> day of January, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this th day of February, 2000.

ATTEST:

---

Mayor Pro Tem

---

City Clerk



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** Resolution No. 10 re Fonay Property Annexation Petition (Huntington Trails)

**Prepared by:** Patrick Caldwell, Planner II

#### **Introduction**

City Council action is requested on the attached resolution concerning a finding of compliance with statutory requirements for the petitions requesting annexation of the Fonay property and establishing a hearing date. The proposed annexation consists of 138.66 acres located at the southwest corner of 144<sup>th</sup> Avenue and Huron Street. This resolution also sets the date of March 27, 2000, for the annexation hearing.

#### **Summary**

Garry Fonay and Rhonda Swain are requesting annexation of 138.66 acres to the City for the purpose of constructing 223 single family detached residences on lots that range from 10,000 square feet through 20,000 square feet with the larger lots at the southern portion of the property near the Lexington subdivision. A designated 100-year floodway will be channelized and landscaped as an amenity feature for the development. Adequate right of way on 144<sup>th</sup> Avenue and Huron Street will be dedicated to the City with the proposed annexation.

#### **Staff Recommendation**

Adopt Resolution No. 10 accepting the annexation petition submitted by Mr. Fonay and Ms. Swain and make the findings required by State Statute on the sufficiency of the petition.

#### **Background**

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50 percent of the landowners of the land to be annexed. In this case, Mr. Fonay and Ms. Swain, signers of the petition, own 100 percent of the property.
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time the Council will review the merits of the proposed annexation.

Respectfully submitted,

William M. Christopher  
City Manager  
Attachments

RESOLUTION

RESOLUTION NO. **10**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

WHEREAS, there has been filed with the City Clerk of the City of Westminster, petitions, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein-described to the City;

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

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

1. City Council finds the said petitions and annexation maps to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes March 27, 2000, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 24th day of January, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



## WESTMINSTER COLORADO

### Agenda Memorandum

**Date:** January 24, 2000

**Subject:** Amendment to IGA with Adams County School District 50 – Crown Pointe Academy

**Prepared by:** Greg McSwain, Recreation Programs Manager

### Introduction

City Council action is requested to approve the amendment to the existing intergovernmental agreement between the City of Westminster and Adams County School District #50. This amendment details the City's monetary participation in the expansion of the Crown Pointe Academy at 7281 Irving Street. The amendment also defines the level of involvement the City would have in the review and inspection of the Crown Pointe project as well as the guaranteed minimal use of the facility for City programs.

### Summary

The proposed amendment to the existing IGA with Adams County School District #50 details the City's level of involvement with the Crown Pointe Academy project. This includes a contribution of \$396,000 for the expansion of the charter school to a Kindergarten through 8<sup>th</sup> grade program site and the construction of an elementary-sized gymnasium. The general items and conditions of the IGA are as follows:

- The City of Westminster shall provide \$100,000 to the project after approval of the amendment by both the City Council and the Adams County School District #50 Board. The City shall provide an additional \$236,800 to the project after receipt of a certificate from the project architect stating that the project is 60% complete. The remaining \$59,200 shall be withheld pending final approval of the building construction by the City of Westminster.
- The City of Westminster shall have guaranteed use of the school site a minimum of three times per week. In addition, the City shall have priority use of the gymnasium over any non-school functions. The City will also have access to other facilities on an as needed basis such as conference rooms.
- The School District and the Crown Pointe Academy will make available to the City's Community Development Department the State of Colorado approved plans and specifications of the building for the City's review. The City shall be entitled to inform the Colorado Department of Labor on any life/safety concerns it may have.
- The City of Westminster will be allowed to inspect all phases of the construction project (except the electrical and plumbing systems, which are to be done by State of Colorado personnel) to ensure compliance with State approved plans and specifications. There will be no fees charged to the School District or the Crown Pointe Academy for these inspections.
- The City of Westminster will not be issuing any building permits or a Certificate of Occupancy.

Access to the Crown Pointe gymnasium is important to the City to address continued programming needs for adult volleyball and basketball activities.

### **Alternatives**

- City Council could reject this proposal and direct City Staff to negotiate further conditions to the agreement.
- 
- City Council could reject this proposal and put the \$396,000 towards building a gymnasium at a City-owned facility.

### **Staff Recommendation**

Approve the amendment to the existing Intergovernmental Agreement between the City of Westminster and the Adams County School District #50 for the expansion and use of the Crown Pointe Academy and authorize the expenditure of \$396,000 from the General Capital Improvement Program to fulfill the City's obligation under the amendment.

### **Background**

In the 1998 and 1999 General Capital Improvement programs (\$10,000 in 1998 and \$100,000 in 1999), Crown Pointe Academy had already received funding approval for the expansion of the facility to accommodate a middle school program. In June of 1999, Crown Pointe Academy President, Ms. Kay May, requested additional funding (\$291,000) for the specific purpose of constructing a new, elementary sized gymnasium. City Council has expressed support for the funding of this middle school project as it furthers City Council's mission of revitalizing South Westminster. However, funding approval was contingent upon the City, the Charter School, and the Adams County School District #50 reaching an agreement that clearly defines the City's use of the new gymnasium for programs as well the City's role in the review and inspection of the construction. Given that the land and the actual school building at Crown Pointe is owned by the School District, the agreement needs to be in the form of an amendment to the existing IGA the City has with Adams County School District #50. Staff believes that the amendment meets the criteria for the use of funds as established by City Council. The amendment is scheduled for review by the Adams County School District #50 Board of Education at their January 25<sup>th</sup> meeting.

Staff met with Superintendent of Schools Mike Massarotti, the District's Attorney Martin Semple and Crown Pointe representative on Thursday afternoon to work out the final IGA amendment wording. Staff will be faxing the amendment document on Friday upon receiving it from Dr. Massarotti.

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** Fun Services Business Assistance Package

**Prepared by:** Becky Johnson, Economic Development Specialist

#### **Introduction**

City Council action is requested on the attached Councillor's Bill to approve a business assistance package for Fun Services Inc. for a 22,000 square foot new facility in Westminster and to adopt a resolution authorizing a General Fund contingency transfer of funds in the amount of \$2,500 for implementation of one portion of the agreement.

#### **Summary**

Fun Services has decided to build a new 22,000 square foot facility south of the southwest corner of 124th Avenue and Huron Street in Park Centre Business Park. The company currently leases space in Lake Arbor Business Park. Construction will begin first quarter 2000 and move-in is expected by late summer 2000. A total of \$90,287 of new and retained fee and tax revenue is projected for the first three (3) years of operation in the new facility. The recommended assistance package totals \$28,700 and includes \$4,800 in permit fee rebates, \$10,200 in Construction Use Tax Rebates, \$2,500 cash at move-in, and \$11,200 in a water line recovery waiver. It is designed to help defray some of the initial project development costs and is being provided to Fun Services to retain the business in Westminster.

There were three alternatives considered in presenting the business assistance package to Fun Services. The alternatives are as follows:

- 1) Provide no assistance to Fun Services. Though the City will not lose the project if assistance is not provided, the result may be that the City will be perceived as not supporting existing business expansion.
- 2) Provide only a portion of the recommended assistance. Again, it would not drive the company away, but the assistance being recommended is already modest.
- 3) Approve the recommended assistance package that has been agreed to by Fun Services, Inc.

#### **Staff Recommendation**

1. Pass Councillor's Bill No. 9 on first reading, which authorizes the execution and implementation of the Assistance Agreement with Fun Services, Inc. for the construction of the new building.
2. Adopt Resolution No. 10 authorizing the transfer of \$2,500 from the General Fund Contingency account into the Economic Development budget in the General Fund for implementation of the Fun Services Business Assistance Agreement.

#### **Background Information**

Fun Services, Inc. has been doing business in the City for over 19 years. The company is currently located in Lake Arbor Business Park, but is now under contract to purchase a parcel of land in Park Centre, south of the southwest corner of 124th Avenue & Huron Street.

Fun Services is proposing to build a 22,000 square foot building for approximately \$1.7 million. The company plans to occupy the entire facility and will soon complete the City's planning process.

Fun Services provides products and services including: Corporate Entertainment Events, Fun Fairs and Rentals; Santa's Secret Shop and Holiday Gift Shop; Fund Raising Programs; and Retail Party Goods and Novelties Store. The company currently employs 20 full-time and 20 part-time people, with an annual payroll of \$800,000.

Fun Services will provide revenue to the City in two ways: Based upon an expansion in the City, the company will generate over \$57,287 of new tax and fee revenue in the first three years of operation in the new facility. This is based on the \$1.7 million in construction cost, new equipment purchases at move in, property tax, and a water recovery. Because Fun Services currently operates in Westminster, the City will also retain over \$11,000 of sales tax revenue per year of operation. The combination of revenue from both new tax and fee revenue and retained taxes and fees is projected at \$90,287 over three years. The assistance is being offered to aid in retaining an existing business and encouraging business growth within the community.

The site considered by Fun Services has an existing water line recovery fee due for a 30" water line at a rate of \$33.09 per linear foot, along the property line, due at the time of development. This recovery amount is an assessment of a portion of the cost for public improvements. The 30" water line provides a regional source of water for Park Centre Business Park and services sites along the I-25 corridor. Because of the line size, Fun Services, is not able to access water directly from this line. As a result, Fun Services has requested a reduction of the waterline recovery. A similar recovery reduction has been granted to other developments along Huron Street including The Village At Park Centre and Paragon.

Based on the 3-year total revenue projection, Staff recommends the following assistance package:

<u>Assistance</u>	<u>Approx. Value</u>
-------------------	----------------------

<u>Permit Fee Rebate</u>	\$ 4,800
--------------------------	----------

40% of the building related permit fees will be rebated (excludes water and sewer tap fees). (Estimated Fees \$12,000 X 40% = \$ 4,800)

<u>Construction Use Tax Rebate</u>	\$ 10,200
------------------------------------	-----------

40% of the Use Tax on construction materials for this project will be rebated. (Estimated Use Tax \$25,500 X 40% = \$ 10,200)

<u>Cash at Move-in</u>	\$ 2,500
------------------------	----------

Within 30 days following the time the Certificate of Occupancy is issued for the facility, the City will provide \$2,500 to Fun Services to help defray moving expenses.

<u>Water Line Recovery Fee Reduction</u>	\$ 11,200
--	-----------

The waterline recovery currently due for the 30 inch high pressure waterline will be reduced from \$33.09 to \$2.13 per linear foot on 362 linear feet of waterline. ( $\$33.09 - \$2.13 = \$30.96 \times 362 = \$11,200$ )

**TOTAL ASSISTANCE PACKAGE**

**\$ 28,700**

The assistance being offered is just 50% of the projected new tax and fee revenue to the City, but only 31% of the total tax revenue projected from the project in the first 3 years of operation. The City will be made whole on this investment by the end of construction. It should also be noted that assistance is based upon the City's goal to retain quality business in the community. Fun Services Inc. has been along time supporter of the City and represents the type of small businesses that have literally grown up in the community.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**ASSISTANCE AGREEMENT  
FOR THE CONSTRUCTION OF FUN SERVICES, INC. NEW BUILDING  
IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2000, between the CITY OF WESTMINSTER (the "City"), and Fun Services, Inc. (Fun Services).

WHEREAS, the City wishes to provide certain assistance to Fun Services to aid in the construction of the new building within the City on property on south of the southwest corner of 124th Avenue and Huron in Park Centre; and

WHEREAS, the proposed facility will initially employ approximately 20 full-time and 20 part-time employees with an annual payroll of over \$800,000; and

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

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

1. The City shall rebate 40% of the building and related permit fees paid, not including tap fees, required under W.M.C. Section 11-10-3(E), which will result from the construction of a 22,000 square foot building. The value of the permit fee rebate is estimated to be \$4,800.

2. The City shall rebate 40% of the Building Use Taxes paid on the construction materials, which are to be used in the construction of the 22,000 square foot building, required under W.M.C. sections 4-2-9 and 4-2-3. The value of the rebate is estimated to be \$10,200.

3. Within 30 days following the issuance of the Certificate of Occupancy for the new Westminster facility, the City will provide to Fun Services \$2,500 to help defray moving costs.

4. The City shall reduce for Fun Services the Waterline Recovery due on the 30 inch high pressure water line in Huron Street from \$33.09 to \$2.13 per linear foot. Fun Services is responsible for paying the City for the water line recovery, at the \$2.13 per linear foot, no later than the time of building permit issuance.

5. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Fun Services has not completed construction or moved into its new building by December 31, 2000.

6. In the event Fun Services ceases business operations within the City within three (3) years after the new operations commence, then in such event Fun Services shall pay to the City the total amount of fees and taxes which were due and payable by Fun Services to the City but were rebated by the City, as well as reimburse the City for all funds provided to Fun Services pursuant to this Agreement.

7. This instrument shall constitute the entire agreement between the City and Fun Services, and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

8. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes.

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

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

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

FUN SERVICES, INC.

CITY OF WESTMINSTER

By \_\_\_\_\_  
William Wilson  
President

\_\_\_\_\_  
Bill Christopher  
City Manager

ATTEST:

ATTEST:

\_\_\_\_\_  
Title

\_\_\_\_\_  
Michele Kelley  
City Clerk

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2000

COUNCILLOR'S BILL NO. **9**  
INTRODUCED BY COUNCILLORS

---

**A BILL  
FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH FUN  
SERVICES, INC.**

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

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

WHEREAS, Fun Services Inc. has indicated interest in building a new 22,000 square foot building in the City of Westminster on property south of the southwest corner of 124th Avenue and Huron Street in Park Centre; and

WHEREAS, Fun Services, Inc. will employ approximately 20 full time and 20 part-time people at this new facility with an annual payroll of over \$800,000; and

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

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of January, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_ day of February, 2000.

ATTEST:

---

Mayor Pro Tem

---

City Clerk

RESOLUTION

RESOLUTION NO. **10 A**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

**A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FOR THE IMPLEMENTATION OF AN ASSISTANCE AGREEMENT WITH FUN SERVICES, INC.**

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

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

WHEREAS, Fun Services, Inc. has indicated an interest in building a new 22,000 square foot building within the City of Westminster in the Park Centre Business Park; and

WHEREAS, Fun Services, Inc. will employ 40 people at this new facility, with an annual payroll of \$800,000; and

WHEREAS, a proposed Assistance Agreement has been developed between the City and Fun Services, Inc. which City funds are to be paid to Fun Services, Inc. for various expenses related their development; and

WHEREAS, a General Fund contingency transfer of \$2,500 is needed for payment of moving expenses as part of the agreement; and

WHEREAS the General Fund Contingency balance is \$723,312.

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

Section 1. The City Manager is hereby authorized to transfer \$2,500 from the General Fund Contingency account into the Economic Development budget in the General Fund for the implementation of the Fun Services, Inc. Business Assistance Agreement.

Passed and adopted this 24<sup>th</sup> day of January, 2000

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** Land Acquisition at 146<sup>th</sup> Avenue and Huron Street

**Prepared by:** John Carpenter, Director of Community Development

**Summary**

City Council is requested to take action on the proposed acquisition of a **135.043** acre parcel of land located between I-25 and Huron Street at about 146<sup>th</sup> Avenue. The property is being acquired as a means to intercede in the potential development of over 1,000 apartment units on the property and to preserve the site for business park uses.

The acquisition price for the parcel is **\$2,295,731** or \$17,000 acre (40 cents per square feet). Funds are available in the appropriate Capital Projects account in the Utility Fund for this expense.

**Staff Recommendation**

Authorize the City Manager to execute all necessary and appropriate documents on behalf of the City to purchase **135.043** acres of land generally bounded by I-25, 150<sup>th</sup> Avenue, Huron Street and 146<sup>th</sup> Avenue; and authorize the expenditure of **\$2,295,731** for the purchase plus related closing costs from the appropriate Capital Projects account in the Utility Fund.

**Background**

On December 30, 1985, the City Council approved an annexation agreement for the North Huron PUD parcel located at the intersection of Huron Street and 144<sup>th</sup> Avenue. The North Huron PUD established permitted land uses on the property including allowing multi-family residential at a density of up to 50 dwelling units per acre (dupa) on 25% of each of the separate land parcels in the PUD. The agreement was vested (or the City was prohibited from unilateral changes to the zoning) for a period of 20 years.

In June 1997, City Council approved the Westminster Comprehensive Land Use Plan (CLUP) which designated that portion of the North Huron PUD located east of Huron Street as "Business Park." The "Business Park" designation does not allow multi-family residential. However, the existing annexation agreement does not permit the CLUP to limit the allowable land uses in the North Huron PUD.

Some Council members may recall the controversy surrounding the Cheyenne Ridge residential development. That parcel was also a part of the North Huron PUD in which multi-family development at 50 dupa was allowed on the site at the northeast corner of 144<sup>th</sup> Avenue and Huron Street. The eventual density of the Cheyenne Ridge development was reduced to less than 3 dupa only after the City provided financial incentives and reduced development requirements (such as narrow streets, limited sidewalks) to the developer to offset the loss of profit from a low density development.

Another undesirable aspect of the annexation agreement is a provision that the public land dedication requirement is limited to 10% of the residential developed land. Since the agreement was signed, the City has adopted a density based dedication requirement. Under the current City standard, an 18-dupa project would be required to dedicate 25% of the site. The landowners believe the 10% requirement still applies.

In the past few years, the City Council adopted multi-family residential design guidelines which limit the density for multi-family projects to 18 dupa. These provisions must be met as a part of the growth management competition. The landowners believe such rules do not apply to them since they argue that their property is exempt from the City's Growth Management program.

Even if the property is exempt from the City's design guidelines realistically, the maximum density for the "typical" suburban three-story apartment project is approximately 25 dupa. For example, the density at the Vintage Apartments 93<sup>rd</sup>/City Center Drive is 21 dupa and Calavera Point Apartments (92<sup>nd</sup> Avenue/Vance Street) is 24.2 dupa.

The water usage on high-density multi-family projects at 18 dupa is approximately 3.9-acre feet of water per year compared to the business park area like Park Centre which use approximately 1.3 acre feet of water per year. Assuming that the site was developed at 18 dupa over 25% of the 135 acres, the multi-family property would use approximately 180 more service commitments (88-acre feet) than a business park use. At 25 dupa, the difference would be 139 acre feet of additional water which would cost the City between \$1.1 – 1.4 million to acquire.

Thus eliminating multi-family, high density housing from this site will result in a significant reduction of water usage from this site and lessen the amount of raw water that the City will need to acquire to accommodate the ultimate build out of the City.

Utility Fund monies are proposed to be used for this acquisition. Once the property is rezoned and resold by the City, the proceeds of the sale would be returned to the Utility Fund.

Eliminating residential usage from the site will also maximize the amount of the site that is available for business park usage. Staff believes that the North I-25 corridor, including this property, will be one of the next "hot beds" of business park activity in the Denver Metropolitan area as the US 36 corridor approaches build out. Already, the cities of Thornton and Westminster are cooperating to prepare a master plan to guide development within the corridor. Both cities are committed to encouraging the development of high quality business use developments in the area.

The **135.043**-acre parcel is currently owned by and is under contract to local real estate developer Larry Gayeski. Mr. Gayeski has assigned his contract to the City of Westminster.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** Resolution No. 11 re Jefferson Economic Council's Land Use Policy Recommendation

**Prepared by:** Susan Grafton, Economic Development Manager

**Introduction**

City Council action is requested on the attached Resolution endorsing Jefferson Economic Council's Land Use Policy Recommendation.

**Summary**

Jefferson Economic Council (JEC) is the City's economic development partner for the Jefferson County portion of the City. This past year JEC focused on establishing a land use policy for Jefferson County to protect the very limited available land designated for business growth. The proposed policy would limit the rezoning of commercial and industrial land for residential use.

The land use policies recommended in JEC's white paper "Preserving Our Future" are consistent with the City's land use policies established during the approval of the Comprehensive Plan in July 1997.

**Staff Recommendation**

Adopt Resolution No. 11 endorsing the Jefferson Economic Council's Land Use Policy Recommendations.

**Background Information**

Over the past several years, JEC has noticed the increasing pressure for residential development in Jefferson County. Concerns were raised by the JEC Board of Directors that residential development could potentially push out job creating development.

At the direction of the Board and with the approval of the Jefferson county Commissioners, the JEC Staff put together a task force of City representatives and County developers. The "Land Inventory Committee" after much research and discussion put together the attached "Preserving Our Future". This document has been endorsed by the JEC Board. JEC is now seeking local government endorsement.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 11

INTRODUCED BY COUNCILLORS

SERIES OF 2000

**A RESOLUTION ENDORSING THE JEFFERSON ECONOMIC COUNCIL'S LAND USE POLICY RECOMMENDATIONS**

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

WHEREAS, there is a scarcity of land in Jefferson County available for future job creation; and

WHEREAS, the economic vitality of the City of Westminster and Jefferson County is dependant upon job creation; and

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

Section 1. The City of Westminster hereby endorses the Land Use Policy Recommendations outlined in the Jefferson Economic Council's white paper entitled "Preserving Our Future"

Passed and adopted this 24<sup>th</sup> day of January, 2000

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** Agreement for Bond Counsel Services for \$1.6 Million (Series 2000) Certificates of Participation Financing

**Prepared by:** Marty McCullough, City Attorney

#### **Introduction**

City Council action is requested to approve fees for legal services in connection with the proposed issuance of \$1.6 million in Certificates of Participation (Series 2000) for replacement funding for the Westminster Boulevard and Westminster Mall remodeling projects, as follows: the lesser of \$12,000, plus out-of-pocket expenses, or the actual hours spent in completing the transaction, for Sherman & Howard, as Bond and Special Counsel to the City.

#### **Summary**

- > The City previously issued \$19.7 million in Series 1999 COP's for the Westminster Boulevard and Westminster Mall Remodeling Projects. Staff is recommending that \$1.6 million from this previous COP issue be used to finance the design and construction of the public-private Pavilion Catering Project at the Westminster Promenade on a tax-exempt basis, and to replace this \$1.6 million through the issuance of a supplemental COP issue in the amount of \$1.6 million. The details of this proposed arrangement were previously reviewed with City Council at a recent Study Session.
- > Staff is recommending the retention of Mr. Dee Wisor of the law firm of Sherman & Howard to serve as bond and special counsel to the City for this financing, at a fee not to exceed \$12,000.

#### **Staff Recommendation**

Authorize Sherman & Howard to act as Bond and Special Counsel to the City at a fee of \$12,000, plus out-of-pocket expenses, or the actual hours spent, whichever is less, to be paid for out of the proposed certificate of participation financing, and authorize the City Manager to execute an agreement with Sherman & Howard.

#### **Background Information**

As with all public, tax-exempt financings, this financing will require an opinion from a nationally-recognized law firm regarding certain tax-related matters. Sherman & Howard was Bond and Special Counsel for the City for the \$19.7 million Certificates of Participation (COP) issue (Series 1999) for the Westminster Boulevard Extension and Westminster Mall Remodeling Projects. Fees for comparable financings over the past several years have ranged from \$10,000 to \$30,000, dependent on the size and complexity of the issue. The proposed fees are considered within the range of fees experienced for similar City financings in the past, and will be included as part of the issuance costs for this COP financing.

Mr. Dee Wisor of Sherman & Howard has served as the City's bond counsel in the past and is thoroughly familiar with the City's charter, ordinances and outstanding bond covenants. His normal hourly rate is \$285, but Mr. Wisor has agreed to discount his rate for this transaction to \$240 per hour.

Certificate of Participation financings are somewhat more fee intensive compared to other financings because of the collateral, insurance and title issues. In addition, a recent Colorado Supreme Court case concerning lease purchase financings under TABOR has added another layer of legal complexity to the bond counsel's responsibilities.

These supplemental COP's will be placed with a single, private investor. Because a disclosure document (official statement) is not required for such placements under federal securities law, an opinion from special disclosure counsel will not be required.

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** January 24, 2000

**Subject:** 2000 Standley Lake Recreation Program

**Prepared by:** Richard Dahl, Park Services Manager  
Rod Larsen, Open Space Supervisor

#### Introduction

City Council action is requested to adopt the recreational fee structure for boating and lake access permits at the Standley Lake Recreation Area for 2000.

#### Summary

During 1998, Jefferson County Open Space (JCOS) and the Farmers Reservoir and Irrigation Company (FRICO) finalized several years of negotiations and reached an agreement in the purchase of the land and recreational rights surrounding Standley Lake. JCOS has deeded the property to the City of Westminster for the purpose of upgrading and maintaining Standley Lake as a regional park and also contributed \$2,463,733 to be used in the Phase I development. As part of the agreement with JCOS to purchase and fund the Phase I improvements Jefferson County residents now qualify for Westminster resident rates. Staff currently estimates that 90% of all permits sold for boating at Standley Lake now qualify as “resident”.

The Phase I development is currently underway and scheduled to be complete by June 2000. Improvements include a boat ramp, campground, restroom facilities, fish cleaning station, nature center/ranger office, access roads, and trail system. Once completed these improvements will turn Standley Lake into a regional park, which will be used by residents of Westminster as well as the majority of the northwest metro area.

Year-round use of the park is expected to rise significantly once construction is complete and this will elevate the maintenance costs associated with a high quality water-based recreational park, such as trash removal, restroom maintenance, and law enforcement.

Staff is proposing two alternatives for permit fees for 2000:

**Alternative 1** - Retain 1999 fees for 2000 with projected revenues of \$340,000. Staff estimates this figure will not allow for the anticipated increase in visitors due to the Phase I improvements and some reductions may have to be made in terms of maintenance or seasonal staffing..

**Alternative 2** - Increase a portion of the permit fees slightly in order to raise the revenue to match the approved 2000 operating budget of \$384,520. This would increase the annual resident permit \$10 to a total cost of \$505 with other select fees such as non-resident boating permits, sail/fishing permits, and senior day use permit also increasing a slight amount.

Included for 2000 are two new fee categories not previously approved by Council: Camping and Special Use. The camping permit is for camping only and does not allow any power boating activities. Staff has had requests in the past for “camping only” permits but there has not been the capacity or improvements to handle this additional activity.

With the completion of the Phase I improvements which include a formal campground and restroom facility Staff is proposing to accommodate this new fee category. The special use permit will be issued to private groups (sailing, hiking, wildlife, etc.) who want to use Standley Lake for over night group functions. Service groups such as the Boy Scouts and Girl Scouts along with schools and other related educational activities will be required to have a special use permit but the fee will be waived.

<b>TYPE</b>	<b>1999</b>	<b>2000 Alt. #1</b>	<b>2000 Alt.#2</b>	<b>%Increase</b>
Resident Boat Permit	\$495	\$495	\$505	2%
Non-resident Boat Permit	\$620	\$620	\$630	2%
Sail/Fishing Permit	\$100	\$100	\$125	25%
Camping	\$0	\$0	\$250	New
Special Use	\$0	\$0	\$25	New
Daily Gate-Car	\$5	\$5	\$5	0%
Daily Gate-Boat	\$10	\$10	\$10	0%
Senior Day Permit	\$5	\$5	\$10	100%
Boat Dealer	\$1500	\$1500	\$1500	0%
Annual	\$60	\$60	\$60	0%
Fines	\$0	\$0	\$50	New
Total estimated revenue		<b>\$340,000</b>	<b>\$384,520</b>	

### **Staff Recommendation**

Adopt the 2000 Standley Lake Recreation Area fee structure as proposed by Staff and outlined in Alternative 2 of the Agenda Memorandum.

### **Background Information**

The two new permit categories, camping and special use, are the result of the Phase I improvements that allow additional camping and activity space not previously available or severely limited at Standley Lake.

Year-round recreational fishing continues to be a strong use at Standley Lake and Staff continues to encourage and support this activity by providing the necessary service and security for all users. Staff recommends raising the Senior Day Permit from \$5 to \$10 to assist in the cost for trash and san-o-let service at the lake on a year-round basis.

The Department of Parks, Recreation, and Libraries primary concern in the operation of Standley Lake is to insure the safety and health of the visitors using the recreation area. Providing 24-hour security, staffing for 16 hours of day use, and contracting portable toilet facilities and trash collection represent 96% of the operating budget. The other 4% is used to purchase medical supplies, signage, and materials to maintain grounds and structures. Because Standley Lake is a 24-hour, 7 day-a-week program, the staffing and contractual service levels are necessary regardless of the number of people using the facility, which can vary depending on the time of day, weather conditions, and the month.

In 1985, the Department of Parks and Recreation issued 1,200 power boat permits at Standley Lake. Since that time, water quality issues have prompted the City to re-evaluate the long-term impact which power boat uses have upon the water at Standley Lake.

Because of these concerns, City Council has reduced the number of boat permits available and has pursued a conservative approach when dealing with water quality. In 1992, a voluntary boat emissions inspection program was started with support from local boat dealers who provided the service at no charge to lake participants. This program became mandatory in 1993 and all power boats using Standley Lake must pass an emissions inspection before they are granted access to the lake. Water quality sampling from Standley Lake has indicated the 600 powerboat permits approved for 2000, along with the other protective measures regulating recreational activities, have been successful in preventing any water quality degradation.

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** Councillor's Bill No. 12 re 1999 Budget Supplemental Appropriations

**Prepared by:** Cherie Sanchez, Accountant

#### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading amending the 1999 budget appropriations in the General Fund and the Heritage at Westmoor portion of the Golf Course Fund.

#### **Summary**

The General Fund budget will be amended to reflect \$39,302 in grants revenue, \$10,000 in special promotion sponsorship revenue and \$183,253 in Police off-duty revenue. The budget of the Heritage at Westmoor portion of the Golf Course Fund shall be amended to reflect \$21,225 in interest earnings.

#### **Staff Recommendation**

Pass Councillor's Bill No. 12 on first reading providing for supplementary appropriations to the 1999 General Fund and Heritage at Westmoor portion of the Golf Course Fund.

#### **Background Information**

The General Fund budget will be increased to reflect an appropriation of \$39,302 in grants revenue received in 1999.

- The State of Colorado, Department of Local Government sponsors the Waste Tire Recycling Program, which reimburses participants 75 percent of product costs for recycled waste tire crackfill material. In 1999, the City was reimbursed \$11,340 by the State for its purchase of Megaseal, a recycled tire, asphalt based crack fill and sealant material.
- The Rotary Club awarded the City a \$3,000 grant which will be used to reimburse funds expended for the City's After School program at Mandalay and Moore Middle Schools in Jefferson County.
- A \$16,000 Youth Crime and Intervention grant was awarded to the City, which was used to support the City's After School program at Hodgkins, Shaw Heights, Scott Carpenter and Clear Lake Middle Schools in Adams County for the 1999-2000 school year.
- The Scientific, Cultural and Facilities District awarded the City a \$1,069 grant, which will be used to reimburse funds expended for the Senior Center's Native American cultural events week.
- The First and Seventeenth Judicial District VALE Boards awarded the City grants totaling \$27,893 in 1999 to fund the Police Department's Victim Advocacy program. \$20,000 was previously appropriated to fund program costs. The balance of these awards, \$7,893, now needs to be appropriated to cover 1999 Victim Assistance program salary expenses.

The General Fund budget will also be increased by an appropriation of Police Department off-duty revenue totaling \$183,253 and business sponsorship revenue received in support of the City's Business Appreciation Luncheon, Showcase Breakfast and Combat Challenge events totaling \$10,000. These appropriations are needed to offset associated, unbudgeted off-duty salary and special promotion event expenses.

The Heritage at Westmoor portion of the Golf Course Fund will be increased by an appropriation of \$21,225 in interest earnings, which is needed to cover the balance of the 1998 Golf Course bond issue interest expense for 1999.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **12**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGETS OF THE GENERAL FUND AND THE HERITAGE AT WESTMOOR PORTION OF THE GOLF COURSE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Fund initially appropriated by Ordinance No. 2654 in the amount of \$53,471,414 is hereby increased by \$232,555 which, when added to the fund balance as of the City Council action on February 7, 2000 will equal \$61,687,356. 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 increase is due to the appropriation of grant, special promotion sponsorship and off-duty revenues.

Section 2. The \$232,555 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
<b>REVENUES</b>			
Victim Assistance			
10-0450-000	20,000	7,893	27,893
General Miscellaneous - Off-Duty			
10-1072-549	100,000	183,253	283,253
Intergovernmental – Youth			
10-0414-000	-	19,000	19,000
Intergovernmental – Miscellaneous			
10-0472-000	-	1,069	1,069
General Miscellaneous			
10-1072-000	165,224	500	165,724
Intergovernmental – State			
10-0478-000	5,265	11,340	16,605
General Miscellaneous – Sponsorships			
10-1072-045	9,000	<u>9,500</u>	18,500
 Total Change to Revenues		 <u>232,555</u>	

**EXPENDITURES**

Regular Salaries			
10-20-30-100-000	1,747,532	7,893	1,755,425
Special Promotions			

10-25-26-245-000	16,325	500	16,825
Salaries - Overtime Off-Duty			
10-20-05-103-549	100,000	183,253	283,253
Maintenance and Construction Material			
10-35-45-347-000	335,520	11,340	346,860
Contractual Services			
10-50-76-299-529	34,300	3,000	37,300
Other Contractual Services – Seniors			
10-50-76-299-530	92,283	1,069	93,352
Special Promotions			
10-30-34-245-000	27,500	9,500	37,000
Recreation Supplies – Youth Activities			
10-50-76-312-529	66,236	<u>16,000</u>	82,236
Total Change to Expenditures		<u>232,555</u>	

Section 3. The 1999 appropriation for the Heritage at Westmoor portion of the Golf Course Fund, initially appropriated by Ordinance No. 2654 in the amount of \$499,130 is hereby increased by \$21,225 which, when added to the fund balance as of the City Council action on February 7, 2000 will equal \$2,204,730. The actual amount in the Heritage at Westmoor portion of the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of interest earnings.

Section 4. The \$21,225 increase in the Heritage at Westmoor portion of the Golf Course Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
REVENUES			
Interest – Investment Pool			
23-0751-205	-	11,012	11,012
Interest – Investment Pool			
23-0751-000	-	<u>10,213</u>	10,213
Total Change to Revenues		<u>21,225</u>	
EXPENDITURES			
Interest Payment			
23-50-88-602-227	429,146	21,075	450,221
Paying Agent Fees			
23-50-88-603-227	-	<u>150</u>	150
Total Change to Expenditures		<u>21,225</u>	

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

Section 6. This ordinance shall take effect upon its passage after the first reading.

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 24th day of January 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this  
\_\_\_ day of \_\_\_ 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** Third Amendment to Intergovernmental Agreement for Jefferson County Hazardous Substance Response Authority

**Prepared by:** Jim Cloud, Fire Chief

**Introduction**

City Council action is requested to authorize the Mayor to sign a Third Amendment to the Jefferson County Hazardous Substance Response Authority Intergovernmental Agreement (IGA).

**Summary**

The current Jefferson County Hazardous Substance Response Authority IGA provides that Authority Board members may be appointed to serve a consecutive term on the Board, but no member shall serve for more than two consecutive terms. The attached Third Amendment to the Jefferson County Hazardous Substance Response Authority IGA proposes that Authority Board members not be limited to serving a maximum of two consecutive terms. This proposal has been reviewed and approved by the City Attorney's Office.

The original agreement allows the Authority to pursue amendments but requires the unanimous approval of all participating entities to the IGA. The Authority has requested that interested participants should vote on this matter and submit their vote, yes or no, by February 13<sup>th</sup>, 2000.

**Staff Recommendation**

Authorize the Mayor Pro Tem to sign the Third Amendment to the Intergovernmental Agreement with the Jefferson County Hazardous Substance Authority, which allows members of the Board to be appointed for more than two consecutive terms.

**Background Information**

The City of Westminster signed an IGA in 1984 along with thirty other governmental entities to form the Jefferson County Hazardous Substance Response Authority. This Authority provided joint hazardous materials training, teams, cleanup, and material storage. During this period of time, the City of Westminster was also part of the Adams County Mutual Aid Trust group, which offered a hazardous materials response team to the Adams County side of Westminster. In 1998, the Westminster Fire Department suggested and facilitated the combination of the Jefferson County Hazardous Substance Response Authority and the Adams County Mutual Aid Trust to form the Adams and Jefferson County Hazardous Response Authority.

As a result of this merger, the new Authority Board consists of an 11 person Board of Directors with five members representing Adams County, five representing Jefferson County, and one member appointed by the Board yearly as an at-large appointment. The Adams County Mutual Aid Trust group appoints the Adams County Board members and while the appointments are reviewed periodically, no term limits are placed on these appointments. In contrast, the Jefferson County Board positions are elected positions with a two-year term and a limitation of two consecutive terms.

This existing language potentially places the Jefferson County Authority Board members on uneven ground with their Adams County partners. The current Jefferson County Board members feel that the term limitations placed on the Jefferson County board members may be a disadvantage in terms of program continuity. The Jefferson County Board members also believe that the election process as outlined in the IGA enables the democratic process of nomination and election by majority vote every two years, which could limit the terms of any board member if the constituent feels their wants and desires are not being addressed.

The Intergovernmental Agreement can only be amended upon an approval vote of two-thirds of those parties responding to the request no later than sixty days from the original mailing and can only be amended when at least forty percent of the participating entities convey a position on the proposed amendment.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 24, 2000  
**Subject:** Resolution No. 12 re Private Activity Bond Allocation  
**Prepared by:** Bill Christopher, City Manager

**Introduction**

City Council action on the attached resolution, which sets forth the City of Westminster allocation of Private Activity Bond (PAB) authorization, is requested at this time. The Metro Mayors Caucus is requesting input from those local government entities in the Denver Metropolitan area which wish to participate in the next single-family mortgage bond program which involves utilizing all or a portion of each entity's Private Activity Bond allocation.

**Summary**

The City of Westminster's Private Activity Bond (PAB) allocation for year 2000 is \$2,432,675. This allocation, which comes under Federal Legislation, allows municipalities to issue bonds for private purposes, i.e., single-family mortgage programs, and redevelopment financing such as the Westminster Plaza Shopping Center. The Metro Mayors Caucus has issued a request from interested Denver area municipalities regarding participation in the next single-family mortgage bond issue. This program allows individuals and families to take advantage of lower mortgage rate funds to purchase single-family homes, where otherwise they would likely not be able to qualify for the mortgage. The City of Westminster has participated regularly in these single-family mortgage programs in the past, and Staff is requesting City Council's policy direction on the Metro Mayors Caucus inquiry at this time. There are other identified potential uses for the \$2.4 million allocated to Westminster. Specifically, Staff has been working with a developer involved in a potential South Westminster redevelopment project and had hoped to be able to use all or part of the PAB allocation to help fund this retail center redevelopment project.

Staff is recommending that the City's \$2.4 million PAB allocation be divided between the single-family mortgage bond program and potential redevelopment efforts in South Westminster. It is recommended that \$1,000,000 be earmarked for the single-family residential mortgage program and \$1,432,675 be earmarked for redevelopment efforts in South Westminster. The attached resolution sets forth this suggested distribution of the Private Activity Bond allocation.

**Staff Recommendation**

Adopt Resolution No. 12 which sets forth the distribution of the City of Westminster's \$2,432,675 Private Activity Bond allocation with \$1,000,000 allocated to the single-family mortgage bond program and \$1,432,675 earmarked for South Westminster redevelopment efforts.

## **Background**

When cities wish to finance private activity (such as redevelopment of the Westminster Plaza), they can do so only to the extent they have received an allocation from the Federal Government, administered by the State of Colorado. This is called Private Activity Bond allocation. Each year, the City of Westminster receives its allocation of approximately \$2.4 million, to use in financing private business ventures. This allows cities to issue tax-exempt bonds to finance private ventures. This, in turn, saves the developer the higher costs of private “corporate” debt, which savings oftentimes are significant, and can mean the difference of cost-justifying the project. When this happens, this allows cities to sponsor community development activities, which they deem prudent for their citizens. A recent example of this initiative was the sponsorship by City Council of the redevelopment of the Westminster Plaza, which has become a real success story. Without the ability to issue tax exempt bonds to build this project, the revitalization of South Westminster would not be taking place.

The City of Westminster’s Year 2000 PAB allocation is \$2,432,675. The Metro Mayors Caucus is requesting a commitment from interested municipalities in the Denver Metropolitan area on the next single-family mortgage bond issue. The City of Denver has once again agreed to act as issuer on behalf of the Metro Mayors Caucus. The City of Westminster has participated in the single-family mortgage bond program in past years and has assisted families in qualifying for mortgages in order to purchase single-family dwellings in Westminster. This is an important component of the overall effort to address low/moderate income housing opportunities.

The 1999 metro-wide Program offered \$23.2 million of 30 year, fixed rate mortgages at 6.5% interest and grants of up to 3.5% of the loan amount for down payment or closing cost assistance to first time homebuyers in 24 cities in the Denver Metropolitan area. The program grew from \$17.7 million to over \$23 million between 1998 and 1999, with help from participating cities and an allocation of \$5.5 million from the Statewide Balance of Private Activity Bonds administered by the Department of Local Affairs. As of December 16, 1999, nearly \$18 million in loans (168 total loans) had been closed and purchased. Another \$5 million in loans are in process.

As in the past few years, there is a variety of demands for the use of the Private Activity Bond allocation. In addition to the Metro Mayors Caucus single-family mortgage bond program, Staff has been working with at least one specific redevelopment prospect involving a retail center in South Westminster. If the project is to go forward, the entire \$2.4 million PAB allocation could be applied toward this redevelopment to assist in making it financially viable. City Council is requested to address from a policy standpoint how best to utilize the City’s PAB allocation. The South Westminster redevelopment project would create additional sales tax base for the Westminster Economic Development Authority (WEDA) and, in turn, create an increased increment for Tax Increment Financing (TIF) bond opportunities for South Westminster redevelopment.

Staff is recommending a distribution of \$1,000,000 toward the single-family mortgage bond program to participate with the Metro Mayors Caucus along with earmarking the balance of Westminster’s PAB allocation of \$1,432,675 for a South Westminster redevelopment project. Staff acknowledges that this recommendation is somewhat arbitrary as to dividing the PAB allocation between these two uses. Therefore, the decision comes down to where Council finds the priorities for the use of the subject annual allocation.

There is a time constraint as the Metro Mayors Caucus needs to receive definitive commitments from each participating entity as soon as possible. Therefore, this item has been placed on Monday night's Agenda for formal action without the benefit of prior discussion at a Study Session.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **12**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

DISTRIBUTING THE CITY OF WESTMINSTER'S 2000 ALLOCATION FROM THE STATE CEILING FOR PRIVATE ACTIVITY BONDS TO FINANCE RESIDENTIAL HOUSING FACILITIES FOR LOW AND MIDDLE INCOME PERSONS AND FAMILIES WITHIN THE CITY AND FOR REDEVELOPMENT PROJECT OPPORTUNITIES IN SOUTH WESTMINSTER.

WHEREAS, the City of Westminster has been awarded to the year 2000 \$2,432,675 of the bond ceiling for the State of Colorado and its issuing authorities pursuant to the Colorado Private Activity Bond Ceiling Allocation Act, constituting Part 17 of Article 32 of Title 24, Colorado Revised Statutes, as amended, for us in the issuance of Private Activity Bonds to finance projects under the Act among the issuing authorities of the State of Colorado; and

WHEREAS, the City of Westminster is desirous of participating in the Metro Mayors Caucus single-family mortgage bond program to provide needed mortgage funding for first time home buyers who are low or moderate income families; and

WHEREAS, Economic Development project opportunities are presently being pursued in South Westminster which would be in part dependent upon receiving all or a portion of the City's Private Activity Bond allocation for the year 2000; and

WHEREAS, the Westminster City Council has among its goals to provide additional low and moderate income housing opportunities in Westminster as well as facilitating additional redevelopment in South Westminster.

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

1. The City's Private Activity Bond allocation for the year 2000 shall be distributed to address both of the above stated goals with \$1,000,000 assigned to the single-family mortgage bond program through the auspices of the Metro Mayors Caucus and \$1,432,675 assigned to economic redevelopment project opportunities for South Westminster.
2. The Council directs the City Administration to make application to the Metro Mayors Caucus in the amount of \$1,000,000 to be used in the single-family mortgage bond program for Westminster homebuyers and to continue to work with economic development prospects on South Westminster opportunities using the assigned \$1,432,675 allocation as one of the financial tools to assist in one or more redevelopment projects.

This Resolution shall be in full force and effect its passage and approval.

ADOPTED BY THE CITY COUNCIL ON JANUARY 24, 2000.

\_\_\_\_\_  
Mayor Pro Tem

ATTEST:

\_\_\_\_\_

City Clerk



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** January 24, 2000

**Prepared by:** Kathy Sullivan, Library Services Manager

**Subject:** Presentation on Kings Mill Library by Citizens Group

#### **Introduction**

City Council is scheduled to receive a presentation from concerned citizens regarding the proposed closing of the Kings Mill Library. Their proposal and supplemental materials are attached. City Council action is requested to hear the public input and then direct Staff on whether to proceed with negotiations on the Intergovernmental Agreement to convert the Kings Mill Library to a Head Start facility. A related decision would pertain to opening the College Hill Library on Sundays if Council were to decide to close the Kings Mill Branch Library.

#### **Summary**

At the December 13 City Council meeting, a group of residents asked Council for time to evaluate the proposal to convert Kings Mill Library to a Head Start facility and to propose actions related to keeping the library open. Staff had informed residents of the City's tentative plans through letters that were mailed out to library users and Kings Mill residents in November, and through two public meetings in November and December. At the December 13 meeting, City Council delayed their decision on this proposal, and asked the residents to submit their ideas to Council by January 14.

Council received the group's report on January 14 via e-mail. Staff also received the report, and has prepared this agenda memo based on its review of their recommendations.

- First, Contrary to what is suggested in the report submitted by Ms. Juleff, library staff has not taken any actions over the past 10 years to deliberately decrease use of the Kings Mill Library. Library staff spent many hours over the past 10 years talking to patrons about what services, materials, and other resources they want from the library.

Activities undertaken by the library staff to increase use of Kings Mill included:

- Planning and trying out a variety of programs for children and adults, including volunteer story times, a young adult reading area and young adult book club, Mystery Night program for adults, toddler story time for 2-3 year olds, Family Night on Tuesday evenings, and Bring-a Buddy Book Club (just started this January);
- Analyzing circulation trends, updating the collections, visiting schools, day centers, and C.O.G. groups, and taking notes on items not found by patrons so that Staff could order those materials for future use;
- Remodeling the library in 1993 and holding an Open House to celebrate its reopening (no one attended), advertising the library in all the City's publications, including City Edition, and Parks and Recreation Activities Guide, providing flyers about the Summer Reading Program to every elementary school student;

- Conducting a comprehensive marketing campaign in 1995 which was distributed to every Westminster household, which listed Kings Mill information and pictured a story time being given at Kings Mill Library;
- Raising money through the Friends of the Westminster Public Library to install a computer with special educational software programs for children;
- Adding two new Pentium 200 computers in Spring of 1998 (one with internet access);
- Conducting a survey of all Westminster residents in 1995, which revealed that most respondents on the west side of Westminster who didn't use the library used Standley Lake Library;

Library Staff made these efforts over the past several to try to slow or reverse the decline in use of the Kings Mill Library. However, Westminster residents are free to choose which library facilities they prefer to use. Apparently, about half of those who formerly used Kings Mill prefer Standley Lake Library because it is newer and larger than Kings Mill. Standley Lake has five times the space, four times the collection, a reference section that would take up all the space at Kings Mill Library, and a children's section that would do the same. As a result, Standley Lake's business has increased, and Kings Mill Library's business has declined. In 1989, Kings Mill Library was circulating about 12,250 items a month. According to Jefferson County Library's records, in 1999, Westminster residents checked out at least 9,000 items each month from Standley Lake, while the average monthly circulation at Kings Mill declined to approximately 5,800 items.

Since Westminster residents who live in Jefferson County pay 3.5 mills in property tax to receive library services from the County, the City has been faced with the difficult task of continuing the operation of another library in the same area served by Standley Lake Library. This is a very unusual situation, since most other communities are served either by a City or by a County library, but not both. The existing situation represents a classic duplication of effort and expense. When Kings Mill Library was first built in 1979, the closest Jefferson County branch was the Arvada branch on 57<sup>th</sup> Avenue in Old Towne Arvada. At that time, it made sense for the City to help address the library service needs of the west side of Westminster, since Jefferson County did not provide services convenient to those residents. However, after the Standley Lake Library opened in 1989, at 84<sup>th</sup> Avenue and Kipling Street, the City found itself in the position of duplicating a service that was also being provided by Jefferson County and for which residents were paying for thru the County 3.5 library mill levy.

During the early 1990's, the number of Westminster residents using Kings Mill Library continued to exceed those using Standley Lake. As the number of people using the Kings Mill Library continued to decline throughout the latter half of the 1990's, the City had a harder time justifying expending significant resources to serve an area of Westminster that is already being served well by the County. (The City spends approximately \$100,000 per year in direct costs to operate Kings Mill Library. An outside consultant hired by the City this year to analyze costs of all City operations has estimated the total cost, including overhead, at approximately \$250,000).

At the same time that business has declined at the Kings Mill Library, the newly built College Hill Library realized a tremendous response. With finite resources, the City has had to reassess the provision of library services to keep up with the increasing demand at College Hill, the continuing steady use of the 76<sup>th</sup> Avenue Library, and the decline of use at Kings Mill. For example, during the last half of 1999, College Hill patrons checked out 60,000 more items than they had in 1998. In other words, just the increase in College Hill's use during a six-month period was almost equal to the total number of books checked out in an entire year at Kings Mill (about 70,000 items).

When the City's plan to add a Head Start facility adjacent to the Kings Mill Library encountered cost increases that exceeded the federal grant funding, City Staff evaluated the logic of continuing to offer library services at Kings Mill in the face of declining use. The proposal to cease library operations at Kings Mill and reallocate the Staff to provide Sunday service at College Hill was discussed. Staff approached Sandy Martin, Jefferson County Head Start Administrator, with the idea, and she sought approval from the federal government to reallocate the funds she had been granted for new construction on a remodeling project instead. Staff worked with Jefferson County officials to determine whether such an agreement would even be feasible before announcing the proposal to the public.

It is Staff's thinking that this proposal is attractive for several reasons. First, it is very likely that the use of Kings Mill Library will continue to decline in the future. It is quite possible that use of the library will drop to such low levels in a few more years that the City will be forced to close the building. At that point, the City could have a vacant building on its hands, which would be a detriment to the neighborhood. Converting the library to a Head Start now assures that the building is used for a valuable community service for years to come. The proposal also allows the City to continue to use the building at night and on the weekends, when Head Start is not in session. The Head Start Administrator is willing to work with the City on providing a community meeting room that could be used for recreation and library programs, and meetings of local community groups. Library resources utilized at Kings Mill would not be cut, but would be reallocated to provide more service at the College Hill Library which is receiving the most use by the most patrons. Residents of the Kings Mill area would not be left without a library close by, because the large, newer Standley Lake Library is located approximately a mile from the Kings Mill Library.

Other points raised in the proposal from Ms. Juleff and the Kings Mill residents:

**1. Proposed new hours of operation.**

Library Staff has reviewed the committee's proposed new schedule. Youth Services staff has pointed out that the new schedule includes very few morning hours, which would limit the time available to provide programs for toddlers and preschool children. These programs have always been the ones that received the greatest response from Kings Mill residents. Many children of this age take naps in the afternoon, and are getting ready for bed in the evening. In addition, the committee's proposed new schedule keeps the library open on Thursday evening until 9:00 p.m. Thursday evenings have always been the slowest time at Kings Mill Library, which is why those hours were cut in 1997. Adding Sunday hours would probably increase business at Kings Mill, but involves more than simply cutting four hours somewhere else in the schedule to add the hours on Sunday. Operating a library six days per week requires more Staff time than operating five days a week, even with the equivalent number of hours of service. Staff has not had time to analyze exactly how many staff hours would be required to achieve the proposed schedule. If City Council decides to keep the library open, staff could try adding back hours until 9:00 p.m. one or two days per week, but at an increased expense.

**2. No programs being offered at Kings Mill.**

Large programs are very difficult to offer at Kings Mill because of space considerations. The library offered 21% of its children's programs this year at Kings Mill, despite the fact that these programs generated only 12% of the total attendance. In contrast, 51% of the programs were offered at College Hill, which generated 62% of our attendance.

**3. Promoting the library as the resource center.**

Library Staff has attempted in the past to contact specific teachers to find out about upcoming school assignments.

Library Staff has also purchased items for all the libraries' collections that are frequently assigned by all the schools (e.g., materials for science fair projects, immigration, endangered animals, etc.). Because of the size of Kings Mill Library, that facility will never be able to have the number of materials on a wide variety of possible research topics as can be found at Standley Lake or College Hill. Junior high school and high school students began using Standley Lake for term paper research as soon as it opened, and it is very doubtful that Kings Mill could provide the same level of research service in the future that is provided at Standley Lake or College Hill.

As stated above, library Staff has **not** simply referred patrons to Standley Lake for materials not available at Kings Mill. If an item is not in Kings Mill's collection, but is at College Hill or 76<sup>th</sup> Ave., patrons can request the book and it will be delivered to Kings Mill, usually in 1 day. Library Staff will also purchase materials that are not found at Kings Mill, if those materials are appropriate for a branch library collection (in other words, they are not so specialized that they will never be requested again). Another option is interlibrary loan, but this process can take from 2 days to 2 weeks before an item is received. It would be a disservice to library patrons not to check whether Standley Lake has an item before suggesting an interlibrary loan request.

Library Staff who select non-fiction books for Kings Mill analyze the circulation statistics on a quarterly basis. They also look at the notes taken by Kings Mill staff about specific items patrons did not find at Kings Mill. Staff has found that during 1999, the same non-fiction subjects are popular at Kings Mill as were popular in the early 1990's: cooking, gardening, crafts, travel, and other popular materials.

Ms. Juleff states that "a large number of patrons contacted during the period of Jan 7-11<sup>th</sup>, 2000, commented that it seemed as though every book they wanted to check out was housed at College Hill." It stands to reason that since College Hill is a larger library with four times the number of books in its collection, the chance of finding any particular book is greater at College Hill. The same principle applies to the Standley Lake Library, which is probably why many residents have decided to use that library instead of Kings Mill.

#### **4. Train all paid and volunteer staff in research methods using the latest technology.**

The library has provided internet access from Kings Mill since the Spring of 1998. There is currently one computer with access to the internet and to several other electronic databases. There are also two other computers with access to the library catalog. Kings Mill Staff has consistently reported that there have been very few instances of more than one person wanting to access the internet at the same time since the internet connection was installed. If the demand were there, the City would have added another computer with internet access.

Internet service is occasionally interrupted at Kings Mill Library, because the wiring in the building is older. The wiring would need to be updated to fix the problem. The same situation exists at the 76<sup>th</sup> Ave. Library.

In the past, a professional librarian was scheduled at Kings Mill Library to answer reference questions and help people to find information. For several years, these reference staff complained that there were so few people seeking help that they felt their time was wasted at Kings Mill. So, for the past several years, the library has been staffed by paraprofessionals. We have not provided extensive training for these staff on how to use the internet, because it would be difficult for them to maintain these skills when they are infrequently asked for assistance. Instead, paraprofessional staff has been instructed to call either the College Hill Library or 76<sup>th</sup> Ave. Library if they are having difficulty answering a question for a patron.

**5. Train all paid and volunteer staff in effective communication and customer service skills.**

From 1980 until 1998, Helga Williams worked at the Kings Mill Library, and provided the kind of excellent customer service that Ms. Juleff refers to in her report. Helga was the Kings Mill supervisor throughout most of the period during which circulation declined (despite her excellent customer service skills). When Helga decided to pursue a new opportunity as a supervisor at the College Hill Library, Barb Nelson became the main customer contact person at Kings Mill. Barb also has excellent customer service skills and got to know many of the Kings Mill patrons by name during the year she worked at Kings Mill. In October 1998, Barb was promoted to Library Secretary. Since October of 1998, Kings Mill has experienced some staff turnover, and current staff only started a few months ago. It is not surprising that newer staff has not had an opportunity to develop the close relationships with patrons that Helga Williams developed over 18 years of serving customers at Kings Mill. Many patrons however have commented at the public meetings and over the phone that they do not use Standley Lake because the Staff at that library are not as friendly as Kings Mill staff. So it seems unlikely that the decline in use of Kings Mill over the past 10 years has been a result of bad customer service.

**6. Survey the Kings Mill Library patrons on a formal basis every six months using service level determinants instead of usage.**

Staff does agree that surveying library patrons on a regular basis would be a good idea. Library Staff have looked at the possibility of conducting such a survey but in truth, most of the staff time over the past couple of years has gone into keeping up with the increased service demands at College Hill Library, while continuing to provide excellent service at 76<sup>th</sup> Ave. and Kings Mill. A customer survey would be a good project for library volunteer staff. Although no formal surveys have been conducted at Kings Mill over the past several years, library staff has made an effort to talk to patrons about what they are looking for, write down the titles of materials that were not found, and order more materials that have been requested by patrons.

**7. Encourage reading at all levels through sponsorship of various programs.**

Library Staff has attempted to start book clubs at all three library facilities at various times. They take a good deal of work to get started. Staff would have no objection to the patrons of Kings Mill holding book clubs at the Library, or in the community meeting room should Council decide to close the library.

Library Staff have tried offering story times on Saturday in the past, but have found that parents are so busy with older children's extracurricular activities (such as soccer and baseball games, and school events) that few have attended Saturday story times. Staff does occasionally offer special programs on Saturdays and these have often been well attended. The Youth Services Coordinator also reports that staff tried a volunteer story time at Kings Mill a few years ago. However, 1) few people attended, preferring the story times given by staff, and 2) volunteers would often lose interest after giving the story time a few times, and Staff would have to reschedule other activities to give the story time in the volunteer's place.

**8. Utilize youth and adult volunteers to increase library services.**

The library does use volunteers to supplement paid staff. Volunteers have been employed at Kings Mill for a number of years, and some have subsequently been hired on as regular staff based on their excellent work as volunteers. The sentences quoted by Ms. Juleff from the December 29, 1999 Staff Report were Staff's response to the question of why the library couldn't be staffed entirely by volunteers. This question was raised several times during the public process about this proposal.

Staff does not doubt that many Kings Mill residents are very successful and capable people. However, it takes more than a few hours per week to learn to do any job well. That is why paid Staff who do the same job for 20 to 40 hours per week are impossible to replace with volunteers who would work a few hours per week.

**9. Increase signage at the current facility and on main thoroughfares.**

There has been a “street” sign on the corner of 88<sup>th</sup> Avenue and Field Street providing direction to the Kings Mill Library for many years. As stated in the Staff Report of December 29, use of Kings Mill Library was at its highest in 1989, even though there was no sign at all in front of the building at that time, and fewer opportunities to market the library’s services than there are today.

**10. Explore alternative sites for Jefferson County Head Start.**

The City is not proposing to close the Kings Mill Library only because a Head Start facility is needed in the area. If Jefferson County had not built a large library close to Kings Mill Library, and if Kings Mill Library use had not decreased dramatically as a result, the City Staff would not be proposing converting the facility to a Head Start facility.

**Alternatives**

- City Council could agree with the proposal submitted by Ms. Juleff and continue to operate Kings Mill as a branch library.
- City Council could agree to keep a small reading room with a modest collection that would be operated by Kings Mill neighborhood volunteers.
- In addition to the small reading room mentioned above, City Council could elect to staff the room with a .5 FTE Children’s Librarian at selected times of the day to maximize the utilization of Staff resources.
- City Council could decide to contribute the needed funds (\$60,000 (+)) to construct the Head Start addition to the Kings Mill Library building and keep the library operational.
- City Council could offer to turn the Kings Mill pool and library over to the homeowners to run and operate. This would eliminate Head Start from the picture and require that a Kings Mill homeowners association be formed with an annual dues structure to operate the facilities.

**Staff Recommendation**

1. Hear the presentation prepared by the Kings Mill area group to keep the library open.
2. Direct Staff to proceed with negotiations with Jefferson County to pursue an Intergovernmental Agreement to lease the Kings Mill Library to Head Start for use as a classroom facility.
3. Direct Staff to reallocate resources from the Kings Mill Library to the College Hill Library in order to open the College Hill facility on Sundays.

**Background**

City Council previously authorized staff to negotiate with the Jefferson County Head Start Administrator regarding the establishment of a new Head Start facility adjacent to the Kings Mill Branch Library.

This led to the Head Start program receiving \$319,050 in a federal grant to design and construct two classrooms and ancillary facilities adjacent to the existing library and swimming pool. Unfortunately, the project architects encountered some unforeseen expenses and the project budget rose to \$60,000 over the federal funding that was available. In July 1999, Staff presented City Council three basic options on how to proceed with the pending Head Start program: Option 1: drop the project, Option 2: Provide additional funding necessary to complete the project, Option 3: lease the Kings Mill library facility to Head Start, and cease library operations there. City Council directed staff at that time to explore Option 3.

Staff subsequently met with Head Start to further develop this proposal, and Sandy Martin, the Head Start Administrator, received approval from the Federal Government to use the grant funds to remodel the Kings Mill building. In November 1999, Council reviewed the proposal again and authorized staff to proceed with the process to inform the public and receive feedback from residents on the issue. On November 11, the Westminster Library Board unanimously supported the proposal, and on November 12, letters were sent out to more than 3,700 library patrons living in areas surrounding Kings Mill outlining the plan and inviting them to the Oakhurst C.O.G. meeting on November 17 to express their views. Because of the short time frame between sending the letters and the first public meeting, a second public meeting was scheduled for December 2, and additional letters were sent out to 2,100 households surrounding the Kings Mill Library.

Forty-two residents attended the meeting on December 2. At the December 13 Council meeting, a group of 14 residents requested that Council allow them more time to develop a proposal to increase use and/or reduce costs of operating Kings Mill. Council granted the request with a deadline of January 14. The citizens' presentation is scheduled for the January 24 City Council meeting.

Staff realized that closing this neighborhood facility is "near and dear" to a core group of devout Kings Mill users. Certainly the effort being put forth to keep the facility open shows the passion and commitment that this group has over the issue. Unfortunately, when emotional issues such as this stir the passions of certain individuals, focus on the big picture can be lost.

The Westminster Library system has come a long way in the last 8-10 years. The first citizen's survey conducted in 1992 rated the library somewhere around eleventh (11<sup>th</sup>) overall in City services with a customer satisfaction rating of 68. Library services have improved steadily over the years to where in 1998, the library was tied for second (2<sup>nd</sup>) overall with a satisfaction rating of 79. That was the biggest improvement of any City service. Our citizens must be pleased with the direction the library has taken, which includes building College Hill, renovating 76<sup>th</sup> Avenue, and remodeling Kings Mill. Unfortunately, the Standley Lake Library has taken away a significant part of the service area and appeal of the Kings Mill branch. Government often gets criticized when entities compete against each other by providing duplicate services. That happens to be the case here. Despite what the Juleff report would like us to believe, the bottom line is that Kings Mill use has declined because of a much larger and better equipped library at Standley Lake located within the same service area as well as a similar facility at College Hill. Staff believes that a much better customer base of our citizens can be served by shifting resources from Kings Mill and providing Sunday hours at College Hill.

In summary, this situation boils down to a policy decision of what best serves the most.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 24, 2000  
**Subject:** Citizen Communication – Ed Hass  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

The City Clerk's office has received a request from Mr. Ed Hass to address City Council.

**Summary**

Ed Hass, who resides at 5811 West 111<sup>th</sup> Avenue, has requested time on Monday night's agenda to address City Council with concerns he has with trash within the open space areas near the Westin Hotel.

**Staff Recommendation**

Listen to the presentation by Mr. Hass and determine any appropriate follow up action.

**Background Information**

Mr. Hass has indicated that his presentation will be longer than 5 minutes, and accordingly, this item has been placed at the end of the meeting under Citizen Communication.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** Quarterly Insurance Report

**Prepared by:** Nancy Weaver, Risk Management Specialist

**Introduction**

The following is a list of third party claims filed with the City from October 1, 1999 through December 31, 1999. No Council action is required at this time.

**Summary**

The information provided on each claim includes the claim number, date of loss, claimant's name and address, and a brief 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. All of the claims listed in this report are in compliance with City Ordinance No. 1411 of 1984.

**Staff Recommendation**

Staff is not recommending any action at this time.

**Background**

The Risk Management Division received the following claims during the fourth quarter of 1999:

1. WS16689047 Date of Loss: Unknown Date of Claim: September 16, 1999. North American Riding for the Handicapped, Inc. (NARHA), Inc. 12041 Tejon Street, #510, Westminster, CO 80234. Claimant alleges the City is responsible for repairing a drainage problem in the parking lot of claimant's office building. CIRSA denied the claim based on lack of liability for the damage on the City's part. The City did offer to speak to the management of the office building to discuss measures management might take to improve drainage on the property as a customer service measure. A representative from the Department of Community Development followed up on this offer and contacted the claimants.
2. WS16689049 Date of Loss: October 11, 1999. Lewis Krueger, 12457 Columbine Court, Thornton, CO 80241. Claimant alleges the City is responsible for damages caused to his truck when an employee operating a Utility Division vehicle failed to place the vehicle in park and it rolled into claimant's vehicle. CIRSA settled the claim for \$733.
3. WS12579050 Date of Loss: Unknown. William and Kathy McGuire, 1624 West 128<sup>th</sup> Avenue, Northglenn, CO 80234. Claimant alleges the City is responsible for drainage problems on their property resulting from improvements made to open space near their home. CIRSA is investigating the claim.
4. WS11479051 Date of Loss: October 4, 1999. Katherine Vela, 3061 West 92<sup>nd</sup> Avenue, #7B, Westminster, CO 80031. Claimant alleges the City is responsible for injuries she suffered when she tripped over an unsecured manhole cover. CIRSA denied the claim based on the lack of prior notice to the City of any unsafe conditions.

5. WS11569052 Date of Loss: October 5, 1999. Darrell Fankhauser, 11001 West 120<sup>th</sup> Avenue, #400, Broomfield, CO 80021. Claimant alleges the City is responsible for damage to his motorcycle and clothing caused when he drove over a freshly painted double yellow line while turning a corner and crashed his motorcycle. CIRSA settled the claim for \$2,994.45.
6. WS10359053 Date of Loss: October 1, 1999. David Rogers, 480 West 120<sup>th</sup> Avenue, #B, Northglenn, CO 80233. Claimant alleges he was unfairly arrested and that the City is responsible for injuries he suffered by Westminster police officers when he resisted arrest. CIRSA denied the claim after determining that the officers were not acting in a willful or wanton manner and were performing their duties within the course and scope of their employment.
7. WS16689054 Date of Loss: October 20, 1999. Paul and Linda Weiman, 9653 West 89<sup>th</sup> Circle, Westminster, CO 80021. Claimants allege the City is responsible for damages to their sidewalk and driveway resulting from water leaking from a water main break. CIRSA denied the claim based on information received from Utility Division employees. Employees tested the ground after the water main break to see how far the water had seeped underground, and the water never reached the Weiman's driveway.
8. WS14629055 Date of Loss: November 13, 1999. Barry Friedman, 5305 Orchard Street, Golden, CO 80403. Claimant alleges the City is responsible for damage to his 1992 Toyota pick-up truck caused when gravel from a Street Division vehicle fell out onto the road and hit claimant's car. CIRSA denied the claim citing no fault on the part of the City or its employee operating the City vehicle.
9. WS10359056 Date of Loss: October 24, 1999. Brian Kenyon, 2400 East 84<sup>th</sup> Avenue, Denver, CO 80229. Claimant alleges Westminster police officers damaged his vehicle when they were recovering the vehicle from the suspect who had stolen it. Officers employed a stop maneuver in order to apprehend the suspect driving the stolen vehicle, and in the process, claimant's vehicle was damaged. CIRSA settled the claim for \$3,600.
10. WS16689057 Date of Loss: May 16, 1999. Geoffrey Miller, 211 West 4<sup>th</sup> Street, Leadville, CO 80461. Claimant alleges he was treated violently by a Westminster police officer during an incident wherein claimant refused to get out of the patrol car when ordered to do so repeatedly and had to be forcibly removed from the car by the officer. CIRSA denied the claim after determining that the officers were not acting in a willful or wanton manner and were performing their duties within the course and scope of their employment.
11. WS16689058 Date of Loss: November 23, 1999. Leigh R. Smith, 9051 Tennyson Street, Westminster, CO 80031. Claimant alleges the City is responsible for damages to his basement as a result of a sewer main back up. CIRSA settled the claim for \$4,835.83 in clean up costs and property damages.
12. WS16689059 Date of Loss: November 26, 1999. Julie and Douglas Werner, 9171 Grove Street, Westminster, CO 80031. Claimants allege the City is responsible for damages to their home and clean up costs incurred when the City's sewer main backed up sewage in their basement. CIRSA settled the claim for approximately \$2,500 in property damage and \$464.00 in clean up costs.
13. WS16689061 Date of Loss: September 1, 1999 – September 27, 1999. Charles and Marolyn Thomas, 7730 James Way, Westminster, CO 80030. Claimants allege their property was damaged during a water break, and that the City is responsible for this damage. CIRSA is investigating the claim.

14. WS16689062 Date of Loss: October 15, 1999. Glenn Drew, 8573 Wiley Circle, Westminster, CO 80031. Claimant alleges the City is responsible for damages to his basement and basement carpet caused during a water leak. Claimant seeks an unspecified amount in damages. CIRSA is investigating the claim.
15. WS10359063 Date of Loss: October 27, 1999. Christy Thompson, 9004 Vance Street, #104, Westminster, CO 80021. Claimant alleges she suffered damages to her vehicle when a Westminster police officer hit her vehicle where it was parked in her apartment complex parking lot. Claimant seeks approximately \$1,000 in damages. CIRSA is investigating the claim.
16. WS11469064 Date of Loss: October 21, 1999. Sharon Widener, 4590 Balsam, Wheat Ridge, CO 80033. Claimant alleges the City is responsible for damage caused to claimant's vehicle when she and a driver of a City Street Division vehicle both backed out of their parking spaces at the same time and collided. Claimant seeks approximately \$1,300 in damages. CIRSA is investigating the claim.
17. WS10359065 Date of Loss: July 20, 1999. Cheryl Pilcher, 8379 Dudley Court, Arvada, CO 80005. Claimant alleges the City is responsible for paying for damages to repair door frames and a window that were broken during a Police Tactical Team search for weapons and drugs at a home owned and leased by claimant. Claimant seeks and unspecified amount in damages. CIRSA is investigating the claim.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** January 24, 1999

**Subject:** Financial Report for December 1999

**Prepared by:** Mary Ann Parrot, Finance Director

### Introduction

City Council is requested to review the attached financial statements which reflect 1999 transactions through December 1999.

### Summary

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs. Appropriations
3. Sales Tax Detail

General Fund revenues represent 102% of the total budget estimate while General Fund expenditures and encumbrances represent 90% of the 1999 appropriation.

Utility Fund revenues represent 118% of the total budget estimate. Utility fund expenditures and encumbrances represent 86% of the 1999 appropriation. The City is receiving reimbursements from the Colorado Water Power Authority, which is reflected in the Inter-governmental line item. These funds were appropriated in prior years.

The Sales and Use Tax Fund revenues represent 108% of the total budget estimate, while expenditures and encumbrances in that fund represent 100% of the 1999 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported decreased 1% from the same period last year and increased 6% year-to-date.

The Open Space Fund revenues represent 103% of the total budget estimate while expenditures and encumbrances in that fund represent 74% of the 1999 appropriation. The revenues reflect the issuance of \$2,650,000 of POST bonds. The appropriation of the bond proceeds was completed in November.

The Legacy Ridge Golf Course Fund operating revenues represent 99% of the total budget estimate while operating expenditures and encumbrances represent 95% of the 1999 appropriation. The Heritage at Westmoor Golf Course opened for business in September 1999. Operating revenues for Heritage represent 179% of the total budget estimate while operating expenditures and encumbrances represent 87% of the 1999 appropriation. The Heritage at Westmoor Golf Course operating revenues reflect a grant from Jefferson County that was appropriated in prior years. This financial activity is consistent with the seasonal nature of golf. The budget reflects appropriation of lease proceeds. The associated expenses will be recorded as part of the year-end audit.

Theoretically, 100% of revenues and expenditures should be realized after twelve months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

**Staff Recommendation**

Accept the report as presented.

**Background**

Section 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

## **Agenda Memorandum**

**Date:** January 24, 2000

**Subject:** Lakeview Pavilion Agreements and Financing

**Prepared By:** Alan Miller, Assistant City Manager  
Mary Ann Parrot, Finance Director

### **Introduction**

City Council is requested to authorize the City Manager to sign a Joint Development Agreement and Lease Agreement with Inland Pacific to construct and manage long term the Lakeview Pavilion. City Council is also requested to adopt the attached Councillor's Bill as an emergency basis, approving the sale and lease-back of Cotton Creek Park with the City's Building Authority and approving the addition of Cotton Creek Park to the project list of the 1998 COP financing.

City Council is also requested to pass the attached Councillor's Bill on first reading appropriating the COP Proceeds and COP payment due on Dec 1, 2000, to be remitted to the City to meet COP payment requirements.

### **Summary**

In a previous Study Session, City Council directed Staff to proceed with the agreements and financing necessary for the construction of the Lakeview Pavilion. The total cost of the project is \$1.6 million to be obtained from proceeds of the 1999 COP financing of Westminster Boulevard/Westminster Mall improvements. City Council also directed Staff to replace the proceeds for the Westminster Boulevard Extension improvements with a \$1.6 million COP financing using Cotton Creek Park as collateral. This will ensure the tax-exempt status of the Pavilion financing because of the ability to use 10% of those funds for what the federal government considers a private activity. This also ensures the total financing for the Westminster Mall and Westminster Boulevard Extension projects. At a meeting on January 24 at 5pm, the City's Building Authority passed a resolution approving the lease and also approving the sale of \$1.6million COPs. These combined actions allow the City to proceed with the construction of the Lakeview Pavilion to be located on Promenade Lake.

This project helps complete the intended Promenade project and helps ensure the success of the hotel and conference center. The City would also retain ownership of the facility and would continue to receive revenue from its operation thereby further diversifying the City's tax base. The lease payments from Inland Pacific using Westin Hotels as the operator will provide adequate funds to make the COP payments, and also provide an adequate margin in case interest rates rise for extended periods of time while the COPs are outstanding.

Funds for payments of the 1999 COP payments are currently budgeted. Funds for the payment of the proposed new COP payments would be budgeted and appropriated in the attached supplemental appropriation. Closing on the COPs and receipt of funds is scheduled for February 3.

**Recommendation**

1. Authorize the City Manager to sign a Joint Development Agreement and Lease Agreement with Inland Pacific in substantially the same form as the attached agreements.
2. Adopt Councillor's Bill No. 10 as an emergency basis approving the sale and lease-back of Cotton Creek Park to the Building Authority, approving the 2<sup>nd</sup> Amendment to the 1998 lease with the Building Authority adding Cotton Creek Park to the project list and directing the Mayor and City Clerk to sign on behalf of the City.
3. Pass Councillor's Bill No. 11 on first reading revising the budget to reflect the receipt of \$1.6million in COP proceeds and the first COP payment on Dec. 1, 2000.

**Background Information**

Plans for the Promenade East complex include providing a catering pavilion of about 4,500 – 5,000 square feet on Promenade Lake in front of the Westin Hotel. This facility would be owned by the City, but be operated by the Westin Hotel under a management contract similar to that of the Conference Facility. This facility would be a premier banquet facility that would be used for receptions, banquets and other events, supplementing and complementing the facilities at the Westin, which can handle much larger crowds. Staff believes the City benefits from owning and operating this facility for several reasons:

- First, because of its synergy with the hotel and conference facility, which bolsters overall City revenues from the Promenade
- Second, it is a component of revenue diversification
- Third, because the lease payments from Inland Pacific will satisfy the COP payment requirement and give the City an additional return on its investment of approximately 25%.

Construction of the \$1.6 million facility would commence in February, when the financing is secured. The facility would be open to the public in the Summer of 2000. The construction would be completed by Inland Pacific using either Hoffman Construction or other contractors.

The facility does not qualify for tax-exempt financing on its own, due to the leasing of the facility to a private entity. In order for the City to finance the pavilion on a tax-exempt basis, the funds from the Westminster Boulevard financing construction can be used to build this facility. Those monies used from the Westminster Boulevard financing would then be replaced by the proceeds from the proposed new COP financing. The tax-exempt nature of the financing saves the City approximately \$50,000 per year in financing costs. The reason that the City Staff is proposing to use proceeds from the Westminster Mall/Westminster Boulevard Extension financing is that this financing totaled \$19.6 million. Given that large amount, it allows the City to take advantage of federal tax laws that allows 10% to be used for private activity use. The \$1.6 million proposed financing falls within that 10% limit. In order to make sure that the Westminster Mall/Westminster Boulevard Extension projects are made whole, Staff is proposing this new COP financing of Cotton Creek Park in the amount of \$1.6 million which replaces the \$1.6 million used for the pavilion.

The City is finalizing a joint development agreement and lease/management agreement with Inland Pacific Corp., LLC, and are intended to be signed prior to closing on the financing for the Pavilion. The agreement is intended to be similar to the conference center agreement only simplified since the pavilion would be a stand-alone building. The basic provisions of the agreement are expected to be as follows:

- A twenty year lease at a fixed lease rate payment of \$175,000 per year to the City.
- After the first twenty years when the debt is paid off, the intent would be for the City to receive a percent of gross revenues with a guaranteed lease payment minimum.
- The City would own the pavilion building and it would be operated and maintained by the Westin Hotel through agreement with the City and Inland Pacific.
- The City would provide \$1.6 million financing for the Lakeview Pavilion and it would be constructed by Inland Pacific. The \$1.6 million includes financing costs, capitalized interest for one year, design, equipment, furnishings, site work, construction and project contingency.

Staff has discussed privately placing this financing with Zions' Bank (formerly Vectra Bank) and Staff has received verbal commitment from the bank regarding placing this COP financing with them. This allows Staff to avoid the additional costs of a public sale. This means the City avoids paying the following costs: underwriters' fees, attorneys' fees to draft and promulgate an Official Statement (prospectus), insurance company premiums and ratings agency fees. The COP borrowing would bear an interest rate that would be 65% of prime rate. The rate would be re-set once every five years. This is desirable to Staff for the following reasons:

- Studies have shown that an interest rate, re-set periodically, actually results in lower interest costs over the life of the borrowing. This has been demonstrated since the early 1980's, when prime rates rose to over 21%. In addition, the City's experience with the WEDA variable rate borrowing has saved the City approximately \$65,000 per year in interest costs. In fact, adding variable-rate borrowings to the City's portfolio will reduce the City's overall cost of borrowing.
- Staff has also negotiated a lease rate to be paid by the developer to the City of \$175,000 per year, which is approximately \$35,000 above the debt service. This provides the City a 20% return on investment.

Alternatives to this financing recommendation include the following:

- Require the developer to secure the financing. This option was considered by Staff, but is not recommended. The developer has agreed to the additional premium requested by the City to offset the City's risk of interest rate fluctuations. This option would also negate the real addition to the City's revenues in the general fund of up to \$35,000 per year.
- Request bids from others to underwrite this financing privately (rather than public sale). This option was also considered by Staff. The earlier financing completed on the \$2.65 million POST bond issue was competitively bid among the banks with offices in Denver. At that time, Staff explored the interest by various banks in providing this financing, also. The only bank to respond positively with a willingness to place the borrowing at a reasonable interest rate was Zions. In short, Staff is careful to secure the least-cost financing alternative.
- Lastly, the only other alternative is to move toward public sale. The two alternatives for a public sale include competitive underwriting and negotiated underwriting.
  - This financing is not suitable for competitive underwriting, due to the structure of the borrowing. The 1998 and 1999 COPs were sold in a negotiated underwritings, also because of the structure of the borrowing.
  - The only other structure would be negotiated underwriting, and this is much more costly than the alternative recommended by Staff.

The City's bond counsel, financial advisors and Staff will be available at the City Council meeting to answer questions.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **11**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION INCREASING THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND THE GENERAL FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,496,000 is hereby increased by \$1,600,000 which, when added to the fund balance as of the City Council action on February 7, 2000, will equal \$14,196,000. 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 increase is due to the appropriation of Series 2000 Certificates of Participation proceeds.

Section 2. The \$1,600,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Sale of Assets			
75-1466-000	\$0	<u>\$1,600,000</u>	\$1,600,000
Total Change to Revenues		<u>\$1,600,000</u>	
<u>EXPENSES</u>			
Westminster Blvd Flyover (COPs)			
75-30-88-555-276	\$6,525,185	<u>\$1,600,000</u>	\$8,125,185
Total Change to Expenditures		<u>\$1,600,000</u>	

Section 3. The 2000 appropriation for the General Fund, initially appropriated by Ordinance No. 2728 in the amount of \$61,747,852 is hereby increased by \$78,192, which, when added to the fund balance as of the City Council action on February 7, 2000, will equal \$61,826,044. 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 increase is due to the appropriation of lease payment proceeds to be received from Inland Pacific Corp., LLC in 2000, which shall be used to make the Series 2000 Certificates of Participation debt service interest payment.

Section 4. The \$78,192 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
General Billings – Lakeview Pavilion			
10-1059-203	\$0	<u>\$78,192</u>	\$78,192
Total Change to Revenues		<u>\$78,192</u>	
<u>EXPENSES</u>			
Interest Payments – COPs, 2000 Series			
10-10-90-602-203	\$0	<u>\$78,192</u>	78,192
Total Change to Expenditures		<u>\$78,192</u>	

Section 5. The General Capital Improvement Fund budget will not change as a result of transferring budget between unauthorized project accounts, but is included here for clarification purposes only.

<u>Description</u>	<u>Current Budget</u>	<u>Change</u>	<u>Final Budget</u>
<u>EXPENSES</u>			
Unauthorized -- Westminster Boulevard (COPs)			
75-30-88-555-276	\$8,125,185	\$(1,600,000)	\$6,525,185
Unauthorized – Lakeview Pavilion (COPs)			
75-30-88-555-203	\$0	\$ 1,600,000	\$ 1,600,000

Section 6. - 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 7. This ordinance shall take effect upon its passage after the second reading.

Section 8. 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 24<sup>th</sup> day of January 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2000.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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

By Authority

Ordinance No. \_\_\_\_\_

Councillor's Bill No. **10**

Series of 2000

Introduced by Councillor's  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN REAL PROPERTY OF THE CITY AND IMPROVEMENTS LOCATED THEREON; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A LEASE PURCHASE AGREEMENT AND A WARRANTY DEED; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A SECOND AMENDMENT TO A PREVIOUS LEASE PURCHASE AGREEMENT; RATIFYING ACTION PREVIOUSLY TAKEN CONCERNING THE REFERENCED TRANSACTIONS; PROVIDING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Westminster, Adams and Jefferson Counties, Colorado (the "City") is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the "Charter"); and

WHEREAS, pursuant to Chapter XI of the Charter, the City is authorized to enter into one or more leases or lease-purchase agreements for land, buildings, equipment and other property for governmental or proprietary purposes; and

WHEREAS, pursuant to Section 2.1 of the Charter, the City is authorized to sell and dispose of real and personal property; and

WHEREAS, the City Council of the City (the "City Council") has determined and hereby determines it is in the best interests of the City and its inhabitants that the City sell and convey certain real property of the City and the improvements located thereon, generally known as Cotton Creek Park (collectively, the "2000 Leased Property") to The City of Westminster Building Authority (the "Authority") and then lease the 2000 Leased Property back from the Authority pursuant to a Lease Purchase Agreement dated as of February 1, 2000 (the "Lease") by and between the City and the Authority; and

WHEREAS, the City Council has determined and hereby determines that it is in the best interests of the City and its inhabitants that the City and the Authority enter into the Lease to provide for the leasing by the City from the Authority of the 2000 Leased Property and the use of the proceeds from the conveyance of the 2000 Leased Property to the Authority to pay the costs of various capital improvements, including but not limited to, the Westminster Boulevard Extension street project which will extend north from Harlan Street at approximately West 95th Avenue, swing northeast to cross US-36 (no interchange) and touch down on the east side somewhat north of West 98th Avenue, from where it will continue north to West 104th Avenue (collectively known as, the "2000 Project"); and

WHEREAS, the obligation of the City to pay Base Rentals and Additional Rentals (both as defined in the Lease) shall be from year to year only; shall constitute currently budgeted expenditures of the City; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional, statutory or Charter

limitation or requirement concerning the creation of indebtedness or multiple fiscal year financial obligation, nor a mandatory payment obligation of the City in any ensuing fiscal year beyond any fiscal year during which the Lease shall be in effect; and

WHEREAS, the Authority and U.S. Bank National Association, as Trustee (the "Trustee"), will enter into a Mortgage and Indenture of Trust dated as of February 1, 2000 (the "Indenture"), pursuant to which there will be issued Certificates of Participation, Series 2000A (the "Certificates"); and

WHEREAS, neither the Lease nor the issuance of the Certificates shall directly or indirectly obligate the City to make any payments beyond those appropriated for any fiscal year during which the Lease shall be in effect; and

WHEREAS, the City Council has determined and hereby determines it is in the best interests of the City and its inhabitants that the City enter into a Second Amendment to Lease Purchase Agreement dated as of February 1, 2000 (the "Second Amendment") which amends the Lease Purchase Agreement dated as of November 15, 1998, as previously amended, both between the City and the Authority.

WHEREAS, there have been presented to the City Council at this meeting: (i) the proposed form of the Lease; (ii) the proposed form of the Second Amendment; and (iii) the proposed form of the warranty deed to convey the 2000 Leased Property to the Authority; and

WHEREAS, no member of the City Council has any conflict of interest or is interested in any pecuniary manner in the transactions contemplated by this ordinance;

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Short Title. This Ordinance shall be known and may be cited by the short title "2000A Capital Facilities Financing Ordinance."

Section 2. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this ordinance) by the City Council or the officers or agents of the City Council or the City relating to the sale and conveyance of the 2000 Leased Property, the Lease, and the Second Amendment is hereby ratified, approved and confirmed.

Section 3. Finding of Best Interests. The City Council hereby finds and determines, pursuant to the Constitution, the laws of the State of Colorado and the Charter, that the acquisition, construction, renovation and equipping of the 2000 Project and the conveyance and lease-back of the 2000 Leased Property under the terms and provisions set forth in the Lease and the Indenture is necessary, convenient and in furtherance of the City's purposes and is in the best interests of the inhabitants of the City and that the fair value of the 2000 Leased Property does not exceed its sales price, and the City Council hereby authorizes and approves the same.

Section 4. Conveyance of 2000 Leased Property. The City Council hereby approves the sale and conveyance to the Authority of the real property and improvements located thereon, generally known as Cotton Creek Park and known herein as the "2000 Leased Property" and the appropriate officers of the City are hereby authorized to execute and deliver such deeds and other instruments as may be necessary to effect said sale and conveyance.

Section 5. Approval of Lease. The Lease in substantially the form presented to this meeting of the City Council, is in all respects approved, authorized and confirmed, and the

Mayor of the City is authorized and directed to execute and deliver the Lease in substantially the form and with substantially the same contents as presented to this meeting of the City Council, for and on behalf of the City.

Section 6. Approval of Second Amendment. The Second Amendment, in substantially the form presented to this meeting of the City Council, is in all respects approved, authorized and confirmed. The Mayor of the City is hereby authorized and directed for and on behalf of the City to execute and deliver the Second Amendment in substantially the form and with substantially the same content as presented to this meeting of the City Council.

Section 7. Authorization to Execute Collateral Documents. The City Clerk is hereby authorized and directed to attest all signatures and acts of any official of the City in connection with the matters authorized by this ordinance. The Mayor and City Clerk and other appropriate officials or employees of the City are hereby authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this ordinance, including but not limited to the execution of such other certificates and affidavits as may be reasonably required by Zions First National Bank, Salt Lake City, Utah. The appropriate officers of the City are authorized to execute on behalf of the City agreements concerning the deposit and investment of funds in connection with the transactions contemplated by this ordinance. The execution of any instrument by the aforementioned officers or members of the City Council shall be conclusive evidence of the approval by the City of such instrument in accordance with the terms hereof and thereof.

Section 8. No General Obligation Debt. No provision of this ordinance, the Lease or the Indenture, shall be construed as creating or constituting a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional, statutory or Charter provision, nor a mandatory charge or requirement against the City in any ensuing fiscal year beyond the then current fiscal year. The City shall not have any obligation to make any payment with respect to the Certificates except in connection with the payment of the Base Rentals (as defined in the Lease) and certain other payments under the Lease, which payments may be terminated by the City in accordance with the provisions of the Lease. Neither the Lease nor the Certificates shall constitute a mandatory charge or requirement of the City in any ensuing fiscal year beyond the then current fiscal year or constitute or give rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional, statutory or Charter debt limitation and shall not constitute a multiple fiscal year direct or indirect City debt or other financial obligation whatsoever. No provision of the Lease or the Certificates shall be construed or interpreted as creating an unlawful delegation of governmental powers nor as a donation by or a lending of the credit of the City within the meaning of Sections 1 or 2 of Article XI of the Colorado Constitution. Neither the Lease nor the Certificates shall directly or indirectly obligate the City to make any payments beyond those budgeted and appropriated for the City's then current fiscal year.

Section 9. Reasonableness of Rentals. The City Council hereby determines and declares that the Base Rentals do not exceed a reasonable amount so as to place the City under an economic compulsion to renew the Lease or to exercise its option to purchase the 2000 Leased Property pursuant to the Lease. The City Council hereby determines and declares that the period during which the City has an option to purchase the 2000 Leased Property (i.e., the entire maximum term of the Lease) does not exceed the useful life of the 2000 Leased Property.

Section 10. Repealer. All bylaws, orders, resolutions and ordinances of the City, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency.

This repealer shall not be construed to revive any other such bylaw, order, resolution or ordinance of the City, or part thereof, heretofore repealed. All rules of the City Council, if any, which might prevent the final passage and adoption of this ordinance as an emergency measure at this meeting of the City Council be, and the same hereby are, suspended.

Section 11. Severability. If any section, subsection, paragraph, clause or other provision of this ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this ordinance, the intent being that the same are severable.

Section 12. Declaration of Emergency. In order to complete the conveyance of the 2000 Leased Property while favorable market conditions exist, it is hereby declared that an emergency exists and that this ordinance is immediately necessary for the preservation of the public peace, health, safety and financial well-being of the City. This ordinance is hereby declared, pursuant to Section 8.14 of the Charter, exempt from referendum.

Section 13. Effective Date, Recording and Authentication. This ordinance shall be in full force and effect immediately upon enactment following final passage. This ordinance shall be recorded in "The Ordinance Book" of the City kept for that purpose, and shall be authenticated by the signatures of the Mayor and City Clerk, and published in accordance with law.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE  
on January 24, 2000.

---

Mayor

(SEAL)

ATTESTED:

City Clerk

STATE OF COLORADO )  
 )  
 COUNTIES OF ADAMS ) SS.  
 AND JEFFERSON )  
 )  
 CITY OF WESTMINSTER )

I, the duly elected, qualified and acting City Clerk of the City of Westminster, Colorado (the "City") do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council (the "Council") of the City at a regular meeting of the Council held at the City Hall on January 24, 2000.

2. The Ordinance has been signed by the Mayor, sealed with the corporate seal of the City, attested by me as City Clerk, and duly recorded in the books of the City; and that the same remains of record in the book of records of the City.

3. The passage of the Ordinance as an emergency was duly moved and seconded and the Ordinance was approved by vote of a Six of Seven of the members of the Council as follows:

Those Voting Aye: Mayor Pro Tem Samantha Dixion  
 Councillor

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Those Voting Nay: \_\_\_\_\_

Those Absent: \_\_\_\_\_

4. That notice of the meeting of January 24, 2000, in the form, attached hereto as Exhibit A, was duly given to the Council members and was posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

5. That the ordinance was published in full after adoption in Westminster Window, a newspaper of general circulation within the City on February 24,, 2000. The affidavit of publication is attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

(SEAL)

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

**EXHIBIT A**

(Attach Notice of Meeting )

**EXHIBIT B**

(Attach Affidavit of Publication)

## Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, January 24, 2000.

Present at roll call were Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel, Moss and Smith. Mayor Heil is on an extended medical absence.

The minutes of the meeting of January 10, 2000 were approved with no additions or corrections.

Council Tabled action on the Boards and Commissions appointments and re-appointments.

Public Hearings were held on the 128<sup>th</sup> Avenue and Zuni Street ROW Annexation, Northwest Business Park 3<sup>rd</sup> Amended PDP and Comprehensive Land Use Plan Amendments.

Council approved the following: Colorado Municipal League Annual Dues; Purchase of front-end loader and new ambulance; Capital Improvement Program Technical Assistance Services Contract; Property and Liability Excess Insurance; Northwest Business Park 3<sup>rd</sup> Amended PDP; Amended Intergovernmental Agreement for Crown Pointe Academy; Land Acquisition at 146<sup>th</sup> Avenue and Huron Street; Joint Lease and Development Agreement with Inland Pacific for Lakeview Pavilion; Agreement for Bond Counsel Services; 2000 Standley Lake Recreation Program Fees; and Jefferson County Hazardous Substance Response Authority Agreement amendment. Council set the date of January 31, 2000 for a Special City Council meeting to be held at 4800 West 92<sup>nd</sup> Avenue. Council directed Staff to proceed with negotiations with Jefferson County to pursue an IGA to lease the Kings Mill Library to Head Start for classrooms and to reallocate resources from the Kings Mill Library to open the College Hill Library on Sundays.

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

A BILL FOR AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN REAL PROPERTY OF THE CITY AND IMPROVEMENTS LOCATED THEREON; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A LEASE PURCHASE AGREEMENT AND A WARRANTY DEED; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A SECOND AMENDMENT TO A PREVIOUS LEASE PURCHASE AGREEMENT; RATIFYING ACTION PREVIOUSLY TAKEN CONCERNING THE REFERENCED TRANSACTIONS; PROVIDING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY. Purpose: Sale and Lease-back of Cotton Creek Park and amendment to 1998 agreement.

The following Councillor's Bills were introduced and passed on first reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6<sup>TH</sup> P.M., COUNTY OF ADAMS, STATE OF COLORADO. Purpose: Right-of-Way annexation at 128<sup>th</sup> Avenue and Zuni Street.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: Update the City's Land Use Plan.

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH FUN SERVICES INC. Purpose: Assistance agreement for new building construction.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION INCREASING THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND THE GENERAL FUND. Purpose: Appropriate COP Proceeds and payment.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGETS OF THE GENERAL FUND AND THE HERITAGE AT WESTMOOR PORTION OF THE GOLF COURSE FUND. Purpose: Appropriation of funds received for 1999 Budget.

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

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

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 12 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6<sup>TH</sup> P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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 SECTIONS 12 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6<sup>TH</sup> P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND.

A BILL FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1999 ESTIMATED REVENUES IN THE FUND.

The following Resolutions were adopted:

Resolution No. 9 – 128<sup>th</sup> Avenue and Zuni Street ROW Annexation Findings.

Resolution No. 10 – Fonay Property Annexation Petition.

Resolution No. 10A – Contingency Transfer for Fun Services Inc. Assistance Package.

Resolution No. 11 – Jefferson Economic Council's Land Use Policy Recommendation Endorsement.

Resolution No. 12 – Private Activity Bond Allocation.

At 10:07 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window February 3, 2000.