



WESTMINSTER
COLORADO

April 8, 2002

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 Boy Scout Troop #324
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Proclamation re Arbor Day/Earth Day/Tree City USA
5. Citizen Communication (5 minutes or less)
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. 106th Avenue Improvements Design
 - B. Mosquito Control Contract
 - C. Mandalay Gardens Legal Services
9. Appointments and Resignations
 - A. Resolution No. 20 re Environmental Advisory Board Resignation and Appointment
10. Public Hearings and Other New Business
 - A. Public Hearing re Village at Harmony Park Enclave .83 acres
 - B. Resolution No. 21 re Finding on Annexation of Village at Harmony Park Enclave
 - C. Councillor's Bill No 8 re Annexation of Village at Harmony Park Enclave
 - D. Councillor's Bill No 9 re CLUP Amendment re Village at Harmony Park Enclave
 - E. Councillor's Bill No 10 re Zoning of Village at Harmony Park Enclave
 - F. Second Amended PDP for Dry Creek Estates PUD
 - G. Resolution No. 22 re Category B-1 Service Commitments for Village at Harmony Park Enclave
 - H. Councillor's Bill No 11 re Park Development Credits for Village at Harmony Park Enclave
 - I. Councillor's Bill No. 12 re Vacation of Easements within W 81st Pl & Sheridan PUD
 - J. Resolution No. 23 re City Park Athletic Field Rental Policy
 - K. Resolution No. 24 re Wadsworth Bypass/Burlington Northern Grade Separation Support
 - L. Councillor's Bill No. 13 re 74th Avenue Library Project
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. 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 wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 8, 2002 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Boy Scout Troop #324 led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL

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

CONSIDERATION OF MINUTES

Mayor Pro-Tem Atchison moved, seconded by Hicks to accept the minutes of the meeting of March 25, 2002 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS

Ralph Campbell, Colorado State Forest Service, presented Keith Wood, City Forester and Mayor Moss with the Tree City USA and Growth Award for the 17th year. Mayor Moss proclaimed April 19, 2002 as Arbor Day and Earth Day.

CITIZEN COMMUNICATION

Renee Smithers and Hilda Sanchez of the After-Prom Committee from Standley Lake High School presented Council with a plaque in appreciation of Council's financial support over the years.

Betty Kilsberg, 9961 Kline St, and Dave Nespoli, 9881 Kline St, addressed Council regarding the proposed JeffCo Middle School to be located in their neighborhood.

CITY MANAGER'S REPORT

Brent McFall, City Manager, stated that April 26 and 27th is the strategic planning meeting with Council.

CITY COUNCIL COMMENTS

Councillor Dittman attended the Hmong Community Celebration last week.

Councillor Dixon stated that she left the meeting during the pledge of allegiance because of the National Boy Scout policy.

Councillor Hicks commented that April 4th was the 91st anniversary of the City of Westminster being incorporated.

CONSENT AGENDA

The following items were considered as part of the Consent Agenda: 106th Avenue Improvement Design contract with Burns and McDonnell for \$50,000; Mosquito Control Contract with Colorado Mosquito Control, Inc., for \$37,000; Mandalay Gardens Legal Services Contract with Gorsuch Kirgis for \$45,400.

The Mayor 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.

Mayor Pro-Tem Atchison moved, seconded by Hicks to adopt the Consent Agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 20 RE ENVIRONMENTAL ADVISORY BOARD RESIGNATION/APPOINTMENT

Mayor Pro-Tem Atchison moved, seconded by Hicks to adopt Resolution No. 20 formally accepting the resignation of Susan Aldridge from the Environmental Advisory Board, and appointing Steve Marlin to the Environmental Advisory Board with the term of office to expire December 31, 2003. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE VILLAGE AT HARMONY PARK ENCLAVE

At 7:35 P.M. the public hearing was opened on the Village at Harmony Park .83-acre Enclave located at the northeast corner of 128th Avenue and Zuni Street. Dave Shinneman, Planning Director, entered a copy of the Agenda Memorandum and other related items into the record. John Lyda was present representing the Applicant and spoke in favor. There was no opposition. The public hearing was declared closed at 7:40 P.M.

RESOLUTION NO. 21 FINDINGS ON ANNEXATION VILLAGE AT HARMONY PARK ENCLAVE

Councillor Dixon moved, seconded by Atchison to adopt Resolution No. 21 setting forth the findings of fact and conclusion of City Council with regard to the proposed annexation of the .83-acre Village at Harmony Park Enclave parcel. This action is based upon findings set forth in Section 11-5-1 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 8 RE ANNEXATION OF VILLAGE AT HARMONY PARK ENCLAVE

Councillor Dixon moved, seconded by Atchison to pass Councillors Bill No. 8 on first reading annexing the .83-acre Village at Harmony Park enclave parcel to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 9 RE CLUP AMENDMENT RE VILLAGE AT HARMONY PARK

Councillor Dixon moved, seconded by Atchison to pass Councillor's Bill No. 9 on first reading amending the Westminster Comprehensive Land Use Plan to add the Village at Harmony Park enclave as "Single-Family Detached – Medium Density." This action is based upon finding set forth in Section 11-4-16-D of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 10 RE ZONING OF VILLAGE AT HARMONY PARK ENCLAVE

Councillor Dixon moved, seconded by Atchison to pass Councillor's Bill No. 10 on first reading zoning the Village at Harmony Park enclave as Planned Unit Development. This action is based upon findings set forth in Section 11-4-7 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

SECOND AMENDED PDP OF DRY CREEK ESTATES PUD

Councillor Dixon moved, seconded by Atchison to approve the Second Amended Preliminary Development Plan of the Dry Creek Estates Planned Unit Development and incorporate the enclave parcel into that Preliminary Development Plan. This action is based upon findings set forth in Section 11-5-14 of the Westminster Municipal Code. The motion carried unanimously.

RESOLUTION NO. 22 RE CATEGORY B-1 SERVICE COMMITMENTS

Councillor Dixon moved, seconded by Atchison to adopt Resolution No. 22 awarding four Category B-1 Service Commitments to the .83-acre Village at Harmony Park enclave for Single-Family Detached dwellings. This action is based upon findings set forth in Section 11-3-5-A of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 11 RE PARK DEV. CREDITS FOR VILLAGE AT HARMONY PARK

Councillor Dixon moved, seconded by Atchison to pass Councillor's Bill No. 11 on first reading authorizing Park Development Credits as required under Section 13-4-3 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 12 RE VACATION EASEMENTS 81ST PLACE AND SHERIDAN PUD

Mayor Pro-Tem Atchison moved, seconded by McNally to pass Councillor's Bill No. 12 on first reading vacating portions of certain easements within the First Replat of the West 81st Place and Sheridan Subdivision. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 23 RE CITY PARK ATHLETIC FIELD RENTAL POLICY

Councillor Dittman moved, seconded by McNally to adopt Resolution No. 23 establishing an athletic field rental policy at City Park and authorize the City Manager to adjust this policy and rental fees on an annual basis. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 24 WADSWORTH BYPASS/BURLINGTON NORTHERN GRADE SEPARATION

Councillor Kauffman moved, seconded by Dixon to adopt Resolution No. 24 supporting the Wadsworth Bypass/Burlington Northern Grade Separation project in Arvada and direct the City Manager to forward copies of the Resolution to Colorado's United State Senators and Congressional Delegation. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 13 RE 74TH AVENUE LIBRARY PROJECT

Councillor Hicks moved, seconded by McNally to pass Councillor's Bill No. 13 on first reading revising previous sales tax transfers and transferring an additional \$1,247,966 from the General Fund to the 74th Avenue Library Project account in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

CITIZEN COMMUNICATION

Richard Mayo, 5130 W 69th Place, President of Hidden Lake Home Owner's Association, Tom Kowal, 6862 Wyman Way, Andrea Wescott, 6860 Zenobia Cir #4, Board of Directors of Yacht Club, George Kask, 6864 Wyman Way, Fred Kissel, 4779 W 68th Avenue, Larry Rupp, 6633 Quitman Ct, Bill Heisler, 6850 Xavier Cir #7, and Craig Trindle, 6895 Zenobia Cir #4 addressed Council in reference to Hidden Lake.

Sally Robinson-Ward and David Ward, 9951 Kline Street, Steve Barrett, 9845 Kline Street, and Chris Kulbida, 9637 W 99th Pl, addressed Council in reference to the proposed new Middle School to be located in their neighborhood.

ADJOURNMENT:

The meeting was adjourned at 9:25 P.M.

ATTEST:

Mayor

City Clerk



Agenda Item 4 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 8, 2002

SUBJECT: Proclamation re Arbor Day/Earth Day/ Tree City USA

Prepared By: Keith Wood, City Forester
Rachel Harlow-Schalk, Environmental Services Coordinator

Summary Statement

- The City's Annual Tree City USA award presentation is scheduled for Monday night's City Council Meeting.
- A representative from either the Colorado State Forest Service or the Colorado Tree Coalition will present the Tree City USA award to the Mayor and City Council.
- Additionally, the Tree City USA Growth Award will be presented to City Council.
- This will be the sixteenth consecutive year that the City has received the Tree City USA award.

The Mayor will present the City's Arbor Day and Earth Day proclamation to City Forester Keith Wood.

Expenditure Required: \$ 0

Source of Funds: N/A

Recommended City Council Action

Present a proclamation to City Forester Keith Wood proclaiming April 19, 2002, as Arbor Day and Earth Day in the City of Westminster, and accept the Tree City USA Award, and special Growth Award as presented by a representative from either the Colorado State Forest Service or the Colorado Tree Coalition.

Policy Issue(s)

The City's Arbor Day and Earth Day celebration has been held for fifteen years, with support for the programs from City Council. City policy issues have not been encountered with these programs.

Alternative(s)

No alternatives identified.

Background Information

In 1872, J. Sterling Morton, the editor of Nebraska's first newspaper, proposed a tree-planting holiday to be called Arbor Day. Since that time, Arbor Day celebrations have spread to every state in the nation and to many foreign countries, as well.

The Tree City USA award is sponsored by the National Arbor Day Foundation and recognizes towns and cities across America that meet the standards of the Tree City USA program. It is designed to recognize those communities that effectively manage their public tree resources, and to encourage the implementation of community tree management based on four Tree City USA program elements being in place:

- > A Tree Board or Department (the City's board consists of Keith Wood, Rich Dahl, Bill Walenczak, and Rod Larsen)
- > A community tree ordinance
- > A community forestry program with an annual budget of at least \$2/capita
- > An Arbor Day observance and proclamation

The Growth Award is also provided by the National Arbor Day Foundation to recognize environmental improvement and encourage higher levels of tree care throughout America. It is designed not only to recognize achievement, but also to communicate new ideas and help the leaders of all Tree City USA recipients plan for improving community tree care.

The recipient of the award must be a Tree City USA award winner in at least its second year, spend as much as the previous year on community forestry, and reach certain levels in the following categories:

- > Education and public relations
- > Partnerships
- > Planning and management
- Tree planting and maintenance

Senator Gaylord Nelson of Wisconsin, who suggested in a speech that a one-day demonstration be held to show concern for the environment, April 22, 1970, conceived the original Earth Day. Denis Hayes, then a Harvard Law School student, left school to organize the event, which involved thousands of schools, universities, and environmental groups as well as members of Congress and officials and activists throughout the U.S.

Nationally, Earth Day is celebrated on April 22 to observe activities that sway the balance of life and the Earth (Westminster date, April 19th, is set to coordinate with Colorado Arbor and Earth day events.). Each year, the national celebration chooses a theme and for 2002 the theme chosen is Protect Our Home. This theme allows focuses on four environmental issues; biodiversity, water, forests, and energy.

The Environmental Advisory Board will be partnering with the Parks Division to provide information on Earth Day at the School Program and at the Celebration. The Board will provide information on this year's theme of Protect Our Home; in addition, the Land and Water Fund of the Rockies may also be present to provide information on wind-powered energy.

Calendar of events scheduled for Arbor and Earth week are as follows:

Arbor and Earth Day School Program

Thursday, April 18, 12:30 p.m. at Semper Elementary School, 7575 West 96th Avenue

The presentation at the elementary school will include approximately 90 fourth grade students and will cover the history of Arbor and Earth Day. Prizes for the Arbor Day contest will be awarded, with the first place winner receiving a potted evergreen tree, a t-shirt and a tote bag from the Environmental Advisory Board. Second through tenth place winners receive 4 to 5-foot Italian alder saplings and a tote bag from the Environmental Advisory Board. The students will be shown how to properly plant and take care of their trees as well. Students will receive buttons, balloons, and white fir seedlings.

Arbor and Earth Day Celebration

Saturday, April 20, 9:00 a.m. – 3:00 p.m. at City Park Recreation Center, 10455 Sheridan Boulevard

Parks Division Staff will distribute 4 to 5-foot Italian alder (bare root) saplings, white fir seedlings, buttons, balloons, literature and wood chip mulch. A tree sale will be held and members of the Environmental Advisory Board will be on hand to distribute information on the Earth Day theme in tote bags, and give away a t-shirt. A drawing will be held for a 5-gallon, potted fruit tree. Children's entertainment will be available inside the recreation center at 10:00 a.m.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, The holiday called Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Westminster has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

WHEREAS, In 1970, Senator Gaylord Nelson of Wisconsin, who suggested in a speech that a one-day demonstration be held to show concern for the environment, April 22, 1970, conceived the original Earth Day. Denis Hayes, then a Harvard Law School student, left school to organize the event, which involved thousands of schools, universities, and environmental groups as well as members of Congress and officials and activists throughout the U.S.

WHEREAS, The holiday called Earth Day is now observed throughout the nation and world; and

WHEREAS, Annually a national theme is chosen for all to focus their attention on April 22nd; and

WHEREAS, The year 2002 Earth Day theme is Protect Our Home; and

NOW, THEREFORE, The City Council of the City of Westminster, Colorado, hereby proclaims Friday, April 19, 2002, as ARBOR DAY and EARTH DAY in the City of Westminster, and urge all citizens to support efforts to protect our trees and to support our City's urban forestry program; urge all citizens to plant trees to gladden the hearts and promote the well being of present and future generations; and further urge all citizens to recognize biodiversity, as well as water, forest and energy conservation.

Signed this 8th day of April, 2002.

Ed Moss, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 8, 2002

SUBJECT: 106th Avenue Improvements Design

Prepared By: Stephen C. Baumann

Summary Statement

- In response to concerns of a neighborhood group, the 2002 Capital Projects Budget included \$50,000 for design of improvements to complete West 106th Avenue between Johnson Street and Oak Street (see attached Vicinity Map).
- Award of the design contract will make it possible to develop an accurate estimate of construction costs in advance of a request for construction funding in 2003.

Expenditure Required: \$50,000

Source of Funds: General Capital Improvement Fund

Recommended City Council Action

Authorize the City Manager to execute a contract with Burns and McDonnell in the amount of \$45,000 for design of improvements to West 106th Avenue, and authorize expenditures up to \$50,000 to cover the contract and a contingency.

Policy Issue(s)

The design project was included in the 2002 Budget, but City Council could decide to postpone or abandon the project.

Alternative(s)

The alternative to the recommended action is to postpone or abandon the design project. Neither action is advisable given the commitment that the City has given to the neighborhood.

Background Information

The north half of West 106th Avenue was built between Oak Street and Johnson Street by the developer of the Countryside Subdivision, Filings Three and Four in the mid 1970's. The eastern 500 feet of this 2900-foot reach of residential collector was completed with the development of the Walnut Grove Subdivision (see attached Vicinity Map). Several proposals for the development of the adjoining property on the south side of 106th Ave were made over the years, but eventually that property was purchased by the City as the Countryside Open Space.

The neighborhood has for some time had concerns about the two-lane street, including the poor sight distance at two intersecting streets (Moore Street and Nelson Street), the lack of pedestrian facilities, and drivers speeding along this narrow corridor. 106th Avenue is also a regular route for students driving to Standley Lake High School. These concerns were brought to City Council's attention in 2001. The combination of these elements with 106th Avenue being a crossing location for elementary school students headed to and from Witt Elementary School makes improving 106th Avenue a high priority.

The 2002 Capital Projects budget included \$50,000 to design improvements which will complete 106th Avenue. The design effort will address the widening of the street and new pedestrian facilities, but will also include traffic calming measures between Oak and Johnson Streets. City Staff has met with a neighborhood-working group to develop a list of potential traffic calming options that may be incorporated into the project. The design consultant will assist in choosing which traffic calming devices fit the situation and confirm that they can be incorporated into the design. As with all traffic calming projects, it will be necessary for the neighborhood to support the installation and they will be polled to confirm that for 106th Avenue.

The City requested proposals for the design of 106th Avenue from qualified civil engineering firms and received 15 of them. The three firms listed below were selected for further consideration based on a number of criteria, including their understanding of this project and their experience with roadway design projects that include traffic calming measures. Their range of fees for the proposed design services is also shown.

Burns and McDonnell	\$42,000-\$48,000
Nolte and Associates	\$41,000-\$49,000
PBS & J	\$72,000-\$83,000

The Request For Proposals was intentionally broad so that the consultants could offer their suggestions and ideas for the project and demonstrate their understanding of the main issues. Effectively addressing the needs of the neighborhood will be one of the engineer's most important tasks. They must do this while still developing a design that is cost effective.

Staff has discussed these criteria with each of the three consultants and believes that the proposals of Nolte Associates and Burns and McDonnell are nearly equivalent with a slight edge to Burns and McDonnell for their specific knowledge and understanding of the 106th Ave conditions. The Burns and McDonnell proposal showed a higher recognition of the important project elements. The recommendation is that the City award the contract to Burns and McDonnell for a contract price not to exceed \$45,000. A contingency of approximately 10% brings the total requested authorization to \$50,000.

Work will begin immediately and should result in an accurate estimate of construction costs by the end of May 2002. This will allow the improvement project to be included in the request for capital project funding for construction in 2003 or 2004, which has been the expressed preference of the neighborhood. Plans and specifications will then be prepared so that construction could proceed in 2003/2004 if such funding is available and approved.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 8, 2002

SUBJECT: Mosquito Control Contract

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

Summary Statement

- The Park Services Division is proposing to renew the three-year agreement with Colorado Mosquito Control, Inc., (CMC) to provide mosquito control services within the City of Westminster.
- CMC has provided mosquito control services for the City of Westminster since 1987.
- Westminster is currently a participant in the North Metro Mosquito Management Program, which is comprised and funded by nine contiguous municipalities under the operation of CMC.
- CMC uses an integrated pest management (IPM) control system, designed to be “environmentally friendly.”
- Advertised bids were solicited for these services with CMC being the only contractor submitting a bid.

Expenditure Required: \$37,000

Source of Funds: Parks, Recreation and Libraries 2002 operating budget

Recommended City Council Action

Staff recommends that City Council authorize entering into a 3-year agreement with Colorado Mosquito Control, Inc. in the amount of \$37,000, plus a 3 percent annual increase, for the purposes of providing mosquito control services and charge the expense to the appropriate Parks, Recreation and Libraries Department operating account.

Policy Issue(s)

Should the City of Westminster participate the North Metro Mosquito Management Program?

Alternative(s)

City Council could decide not to enter into a contractual agreement to provide mosquito control services. Parks Division Staff does not have the equipment or expertise to provide these services in house. Therefore, mosquito control services would be eliminated altogether.

Background Information

In 1987, the City of Westminster and the Colorado Mosquito Control, Inc., (CMC) formed the North-Metro Mosquito Management Program. The intent of the program was to provide quality service at a reasonable cost while adhering to environmentally safe and effective control measures. A secondary, but no less important, objective was to promote the advantages of the Program to surrounding municipalities/agencies and encourage these entities to join. This, in turn, would assist in "buffering" Westminster beyond the City's boundaries and provide a level of service far greater than the cost of belonging to the Program. For 2002, nine agencies (Westminster, Thornton, Broomfield, Northglenn, Lafayette, Louisville, Lakewood, Hyland Hills Park and Recreation District, and Boulder County) are participants in the North-Metro Mosquito Management Program. This brings the total service area to 250 square miles, serving a population of over 500,000.

In 2001, the North Metro Mosquito Management Program completed its fifteenth year of a cost-shared biological approach to mosquito control. This environmentally-friendly program, known as Integrated Pest Management (IPM), utilizes an array of bio-rational methods integrated into a single program designed to inhibit the development of adult mosquitos. The native fish, *Fundulus zebrinus*, is actively used to control the larva stage of mosquitos in conjunction with a naturally occurring bacteria known as *Bacillus (Bti)*. Combined with constant monitoring by CMC staff and aided by a computerized mapping system, the adult biting mosquito population has been substantially lower in the control areas than in outlying areas. The year 2001 was sufficiently wet to create "temporary" breeding areas, which had not been mapped in previous years. These breeding areas are defined as slight depressions or containers (cans, pools, old tires, etc.) that hold water for the 14-day incubation period and then dry up until the next substantial rainfall. The temporary breeding sites will be the target of CMC staff in 2002 and monitored by increased field surveillance and longer term bio-control products to gain control of the problem. Adult mosquito suppression is handled by "target" fogging with chemicals in areas that have high concentrations (measured by CO₂ filled light traps) of adult mosquito and by biological methods such as encouraging bat populations whose favorite meal is the mosquito.

CMC will continue to be the operation management firm for the North-Metro Mosquito Management Program. Staff is unaware of any other mosquito contractors in the Denver Metro area. The firm has proven to be a highly professional and scientifically based organization committed to the success of the Program.

The City of Westminster's 2002 share for joining the Program is \$37,000, which represents a 3 percent increase over the 2001 contract. The additional cost is a direct result of increased biological product costs due to EPA restrictions on available products and the expansion of new subdivisions and open space in the northeast part of the City. Staff believes the cost of participating in the Program is very reasonable and represents a significant savings and service delivery over performing the operation with City forces. Funds were allocated and are available in the 2002 General Fund budget for this expenditure.

SUBJECT:

Mosquito Control Contract

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A request for bids published by the City of Westminster produced only one formal bid by Colorado Mosquito Control, Inc.

Staff is recommending that the contract with CMC be authorized by Council to continue through 2004, whereupon Staff will rebid the contract.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 8, 2002

SUBJECT: Mandalay Gardens Legal Services

Prepared By: Dan Blankenship, Special Projects Coordinator

Summary Statement:

- Mandalay Gardens is the unincorporated Jefferson County rural residential area that is located northwest of the US 36 and Church Ranch Boulevard interchange.
- In February 2001, Council authorized staff to enter into a contract for the preparation of a land use plan, preliminary development plan, annexation map and development design guidelines.
- A conceptual land use plan that includes commercial and office land use with a significant retail component in a town center configuration has been completed and development interests have been expressed in the project.
- Because of the multiple ownership of land that is currently residential use, it is apparent that the market will not fully support the redevelopment that is necessary to realize the proposed land use plan.
- In order to take advantage of the current retail interest in the project, staff is recommending that the required studies and plans be prepared that would allow the City to designate the area for urban renewal.
- Currently, the firm of Gorsuch Kirgis is providing legal services for the Westminster Center Reinvestment area and has provided similar services and advice to the City for several years.
- The proposed legal services include providing advise in the designation and establishment of the urban renewal area, preparation of a blight study, determination of land costs, and preparation of an urban renewal plan.

Expenditure Required: \$45,400

Source of Funds: General Capital Improvement Fund, Promenade Mandalay Gardens line item

Recommended City Council Action:

Authorize the City Manager to enter into an agreement with Gorsuch Kirgis for special legal counsel services in the amount of \$45,400 for the Mandalay Gardens project.

Policy Issue(s):

Does the Council wish to proceed with the studies that are required to designate the Mandalay Gardens as an urban renewal area?

Alternatives:

- Do not proceed with the studies that are required to designate Mandalay Gardens as an urban renewal area. This alternative is not recommended because without the assistance of urban renewal powers, Mandalay Gardens will have to develop when the market conditions will support the costs of the redevelopment or if the City provides assistance from other sources.
- Do not hire Gorsuch Kirgis to provide the proposed services. This alternative is not recommended because Mr. Malcolm Murray with Gorsuch Kirgis is currently providing and has provided legal assistance to the City on urban renewal matters and staff is very satisfied with the service that Mr. Murray provides. Furthermore, Mr. Murray is well known as a statewide expert in the field of urban renewal.

Background Information:

Mandalay Gardens is an approximate 60-acre site bounded by US 36 on the northeast, the Burlington Northern Santa Fe railroad on the northwest and Church Ranch Business Park on the south. The rural residential site is currently located within an enclave of Jefferson County and is also known as Sub-Area C in the Jefferson County Northeast Comprehensive development plan. The area is subdivided into 23 privately owned parcels that are accessed via 105th Avenue and Reed Street, which are public right-of-ways.

In February 2001, Council authorized staff to enter into a contract for the preparation of a land use plan, preliminary development plan, annexation map and development design guidelines for Mandalay Gardens. A conceptual land use plan that includes commercial and office land use with a significant retail component has been completed. In order to complement the Promenade and create an attraction unlike any other found in the immediate area, a town center design is proposed. In addition to the commercial and office use, the plan includes a transit center that will be serviced by a proposed bus rapid transit stop on the turnpike and a future commuter rail stop.

Because the site is currently developed with individual rural residences, the value of the land coupled with the cost to prepare the land for redevelopment is expected to be higher than undeveloped property. Furthermore, in order to make direct connections to the Promenade and provide amenities associated with a town center development, it is anticipated that the development costs will be higher than a more common retail center. Because of the additional costs associated with the development of the site, it is apparent that the market will not fully support the project at this time. However, because of its location, there has been interest expressed in the retail development of the site. In order to take advantage of the current retail interest in the site, staff is recommending that the required studies be prepared that would allow the City to designate Mandalay Gardens as an urban renewal area. Designation of the site for urban renewal would provide the tools needed to assist with the timely redevelopment of the site in a desirable manner.

A proposal was solicited from Gorsuch Kirgis to provide the services to assist with the proposed urban renewal. Specifically, the services include legal advice in the designation and establishment of the urban renewal area, preparation of a blight study, determination of land costs and preparation of an urban renewal plan. Mr. Malcolm Murray of Gorsuch Kirgis will provide the legal services and coordination. The blight study will be prepared by HNTB and the land valuations will be prepared by Bowes and Company as sub-consultants to Gorsuch Kirgis. Due to the tremendous amount of coordination and interaction required between the consultants and the attorney, having the consultants work directly for the attorney is the most efficient manner to complete the project. Gorsuch Kirgis' fee for their proposed services is \$20,000, HNTB's fee for the blight study is \$20,400 and Bowes' fee for the property valuations is \$5,000. The total proposed not to exceed fee for all services is \$45,400.

A single proposal was requested from Gorsuch Kirgis because of Mr. Murray's experience and expertise in the field of urban renewal, the City's current and past experience with the firm and specifically Mr. Murray, the proposed hourly rates and Mr. Murray's demonstrated efficiency in getting the necessary tasks completed. Mr. Murray is currently assisting the City with the Westminster Center Reinvestment Study and has assisted the City with other urban renewal projects in the past. In all instances in the past, the services that have been provided by Mr. Murray have been of great value to the City and past experience has show that Mr. Murray is considerably more efficient than others in the area that provide similar services. Furthermore, Mr. Murray is proposing to bill the City at the rate of \$180 per hour, which is a reduction from his standard billing rate of \$200 per hour.

With assistance from the City, proposals were solicited for the blight study from HNTB, Clarion, and BRW/URS and only HNTB responded with a proposal. Mr. Murray chose to utilize the services of Bowes and Company for property valuations due to their ongoing business relationship. For comparative purposes, it is not uncommon to pay at least \$5,000 and usually more for a full appraisal on an individual property, yet for this project, Bowes will be providing the background investigation and comparable sales review necessary to establish approximate property values for 22 separate parcels.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 8, 2002

SUBJECT: Resolution No. 20 re Environmental Advisory Board Resignation and Appointment

Prepared by: Michele Kelley, City Clerk

Summary Statement

- City Council recently received the resignation of Susan Aldridge from the Environmental Advisory Board.
- Currently, City Council has a list of persons within the “pool” to be considered when vacancies occur during the year.
- Council action is now requested to adopt the attached resolution formally accepting the resignation of Susan Aldridge and making appointment of Steve Marlin to serve on the Environmental Advisory Board.

Expenditure Required: \$ 0

Source of Funds: N/A

Recommended City Council Action

Adopt Resolution No. 20 formally accepting the resignation of Susan Aldridge from the Environmental Advisory Board, and appointing Steve Marlin to the Environmental Advisory Board.

Policy Issue

Should City Council appoint a new member to the Environmental Advisory Board since the City has received a resignation?

Alternative(s)

Council could decide not to appoint a member to the Environmental Advisory Board at this time.

Background Information

Susan Aldridge has recently resigned from the Environmental Advisory Board due to her moving out of the City. (See attached letter of resignation.)

Susan was appointed to the Environmental Advisory Board on December 10, 2001.

Council reviewed the chart of citizens within the 2002 “pool” and have directed Staff to prepare the Resolution appointing Steve Marlin.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **20**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

CITY OF WESTMINSTER ENVIRONMENTAL ADVISORY BOARD

WHEREAS, A resignation has been received from Susan Aldridge from the Environmental Advisory Board; 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 accept the resignation of Susan Aldridge from the Environmental Advisory Board and appoint the following individual to the City of Westminster Environmental Advisory Board vacancy as listed below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Steve Marlin	Environmental Advisory Board	December, 2002

Passed and adopted this 8th day of April, 2002.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

City Council Meeting
April 8, 2002

SUBJECT: Public Hearing and Action on Village at Harmony Park Enclave

Prepared By: Patrick Caldwell, Planner II

Summary Statement

- When Harmony Park was originally approved there was an .83-acre parcel under separate ownership that was not included in the project. (See attached map)
- Neumann Homes of Colorado recently acquired this .83-acre parcel and is requesting it be incorporated into their adjacent 110-acre Village at Harmony Park development. Inclusion of the .83-acres with its 4 residential lots was part of the initial development proposal in 1999 and this completes the concept.
- City Council is requested to hold a public hearing and take action on the application by Neumann Homes of Colorado, LLC to:
 - Annex the enclave parcel.
 - Amend the Comprehensive Land Use Plan (CLUP).
 - Zone the enclave parcel.
 - Amend the First Amended Dry Creek Estates Preliminary Development Plan (PDP), to incorporate the enclave parcel.
 - Award Service Commitments for the enclave parcel.
 - Approve an agreement for Park Development Fee Credits.

Expenditure Required: \$0

Source of Funds: N/A

Recommended City Council Action

1. Hold a public hearing.
2. Adopt Resolution No. 21 setting forth the findings of fact and conclusion of City Council with regard to the proposed annexation of the .83-acre Village at Harmony Park Enclave parcel. This action is based upon findings set forth in Section 11-5-1 of the Westminster Municipal Code.
3. Pass Councillor's Bill No. 8 annexing the .83-acre Village at Harmony Park enclave parcel to the City of Westminster.
4. Pass Councillor's Bill No. 9 amending the Westminster Comprehensive Land Use Plan to add the Village at Harmony Park Enclave as "Single-Family Detached - Medium Density." This action is based upon findings set forth in Section 11-4-16-D of the Westminster Municipal Code.
5. Pass Councillor's Bill No. 10 on first reading zoning the Village at Harmony Park Enclave as Planned Unit Development. This action is based upon findings set forth in Section 11-4-7 of the Westminster Municipal Code.
6. Approve the Second Amended Preliminary Development Plan of the Dry Creek Estates Planned Unit Development and incorporate the enclave parcel into that Preliminary Development Plan. This action is based upon findings set forth in Section 11-5-14 of the Westminster Municipal Code.
7. Approve Resolution No. 22 awarding four (4) Category B-1 Service Commitments to the .83-acre Village at Harmony Park Enclave for Single-Family Detached dwellings. This action is based upon findings set forth in Section 11-3-5-A of the Westminster Municipal Code.
8. Pass Councillor's Bill No. 11 on first reading, authorizing Park Development Credits as required under Section 13-4-3 of the Westminster Municipal Code.

Planning Commission Recommendation

The Planning Commission held a public hearing on March 26, 2002, and voted unanimously (7-0) to recommend that the City Council approve the annexation of the .83 acre Village at Harmony Park Enclave; and approve the Comprehensive Land Use Plan Amendment, the zoning to Planned Unit Development, the amendment to the First Amended Dry Creek Estates Preliminary Development Plan and the award of four Category B-1 Service Commitments to this .83 acre parcel.

The Planning Commission found that the PDP amendment is in conformance with Section 11-5-14 of the City Code regarding standards for amendments to the Preliminary Development Plan.

Policy Issue(s)

Should the City annex the Village at Harmony Park Enclave, amend the Comprehensive Land Use Plan (CLUP), zone the parcel Planned Unit Development (PUD), approve the Second Amended Dry Creek Estates Preliminary Development Plan (PDP), award four (4) Service Commitments, and allow an exemption for credit for park development fees?

Alternative(s)

Deny the annexation of the Village at Harmony Park Enclave, CLUP amendment, zoning of the parcel to PUD, Second Amended Dry Creek Estates PDP, Service Commitment award, and the credit for park development fees. If the annexation and related actions are not approved then the 180-foot section of Zuni Street adjacent to the enclave will not be widened, the existing awkward curb cut on Zuni Street will remain, and the existing agricultural use will remain.

Background Information

Applicant/Property Owner

Neumann Homes of Colorado, LLC
4600 South Syracuse Street, Suite 9
Denver, Colorado 80937

Surrounding Land Use and Comprehensive Land Use Plan (CLUP) Designations

South, East and North – adjacent land is currently vacant, zoned PUD with Single-Family Detached (SFD) residential and open space uses; the CLUP designation is Single-Family Detached – Medium Density Residential (up to 3.5 dwelling units per acre).

West – Across Zuni Street is the City and County of Broomfield with mobile home park, open space and storm water detention uses.

Site Plan Information

This .83-acre parcel is adjacent on the north, east and south to the recently approved Village at Harmony Park Official Development Plan (ODP). See the attached vicinity map. The annexation of this parcel and its inclusion in the Village at Harmony Park ODP were considered with the design of that ODP. The drainage study, the utility study, the traffic study and the environmental assessment for the approved Village at Harmony Park development included this .83 acres. Four lots, an alley plus a landscaped tract are planned for this parcel. The proposed dwellings will continue the “cottage” lot theme in this area of the Village at Harmony Park ODP. The cottage lots have garage access via alleys at the rear of the lot. There are no garages or driveways with street access. The average lot size of the four lots is 4,805 square feet, which is consistent with the size range of other cottage lots. Setbacks for the dwellings on these four lots are identical to the other cottage lots.

Public Land Dedication

The adjacent Village at Harmony Park ODP is 110 acres with 309 dwellings. The ODP anticipated the inclusion of the enclave parcel. Therefore, .95 acres of additional Public Land Dedication were provided to the City. This .83-acre enclave annexation parcel requires .10 acres of PLD and the PLD requirements are considered to be satisfied by the previous dedication to the City.

Traffic and Transportation

The four lots have frontage on a local street within the subdivision. Rear access to the garage is through an alley. On-street parking is permitted. Additional parking is available in designated parking areas on several of the alleys. Traffic analysis for this parcel was included with the traffic studies performed for the Village at Harmony Park. No additional studies were deemed necessary for this annexation and related amendments.

Service Commitment Category

Four new Service Commitments from the B-1 Category for Single-Family-Detached Residential uses are recommended for approval by the City Council.

Park Development Fees

The City Code requires “Every person, firm or corporation applying for and obtaining any building permit for the original construction of any dwelling unit shall be required to pay, prior to the occupancy of the first unit in any building or structure and as a condition precedent to the issuance of any Occupancy Certificate, a park development fee based upon the number of dwelling units to be constructed.” This fee is used for development of park and recreation facilities and services. The 2002 rate for single-family detached is \$1,518.00 per unit. With 4 dwellings, the total fee for the enclave parcel is \$6,072.00. The Code allows the City to credit against the fee for park improvements when the improvements are done by a developer in conjunction with the construction of the dwellings. To qualify for such credit, all park plans shall be subject to the approval of the Department of Parks, Recreation and Libraries and shall be included in the ODP that is finally approved by the City Council. The Code lists categories for allowed credit and limits the percentage of credit for each category. The Code requires six percent of the total fee to be paid to the City and the remaining 94 percent may be taken as credit. For the enclave parcel it is recommended that 100 percent of the park fee be credited to the development of the expanded Amherst Park. The Code states that any credit for park development fees shall be established by the City Council by ordinance and shall be formalized in a written agreement that shall be approved by Council.

For the 7.48 acre park site (expansion of the existing Amherst Park) in the previously approved Village at Harmony Park ODP the developer requested and the City Council , on July 9, 2001, approved the full amount of the park development fees as credit towards development of that park expansion. With the additional \$6,072.00 the total credit available for the expansion of Amherst Park is \$457,830.00. The Department of Parks, Recreation and Libraries has approved the park proposal and the conceptual plans. The City Council is being asked to approve an ordinance authorizing a credit of Park Development Fees and authorizing the City Manager to enter into an agreement to formalize the plan and responsibility.

The ordinance will authorize credit to be granted for all units in exchange for the park improvements as shown in Exhibit A to the Agreement. The developer projects that the park will be completed by 2003.

Referral Agency Responses

No referral agencies expressed concerns with the proposed land use changes and related amendments.

Public Comments

No comments from the public were received.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **21**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

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 28, TOWNSHIP 1 SOUTH, RANGE 69 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 petitions (the "Petitions") for the annexation of the property described in said Petitions; and

WHEREAS, City Council has previously adopted Resolution No. 12 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 8th day of April, 2002

ATTEST:

Mayor

City Clerk

Village at Harmony Park Enclave Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 8

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 28, TOWNSHIP 1 SOUTH, RANGE 69 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. 21 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 southwest ¼ of Section 28, Township 1 South, Range 69 west of the Sixth Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the southwest Quarter of said Section 28, whence the west quarter corner thereof bears N00°37'26"W, a distance of 2649.10 feet; thence N00°37'26"W, along the west line of the southwest quarter of said section 28, a distance of 858.28 feet to the point of beginning; thence N00°37'26"W, along said west line, a distance of 180.77 feet; thence N89°22'34"E, a distance of 200.00 feet; thence S00°37'26"E, a distance of 180.77 feet; thence S89°22'34"W, a distance of 200.00 feet to the point of beginning. Containing 36,153 feet or 0.830 acres more or less.

Section 2. This ordinance shall take effect upon its passage after second reading. 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 8th day of April, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of April, 2002.

ATTEST:

Mayor

City Clerk

Village at Harmony Park Enclave Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **9**

SERIES OF 2002

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 has annexed new properties to the City specifically described in "Exhibit A"; and

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Village at Harmony Park Enclave annexation property. The Village at Harmony Park Enclave annexation property shall be changed from Unincorporated Adams County, to Single-Family Detached Residential-Medium Density. The Village at Harmony Park Enclave annexation property is described as a parcel of land located in the southwest ¼ of Section 28, Township 1 South, Range 69 west of the Sixth Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the southwest Quarter of said Section 28, whence the west quarter corner thereof bears N00°37'26"W, a distance of 2649.10 feet; thence N00°37'26"W, along the west line of the southwest quarter of said section 28, a distance of 858.28 feet to the point of beginning; thence N00°37'26"W, along said west line, a distance of 180.77 feet; thence N89°22'34"E, a distance of 200.00 feet; thence S00°37'26"E, a distance of 180.77 feet; thence S89°22'34"W, a distance of 200.00 feet to the point of beginning. Containing 36,153 feet or 0.830 acres more or less.

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 8th day of April, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of April, 2002.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **10**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 28, TOWNSHIP 1 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County A-1 to City of Westminster PUD. A parcel of land located in the southwest ¼ of Section 28, Township 1 South, Range 69 west of the Sixth Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the southwest Quarter of said Section 28, whence the west quarter corner thereof bears N00°37'26"W, a distance of 2649.10 feet; thence N00°37'26"W, along the west line of the southwest quarter of said section 28, a distance of 858.28 feet to the point of beginning; thence N00°37'26"W, along said west line, a distance of 180.77 feet; thence N89°22'34"E, a distance of 200.00 feet; thence S00°37'26"E, a distance of 180.77 feet; thence S89°22'34"W, a distance of 200.00 feet to the point of beginning. Containing 36,153 feet or 0.830 acres more or less

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of April, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of April, 2002.

ATTEST:

Mayor

City Clerk
Village at Harmony Park Enclave Annexation Zoning

RESOLUTION

RESOLUTION NO. 22

INTRODUCED BY COUNCILLORS

SERIES OF 2002

CATEGORY B-1 (NEW SINGLE-FAMILY DETACHED RESIDENTIAL) SUPPLEMENTAL CATEGORY B-1 SERVICE COMMITMENT AWARD FOR THE VILLAGE AT HARMONY PARK ENCLAVE ANNEXATION PROJECT

WHEREAS, the City of Westminster has adopted by Ordinance, No. 2848, a Growth Management Program for the period 2000 through 2010; and

WHEREAS, within the Growth Management Ordinance there is a provision that Service Commitments for residential projects shall be awarded in Category B-1 (new single-family detached) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new single-family detached development is limited, and the City of Westminster has previously adopted Resolution No. 76, Series of 1997, specifying the various standards for new single-family detached projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster City Council has previously awarded 309 Category B-1 Service Commitments for the Village at Harmony Park residential project at the northwest corner of 128th Avenue and Zuni Street per Resolution No. 25, Series 2000; and

WHEREAS, the developer for the Village at Harmony Park residential project has proceeded to the City's development review process and received City Council approval of the Village at Harmony Park Official Development Plan (ODP) approved on July 9, 2001; and

WHEREAS, the developer for the Village at Harmony Park has incorporated an additional .830 acres of land within the Village at Harmony Park in development plans submitted to the City for the development review process; and

WHEREAS, the developer for the Village at Harmony Park residential project requests 4 additional Category B-1 Service Commitments within the project for a total of 313 Service Commitments; and

WHEREAS, a total of 313 single-family detached units does not exceed the density requirements within the City's Comprehensive Land Use Plan; and

WHEREAS, City Council finds that it would be in the best interests of the City and its residents, and in furtherance of the City's Growth Management Program, to make a supplemental award of Service Commitments for the proposed project; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types.

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

- 1. A Category B-1 Service Commitment award hereby adds 4 Service Commitments to the 309 that were awarded by the City Council on March 20, 2000 for a total of 313 Service Commitments to the Village at Harmony Park project proposed for the northeast corner of 128th Avenue and Zuni Street. They are listed below:

Table with 7 columns: Description, 2000, 2001, 2002, 2003, 2004, Total. Rows include S.C. approved 3-20-2000, S.C. extension approved 2-25-2002, and S.C. for annexation 4-8-2002.

2. The Service Commitment award to the project listed above is conditional and subject to the following:
- a) For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.
 - b) Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project or proposed density.
 - c) The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-1 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-1 award.
 - d) The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. The City Staff during the competition process does not review the sketch plans submitted by applicants. Significant changes to the sketch plan are probable once the City's development review process begins for any project.
 - e) Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
 - f) The Service Commitment award for the project listed above, if approved by the City, may only be used within the project specified above.
 - g) This Service Commitment award shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
 - h) The Category B-1 Service Commitment awards shall be valid for a period of three years from January 1, 2002 provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment award for any project shall expire unless at least one building permit is issued for the project during that three-year period. Future year awards are effective as of January 1 of the specified year.
 - i) If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
 - j) All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
3. The Category B-1 Service Commitment award shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over in to the following year provided the Service Commitments have not expired as specified above.

Passed and adopted this 8th day of April, 2002.

ATTEST:

City Clerk

Mayor

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 11

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ALLOWING EXEMPTIONS FOR CREDIT FOR PARK DEVELOPMENT FEES IN TITLE XIII, CHAPTER 4, SECTIONS 3(A), 3(B), 3(C) AND 3(D).

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, the City of Westminster desires to provide public recreation facilities for its residents, and;

WHEREAS, the City of Westminster desires to have additional developed park area adjacent to the existing Amherst Park, and;

WHEREAS, the developer of the Village at Harmony Park Official Development Plan (ODP) desires to obtain additional credit for constructing a 7.48 acre park adjacent to the existing Amherst Park, and;

WHEREAS, with the Village at Harmony Park Enclave annexation four (4) additional single family-detached residential units will be added to the Village at Harmony Park ODP, and;

WHEREAS, the City requires a fee for park development to be paid prior to the occupancy of the first unit in any building or structure and as a condition precedent to the issuance of any occupancy certificate.

NOW THEREFORE:

Section 1. The developer of the Village at Harmony Park is required to pay a park development fee and may receive a credit against the fee for park improvement work, done by the developer at the developer's expense simultaneously with the construction of the dwelling units;

Section 2. The credit for the park development fee shall be locked in at the 2002 rate of \$1,518 per unit. For four (4) dwellings the total fee is \$6,072.00.

Section 3. The park development fee credit shall be allowed for land leveling or earthwork incorporated into the park improvements, installation of automatic irrigation systems, finished grading, soil preparation and seeding, plant materials, park equipment, and other work as allowed by the Department of Parks, Recreation and Libraries.

Section 4. The credit shall not be categorized by percentages of total costs.

Section 5. The credit shall apply to 100% of the costs.

Section 6. To qualify for the park development fee credit, the final, 100% Parks, Recreation and Libraries approved Construction Documents shall be substituted for inclusion of the park development plans in the Official Development Plan (ODP).

Section 7. To formalize the credit for park development fees City Council is authorizing signature in substantially the same form as Attachment A.

Section 8. 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 9. This ordinance shall take effect upon its passage after second reading.

Section 10. 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 8th day of April, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of April 2002.

ATTEST:

City Clerk

Mayor

ATTACHMENT A

PUBLIC/PRIVATE IMPROVEMENTS AGREEMENT FOR AMHERST PARK EXPANSION (VILLAGE AT HARMONY PARK ENCLAVE ANNEXATION)

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between Neumann of Colorado LLC, hereinafter referred to as "Developer" and the CITY OF WESTMINSTER, a municipal corporation of the State of Colorado, hereinafter referred to as "City and "Owner".

WITNESSETH

Whereas, City will be the owner of property with the legal description attached hereto as Exhibit "A" and incorporated herein by this reference after dedication of the final plat (the "Property"); and

Whereas, Developer and City have agreed that Developer will construct the expansion of Amherst Park on City property as credit for the park development fee, pursuant to Chapter 4 of Title 13, W.M.C.; and

Whereas, Developer is required to install all landscaped areas and any additional improvements as required by the Westminster Municipal Code, Section 13-4-3 and as shown on Construction Drawings and Specifications, prepared by Staller & Henry, dated _____. (the "Improvements"); and

Whereas, installation of said improvements will be ongoing with the construction of this development,

NOW, THEREFORE, in consideration of the foregoing, the parties hereto promise, covenant, and agree as follows:

1. Construction. Developer shall furnish and install, at its own expense, the labor and material necessary to complete the improvements up to a maximum cost of \$6,072.00 as described and detailed on Exhibit "B" attached hereto and made a part hereof (the "Improvements").

1.1 Prior to the letting of any construction contract, Developer shall furnish to the City for its review and approval all drawings, specifications, estimates, and such other documents for landscaping and private improvements as may be required by the City. The Developer shall furnish and the City shall review the drawings and specifications at 30%, 60%, 90%, and 100% completion, and the estimates at 50%, 90%, 100% completion.

1.2 Construction of the Improvements shall be in strict conformance with the drawings and specifications approved by the City.

1.2.1 The Improvements include seeding of grass, which shall be governed by this subparagraph. The Developer shall seed the grass with seed approved by the City, which seeding may be delayed or modified in the construction schedule to accommodate the optimum growing season. After seeding has been successfully accomplished and accepted by the City, the City shall assume responsibility for growth and maintenance of the grass. The seeding will have a warranty period of thirty days after final seeding and not subject to the one-year warranty established in Section 4 herein for all other Improvements. City will establish and run watering schedule for grass only at the time of seeding. City responsibility for park maintenance shall not extend to installation of the sprinkler system, landscaping (except grass), concrete work, sidewalks, parking lots, picnic shelters, or other Improvements which are subject to warranty under Section 4, until the time of final acceptance.

1.3 At all times during construction of the Improvements, City shall have the right to inspect the materials and workmanship of the construction. All materials and work shall be in compliance with the approved drawings and specifications referenced on Exhibit "B". Any material or work not conforming to the approved plans and specifications shall be removed and replaced to the satisfaction of the City at Developer's expense. The Parties shall schedule and attend weekly site meetings

1.4 Developer shall, at its own expense, be responsible for keeping on-site streets and off-site streets used as construction routes and rights-of-way clean of mud, rocks and debris at all times during said construction. Developer's work shall conform to the requirements for erosion control as described in the Municipal Code. Should Developer fail to meet said requirements, City may take corrective action and invoice Developer for the City's costs.

1.5 The Developer shall assure that all contractors and other employers engaged in construction of the Improvements shall maintain adequate Workman's Compensation insurance and public liability insurance coverage.

1.6 Developer shall faithfully comply with the provisions of the Federal Occupational Safety and Health Act.

2. Engineering Services. Developer shall furnish all engineering services in connection with the design and construction of the Improvements. The cost of such services shall be included in estimates furnished to the City and will be included as a part of the maximum park development fees.

3. Acceptance. Upon completion of the Improvements the Developer shall submit, in writing, a request for inspection and acceptance together with a preliminary copy of the as-built drawings of the improvements for review by the City. Prior to any acceptance by the City, the Developer shall furnish the City with a complete set of final, reproducible mylar "as-built" drawings, and a disc (Autocad Version 14).

3.1 The Improvements intended for public ownership shall be conveyed to the City at no cost or expense to the City and free of any liens, charges, or encumbrances. Such Improvements shall be conveyed to the City by appropriate legal instruments in form and content acceptable to the City. All improvements including but not limited to landscaping materials, irrigation systems, walks, picnic structures and signage shall be conveyed to the City by a bill of sale which warrants title to the Improvements in the City.

3.2 The Improvements will be accepted in writing by the City when all items are satisfactorily completed in accordance with the terms of this Agreement and the construction drawings and specifications prepared by Staller & Henry, dated _____. Upon such acceptance, the Improvements will become public facilities and the property of the City, and such acceptance shall commence the warranty period and the surety amount may be reduced to 15% of the original surety amount as noted in paragraph below.

3.3 In order to be considered for inspection, the Improvements shall have been completed to allow for detailed inspection by the City.

3.4 If, in the opinion of the City, an inspection is warranted, the City shall perform the requested inspection and shall prepare an acceptance corrections list, which shall state such deficiencies, if any, that have to be corrected prior to acceptance of the Improvements. Any acceptance correction that is not completed by the Developer within 60 days following notification may be completed by the City and charged to the Developer, which costs the Developer hereby agrees to reimburse to the City. At its option, the City may elect not to complete the corrections. After 60 days, the City may then reinspect the Improvements and addend or revise the acceptance corrections list and provide it to the Developer.

3.5 If, in the opinion of the City, an inspection is not warranted, the City shall notify the Developer in writing of the reasons the requested inspection is not warranted.

3.6 Prior to the acceptance of any Improvements, the Developer shall provide to the City an affidavit satisfactory to the City stating that (a) the contractor and all consultants and subcontractors employed in connection with the design and construction of the Improvements have received payment in full for their services, and (b) there are no unresolved claims, demands or disputes between the Developer and any provider of any service, materials or labor regarding the design or construction of the Improvements.

4. Warranty Maintenance.

4.1 For a period of one year following the acceptance of the Improvements (the "Warranty Period"), The Developer shall be responsible for making any repairs or replacements required due to (a) defective materials, workmanship, or design or (b) damage that may be done to the Improvements except ordinary wear and tear. Repairs or replacement will be made which, in the opinion of the City, are necessary to maintain the Improvements to the same standards applicable at the time of the City's acceptance of the Improvements. This paragraph shall not apply to seeding which is governed by subparagraph 1.2.1 above.

4.2 During the ninth month of the Warranty Period, a warranty inspection will be conducted by the City and a corrections list will be submitted to the Developer stating what repairs or replacements are necessary pursuant to this Agreement.

4.3 All such deficiencies set forth in the corrections list shall be completed by the Developer within sixty (60) days of notification. Any warranty repair or replacement that is not satisfactorily completed by the Developer within sixty (60) days following notification may be completed by the City and charged to the Developer, which costs the Developer hereby agrees to reimburse to the City, unless modified by written agreement.

4.4 The City will monitor the satisfactory completion of all correction list items and, when completed, will provide the Owner a written acknowledgement of the completion of the Warranty Period and the release of the Improvements or designated portions thereof from warranty. Upon the request of the Developer, the City shall release the surety for any portion of the Improvements released from warranty by the City.

4.5 Nothing herein shall be construed or deemed as requiring the City to finally accept and release from warranty any improvements that are defective or damaged.

5. Surety.

5.1 Developer shall furnish to the City, at the Developer's expense good and sufficient guarantee satisfactory to the City, in conformance with the requirements of Section 11-2-6(G) of the Westminster Municipal Code. Surety shall be sufficient to cover costs of development established in Section 13.1. Cost of seeding and design services shall not be included in the 15% warranty amount referred to in Section 5.3.

5.2 The amount of any original surety provided to the City shall not be reduced in scope or amount without the express written approval of the City.

5.3 At no time shall the value of the surety be less than 100 percent of the estimated cost of the uncompleted portion of the Improvements plus 15 percent of the total cost of all the improvements. Surety shall be provided to the City prior to commencement of construction of the improvements.

5.4 At least fourteen (14) calendar days prior to the expiration date of any surety, Developer shall provide the City an amended form of surety with a term sufficient to cover the time for completing any remaining obligations of the Developer pursuant to this Agreement. The Developer's failure to provide such an extended form of surety prior to said fourteen (14) day period shall constitute a failure to perform in accordance with this Agreement and shall give the City the right to proceed immediately to liquidate the existing surety.

6. Assignment. This Agreement shall not be assigned without the prior written consent of the City. This Agreement shall be binding upon the heirs, executors, successors and assigns of the Developer and upon its recording by the City, shall be deemed a covenant running with the property herein described, and shall be binding upon the successors in ownership of said land.

7. Amendment. No amendment, modification, or alteration of the terms or provisions of this Agreement shall be binding upon the City or the Developer unless the same is in writing and duly executed by both parties.

8. Governing Law. 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.

9. Waiver. No failure by the City to enforce any provision of this Agreement shall be considered a waiver by the City of any rights to performance owed to the City pursuant to this Agreement. The City may elect to enforce any unperformed obligation owed to it by the Developer pursuant to this Agreement at any time. No waiver of any provision of this Agreement shall be effective against the City unless such waiver is set forth in a written instrument duly executed by the City. No waiver of any provision of this Agreement shall be construed as a waiver of any other provision of this Agreement.

10. Enforcement. In the event it becomes necessary for either party to bring an action to enforce any provision of this Agreement, the prevailing party in such action shall be entitled to recover all costs associated with the bringing of such an action, including reasonable attorney fees, as the same may be determined by the Court. The Developer understands that failure to comply may result in a summons issued to the Developer for violation of Westminster Municipal Code 11-2-6(G), 11-2-8, and Title XII.

11. Indemnification. Developer hereby agrees to indemnify and hold harmless the City from any and all claims, demands, suits or judgments of every nature and description in any way related to defects in the design or construction of the Improvements, and to pay any and all judgments rendered against the City on account of any such suit, action or claim, together with all reasonable expenses and attorney's fees incurred by the City in defending such suit, action or claim. The terms of this section shall be in effect only until the end of the one-year warranty period.

12. No Third Party Beneficiaries. Nothing in this Agreement shall be construed as creating any third party beneficiary rights or status to any third party and the City and Developer expressly disclaim any intent to create any such third party beneficiary rights or status by this Agreement.

13. Park Development Fees.

13.1 Developer is responsible for park development fees, pursuant to Chapter 4 of Title 13, in the amount of \$6,072.00, based on \$1,518.00 per unit for 4 units. This fee is calculated at 2002 park development fee rates established by ordinance. This total fee will not change if the number of units is changed during development or if completion of the units is delayed due to market conditions or other reasons.

13.2 City Council will credit the \$6,072.00 park development fee to Developer for construction of the extension of improvements at Amherst Park as provided in this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

NEUMANN OF COLORADO, LLC

By: _____ Attest: _____

Title: _____ Title: _____

CITY OF WESTMINSTER, COLORADO

By: _____
City Manager

Attest: _____
City Clerk

Approved as to legal form:

City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION:

Tract "D", The Village at Harmony Park, City of Westminster, County of Adams, Colorado.

EXHIBIT "B"

SCHEDULE OF IMPROVEMENTS

IMPROVEMENTS FOR: Amherst Park expansion (Village at Harmony Park Subdivision)

In accordance with the Public/Private Improvements Agreements by and between the CITY OF WESTMINSTER and Neumann of Colorado, LLC, dated _____, 20_____.

A. "Date of Completion" shall be no later than completion of Phase 1 for the Harmony Park development.

B. "Cost of Improvements" shall be \$6,072.00.

C. "Schedule of Improvements" shall be determined after City's review and approval of Developer submittal of all drawings and cost estimates. The Schedule of Improvements may change by additions or deletions of alternatives based on estimates or bids received during the review process. The parties anticipate that Improvements shall include some or all of the following categories:

1. Water Tap:
2. Design and Engineering Costs:
3. Overlot Grading:
4. Landscaping:
5. Irrigation System:
6. Sidewalks:
7. Hike/Bike Paths:
8. Fencing:
9. Signage:
10. Parking/Drives:
11. Miscellaneous Improvements:



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 8, 2002

SUBJECT: Councillor's Bill No. 12 re Vacation of Easements within the West 81st Place and Sheridan P.U.D. Subdivision

Prepared By: Mikele Wright, Senior Civil Engineer

Summary Statement

- City Council action is requested to pass on first reading the attached Councillor's Bill to vacate small portions of certain easements located within the First Replat of the West 81st Place & Sheridan P.U.D. Subdivision (see attached maps).
- The property owner has requested the vacations in order to remove existing buildings from encroachment into City utility easements on the property.
- Several utility easements were granted to the City on the final First Replat of the West 81st Place & Sheridan P.U.D. Subdivision.
- After the construction of the office building and storage units within the subdivision, it was determined by the owner that several portions of the buildings were encroaching within the existing utility easements.
- The property owner is requesting eleven partial easement vacations so that the buildings will no longer encroach within City easements.
- Descriptions of these easements are included within the Background Information section of this agenda memorandum.
- City Staff has verified that the subject portions of the easements are no longer needed by the City.

Expenditure Required: \$0

Source of Funds: n/a

Recommended City Council Action

Pass Councillor's Bill No.12 on first reading, vacating portions of certain easements within the First Replat of the West 81st Place and Sheridan Subdivision.

Policy Issue(s)

Shall the City Council vacate portions of these utility easements, which by City Code, must be vacated by an ordinance of the City Council?

Alternative(s)

Do not vacate the portions of these utility easements that are being encroached upon by existing buildings. This alternative is not recommended because the subject portions of the easements are not needed by the City.

Background Information

The Third Amended Official Development Plan (ODP) for West 81st Place & Sheridan P.U.D. Subdivision required public water and sanitary sewer lines to be constructed within the development. Easements for these public utilities were granted to the City on the final First Replat for West 81st Place & Sheridan P.U.D. Subdivision. Several of the easements abutted the proposed buildings for the storage units and office.

After the buildings within the storage area were constructed, the owner determined that several buildings were encroaching within the City's easement any where from 0.07 feet to 1.02 feet. The buildings are identified on the attached aerial map. The owner is concerned that the City could force the removal of portions of buildings within the easement based on the City's requirement that all utility easements shall be for the exclusive use of the City of Westminster. The City has the right to remove any structure within the easement so that maintenance can be performed on the utility.

The owner has requested that these portions of the City's utility easements be vacated. Staff has determined that the portions of the original easements can be vacated since the City can still maintain the City's utility lines within the remaining portions of the easements.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2002

COUNCILLOR'S BILL NO.
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING PORTIONS OF UTILITY EASEMENTS WITHIN WEST 81ST PLACE & SHERIDAN P.U.D. SUBDIVISION

WHEREAS, certain easements were dedicated by the First Replat of West 81st Place & Sheridan P.U.D. Subdivision (Exhibit I); and

WHEREAS, portions of these utility easements are being encroached upon by buildings built within the West 81st Place & Sheridan P.U.D. Subdivision; and

WHEREAS, these portions of utility easements are not necessary for maintaining the City of Westminster's utility lines within West 81st Place and Sheridan P.U.D. Subdivision; and

WHEREAS, the vacations are necessary in order to remove several buildings within the West 81st Place & Sheridan P.U.D. Subdivision from the City of Westminster's utility easements.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the portions of utility easements in Sections 2 and 3 hereof.

Section 2. Legal Description of Utility Easements:

Easement No. 1 (Office Building – Encroachment)

(See attached legal description)

Easement No. 2 (Building A, Parcel 1 – Encroachment)

(See attached legal description)

Easement No. 3 (Building A, Parcel 2 – Encroachment)

(See attached legal description)

Easement No. 4 (Building B – Encroachment)

(See attached legal description for Easement No. 4)

Easement No. 5 (Building C, Parcel 1 – Encroachment)

(See attached legal description)

Easement No. 6 (Building C, Parcel 2 – Encroachment)

(See attached legal description)

Easement No. 7 (Building D – Encroachment)

(See attached legal description)

Easement No. 8 (Building E – Encroachment)

(See attached legal description)

Easement No. 9 (Building G-2 – Encroachment)

(See attached legal description)

Easement No. 10 (Building H-1 – Encroachment)

(See attached legal description)

Easement No. 11 (Building H-2 – Encroachment)

(See attached legal description)

Section 3. This ordinance shall take effect upon its passage after second reading. 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 8th day of April, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of April, 2002.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 8, 2002

SUBJECT: Resolution No. 23 re City Park Athletic Field Rental Policy

Prepared By: Greg McSwain, Recreation Programs Manager

Summary Statement

- City Council action is requested to consider adopting the attached Resolution No. ___ establishing a policy for the reservation and rental of the four softball fields at Christopher Fields and the four soccer fields at City Park.
- One of the primary goals of the policy would be to generate significant revenues (estimated to be \$50,000 per year) that would assist in offsetting the maintenance costs that are associated with these specific athletic fields.
- Per Council directions at a January study session, the revised rental fees are higher than what was originally presented in order to be more aggressive in recovering maintenance costs.
- Policy would allow for the assessment of fees for the rental of fields, the use of lights, and any special field preparation (if required).
- Policy also allows for the City Manager to review and adjust these rental fees on an annual basis. This is consistent with what Council authorized in 1991 allowing the City Manager the discretion to adjust fees for the City's room rental policy at the recreation centers.
- With this policy, non-residents would receive a lower priority in obtaining field permits and pay a higher rental fee than residents. Westminster youth sports organizations would receive the same priority in receiving field permits as residents but pay a lower rental fee.

Expenditure Required: \$ (0)

Source of Funds: N/A

Recommended City Council Action

Adopt Resolution No 23 establishing an athletic field rental policy at City Park and authorize the City Manager to adjust this policy and rental fees on an annual basis.

Policy Issue(s)

Should the City approve and implement an athletic field rental policy at City Park and authorize the City Manager to adjust the policy and fees on an as needed basis in an effort to generate revenues that would assist in offsetting the costs associated with maintaining these fields?

Alternative(s)

- City Council could decide to take no action at this time and allow groups to request use of the athletic fields at City Park at no charge. Given the specialized nature and significant expense of maintaining athletic fields like those at City Park, this alternative is not recommended.
- City Council could instruct Staff to broaden the proposed policy so that it includes all formal athletic fields maintained by the City--not just those at City Park. Although this alternative might generate additional rental revenues, it is not recommended due to the long and successful history of the City's support of local schools and Westminster youth sports organizations. The City has permitted use of fields to these groups for use at no cost. To start charging rental fees for these fields now could create concern and opposition.
- City Council could instruct Staff to implement a policy that only charges adult groups for the use the athletic fields at City Park. Given that the City Park soccer fields and the softball fields at Christopher Fields are among the most elite in the region and require significant funds and efforts to properly maintain, Staff believes that rental fees are appropriate for all users, including youth. The proposed rental policy does take into account some of the special needs and limited resources of Westminster youth sports organizations and allows for a lower fee structure for these resident groups.

Background Information

An athletic field rental policy would allow the Parks, Recreation and Libraries Department the ability to assign, monitor and manage use of the athletic fields at City Park and collect rental fees for such use. These fields would be assigned to interested groups using a "priority rating" system that would address City program needs first, school and recognized independent youth sports organizations serving Westminster residents second, resident groups third, with non resident use receiving the lowest priority. Currently there is no policy in place to govern the allocation of and monitor the use of City athletic fields other than the specific lease agreements with various local youth sport organizations and intergovernmental agreements with school districts.

At a study session in January of this year, Staff presented to Council the idea of developing and implementing an athletic field rental policy for the City Park complex. Council was receptive to this concept, but given that the maintenance costs for the athletic fields (soccer and softball) at City Park are estimated to be greater than \$100,000 in 2002, Council directed Staff to move forward with developing the rental policy and to take a more aggressive approach in the establishment of fees in order to recover as great a percentage of the maintenance costs as possible. City Council also directed Staff to incorporate separate fees for use of lights and any specialized field preparation that might be required by the renter.

It is hoped that the attached policy and revised fee proposal meets these directives. The rental fees currently proposed range from \$30/hour/field for Westminster youth sports organizations to \$60/hour/field for non-resident use. Use of lights would cost between \$15 and \$30 per hour/field and the cost of field preparation would run between \$20 and \$40 per field preparation depending on resident or non-resident use. Fees of \$25 to \$40/hour/field, with no specific fees attached for use of lights or field preparation was originally proposed in January.

Respectfully submitted,

J. Brent McFall, City Manager

Attachments

RESOLUTION

RESOLUTION NO. 23

INTRODUCED BY COUNCILLORS

SERIES OF 2002

**A RESOLUTION OF THE CITY COUNCIL ESTABLISHING
NEW FEES AND A POLICY FOR THE RENTAL OF THE
ATHLETIC FIELDS AT CITY PARK IN ORDER TO
GENERATE REVENUE TO OFFSET COSTS ASSOCIATED
WITH MAINTAINING THESE FIELDS.**

WHEREAS, it is the intent of the City Council to establish fees and a policy for the rental of the athletic fields at City park; and

WHEREAS, it is the intent of the City Council to reduce the subsidy level for the maintenance of these fields; and

WHEREAS, it is in the best interest of the City to authorize the City Manager to adjust, up to ten percent (10%) per year, the fees and policy for the rental of athletic fields at City Park.

NOW, THEREFORE, be it resolved that the City Council will establish fees and a policy governing the rental of athletic fields at City Park as per the attached.

Passed and adopted this 8th day of April, 2002.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 8, 2002

SUBJECT: Resolution No. 24 Supporting Wadsworth Bypass/Burlington Northern Grade Separation

PREPARED BY: Brent McFall, City Manager

Summary Statement

Jefferson County and the cities in Jefferson County have been working together to develop transportation priority projects for possible federal funding. The proposed Grade Separation of the Burlington Northern Railroad Line near Grandview Avenue as it crosses Wadsworth Bypass is an eligible project already listed on area transportation plans. While not in the City of Westminster, this Grade Separation will improve traffic flow in the region and does not conflict with any City of Westminster projects. Jefferson County and the Colorado Department of Transportation are seeking unanimous support of the cities in the county for this project in order to improve its chances of receiving federal funding. There is no cost involved to the City of Westminster for this project.

Expenditure Required 0

Source of Funds Not applicable.

Recommended City Council Action

Adopt Resolution No. 24 supporting the Wadsworth Bypass/Burlington Northern Grade Separation project and direct the City Manager to forward copies of the Resolution to Colorado's United State Senators and Congressional Delegation.

Policy Issues

Does the City of Westminster wish to add its political support to a project that is not inside the City of Westminster and will not directly impact Westminster traffic?

Alternatives

Do not adopt the Resolution since the project is not in the City of Westminster.

Background Information

The City of Westminster has been participating with Jefferson County and the cities in Jefferson County with identification of transportation improvement projects throughout the county. The Grade Separation of Wadsworth Bypass and the Burlington Northern Railroad Line near Grandview Avenue has been identified as a top priority project. Furthermore, this project is eligible for federal funds in that it is listed on appropriate transportation plans.

It is the City's position that while this project is not inside the City of Westminster, that transportation improvements in the region are beneficial to Westminster and that the City should participate in lending political support to the potential funding of this project and others that may be identified in the future.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **24**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

**RESOLUTION SUPPORTING THE WADSWORTH BYPASS/BURLINGTON NORTHERN
GRADE SEPARATION**

WHEREAS, The Wadsworth Bypass is the single continuous north-south link in Jefferson County, serving 58,000 vehicles per day currently and a projected 68,000 vehicles daily by the year 2020; and

WHEREAS, Its intersection with the Burlington Northern Rail (BNSF) line near Grandview Avenue presents a major impediment to traffic flow and a hazard to automobile and pedestrian traffic; and

WHEREAS, Trains cross the Wadsworth bypass an average of 7b times per day, creating traffic stoppages, lasting anywhere from 15 to 20 minutes each time, degrading regional air quality and needlessly consuming fossil fuels; and

WHEREAS, The City of Arvada and the Colorado Department of Transportation have completed a study identifying an engineering solution to the aforementioned circumstances; and

WHEREAS, The Jefferson County Transportation Network has identified this project as the single most needed existing road improvement in Jefferson County.

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

That the City of Westminster supports the construction of the Wadsworth Bypass/BNSF Grade Separation; and

That the Westminster City Council supports and encourages the Colorado Department of Transportation to seek Federal funding for the design, environmental review and construction of this project.

Passed and adopted this 8th day of April, 2002.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 8, 2002

SUBJECT: Councillor's Bill No. 13 re 74th Avenue Library Project

Prepared By Steve Smithers, Assistant City Manager
Mary Ann Parrot, Finance Director
Tammy Hitchens, Accounting Manager

Summary Statement:

The Accounting Staff is in the process of preparing the 2001 Comprehensive Annual Financial Report (CAFR). During the audit, Staff noted the following:

- The Sales Tax Returns are approximately \$2 million under budget. However, the total of all revenues in the Sales Tax Fund is approximately 2.5% above budget due to the excess in building use tax and audit and enforcement revenues.
- The City realized other revenues in the General Fund that exceeded the conservative budget estimates by approximately \$3.2 million. Approximately \$1 million of this was due to permits and licenses, one-time revenues that have been used in the past for capital projects.
- In addition, expenditures in the General Fund were also below the budgeted amounts. This has resulted in a net positive carryover position in the General Fund. This allows the City to allocate a portion of this carryover to capital projects, also in accordance with past practice.
- When the final audited figures are available, Staff will return to City Council with final figures and recommendations to conform to City Council directions for carrying over other amounts to the budget year 2002.

In the meantime, the City has a specific need for additional funding for a key capital project: the 74th Avenue Library. The City has historically used carryover balances to fund one-time capital expenditures. Staff recommends the selected transfers of funds at this time to the 74th Avenue Library Project in the General Fund Capital Improvements project at this time:

- Reduce the Sales Tax Transfer to the General Capital Improvement Fund to accommodate the reduction in receipts in this fund.
- Transfer the available excess one-time monies from the General Fund (from Permits and Licenses) to the General Capital Improvement Fund, as per past practice. This will also act to increase the funding in the General Capital Improvement Fund for the 74th Avenue Library to take advantage of a net positive position in the General Fund, and complies with past practices.
- Increase the Sales Tax Transfer to the General fund in order to keep the General Fund whole.

Expenditure Required: \$1,247,966

Source of Funds: General Capital Improvement Fund

Recommended City Council Action:

Pass Councillor's Bill No. 13 on first reading, revising previous sales tax transfers and transferring an additional \$1,247,966 from the General Fund to the 74th Avenue Library Project account in the General Capital Improvement Fund.

Policy Issue(s):

Should the City reduce the Sales Tax transfer to the General Capital Improvement Fund because of the reduction in Sales Tax Returns during this recession?

Should the City revise the Sales Tax transfers in order to maximize one-time revenues?

Should the City transfer part of the available carryover in the General Fund to the Capital Projects Fund to pre-fund the 74th Avenue Library?

Alternative(s):

1. Do not transfer a portion of the General Fund unreserved fund balance to the Capital Projects Fund. This alternative is not recommended as these funds could become unavailable, due to the potential TABOR limitations, for use on much needed capital projects. In addition, Staff anticipates there will be additional carryover funds in excess of the amount recommended for the 74th Avenue Library, when the audited financial statements are completed, in early June.
2. Transfer an amount of the General Fund unreserved fund balance that is less than the amount requested to the Capital Projects Fund. This alternative is not recommended as the remaining amount could become unavailable, due to potential TABOR limitations, for use on much needed capital projects.

Background Information:

Each year the Accounting Staff prepares a Comprehensive Annual Financial Report as of the end of the calendar year. Each year, Accounting Staff also prepares an analysis of the amount of "carryover" that resulted from the City operations that year. "Carryover" is the combination of revenues that were earned in excess of budgeted amounts and budgeted expenditures that were not required to provide services.

In order to maximize the use of the 2001 sales tax revenues, other one-time revenues and carryover in the General Fund, Staff recommends the transfer of the funds to the Capital Projects Fund. Staff is recommending allocating these additional funds to the 74th Avenue Library project. The project will require the allocation of approximately \$1.3 million in additional funds from other sources during 2002. The 74th Avenue Library is a key project that will continue the revitalization of South Westminster. This in turn will be of significant benefit to the City.

Lastly, if city Council approves these transfers, Staff anticipates there will be additional carryover beyond the funding for the 74th Avenue Library for Council review; these figures will be finalized after the audited financial statements are available, sometime in June.

Staff will attend the April 8 City Council meeting to answer questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **13**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2001 BUDGETS OF THE GENERAL FUND AND GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2001 appropriation for the General Fund initially appropriated by Ordinance No. 2839 in the amount of \$67,845,371 is hereby increased by \$3,957,518 which, when added to the fund balance as of the City Council action on April 8, 2002 will equal \$75,316,155. 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 an increase in the transfer from the Sales Tax Fund and an appropriation of additional building permit, license and franchise fee revenue.

Section 2. The \$3,957,518 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Building Permit Residential-Adco 1000.40190.0010	\$450,000	\$694,679	\$1,144,679
Building Permit Residential-Jeffco 1000.40190.0020	100,000	92,636	192,636
Building Permit Com-Jeffco 1000.40185.0020	339,000	73,300	412,300
Building Permit Com-Adco 1000.40185.0010	339,000	54,620	393,620
Other Licenses 1000.40170.0000 License Contractors 1000.40160.0000	40,000	10,624	50,624
Franchise Fee Xcel Energy 1000.41880.0040	50,000	25,060	75,060
Transfer from Sales Tax Fund 1000.45000.0530	1,800,000	297,047	2,097,047
Total Change to Revenues	45,479,448	<u>2,709,552</u>	\$48,189,000
		<u>\$3,957,518</u>	
EXPENSES			
Transfer to GCIF 10010900.79800.0750	\$2,531,441	<u>3,957,518</u>	\$5,785,993
Total change to expenses		<u>\$3,957,518</u>	

Section 3. The 2001 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2839 in the amount of \$67,845,371 is hereby increased by \$3,957,518 which, when added to the fund balance as of the City Council action on April 8, 2002 will equal \$45,686,925. 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 an increase in the transfer from the General Fund.

Section 4. The \$1,247,966 increase in the General Capital Improvement Fund shall be allocated to City Revenue accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Transfer from General Fund 7500.40510.0000	\$2,531,441	\$3,957,518	\$5,785,993
Transfer from Sales Tax Fund 7500.45000.0530	\$2,709,552	<u>\$(2,709,552)</u>	\$0
Total Change to Revenue		<u>\$1,247,966</u>	
EXPENSES			
New Library 80175050171.80400.8888	\$1,200,000	<u>\$1,247,966</u>	\$2,447,966
Total change to expenses		<u>\$1,247,966</u>	

Section 5. The 2001 appropriation for the Sales and Use Tax Fund initially appropriated by Ordinance No. 2839 will equal \$53,799,000 as of the City Council action on April 8, 2002. The actual amount in the Sales and Use Tax 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 action does not change the appropriations in the Sales and Use Tax Fund; however, the budget changes are shown here for reference purposes.

Section 6. The budget changes in the Sales and Use Tax Fund shall be allocated to City Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
EXPENSES			
Transfer to GCIF 53010900.79800.0750	\$2,709,552	\$(2,709,552)	\$0
Transfer to General Fund 53010900.79800.0100	45,479,448	<u>2,709,552</u>	48,189,000
Total Change to Expenses		<u>\$0</u>	

Section 7. – 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 8. This ordinance shall take effect upon its passage after the second reading.

Section 9. 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 8th day of April, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of April, 2002.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, April 8, 2002. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally. Absent none.

The minutes of the March 25, 2002 meeting were approved.

Ralph Campbell presented Keith Wood and Mayor Moss with the Tree City USA and Growth Award for the 17th year. Mayor Moss proclaimed April 19, 2002 as Arbor Day and Earth Day.

Council approved the following: 106th Avenue Improvement Design contract with Burns and McDonnell for \$50,000; Mosquito Control Contract with Colorado Mosquito Control, Inc., for \$37,000; Mandalay Gardens Legal Services Contract with Gorsuch Kirgis for \$45,400; Second Amended PDP of the Dry Creek Estates PUD.

Council accepted the resignation of Susan Aldridge and appointed Steve Marlin to the Environmental Advisory Board.

At 7:35 p.m. the following public hearing was held: Annexation, CLUP amendment, Zoning, Amended PDP, Category B-1 Service Commitments; Park Development Credits re Village at Harmony Park Enclave and Dry Creek Estates PUD.

The following Councillor's Bills were 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 28, TOWNSHIP 1 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO purpose: annexing the .83-acre Village at Harmony Park enclave

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: amending CLUP to add Village at Harmony Park enclave

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 28, TOWNSHIP 1 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO purpose: Zoning Village at Harmony Park enclave

A BILL FOR AN ORDINANCE ALLOWING EXEMPTIONS FOR CREDIT FOR PARK DEVELOPMENT FEES IN TITLE XIII, CHAPTER 4, SECTIONS 3(A), 3(B), 3(C) AND 3(D) purpose: Park Development credits for Village at Harmony Park

A BILL FOR AN ORDINANCE VACATING PORTIONS OF UTILITY EASEMENTS WITHIN WEST 81ST PLACE & SHERIDAN P.U.D. SUBDIVISION purpose: vacating easements re 81st Pl and Sheridan

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGETS OF THE GENERAL FUND AND GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUNDS purpose: transfers re 74th Avenue Library project

The following Resolutions were adopted:

Resolution No. 20 re Resignation and Appointment to Environmental Advisory Board
Resolution No. 21 re Findings of Fact Village at Harmony Park re Annexation Criteria
Resolution No. 22 re Category B-1 Service Commitments for Village at Harmony Park Enclave
Resolution No. 23 re City Park Athletic Field Rental Policy
Resolution No. 24 re Wadsworth Bypass/Burlington Northern Grade Separation Support

At 9:25 P.M. the meeting was adjourned.

By order of the Westminster City Council
Michele Kelley, CMC, City Clerk

Published in the Westminster Window on April 18, 2002.