



## CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
  - A. City Manager's Report
5. City Council Comments
6. Presentations
  - A. Proclamation Recognizing Luis Perez Nuniz' 100<sup>th</sup> Birthday
  - B. 2004 Youth Advisory Panel Members-Outgoing Graduating Seniors Recognition

**7 Citizen Communication (5 minutes or less)**

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any 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. Open Space Acquisition of 2.43 Acres on the East Side of Sheridan along Little Dry Creek
  - B. Contract Renewal with Hanifen Imhoff as Underwriter
  - C. CB No. 31 re Obstruction of the Seeking of Emergency Assistance (Dittman-Price)
  - D. CB No. 32 re Supplemental Appropriation The Shops at Walnut Creek Waterlines (McNally-Hicks)
  - E. CB No. 33 re Concrete Replacement Program Amendment (Hicks-Price)
  - F. CB No. 34 re Supplemental Appropriation Resulting from Reassignment of WHA Loan (Price-Hicks)

**9. Appointments and Resignations**

**10. Public Hearings and Other New Business**

- A. Public Meeting on 2005 and 2006 City Budget
- B. Public Hearing re I-25/144<sup>th</sup> Avenue Right-of-Way Annexation
- C. Resolution No. 37 findings re I-25/144<sup>th</sup> Avenue Right-of-Way Annexation
- D. Councillor's Bill No. 35 annexing the I-25/144<sup>th</sup> Avenue right-of-way
- E. Public Hearing re 4<sup>th</sup> Amended Crown Point Preliminary Development Plan
- F. 4<sup>th</sup> Amended Crown Point Preliminary Development Plan
- G. Public Hearing re Church Ranch BP/Amoco Preliminary and Official Development Plan
- H. Church Ranch BP/Amoco Preliminary and Official Development Plan
- I. Public Hearing re Comprehensive Land Use Plan
- J. Councillor's Bill No. 36 re 2004 Update of the Comprehensive Land Use Plan.
- K. Resolution No. 38 accepting the annexation petition submitted by the Chamberlain Trust
- L. Councillor's Bill No. 37 re 2004 CDBG Fund Appropriation
- M. Councillor's Bill No. 38 re 2004 Budget Supplemental Appropriation
- N. Councillor's Bill No. 39 re Emergency Management Program Grant
- O. Councillor's Bill No. 40 re Supplemental Appropriation of Big Dry Creek Watershed Grant Funds
- P. Resolution No. 39 re Compliance Hearing for the Zuni Street Right-of-Way Annexation
- Q. Councillor's Bill No. 41 re Filling Vacancy in Offices of Mayor and Councillor
- R. City Council Vacancy
- S. Wayne Carle Middle School Agreements

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

**12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**

- A. City Council

**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, JUNE 14, 2004 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Mayor Pro Tem McNally moved, seconded by Dittman to approve the minutes of the meeting of May 24, 2004 with no corrections or additions. The motion carried unanimously.

PROCLAMATION RECOGNIZING LUIS PEREZ MUNIZ' 100<sup>TH</sup> BIRTHDAY

Mayor Moss presented a proclamation to Luis Pérez Muñoz, who will be celebrating his 100<sup>th</sup> birthday on June 20<sup>th</sup>, and extend Westminster's congratulations and best wishes. Mr. Perez and his family were present to accept the proclamation, and the audience, Council and staff sang happy birthday.

RECOGNITION OF YOUTH ADVISORY PANEL OUTGOING SENIORS

Councillors Butch Hicks and Chris Dittman recognized the service of the graduating seniors from the 2003-2004 Youth Advisory Panel; Nicole Williams, Whitney Burnham, Michelle Ly, and Kelsey Osborne, Outgoing Chairperson.

CITIZEN COMMUNICATION:

Don Van Arsdale and Chuc Duff of the Westminster Community Artist Series reported to City Council that the Community Artist Series has selected two sculptures they would like to donate to the City to be placed at the new Irving Street Library. Pictures of Rosaline Cook's sculptures were viewed by Council and City Council was asked to accept the sculptures. Councillor Hicks moved, seconded by Dixon to accept the sculptures to be placed at the Irving Street Library. The motion carried unanimously.

Jean Congdon, 6755 West 97<sup>th</sup> Place addressed Council requesting information about what will be happening in the various areas of the City.

CONSENT AGENDA

The following items were considered as part of the consent agenda: Authorize the City Manager to execute a Purchase and Sale Agreement and all necessary closing documents for the acquisition of the property located on the east side of Sheridan Boulevard at about 74<sup>th</sup> Avenue and on the west side of the Little Dry Creek as open space and authorize the City Manager to expend \$185,000.00 of City Open Space Funds for the purchase of the property and the improvements located on the property; based on the recommendation of the City Manager, the City Council finds that the public interest would be best served by awarding this contract to Stifel Nicolaus & Co., Inc., Hanifen Imhoff Division as the sole source of the work and authorize the City Manager to sign a contract with Stifel Nicolaus & Co., Inc., Hanifen Imhoff Division, in substantially the same form as submitted, to provide bond underwriter services for a period of three years effective June 28, 2004; CB No. 31 re Obstruction of the Seeking of Emergency Assistance; CB No. 32 re Supplemental Appropriation The Shops at Walnut Creek Waterlines; CB No. 33 re Concrete Replacement Program Amendment; CB No. 34 re Supplemental Appropriation Resulting from Reassignment of WHA Loan

Mayor Moss 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. Mayor Moss requested the contract with Stifel Nicolaus be removed for separate vote.

Councillor Dixon moved, seconded by Kauffman to adopt the remaining consent agenda items as presented. The motion carried unanimously.

#### RENEWAL OF UNDERWRITER CONTRACT STIFEL NICOLAUS & CO., HANIFEN IMHOFF

Councillor Dixon moved, seconded by Dittman that based on the recommendation of the City Manager, the City Council finds that the public interest would be best served by awarding this contract to Stifel Nicolaus & Co., Inc., Hanifen Imhoff Division as the sole source of the work and authorize the City Manager to sign a contract with Stifel Nicolaus & Co., Inc., Hanifen Imhoff Division, in substantially the same form as attached, to provide bond underwriter services for a period of three years effective June 28, 2004. Mayor Pro-Tem McNally abstained from voting. The motion carried unanimously.

#### PUBLIC MEETING ON 2005 AND 2006 CITY BUDGET

At 7:30 p.m. the public meeting was opened for citizen comments regarding the 2005 and 2006 City budget. Vi June, 7500 Wilson Court requested additional Code Enforcement Officers. Heather Brown, Hunter Brown, Ron Bealer and Brett Roberts of Cheyenne Ridge Development requested the development of the 5-acre park in the Cheyenne Ridge Development. The public hearing was declared closed at 7:44 p.m.

#### PUBLIC HEARING RE I-25/144<sup>TH</sup> AVENUE RIGHT-OF-WAY ANNEXATION

At 7:45 p.m. the public hearing was opened on the I25/144<sup>th</sup> Avenue right of way annexation. Dave Falconieri, Planner, gave a power point presentation and entered a copy of the Agenda Memorandum and other related items into the record. No one spoke in favor or opposition of this development. The public hearing was declared closed at 7:46 p.m.

#### RESOLUTION NO. 37 RE I-25/144<sup>TH</sup> AVENUE RIGHT-OF-WAY ANNEXATION

Councillor Dittman moved, seconded by Hicks to adopt Resolution No. 37 making certain findings as require in Section 31-12-110 C.R.S. regarding the I-25/144<sup>th</sup> Avenue right-of-way annexation. Upon roll call vote, the motion carried unanimously.

#### COUNCILLOR'S BILL NO. 35 ANNEXING THE I-25/144<sup>TH</sup> AVENUE RIGHT-OF-WAY

Councillor Dittman moved, seconded by Hicks to pass Councillor's Bill No. 35 annexing the I-25/144<sup>th</sup> Avenue right-of-way to the City of Westminster. Upon roll call vote, the motion carried unanimously.

#### PUBLIC HEARING RE 4<sup>TH</sup> AMENDED CROWN POINT PDP

At 7: 47 p.m. the public hearing was opened on the 4<sup>th</sup> amended Crown Point Preliminary Development Plan for a church use to be located at 100<sup>th</sup> & Wadsworth Boulevard. Patrick Caldwell, Planner, gave a power point presentation and entered a copy of the Agenda Memorandum and other related items into the record. George Smith, Mark Stutsman, representing the development and Bob Fitzgerald, addressed Council. There was no opposition. The public hearing was declared closed at 7:56 p.m.

4<sup>TH</sup> AMENDED CROWN POINT PRELIMINARY DEVELOPMENT PLAN

Councillor Kauffman moved, seconded by Dixon to approve the 4<sup>th</sup> Amended Crown Point Preliminary Development Plan (PDP) within the Crown Point Planned Unit Development with the following condition: The developer of the Crown Point PDP will be responsible for the construction of a third southbound thru lane and a deceleration lane along the Wadsworth Parkway frontage of the Crown Point PDP. The additional lanes are from the 101<sup>st</sup> Avenue intersection north to the boundary of the commercial portion of the Crown Point PDP. The improvements shall be constructed at the time that the commercial portion of the PDP is developed. If the Colorado Department of Transportation objects to the construction of these ultimate roadway improvements when the subject site is developed, then the City will require the developer to provide cash in lieu of the roadway improvements. These recommendations are based on a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code have been met. The motion carried unanimously.

PUBLIC HEARING RE CHURCH RANCH BP/AMOCO PRELIMINARY AND ODP

At 8:00 p.m. the public hearing was opened on the Church Ranch BP/Amoco Preliminary and Official Development Plan, to be located at the south side of Church Ranch Boulevard on the east side of Reed Street alignment, Dave Falconieri, Planner, gave a power point presentation and entered a copy of the Agenda Memorandum and other related items into the record. Ray Anderson Sr., Ray Anderson Jr., and Todd Johnson were present and spoke in favor of this development. There was no opposition. The public hearing was declared closed at 8:06 p.m.

CHURCH RANCH BP/AMOCO PRELIMINARY AND OFFICIAL DEVELOPMENT PLAN

Mayor Pro Tem McNally moved, seconded by Dittman to approve the proposed combined Preliminary and Official Development Plan (PDP/ODP) for the Church Ranch BP/Amoco relocation site as submitted. The motion carried unanimously.

PUBLIC HEARING RE COMPREHENSIVE LAND USE PLAN

At 8:08 p.m. the public hearing was opened on the Comprehensive Land Use Plan amendments. Max Ruppeck, Senior Projects Planner, and Ben Herman of Clarion & Associates, the City's gave a power point presentation and entered a copy of the Agenda Memorandum and other related items into the record. Bill Kearney, 3030 LBJ Freeway Suite 1395, Dallas, Texas, spoke in opposition to the proposed change of land designation for their property located at the SWC of 104<sup>th</sup> Avenue and Sheridan Boulevard. The public hearing was declared closed at 8:35 p.m.

CB NO. 36 RE 2004 UPDATE OF THE COMPREHENSIVE LAND USE PLAN.

Councillor Dittman moved, seconded by Mayor Pro Tem McNally to pass Councillor's Bill No. 36 on first reading adopting the 2004 Update of the Comprehensive Land Use Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 38 ACCEPTING ANNEXATION PETITION FOR CHAMBERLAIN TRUST

Mayor Pro-Tem McNally moved, seconded by Hicks to adopt Resolution No. 38 accepting the annexation petition submitted by the Chamberlain Trust and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of July 26, 2004, for the annexation hearing. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 37 RE 2004 CDBG FUND APPROPRIATION

Councillor Dixon moved, seconded by Dittman to pass Councillor's Bill No. 37 on first reading to appropriate 2004 CDBG funds in the amount of \$681,000. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 38 RE 2004 BUDGET SUPPLEMENTAL APPROPRIATION

Councillor Price moved, seconded by McNally to pass Councillor's Bill No. 38 on first reading providing for supplementary appropriations to the 2004 budget of the General, General Capital Improvement, Golf Course and Open Space Funds. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 39 RE EMERGENCY MANAGEMENT PROGRAM GRANT

Councillor Dittman moved, seconded by Dixon to pass Councilor's Bill No. 39 on first reading authorizing a supplemental appropriation in the amount of \$20,000 allowing the City to receive an Emergency Management Performance Grant (EMPG) provided through the Colorado Office of Emergency Management. Upon roll call vote, the motion carried unanimously.

CB NO. 40 RE SUPPLEMENTAL APPROP BIG DRY CREEK WATERSHED GRANT FUNDS

Councillor Price moved, seconded by McNally to pass Councillor's Bill No. 40 on first reading appropriating \$25,000 into the Special Studies Project account as a result of a United States Department of Energy (DOE) Grant extension. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 39 RE COMPLIANCE HEARING re ZUNI STREET ROW ANNEXATION

Councillor Kauffman moved, seconded by Hicks to adopt Resolution No. 39 accepting the annexation petition submitted by the Adams County Commissioners and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of July 26, 2004, for the annexation hearing. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 41 RE FILLING VACANCY IN MAYOR AND COUNCILLOR

Councillor Dittman moved, seconded by Dixon to pass Councillor's Bill No. 41 on first reading, amending Chapters 10 and 11 of Title 1 of the Westminster Municipal Code, which sets forth the procedures for the filling of a vacancy in the office of Mayor and Councillor. Upon roll call vote, the motion carried unanimously.

CITY COUNCIL VACANCY

Councillor Dixon moved, seconded by McNally to establish the deadline of Friday, July 2<sup>nd</sup> for citizens interested in applying for the vacancy on City Council. The motion carried unanimously.

WAYNE CARLE MIDDLE SCHOOL AGREEMENTS

Mayor Pro-Tem McNally moved, seconded by Dixon to authorize the City Manager to execute an Intergovernmental Agreement, in substantially the same form as attached, with such non-monetary changes as may be approved by the City Manager and City Attorney, and all related documents to complete the land sale and trade between the City of Westminster, Jefferson County and Jefferson County R-1 School District to allow the construction of the new middle school at the northeast corner of Standley Lake Regional Park. The motion carried unanimously.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session to discuss an economic development matter.

ADJOURNMENT:

The meeting was adjourned at 8:45 P.M.

ATTEST:

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City Clerk

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Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004

**SUBJECT:** Proclamation re Luis Pérez Muñiz' 100<sup>th</sup> Birthday

**Prepared By:** Michele Kelley, City Clerk

**Recommended City Council Action**

City Council present a proclamation to Luis Pérez Muñiz, who will be celebrating his 100<sup>th</sup> birthday on June 20<sup>th</sup>, and extend Westminster's congratulations and best wishes.

**Summary Statement**

- City Council is requested to present a Proclamation to Luis Pérez Muñiz who is a Westminster resident.
- Mr. Pérez Muñiz left Cuba at the age of 65.
- Mr. Pérez Muñiz became a United States citizen on July 21, 1995 at the age of 91.
- Members of Mr. Pérez Muñiz's family and friends will be present at Monday night's Council meeting.

**Expenditure Required:** \$0

**Source of Funds:** N/A



**SUBJECT:** Proclamation re Luis Pérez Muñiz' 100<sup>th</sup> Birthday

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**Policy Issue**

There are no policy issues identified.

**Alternative**

None identified.

**Background Information**

Luis Pérez Muñiz left Cuba because of the communist tyranny, at the age of 65.

Within a week of arriving in the Denver area, he began working for the Mile High Equipment Company, where he worked for 22 years, until his family made him retire.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

WHEREAS, Luis Pérez Muñiz was born in Holguin, Cuba on June 20, 1904; and

WHEREAS, Luis Pérez Muñiz was always a hard worker, having worked for a department store in Bayate, Cuba when he was 20 years old; and became a partner of the department store; and

WHEREAS, Luis Pérez Muñiz lost everything during the Great Depression; and

WHEREAS, Luis Pérez Muñiz started over acquiring some trucks and starting hauling freight, at one time working at the United States Naval Base at Guantanamo Bay; and

WHEREAS, Luis Pérez Muñiz's entrepreneurial spirit had earned him ownership of a food store, a beauty shop and an apartment house; and

WHEREAS, Luis Pérez Muñiz lost everything again, to the communist government; and

WHEREAS, Luis Pérez Muñiz after first making sure his daughters and their families left for America, he and his wife packed a suitcase and escaped the communism they hated so much; and went first to Mexico and a couple of months later legally entered the United States, stopping when he got to Westminster, where he had made his home; and

WHEREAS, Luis Pérez Muñiz became a naturalized citizen on July 21, 1995 at the age of 91; following his three daughters and his grandchildren in pledging allegiance to the United States of America.

NOW THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and Staff, do hereby congratulate Luis Pérez Muñiz on his upcoming 100<sup>th</sup> birthday.

Signed this 14<sup>th</sup> day of June, 2004.

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Ed Moss, Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004

**SUBJECT:** 2004 Youth Advisory Panel Members-Outgoing Graduating Seniors Recognition

**Prepared By:** Cindy McDonald, Staff Liaison to the Youth Advisory Panel  
Dee Martin, Staff Liaison to the Youth Advisory Panel

**Recommended City Council Action:**

Recognize the service of the graduating seniors from the 2003-2004 Youth Advisory Panel.

**Summary Statement:**

- City Council action is requested to recognize and acknowledge the service of the four graduating seniors from the 2003-2004 Youth Advisory Panel.
- City Council is requested to honor each outgoing member with a plaque.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

There are no policy issues in regard to this item.

**Alternative**

No alternatives identified.

**Background Information**

On September 13, 1999, City Council adopted Resolution No. 68 creating the Westminster Youth Advisory Panel. On October 25, 1999, the City Council appointed the first Youth Advisory Panel. Since 1999, the panel has worked with Staff on a variety of issues. The term of each Panel is one year, with reappointment possible up to four terms.

Since 1999, the Youth Advisory Panel has been very active in the community. In addition to attending scheduled monthly formal meetings, the panel each year takes part in regular community service projects. These diverse events have touched the community in many unique ways. They included helping at the Holy C.O.W. Stampede (a Parks, Recreation and Libraries race to raise proceeds for youth programs), providing volunteer help for the Westminster Christmas Lighting Ceremony, preparing and serving food at the Denver Rescue Mission, filling food bags for the homeless at Colorado SHARES, organizing and cleaning at the Hope House Women and Children's Shelter and participating at Westminster Pride Day. By being an active part of the community, the YAP has fulfilled a goal of reaching out to the Westminster community in order to make a difference in the places where members attend school and live. The Panel has continued this very diverse and ambitious community services goal for the 2003/2004 school year. Project highlights also include adopting a family for the holidays through ARC, delivering Thanksgiving Food Baskets to needy families and assisting at the upcoming annual Father/Daughter Ball presented by Westminster Parks, Recreation and Libraries.

In the spring of 2004, there are four departing seniors who are graduating from area high schools. All of these students have represented their schools with pride and have been an integral part of the Westminster Youth Advisory Panel. They are as follows:

Nicole Williams	Pomona High School	
Whitney Burnham	Standley Lake High School	
Michelle Ly	Standley Lake High School	
Kelsey Osborne	Standley Lake High School	Outgoing Chairperson

Respectfully submitted,

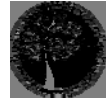
J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Acquisition of Approximately 2.43 Acres of Property for Open Space on the East Side of Sheridan Boulevard along Little Dry Creek Open Space

**Prepared By:** Lynn Wodell, Open Space Coordinator

**Recommended City Council Action:**

Authorize the City Manager to execute a Purchase and Sale Agreement and all necessary closing documents for the acquisition of the property located on the east side of Sheridan Boulevard at about 74<sup>th</sup> Avenue and on the west side of the Little Dry Creek as open space and authorize the City Manager to expend \$185,000.00 of City Open Space Funds for the purchase of the property and the improvements located on the property.

**Summary Statement:**

- Staff has negotiated the purchase of the approximately 2.43 acres including a deteriorated single family home located on the west side of the Little Dry Creek Open Space and Trail Corridor on Sheridan Boulevard for a purchase price of \$185,000. (See attached map.)
- The acquisition of this property will allow the City to preserve a “window” along Sheridan Boulevard to the Little Dry Creek corridor.
- It is recommended that all the improvements on the property including the single-family residence be demolished.

**Expenditure Required:** \$185,000

**Source of Funds:** Open Space Land Purchases Account

**Policy Issue:**

Should the City's Open Space Funds be used for this acquisition?

**Alternatives**

1. Approve the acquisition at this time. Staff recommends the acquisition of this property. Although the property is small it is in a strategic location to preserve the view to and from the Little Dry Creek Open Space and Trail Corridor.
2. Not acquire the property at this time. This alternative is not recommended because we have been able to negotiate the purchase of only a portion of the overall property resulting in a lower cost for the open space.

**Background Information**

This property was viewed on the City Council and Open Space Advisory Board open space tour last year. In the recent evaluation of all the acquisition objectives of the Open Space Program, the Open Space Advisory Board identified this property as a Priority No. 1 for acquisition.

This property as well as the adjacent properties were in an estate and listed on the real estate market. Staff approached the realtor with a proposal that if they could find a buyer for the newer single-family residence on the northern parcel, the City would be interested in negotiating for the remainder of the property. A buyer has been found for the entire property that is interested in retaining one acre and northern most home and converting that home into a medical office. A proposal for this use has been submitted to the City's Planning Division and is under review. The remainder of the property would then be sold to the City as a separate parcel of 2.43 acres.

Benefits of the purchase include:

- 1) This parcel is valuable as a window to the Little Dry Creek Open Space and Trail Corridor.
- 2) It increases the open space frontage along Sheridan Boulevard resulting in visual benefits for those people driving by.
- 3) By not acquiring the entire site, it saves open space dollars for other acquisitions.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**  
Agenda Memorandum

City Council Meeting  
June 14, 2004



**SUBJECT:** Renewal of Underwriter Contract with Stifel Nicolaus & Co., Inc., Hanifen Imhoff Division

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

**Recommended City Council Action**

Based on the recommendation of the City Manager, the City Council finds that the public interest would be best served by awarding this contract to Stifel Nicolaus & Co., Inc., Hanifen Imhoff Division as the sole source of the work and authorize the City Manager to sign a contract with Stifel Nicolaus & Co., Inc., Hanifen Imhoff Division, in substantially the same form as attached, to provide bond underwriter services for a period of three years effective June 28, 2004.

**Summary Statement**

The existing financial services and bond underwriter contract with Hanifen, Imhoff Inc., which has been in place for the past three years, will expire on June 27, 2004. The rationale for extending the contract is summarized below.

- Hanifen Imhoff has added value to the City's business by the following activities since the last renewal:
  - Assistance with two successful elections: de-Brucing in 2002 and Public Safety Tax in 2003. This is the first time the City used professional consultants; Staff also believes this was a significant contributing reason that the ballot measures passed in 2002 and 2003.
  - Successful search for Letter of Credit banks for the Mandalay and North I-25 borrowings. These two large borrowings moved the City and WEDA to a different level in the banking and underwriting market. In addition, when the Letter of Credit Bank for the Mandalay Gardens bond issue decided to exit the municipal market, Mr. Bell proceeded to find the City an alternate letter of credit bank, with which the City has conducted one successful borrowing at favorable rates to the City.
- Because of David Bell's work this past three years, Staff was able to reduce the costs of borrowing and the costs of fees from prior contracts. Staff expects this practice of competitive fees to continue.
- Staff has determined that Hanifen's fees are at or below market for comparable issues.
- In addition, Hanifen will be working on the following key priorities:
  - Structuring large new-money issues in the 3<sup>rd</sup>-4<sup>th</sup> Quarters of this year for North I-25 and South Westminster, as well as Big Dry Creek expansion.
  - Assembling a presentation for the ratings agencies and insurers for September 2004, with a focus on a comprehensive presentation of the City's urban renewal authority

**Expenditure Required:** \$0  
**Source of Funds:** N/A

### **Policy Issues**

1. Should the City renew the underwriter contract without going out to the market in a competitive request for proposals?
2. Is it in the best interests of the City to award a three-year contract to Hanifen Imhoff without going out for bid?

### **Alternatives**

Alternatives for consideration are summarized as follows:

1. Submit the Underwriter function for competition. This is not recommended, as it creates significant disruption for Staff, who need to focus on bond issuance and ratings agency presentations. It also creates the potential for discontinuity on the finance team at a time when the City's need for stability on the team is significant. On a positive note, it is in the City's best interests to retain Hanifen, Imhoff as Underwriter of choice on many negotiated sales, as they know the City better than other firms, have strong sales and professional staffs, can sell the City's bonds effectively in the marketplace and have negotiated and will continue to negotiate competitive fees. Lastly, the City has included in the contract a provision that will allow the City to select alternative firms/personnel should the City need a change in team members, due to expertise or access to capital markets.
2. Select an alternate underwriter who has worked with the City on past WEDA issues. This is not recommended, although there are firms that do quality work. The primary reason for this is that the fees quoted by other firms are typically higher than what Hanifen has regularly quoted the City. It is in the City's best interests to retain Hanifen as the quality of work is very high and their costs are very competitive.
3. Do nothing; allow the contract to expire and hire underwriters on a case-by-case basis. This is not recommended, as it would cause the same disruption and lack of continuity at a time when the City's focus needs to be on the issuance of several bond issues and the formation of several special taxing districts. In addition, the City has preserved a contract provision to allow the selection of alternative firms/personnel when necessary. At this time, the City needs a lead underwriter; it is in the best interests of the City to retain Hanifen, Imhoff, at competitive rates, without having to search out alternative providers.

### **Background Information**

City Council is requested to renew the contract with Hanifen, Imhoff Inc., as Underwriter for the City's financings for a three-year period of time June 28, 2004 through June 27, 2007. Fees for Underwriter Services are budgeted in bond issuance costs to pay for the firm's services; therefore, no budget revisions are necessary.

Under the former contracts, Hanifen, Imhoff Inc. served as both Financial Advisor and Underwriter for the City. Under the current construct, Hanifen, Imhoff Inc. serves as Underwriter only. The function of Financial Advisor was segregated, put out for competition and contracted for separately in 1999. This has worked well for the City in two key areas:

- Financing costs have been reduced in two critical areas: interest costs (the coupons on the bonds) and fees (underwriter discount)
  - Interest Costs have been reduced because of the expertise the Financial Advisor has demonstrated in structuring bond issues. In one case, the Financial Advisor structured several bonds in a "serial" fashion, at lower coupons, rather than a "term bond" at a single coupon; this saved the City \$67,400 over and above the fees the Financial Advisor charged for this issue.



- Underwriter Discounts have been reduced to competitive levels. On the recent WEDA bond for Mandalay Gardens (now The Shops at Walnut Creek) the fee of \$3.75 per bond was competitive when reviewing national fees. The City's Financial Advisor also determined this fee was at or below other fees received by other Denver-based underwriters on recently published issues. Lastly, these fees are well below those charged by another firm who has helped the City in past years.

Other items preserved in the proposed renewal of the contract include the following:

- Under the proposed contract, Hanifen, Imhoff Inc. can elect to participate as a co-Financial Advisor on bond issues if the City chooses. They would be reimbursed accordingly. This arrangement serves to guarantee high-quality services to the City, which were certainly needed when issuing the complex financings over the past several years.
- The City reserves the right to determine whether bond sales would be conducted on a negotiated basis with the Underwriter or sold competitively in the market. This will guarantee the lowest interest cost to the City and comprises the bulk of costs when the City issues bonds. If an issue is sold on a competitive basis, Hanifen, Imhoff Inc. has the ability to compete for the underwriting.

The City enjoys a productive working relationship with several principals in the firm, who would continue to service the City's account. Staff believes it is important to continue a close working relationship with Hanifen, Imhoff and realize the many benefits from their knowledge, skills and working relationships with bond rating agencies, bond insurance companies and others.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

## CONTRACT

This Contract is entered into this 28<sup>th</sup> day of June, 2004, by and between the City of Westminster, a Colorado home-rule municipality (the "City"), and Stifel Nicolaus & Co., Inc., Hanifen Imhoff Division (the "Underwriter").

WHEREAS, the City has a need for bond underwriting services and financial advisory services from time to time;

WHEREAS, the City has had a long standing relationship with the Underwriter; and

WHEREAS, the parties are desirous of entering into a new contract, this would continue their positive working relationship for an additional three years.

NOW THEREFORE, in consideration of the above premises, the mutual covenants set forth below, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

### Section 1. Capital Financing

Underwriter shall perform the following functions as underwriter:

- (a) Financing Alternatives. The Underwriter, in consultation with the City officials, auditor, engineering consultants, financial advisor and municipal bond counsel, shall recommend financing alternatives for specific capital projects. Such financing alternatives will be based on revenue projections and the existing corporate, financial, and legal structure of the City. The Underwriter shall assist the City in evaluating the financing alternatives and make recommendations concerning general obligation and revenue bond financing, lease-purchase and installment purchase financing, participation in federally sponsored programs, and the utilization of insurance guaranty programs and other cost effective financing methods, both long and short term. In addition, the Underwriter shall make recommendations concerning the need for short or intermediate-term financing prior to or in conjunction with long-term financing.
- (b) Bond Financing. The Underwriter shall assist in recommending to the City the method of sale, which will be in the best interest of the City. In the case of general obligation bonds, revenue bonds, or other municipal securities, the recommendations shall include recommendations concerning the advisability of selling the proposed municipal securities either by competitive or negotiated sale. The Underwriter shall assist the City in the following tasks in connection with the issuance of bonds or other debt securities by the City:
  - (1) Determination of the structure of such financing, including sources of payment, security, maturity schedule, rights of redemption prior to maturity, and other matters concerning the features of the bonds;
  - (2) Obtaining public support for the bond issue, if a bond election is required, including assisting the City and its citizen committees to effectively present the City's proposal to the electorate in an organized, thoughtful, and concise manner;
  - (3) Preparation and presentation of applications and detailed information about the City and the proposed bond issue to appropriate rating agencies, where advisable;
  - (4) Acquisition of municipal bond insurance where advisable;

- (5) Assistance in the review and preparation of an official statement to be distributed to prospective bond purchasers;
  - (6) Printing of the bonds; and
  - (7) Coordination of the legal proceedings recommended by bond counsel, any temporary investment of sale proceeds, and all other necessary arrangements in connection with the delivery of the bonds by the City.
- (c) Competitive Bids. In the event the City elects to solicit bids for the bonds through a public sale, the Underwriter may compete in the sale to purchase, directly or indirectly, from the City, all or any portion of the bonds sold at competitive bid either as principal alone or as a participant in a syndicate or other similar account. If the Underwriter has also been acting as Co-Financial Advisor to the City, as described below in Section 2, the Underwriter shall resign, in writing, as Co-Financial Advisor to the City prior to the competitive sale.
- (d) Negotiated Sales. In the event of a negotiated sale of a bond issue by the City to the Underwriter, the Underwriter will underwrite the issue. In connection therewith, the Underwriter shall prepare financial plans and price the issue. In addition, prior to the negotiated sale taking place, the Underwriter shall resign, in writing, as Co-Financial Advisor to the City, as described below in Section 2.
- (e) The City reserves the right to substitute another firm and/or such banking personnel as the City deems best addresses the City's needs, on an issue-by-issue basis.
- (f) The Underwriter shall at all times comply with applicable requirements and regulations of the Securities and Exchange Commission ("SEC") and the Municipal Securities Rulemaking Board ("MSRB").

## Section 2: Underwriter as Co-Financial Advisor

In addition to the above function as Underwriter, the firm may, upon mutual agreement of the parties, act as Co-Financial Advisor to the City. The Underwriter will not be acting as primary Financial Advisor to the City, but may from time to time participate as a Co-Financial Advisor to the City. The Co-Financial Advisor functions are described below in Section 2a (Fiscal Analysis) and Section 2b (Financial Planning).

### Section 2a. Fiscal Analysis

The Underwriter, in its capacity as Co-Financial Advisor to the City, shall, at its own option, and at no cost to the City, inform itself of, and, at the City's request, review and evaluate the City's fiscal resources. Such review may include analysis of the existing corporate, financial, and legal structure of the City, including the City's Charter, financial policies, operating budgets, audits, existing debt levels and applicable covenants, and other available financial documentation.

## Section 3. Compensation and Terms of Payment

- (a) For negotiated sales, the City and the Underwriter will negotiate the Underwriter's discount for the financing.
- (b) For the Underwriter to act as Co-Financial Advisor, the City and the Underwriter will negotiate a Co-Financial Advisor fee relative to each financing issue. The fee will be negotiated in advance of the work on the financing and will reflect the secondary position to the Financial Advisor on the financing.

- (c) Other financing expenses as authorized by the City through the City Manager in connection with a negotiated sale, including, without limitation, bond counsel, rating agency, and printing expenses, shall be paid by the City.
- (d) No fees shall be charged for general financial advice rendered by the Underwriter as Co-Financial Advisor unless the City agrees in writing.
- (e) No fees shall be charged by the Underwriter as Co-Financial Advisor in the event of an unsuccessful bond election or an inability to consummate a sale of the City's securities. Other financing expenses as authorized by the City Manager, including but not limited to third party expenses (i.e. bond counsel) and out-of-state travel, incurred before an unsuccessful election or a failed sale, shall be paid by the City.
- (f) The approximate underwriting spread for a negotiated sale shall be agreed on by both parties after consideration of similar issues, competitive or negotiated.
- (g) The fees for performing the financial advisory services pursuant to Section 4 hereof (except for additional services described therein) shall be \$2,500 per inducement application. Such fees for additional services shall be as agreed between the Underwriter as Co-Financial Advisor and the City.

#### Section 4. Industrial Development Revenue Bonds (IDRBs)

Upon request of the City, the Underwriter as Co-Financial Advisor will endeavor to assist the City in reviewing requests and actions related to previously issued bonds of the City including IDRBs.

Upon request of the City, the Co-Financial Advisor shall provide financial advisory services for industrial development revenue bond ("IDRB") inducement requests for which an Underwriter other than the Co-Financial Advisor has been arranged. The Co-Financial Advisor, in addition to reviewing and evaluating the financial aspects of the IDRB inducement request, shall examine the submitted documents for obvious conflicts or discrepancies and shall bring such matters to the attention of the City. The Co-Financial Advisor, shall, to the best of his ability and only pursuant to a supplementary written memorandum setting forth the Co-Financial Advisor's responsibilities, undertake such further investigation and evaluation of the IDRB as set forth in the memorandum. In no event will the Co-Financial Advisor be required to provide any opinion with regard to compliance with the anti-fraud provisions of the Federal Securities laws (i.e., Section 10b-5 opinions), but the Co-Financial Advisor shall review such opinions as provided by bond counsel, disclosure (underwriter's) counsel and applicant's counsel for comprehensiveness. At the request and cost of the City, the Co-Financial Advisor shall arrange for any due diligence investigation necessary to provide the City with any opinion in addition to those provided by such counsel.

#### Section 5. Contract Term

Unless this Contract is terminated, pursuant to Section 6, it shall be in effect for a term of three (3) years. However, the Contract shall be subject to review by the City Council on or about each annual anniversary date hereof. At the end of the three (3) year term, both parties shall review the Contract for further renewal.

#### Section 6. Termination

Either party may terminate this Contract upon providing fifteen (15) days written notice to the other party.

#### Section 7. Assignability

The Underwriter or Underwriter as Co-Financial Advisor shall not assign any interest in this Contract and shall not transfer any interest therein without the prior written consent of the City.

Section 8. Work Product and Confidentiality

The products of this Contract shall be the sole and exclusive property of the City upon completion or other termination of this Contract. The Underwriter or Underwriter as Co-Financial Advisor shall deliver to the City all copies of any and all materials pertaining to this Contract. No reports, information or data given to or prepared by the Underwriter acting as Underwriter or Co-Financial Advisor under this Contract shall be made available to any individual or organization by the Underwriter without the prior written approval of the City.

Section 9. Completeness of the Contract; Amendment

This document contains all terms and conditions of this Contract, and any amendment, modification, or alteration shall be invalid unless made in writing, signed by both parties, and incorporated as an amendment to this Contract. There are no understandings, representations, or agreements, written or oral, other than those incorporated herein.

Section 10. Severability

In the event any provision of this Contract shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof, and such remaining provisions shall remain in full force and effect. The parties hereto hereby agree that they would have entered into this Contract and each part hereof notwithstanding the invalidity or unenforceability of any other part of parts hereof.

Section 11. Governing Law

This Contract shall be governed and construed in accordance with the laws of the State of Colorado. This Contract shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code in effect as of the date this Contract is signed.

Section 12. Prior Contracts

This Contract supersedes the Contract between the parties hereto, for similar services, dated June 28, 2001.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and sealed as of the day and year first above written.

CITY OF WESTMINSTER, COLORADO

By: \_\_\_\_\_

Title: \_\_\_\_\_

(CITY SEAL)

Approved by Westminster  
City Council on \_\_\_\_\_

Attest:

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

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

STIFEL NICOLAUS & CO., INC., HANIFEN  
IMHOFF DIVISION

By: \_\_\_\_\_  
Title: \_\_\_\_\_



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Second Reading of Councillor's Bill No. 31 re Obstruction of the Seeking of Emergency Assistance

**Prepared By:** Martin R. McCullough, City Attorney  
Dan Montgomery, Police Chief  
Barb Lamanna, Victim Services Coordinator

**Recommended City Council Action**

Pass Councillor's Bill No. 31 on second reading amending the Westminster Municipal Code to make it unlawful for a person to knowingly obstruct another person from seeking emergency assistance.

**Summary Statement**

- At the May 24, 2004, City Council Meeting, Council approved on first reading an ordinance amending the Westminster Municipal Code to make it unlawful to knowingly obstruct another person from seeking emergency assistance.
- The Police Department, the Prosecutor's Office, and the Victim Advocate's Office have all indicated that the proposed ordinance would assist them in the prosecution of domestic violence cases in Municipal Court. The proposed ordinance would also apply to other situations where a person has prevented or attempted to prevent another person from seeking emergency assistance.
- In the context of domestic violence situations, grabbing the telephone, ripping the telephone out of the wall, or throwing a cell phone out of the window of a car are common tactics used by domestic violence perpetrators. Other tactics may include blocking exit routes, physically restraining the victim, or attempting to cancel a 911 call for help.
- The proposed ordinance would also apply to situations where someone has been injured. For example, in a car accident, a driver or another person in the vehicle might attempt to keep an injured party from seeking emergency assistance in order to hide criminal activity.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **31**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, Chapter 3, W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW SECTION to read as follows:

**6-2-13: OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE:**

(A) IT SHALL BE UNLAWFUL FOR A PERSON TO KNOWINGLY OBSTRUCT OR OTHERWISE INTERFERE WITH ANYONE WHO IS SEEKING MEDICAL, POLICE, FIRE OR OTHER EMERGENCY ASSISTANCE FROM ANY PERSON OR AGENCY, PUBLIC OR PRIVATE.

(B) OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE IS A CRIMINAL OFFENSE, PUNISHABLE BY A FINE OR IMPRISONMENT, OR BOTH, AS PROVIDED IN SECTION 1-8-1 OF THIS CODE.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of May, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of June, 2004.

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Mayor

ATTEST:

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City Clerk





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Second Reading of Councillor's Bill No. 32 re Supplemental Appropriation for The Shops at Walnut Creek 30" and 24" Waterlines

**Prepared By:** David W. Loseman, Senior Projects Engineer

**Recommended City Council Action:**

Pass Councilor's Bill No. 32 on second reading on this 14th day of June 2004.

**Summary Statement**

- City Council action is requested to pass the attached Councillors Bill No. 32 on second reading amending the 2004 budget appropriations in the Utility Fund for the construction of water lines across the Shops at Walnut Creek development.
- Councillor's Bill No. 32 was passed on first reading on the 24th day of May 2004.

**Expenditure Required:** \$465,000

**Source of Funds:** 2003 General Fund Carryover

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2004

COUNCILLOR'S BILL NO. **32**  
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund, initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$465,000 which, when added to the fund balance as of the City Council action on May 24, 2004 will equal \$82,678,131. 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 appropriation of 2003 carryover for waterlines at the Shops at Walnut Creek.

Section 2. The \$465,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Carryover	1000.40200.0000	\$2,838,645	<u>\$465,000</u>	\$3,303,645
Total change to revenues			<u>\$465,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Expenses</b>				
Transfer to Water Fund	10010900.79800.0200	\$0	<u>\$465,000</u>	\$465,000
Total change to expenses			<u>\$465,000</u>	

Section 3. The 2004 appropriation for the Water Portion of the Utility Fund, initially appropriated by Ordinance No. 2977 in the amount of \$28,737,449 is hereby increased by \$465,000 which, when added to the fund balance as of the City Council action on May 24, 2004 will equal \$29,187,190. The actual amount in the Water Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to an increase in the transfer from the General Fund for waterlines at the Shops at Walnut Creek.

Section 4. The \$465,000 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Transfer from General Fund	2000.45000.0100	\$0	<u>\$465,000</u>	\$465,000
Total change to revenues			<u>\$465,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget

**Expenses**

104 <sup>th</sup> Wtr Main	80220035523.80400.8888	\$322,000	<u>\$465,000</u>	\$787,000
Old Wads				
Total change to expenses			<u>\$465,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of May, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Second Reading of Councillor’s Bill No. 33 re Concrete Replacement Program Amendment

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

**Recommended City Council Action**

Pass Councillor’s Bill No. 33 on second reading amending the City’s Concrete Replacement Program.

**Summary Statement**

- City Council action is requested to pass the attached Councillor’s Bill on second reading.
- This Councillor’s Bill was passed on first reading on May 24, 2004.
- City Council agreed that restructuring of the Concrete Replacement Program is necessary to re-allocate funds to high priority street maintenance needs.
- The \$155,000 annual revenue generated by the \$.50 per month concrete replacement fee on residential utility bills will continue to be earmarked for curb, gutter and sidewalk replacement.
- Concrete replacement will primarily be done in conjunction with the annual street sealcoating, resurfacing and reconstruction projects.
- City staff estimates spending \$400,000 each year for concrete replacement. This amount still provides a consistent and appropriate service level equal to or higher than other cities in the Denver metropolitan area.
- The attached ordinance also applies the \$.50 per month concrete replacement fee to all utility accounts in the City, adding commercial accounts that were previously excluded.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **33**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING TITLE 4, CHAPTER 6, OF THE WESTMINSTER MUNICIPAL CODE CONCERNING CONCRETE REPLACEMENT PROGRAM

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The following sections of Title IV, Chapter 6 of the Westminster Municipal Code are hereby AMENDED to read as follows:

**4-6-1: WORDS AND PHRASES DEFINED:** The following words and phrases as used in this Chapter shall have the following meaning:

(J) ~~"Residential Utility Customer"~~ "CONSUMER" means ANY PERSON, FIRM OR CORPORATION RECEIVING WATER FROM THE CITY WATERWORKS. ~~every in-city utility account for three dwelling units or less primarily used for residential occupancy, served by one water meter or connected to the City sewer system.~~

**4-6-2: IMPOSITION OF CHARGE:** Effective December 30, 1992 there is hereby imposed a concrete replacement charge of fifty cents (\$.50) per month on each residential utility customer. EFFECTIVE JUNE 15, 2004 THE ABOVE CONCRETE REPLACEMENT CHARGE IS HEREBY IMPOSED ON EVERY CONSUMER'S UTILITY ACCOUNT. Said charge is in addition to all other taxes imposed by law.

**4-6-3: EXEMPTIONS:** No residential utility customer shall be exempt from the charge.

**4-6-5: POLICY:** (A) The Department of Public Works and Utilities ~~Street~~ INFRASTRUCTURE IMPROVEMENTS Division Budget receives an annual appropriation as part of the budget earmarking funds ~~citizens' requests for~~ curb, gutter and sidewalk replacement. Effective January 1, 1993 a concrete replacement charge was added to all residential utility bills to pay for concrete replacement. EFFECTIVE JUNE 15, 2004 THE FEE WAS AMENDED TO INCLUDE ALL CONSUMER'S UTILITY ACCOUNTS. This fee is included within the ~~Street~~ INFRASTRUCTURE IMPROVEMENTS Division budget annually. (2274)

(B) Programs: Westminster has ~~three~~ A programs to replace curb, gutter and sidewalk adjacent to citizens' properties:

1. Streets being reconstructed, ~~or~~ resurfaced, OR SEALCOATED WILL have all deteriorated concrete replaced prior to pavement improvements. The City funds 100% of the concrete replacement as part of the annual street improvement project.

~~2. The City pays 100% of the curb, gutter and sidewalk replacement. Property owners requesting service are placed on the first come first served priority replacement list and may wait as long as five years for the repairs.~~

~~3. The City pays 50% and the property owner pays 50%. Property owners who elect to have concrete repairs completed during the calendar year following the year the request is made shall agree to pay 50% of the cost and be moved up on the priority list.~~

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24<sup>th</sup> day of May, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14<sup>th</sup> day of June, 2004.

---

Mayor

ATTEST:

---

City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Second Reading of Councillor's Bill No. 34 re Supplemental Appropriation Resulting from Reassignment of Westminster Housing Authority (WHA) Loan

**Prepared By:** Tony Chacon, Senior Projects Coordinator

**Recommended City Council Action:**

Pass Councillor's Bill No. 34 on second reading providing for a supplemental appropriation to the 2004 budget of the General Fund recording revenue from reassignment of the WHA loan.

**Summary Statement**

- City Council action is requested to pass the attached Councillors Bill on second reading.
- This Councillor's Bill was passed on first reading on May 24, 2004.
- On May 24, 2004, the Council approved an Intergovernmental Agreement with the Westminster Housing Authority (WHA) and the Westminster Economic Development Authority (WEDA) reassigning an obligation to repay a WHA advance of \$1,085,413 from the City to WEDA, and authorizing related revenue proceeds from development-related fees and construction use tax to be applied towards repayment of such advance.
- The IGA authorized Staff to transfer the \$1,085,413 expense for the project from the City General Fund to WEDA, where it should be properly recorded.
- The transfer of the expense resulted in the City needing to record revenue to the General Fund in the amount of \$1,085,413 in 2004.

**Expenditure Required:** \$1,085,413

**Source of Funds:** Interfund borrowing

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2004

COUNCILOR'S BILL NO. **34**  
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$1,085,413 which, when added to the fund balance as of the City Council action on May 10, 2004 will equal \$82,202,131. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to an inter-fund borrowing from the Westminster Economic Development Authority for \$1,085,413.

Section 2. The \$1,085,413 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Source	1000.46000.0225	\$0	\$1,085,413	\$1,085,413
Total Change to Revenues			<u>\$1,085,413</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Use	10010900.78800.0000	\$0	\$1,085,413	\$1,085,413
Total Change to Expenses			<u>\$1,085,413</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of May, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Public Meeting on 2005 and 2006 City Budget

**Prepared By:** Barbara Opie, Assistant to the City Manager

**Recommended City Council Action**

Hold a public meeting on the 2005 and 2006 City Budget and receive citizen comments.

**Summary Statement**

City Staff is currently preparing budget information for both 2005 and 2006, and this meeting is intended to focus on both 2005 and 2006 citizen requests, comments and suggestions. The public meeting is an informal opportunity for the public to provide input to the City Council on the City Budget.

City Council officially adopted the City's first two-year budget with the 2003/2004 Budget in October 2002; a mid-year review and amendment process occurred in October 2004. Departments prepare their proposed 2005 and 2006 Budgets through the summer, working to reflect the current economic conditions and community needs. The Departments' efforts culminate in the distribution of the Proposed Budget to City Council at the beginning of September. A second public meeting is scheduled for July 12 and a public hearing is scheduled for September 13 so that citizens will have two more opportunities to comment and provide feedback on the 2005 and 2006 City Budget. City Council must adopt the budget by the October 25 City Council meeting, in accordance with the City Charter.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Listen to citizen requests, comments and suggestions as they pertain to the 2005 and 2006 budget.

**Alternative**

Council could choose to not conduct a public meeting at this time. This is not recommended as providing citizens an opportunity for input early on in the budget process plays an important role in assuring that the budget reflects community needs.

**Background Information**

In April, City Council reviewed the goals for 2005 and 2006. The City Council Goals are listed below:

- Financially Sound City Government
- Balanced, Sustainable Local Economy
- Revitalized Aging Neighborhoods and Commercial Areas
- Beautiful City
- Safe and Secure Community

The direction provided by City Council assists City Staff as they develop the 2005 and 2006 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to achieve Council goals identified in the Strategic Plan, maintain existing service levels and citizen or neighborhood input.

In November of 2000, Westminster voters approved a City Charter amendment that allows the City Council to adopt a formal two-year budget. City Council officially adopted the City's first two-year budget with the 2003/2004 Budget. Staff is again preparing a two-year budget for City Council's consideration for 2005/2006.

A Proposed Budget will be submitted to City Council at the beginning of September for review. After reviewing the Proposed Budget for several weeks, City Council is scheduled to conduct a two-part Budget Retreat on the evening of Friday, September 17 and Monday, September 20. City Council will deliberate on final funding decisions on staffing levels, programs, services, and capital projects at this Budget Retreat.

Two public meetings and one formal public hearing will be held on the 2005 and 2006 Proposed City Budget to solicit citizen input. The public meetings are scheduled for June 14 and July 12 and a public hearing is scheduled for September 13.

Monday's public meeting was advertised in the *Westminster Window* and *Westsider*; on cable Channel 8 and the City's website; and at various public meetings.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Public Hearing and Action on the I-25/144<sup>th</sup> Avenue Right-of-Way Annexation

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

**Recommended City Council Action:**

1. Hold a public hearing.
2. Adopt Resolution No. 37 making certain findings as require in Section 31-12-110 C.R.S. regarding the I-25/144<sup>th</sup> Avenue right-of-way annexation.
3. Pass Councillor's Bill No. 35 annexing the I-25/144<sup>th</sup> Avenue right-of-way to the City of Westminster.

**Summary Statement:**

- The City has begun the process of designing the 144<sup>th</sup> Avenue interchange on I-25 as a joint project with the City of Thornton and the Colorado Department of Transportation (CDOT). Construction of the interchange will begin in 2005.
- A portion of the proposed interchange area remains unincorporated and in order to utilize urban renewal funds, the area must be within the corporate limits of the City. Therefore, this proposed annexation is essential in order for the interchange to be completed.
- Staff is also recommending that the southbound lanes of I-25 north of 144<sup>th</sup> Avenue be annexed at this time in order to close the last remaining gap between Westminster and the City of Thornton in this area.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**SUBJECT:** Public Hearing and Action on the I-25/144<sup>th</sup> Avenue Right-of-Way Annexation Page 2

### **Planning Commission Recommendation**

The Planning Commission viewed this proposal on May 25, 2004, and voted unanimously (7-0) to recommend to City Council approve that the I-25/144<sup>th</sup> Avenue right-of-way be annexed to the City.

No one spoke in opposition or support of the request.

### **Policy Issue**

Should the City annex the 144th Avenue/I-25 right-of-way at this time?

### **Alternatives**

Make a finding that there is no community of interest with I-25/144<sup>th</sup> Avenue rights-of-way and take no further action. If this action is taken, the City may not be able to proceed with the interchange project.

### **Background Information**

Final engineering plans will be completed this year for a new interchange on I-25 at 144<sup>th</sup> Avenue. This is a joint project between the City of Westminster, Colorado Department of Transportation and the City of Thornton. Westminster will use tax increment financing to fund its share, but cannot do so unless the area in which the funds will be spent are within the corporate limits of the City.

Staff is also recommending that the southbound lanes of I-25 north from 144<sup>th</sup> Avenue to the northern City limits be annexed at this time. Currently there is a gap between Westminster and the City of Thornton that is unincorporated. Such situations create confusion for law enforcement and emergency service providers.

### Referral Agency Responses

None received.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **37**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

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 UNINCORPORATED TERRITORY IN SECTIONS 15 AND 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 33 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 \$200,000 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

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 14th day of June, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

I-25/144<sup>th</sup> Avenue Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **35**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 15 AND 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land being a portion of the west half of Section 15 and the northwest quarter of Section 22, Township 1 South, Range 68 West, 6<sup>th</sup> Principal Meridian, in the County of Adams, State of Colorado, said parcel of land being more particularly described as follows:

Commencing at the south quarter of said Section 15;

Thence along the southerly line of said west half of Section 15, North 89°37'00" West 100.01 feet to a line parallel with and distant westerly 100.00 feet, measured at right angles, from the easterly line of the west half of said Section 15 and the Point of Beginning;

Thence along said parallel line, North 00°08'30" West 3968.94 feet to the northerly line of the south half of the northwest quarter of said Section 15;

Thence along said northerly line, North 89°28'30" West 100.01 feet to the westerly right-of-way of Interstate 25, being a line parallel with and distance 200.00 feet westerly, measured at right angles, from said easterly line of the west half of Section 15, being also the easterly boundary of the annexation to the City of Westminster recorded January 2, 1986 at Reception No. B621803 in the office of the Clerk and Recorder of said county;

Thence along said westerly right-of-way and said easterly boundary the following 9 courses:

- 1) Along said parallel line, South 00°08'30" East 175.50 feet;
- 2) Departing said parallel line, South 11°10'00" West 102.00 feet to a line parallel with and distant westerly 220.00 feet, measured at right angles, from said easterly line of the west half of Section 25;
- 3) Along said parallel line, South 00°08'30" East 400.00 feet;
- 4) Departing said parallel line, South 11°27'00" East 102.00 feet to a line parallel with and distant 200.00 feet westerly, measured at right angles, from said easterly line of the west half of Section 15;
- 5) Along said parallel line, South 00°08'30" East 899.81 feet;
- 6) Departing said parallel line, South 11°10'00" West 102.00 feet to a line parallel with and distant westerly 220.00 feet, measured at right angles, from said easterly line of the west half of Section 15;
- 7) Along said parallel line, South 00°08'30" East 500.00 feet;
- 8) Departing said parallel line, South 11°27'00" East 102.00 feet to a line parallel with and distant 200.00 feet westerly, measured at right angles, from said easterly line of the west half of Section 15;
- 9) Along said parallel line, South 00°08'30" East 1493.80 feet to the northeasterly corner of the parcel of land described in the deed to the Department of Highways, State of Colorado, recorded February 16, 1956 in Book 595, Page 288 in said Office of the Clerk and Recorder;

Thence along the southerly, easterly, and northerly boundaries of said annexation to the City of Westminster the following 5 courses:

- 1) Along the northerly boundary of said parcel of land recorded in Book 595 at Page 288, South 85°28'41" West 701.66 feet to the easterly boundary of said parcel of land;
- 2) Along said easterly boundary, South 00°23'00" West 40.00 feet to the easterly boundary of a parcel of land described in the deed to the Department of Highways, State of Colorado, recorded February 16, 1956 in Book 597, Page 367 in said Office of the Clerk and Recorder;
- 3) Along said easterly boundary, South 00°23'00" West 30.00 feet to the southerly boundary of said parcel of land;
- 4) Along the southerly boundary of said parcel of land, South 83°55'05" East 704.88 feet to the easterly boundary of said parcel of land and the westerly right-of-way of Interstate Highway 25 as described in the deed to the State Highway Commission of Colorado recorded August 24, 1953 in Book 473 at Page 187, being a line parallel with and distant westerly 200.00 feet, measured at right angles, from the easterly line of said northwest quarter of Section 15;
- 5) Departing said westerly right-of-way, said easterly boundary, and said parallel line, South 89°37'00" East 100.01 feet to the easterly boundary of said annexation, being a line parallel with and distant westerly 100.00 feet, measured at right angles, from the easterly line of said northwest quarter of Section 22;

Thence along the northerly prolongation of said easterly boundary, North 00°25'00" West 98.86 feet to a line parallel with and distant westerly 100.00 feet, measured at right angles, from said easterly line of the west half of Section 15;

Along said parallel line, North 00°08'30" West 1.14 feet to the Point of Beginning.

Containing 12.016 acres (523,408 sq. ft.), more or less.



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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

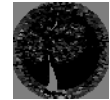
I-25/144<sup>th</sup> Avenue Annexation



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Public Hearing and Action on the 4<sup>th</sup> Amended Crown Point Preliminary Development Plan

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

**Recommended City Council Action:**

1. Hold a public hearing.
2. Approve the 4<sup>th</sup> Amended Crown Point Preliminary Development Plan (PDP) within the Crown Point Planned Unit Development with the following condition:  
The developer of the Crown Point PDP will be responsible for the construction of a third southbound thru lane and a deceleration lane along the Wadsworth Parkway frontage of the Crown Point PDP. The additional lanes are from the 101<sup>st</sup> Avenue intersection north to the boundary of the commercial portion of the Crown Point PDP. The improvements shall be constructed at the time that the commercial portion of the PDP is developed. If the Colorado Department of Transportation objects to the construction of these ultimate roadway improvements when the subject site is developed, then the City will require the developer to provide cash in lieu of the roadway improvements. These recommendations are based on a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code have been met.

**Summary Statement:**

- The Crown Point Preliminary Development Plan is a 21.4-acre site at the northwest corner of West 100<sup>th</sup> Avenue and Wadsworth Parkway. The allowed uses include retail, office, and commercial consistent with the Comprehensive Land Use Plan (CLUP) designation of District Center. The Preliminary Development Plan amendment will add “church” to the list of allowable uses. Adding the church use requires the approval of City Council.
- The Planning Commission reviewed the PDP on May 25, 2004 and recommended approval with one condition. The applicant requested an amendment to the condition and City staff is in agreement. The condition as amended is a part of the staff’s recommendation. This is explained in the Planning Commission section in this agenda memo.
- The Official Development Plan (ODP) for the Christ Community Covenant Church comprises 13.4 acres of the PDP. Planning Commission reviewed and approved this ODP on May 25, 2004 subject to the approval of the PDP by City Council. The church is proposed for construction in several phases. All required parking, landscaping, elevations, building materials, and other site elements have been shown on the ODP.
- An ODP for commercial, office and retail uses is proposed for the remaining 8 acres of the PDP. Because it is less than 10 acres in size, it is not subject to Planning Commission or City Council review. Although the church and the commercial uses will be constructed in several phases, all perimeter landscaping and a private internal “main street” with associated landscaping will be installed with the first phase of the church development. This is labeled as the infrastructure area on the ODP.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

### **Planning Commission Recommendation**

The Westminster Planning Commission reviewed the Crown Point PDP amendment on May 25, 2004 and recommended approval with one condition on a 6-1 vote. Commissioner Anderson voted against the motion stating that he doesn't think the plans meet the standard of being compatible with the other land uses on the three other corners of the intersection in the area. He also has concerns with the proposed electronic signs and the design of the proposed site.

The Planning Commission supported the following condition including the phrase that has the strikethrough. *"The developer of the Crown Point PDP will be responsible for the construction of a third southbound thru lane and a deceleration lane along the Wadsworth Parkway frontage of the Crown Point PDP. The additional lanes are from the 101<sup>st</sup> Avenue intersection north to the boundary of the commercial portion of the Crown Point PDP. The improvements shall be constructed at the time that the commercial portion of the PDP is developed. If the Colorado Department of Transportation objects to the construction of these ultimate roadway improvements when the subject site is developed, then the City will require the developer to provide cash in lieu of the roadway improvements."* Subsequent to the Planning Commission action, the developer expressed a preference for the condition to apply to the entire PDP rather than to just the commercial portion of the PDP because the entire PDP benefits from the additional lanes on Wadsworth Parkway. City Staff are in agreement that the condition can apply to the entire PDP and have agreed to remove the restrictive phrase from the condition for action recommended to the City Council.

### **Policy Issues**

Should the Crown Point PDP be amended to add "church" as an allowable use?

### **Alternatives**

Recommend to the City Council that adding "church" use as an allowable use in the Crown Point PDP and the associated Christ Community Covenant Church ODP not be approved at this time. If this action is taken, this development will not move forward.

### **Background Information**

#### Applicant

Christ Community Covenant Church  
8151 Simms Street  
Arvada, Colorado 80005

#### Property Owner

JWD Company, LLC  
100 Park Avenue Building # 1200  
Oklahoma City, Oklahoma 73102

#### Surrounding Land Use and Comprehensive Land Use Plan Designations

See the attached vicinity map.

South: Standley Shores Shopping Center; CLUP designation as District Center.

West: Crown Point residential single-family detached subdivision; CLUP designation as Single-Family Detached Medium Density.

North: Crown Point residential single-family detached subdivision; CLUP designation as Single-Family Detached Medium Density.

East: Standley Lake Marketplace Shopping Center; CLUP designation as District Center.

Site Plan Information

Landscaping

The landscaping for the church meets the City's minimum requirements. The theme and plant selections for both the church and the commercial ODP landscaping have been coordinated so that there is a seamless transition between the uses. The sweeping planting beds along the 100<sup>th</sup> Avenue and Wadsworth Parkway right-of-ways are similar to the theme used in the Standley Lake Marketplace on the east side of Wadsworth Parkway. The street trees and the shrubs have been placed for variety in color, texture, and species throughout the year. The applicant has addressed the City's concerns with species diversity by reducing the number of ash trees and adding other tree species. At the perimeter of the PDP and along the internal "main street," which is the interface between the church ODP and the commercial ODP, is an area that has been designated as the *infrastructure*. The infrastructure consists of landscaped areas and will be installed with the first phase of the church building on both the church and commercial ODP's.

Main Street

An internal private road designated as "main street" will provide the major spine for vehicular and pedestrian circulation on the PDP. The main street will have a landscaped median that will be maintained by the church and the commercial properties. Two locations along the main street will have pre-planned four-way intersections. Parallel parking will be permitted in designated spaces along both sides of the main street. The main street will align with the existing signalized location at the east intersection with the Standley Lake Marketplace at approximately 101<sup>st</sup> Avenue and Wadsworth Parkway. The main street will also align with the existing signal at the south intersection at 100<sup>th</sup> Avenue with Standley Shores at approximately the alignment of Everett Street. The church building has been sited close to the main street to complement the commercial uses proposed for the opposite side of the street. The commercial uses are proposed to be sited close to and oriented to the main street to create positive internal pedestrian opportunities. Attached sidewalks, colored concrete and stamped concrete will give main street some distinction.

Church ODP

The Christ Community Covenant Church ODP was approved by the Planning Commission on May 25, 2004, subject to approval of the PDP amendment by the Planning Commission. The church is to be constructed in a number of phases. Phase 1 and Phase 2 include all parking and the entire church building. These two phases are shown in detail on the ODP. Later phases may include two small outlying ministry buildings and their general locations are indicated on the ODP. These will need separate ODP amendments prior to their construction. The primary church building materials will consist of earth tone concrete masonry units, brick, and glass. At full buildout, the church will have a worship space to accommodate 800 people. Administrative offices, classrooms, meeting rooms, and several outdoor spaces are also planned for the full buildout.

Commercial ODP

The commercial ODP is 8.3 acres and because it is less than 10 acres, will not require Planning Commission or City Council review. However, because of the proximity and interconnectedness of numerous items, the commercial ODP has been included in the discussion of the PDP amendment. Landscaping, circulation, access issues, building materials, design compatibility, building locations, and numerous other details were considered in the layout of the commercial ODP. At present there are no tenants identified for any of the sites.

Traffic and Transportation

As noted in earlier discussion of this agenda memo, the private main street will provide the primary internal circulation system in the Crown Point PDP. Access to Garrison Street at the west will be restricted to the daycare that is already built. Access to 100<sup>th</sup> Avenue along the south will be available at a full movement signalized intersection that aligns with the location of the signal that is in use at 100<sup>th</sup> Avenue into Standley Shores. Access to Wadsworth Parkway along the east side of the PDP will be available at an existing full movement signalized intersection. Additional right-of-way is needed for future lanes along both 100<sup>th</sup> Avenue and along Wadsworth Parkway. These dedications are shown on the Crown Point PDP and both ODP's. The traffic study has been accepted by the City.

Referral Agency Responses

Environmental Services

The City Environmental Services Division reviewed the ODP. They found no history of contaminants or concerns for the site.

Urban Drainage and Flood Control District

The small portion of the northeast part of the church ODP within the existing open drainage way is within a 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). A small part of the commercial ODP is also within the 100-year floodplain. Grading of the site and piping the existing open drainage channel through the site will remove the site from the 100-year floodplain. A Letter of Map Revision (LOMR) has been submitted to FEMA. The LOMR is currently being reviewed by FEMA. Once approved, the flood plain map will be revised to exclude portions of the site from the 100 year floodplain. The existing Wells Fargo Bank that is within the southeast corner of the Crown Point PDP, but not part of this amendment, is still technically within the 100-year floodplain because a LOMR has never been submitted to FEMA. That site was graded appropriately, but the paperwork was never completed. The City will include the bank site in the LOMR application with the rest of the Crown Point PDP.

Mandalay Irrigation Company

A portion of the Mandalay Irrigation Ditch crosses the Crown Point PDP. The ditch is an open channel and there are only a few properties that still draw water from this section of the ditch so it is not in use on a regular basis during the irrigation season. The Mandalay Irrigation Company has approved piping the open ditch and has agreed to relocate the existing ditch in new easements on the site. The relocated pipe is shown on the Official Development Plans for the church and for the commercial sites. The Mandalay Ditch crosses Wadsworth Parkway east to the Standley Lake Marketplace shopping center where it was piped five years ago when that center was built.

Public Comments

Neighborhood meetings have been held over the course of review of the PDP and ODP's. The largest concern expressed by residents of the adjacent Crown Point Subdivision was with an access from the church parking lot onto Garrison Street at the west side of the ODP. The adjacent residents were very concerned with potential cut-through traffic. In response, the proposed access directly from the church parking lot to Garrison Street has been removed from the church ODP. An existing access from Garrison Street to the existing day care center near the northwest corner of the PDP will remain and will not be connected to the church parking lot. There is an access easement that has been in place for many years on the day care site that may allow access to the church parking lot. This easement will remain, but the connection will not be made. A landscape area will separate the daycare parking lot from the church parking lot. In Phase 2 of the church ODP, the daycare parking area will be expanded by 15 spaces for church use by using the easement, but these additional 15 spaces will not be connected to the other 700 plus parking spaces in the church parking lot.

The Crown Point Homeowners Association (HOA) received a copy of the church's revised ODP showing no access to Garrison Street. Subsequently, the HOA has provided the City written support of the PDP amendment and the church and the commercial ODP. Other concerns of the Crown Point HOA have also been addressed.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Public Hearing and Action on the Church Ranch BP/Amoco Preliminary and Official Development Plan

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

**Recommended City Council Action:**

1. Hold a public hearing
2. Approve the proposed combined Preliminary and Official Development Plan (PDP/ODP) for the Church Ranch BP/Amoco relocation site as submitted.

**Summary Statement:**

- As part of the Shops at Walnut Creek development, the BP/Amoco service station on the north side of Church Ranch Boulevard at Reed Street has been closed and demolished. The station is proposed to relocate to the south side of Church Ranch Boulevard on the east side of the new alignment of Reed Street.
- The new site consists of 1.3 acres adjacent to the existing RTD park-n-ride facility. Eventually the park-n-ride will be relocated to the north end of the Shops at Walnut Creek development.
- The new station will consist of the canopy over the pumps, and a convenience shop with an attached two-bay car wash.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**SUBJECT:** Public Hearing and Action on the Church Ranch Amoco Preliminary and Official Development Plan Page 2

### **Planning Commission Recommendation**

The Planning Commission reviewed this proposal on May 25, 2004, and voted unanimously (7-0) to recommend the City Council approve the Church Ranch Amoco Official Development Plan as submitted. This recommendation is based on a determination that the findings set forth in Section 11-5-15 of the Westminster Municipal Code have been met.

No one spoke in favor or in opposition to this proposal.

### **Policy Issue**

Whether to approve the combined PDP/ODP for the Church Ranch Amoco relocation site.

### **Alternative**

Deny the PDP/ODP or approve with modifications. Denial of the PDP/ODP would result in the inability of the Amoco station to reopen in a timely fashion.

### **Background Information**

In order to complete the development of the Shops at Walnut Creek the relocation of the existing service station located at the entrance to the development was necessary. The proposed site on the opposite side of Church Ranch Boulevard is ideal for the owner since it allows him to essentially stay in the same area. The service station owner was allocated \$1.8 million out of the WEDA bond funds to pay for the costs of relocating.

#### Applicant/Property Owner

Westminster Development Co.

Dan Lowe, President, Ray Anderson, Church Ranch Amoco

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

The property in question is bordered to the north by the RTD park-n-ride that is classified as Public/Quasi Public in the CLUP. To the south and west, the property is bordered by City-owned open space that is currently classified as Northeast Comprehensive Development Plan. Staff will recommend that this area be changed to Open Space when the proposed CLUP amendment is brought to the City Council in the next months. To the east, the property is bordered by an unincorporated parcel that is also classified as Northeast Comprehensive Development Plan.

#### Site Plan Information

The property is bordered on three sides by right-of-way. The proposed plan shows a standard configuration for a service station with a convenience store, canopy covered pumps, and an attached two port car wash. Unlike the previous station, the new station will not have lease space to accommodate a Quizno's restaurant. More than 30% of the site is landscaped. The building is covered with a brick and stone veneer, with some EIFS panels. The site signage meets standard City Sign Code requirements and will include a monument sign and a wall sign on the building. The BP sun logo will also appear on the canopy.

The proposed setback from the south property line will be 17 feet. The normally required setback is 35 feet. This is the only design guideline standard that would not be met. The constrained size and configuration of the site does not allow the 35-foot setback to be met. In order to offset the impacts of that reduced setback, additional trees will be added to the landscape area and the wall of the building will be architecturally enhanced. Also, the final alignment of Reed Street in that area will not be known until the balance of the Chamberlain property is developed.

Traffic and Transportation

The site will have a right in/right out entrance onto Church Ranch Boulevard, and a full turn access off of Reed Street. The Reed Street connection to Church Ranch will be relocated to the west as part of the Shops at Walnut Creek development. This relocation will allow Reed Street to be a fully signalized intersection that will act as the main access to the new Target store, and eventually to the relocated RTD facilities.

Service Commitment Category

Service Commitments will be awarded out of Category C.

Referral Agency Responses

The proposal was sent to RTD, the Jeffco Airport, and CDOT. No responses were received.

Public Comments

A mailing was sent to nearby property owners in lieu of a neighborhood meeting. The mailing included site plan information and a contact to call for further information. No responses were received.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

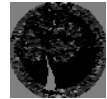




**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Public Hearing for Adoption of the Comprehensive Land Use Plan – 2004 Update

**Prepared By:** Max Ruppeck, Senior Projects Manager

**Recommended City Council Action:**

1. Hold a public hearing.
2. Pass Councillor's Bill No. 36 on first reading adopting the 2004 Update of the Comprehensive Land Use Plan.

**Summary Statement:**

The adoption hearing for the Comprehensive Land Use Plan (CLUP) represents the culmination of a 19 month effort to prepare an update of a plan that will provide strategic direction in the development of land in the City. The planning consultant, Clarion Associates, and City Staff will make an approximate 30-minute PowerPoint presentation of the CLUP Update to the City Council and audience. The presentation will summarize the process used to update the existing 1997 Plan, focusing on those elements that have changed since the 1997 document. Staff will be available to answer questions at the meeting.

Significant public input opportunities were provided throughout the Comprehensive Land Use Plan update process. The elements of this process are described in the Background Information.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

### **Planning Commission Recommendation**

The Planning Commission held a public hearing on Tuesday, May 25, 2004, and voted 6-1 to recommend approval of the Plan by the City Council with the following conditions:

1. on page IV-19, reword the second sentence under “Primary uses” to read; “Auto service stations, car washes, self-storage facilities and fast food or drive-up uses may be limited and may not be allowed in areas that directly abut residential districts, public or quasi-public or institutional uses, or public open space. Such facilities shall use enhanced architectural design to be compatible with surrounding uses;” (added words underlined). Also delete “self-storage facilities” from the last sentence in the same section.
2. on page IV-37, “Public and Quasi-Public Uses,” add the words “and cemeteries” to the first sentence that lists allowable uses.
3. on page III-12, add a Goal J6 to read; “Goal J6 New development shall incorporate water conservation measures in accordance with the City of Westminster landscape Regulations, 2004 Edition.”
4. on page V-6 add the following sentence to the end of the “Traditional Mixed-Use Neighborhood Development (TMUND) section: “The public land dedication at the southwest corner of the Bradburn development may be utilized as a potential elementary school site.”

Approximately fifteen persons attended and four persons testified at the Public Hearing. Comments were made supporting the TMUND proposed for 96<sup>th</sup> Avenue and Sheridan Boulevard and questions were asked regarding development plans for the North I-25/Huron corridor. One property owner and a representative spoke in opposition to a proposed land use designation change from Office/Residential to Residential up to 3.5 dwellings per acre for the property located at the southwest corner of 104<sup>th</sup> Avenue and Sheridan Boulevard.

### **Policy Issue**

Should the City Council approve the 2004 Update of the Comprehensive Land Use Plan as submitted?

### **Alternatives**

1. Approve the Plan as recommended by Planning Commission.
2. Approve the Plan without the changes recommended by Planning Commission.
3. Approve the subject to conditions/changes to the Plan resulting from public participation.
4. Delay approval subject to changes as may result from public comments at this evening’s meeting.

### **Background Information**

As mentioned in earlier agenda memos and staff reports to the City Council, the 1997 CLUP has served the City well and Staff uses the Plan on a daily basis as a land use decision making tool. The 1997 Plan has been amended numerous times since its adoption, and one of the purposes of the 2004 Update is to consolidate these changes as well as review and incorporate new items.

Some of the changes incorporated in the 2004 Update are:

- An update of all statistics in the City including housing, land development, population, and open space.
- A re-evaluation of the land use mix recognizing the limited availability of developable land in the City (currently about 15% of the land is vacant and developable).

- A revision of the Goals and Policies section to add policies regarding transit oriented development, housing, redevelopment, and regional coordination.
- Amending existing and adding new land use categories in the City. The Single Family Attached category's maximum density has been reduced from 10.0 dwellings per acre to 8.0 dwellings per acre. A new "Golf Course" category and a new "R-5 Residential" category allowing up to 5.0 dwellings per acre has been added.
- Continue the desire for a higher proportion of non-residential development. If the remainder of the undeveloped land is developed per the Plan, this will result in a jobs-per-resident ratio of about .76 compared to the existing ratio of .44.
- The existing non-residential land use mix is about 60% retail to 40% non-retail. The updated Plan will allow for an additional 20.8 million square feet of non-residential development of which about 80 to 85% will be non-retail. At buildout, this will result in a non-residential land use mix of about 25% retail and 75% non-retail.
- The City will formalize its goal of 15% of the total land in the City to be Public Open Space. Public and private parks, golf courses and other "green space" will exceed 35% of the City's land area.
- The updated Plan estimates a buildout population of about 124,000 persons. About 56% of this total population will reside in single-family detached dwellings and 44% in attached and multiple family dwellings.
- The City is planning for three "Transit Oriented Developments" (TOD's); one along the north I-25 corridor; another in South Westminster generally bounded by 68<sup>th</sup> Avenue, Federal Boulevard, 72<sup>nd</sup> Avenue and Lowell Boulevard; and a third in the northwest quadrant at US 36 and Church Ranch Boulevard.

Nineteen properties are proposed to have their land use designations changed from their 1997 Plan designations. These properties are shown on the attached map "2004 Draft Plan Parcels Modified" and described on the table "Potential Land Use Changes." The affected owners of these properties have been notified on previous hearings and meetings on the CLUP update and were invited to this evening's public hearing. In addition, any citizen who sent his/her name requesting announcements of meetings, all Boards and Commission members, and all homeowner association presidents have been sent notification of the public hearing.

The City has taken the following steps to solicit input for the Plan Update.

- Planning Commission Study Sessions were held on January 14, 2003; August 12, 2003 and September 23, 2003.
- City Council Study Sessions were held on April 14, 2003 and August 18, 2003.
- Community wide citizen input meetings were held by the Planning Commission on May 13, 2003 and September 23, 2003. The Community Workshops were advertised in the following ways:
  - Public notices were published in the Westminster Window.
  - Announcements were made in "Weekly Edition."
  - A description of the CLUP, including a Land Use Map and announcements of the meetings were included on the City's website.
  - Announcements were made at meetings held by the City's Neighborhood Outreach Coordinator of HOA leaders.
  - All Boards and Commissions were notified of the workshops by Staff liaisons and by mail.
  - All property owners and citizens requesting notices were notified by direct mail.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2004

COUNCILLOR'S BILL NO. **36**  
INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE REPEALING AND REENACTING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN WITH THE 2004 UPDATE, AND MAKING CONFORMING AMENDMENTS TO THE WESTMINSTER MUNICIPAL CODE.

Whereas, the City Charter and state statute authorize City Council adoption of a comprehensive land use plan for the use, division and development of land for the purpose of protecting the public health, safety and welfare and accomplishing the harmonious development of the City; and

Whereas, the City has conducted an extensive review of existing land use and proposals for future development, including the participation of the public and of landowners in a series of public meetings and hearings before the Planning Commission; and

Whereas, the Planning Commission has considered the plan and recommended its adoption to the City Council with certain modifications; and

Whereas, a proposed comprehensive land use plan has been presented to the City Council with adaptations as recommended by the Council, Planning Commission, Citizens, and city staff after further review; and

Now therefore, the City Council hereby finds that the proposed Westminster Comprehensive Land Use Plan, dated June 2, 2004, provides for the use, division and development of land and meets the general purpose of protecting the public health, safety and welfare as authorized by Section 4.16 of the City Charter; and

Further, the City Council finds that the proposed Westminster Comprehensive Land Use Plan, dated June 2, 2004, meets the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality as authorized by Part Two of Title 31, Chapter 23, C.R.S.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Westminster Comprehensive Land Use Plan, dated July 15, 1997, is hereby repealed.

Section 2. The Westminster Comprehensive Land Use Plan, dated June 2, 2004 is hereby adopted.

Section 3. Westminster Municipal Code, Title 11, Chapter 3-4 is hereby amended as follows:

11-3-4: CATAGORIES OF AWARD, subsection (A)-2 shall read "Category A-2: Active single family attached residential developments having a density of eight (8) or less dwelling units per acres."

Subsection (A)-3: shall read "Category A-3: Active multi family residential developments having a density of greater than eight (8) dwelling units per acre."

Subsection (B)-2: shall read "Category B-2: New single family attached residential developments having a density of eight (8) or less dwelling units per acre."

Subsection (B)-3: shall read "Category B-3: New multi family residential developments having a density of greater than eight (8) dwelling units per acre."

Subsection (G)-2: shall read "Category L-2: Legacy Ridge single family attached residential developments having a density of eight (8) or less dwelling units per acre."

Subsection (G)-3: shall read "Category L-3: Legacy Ridge multi family residential developments having a density greater than eight (8) dwelling units per acre."

Section 4. Compliance with said Plan, as provided in Westminster Municipal Code Chapter 4-16 of Title 11, shall be mandatory upon the effective date of this ordinance.

Section 5. Land use designations shown in the Plan may be affected by pre-existing vested rights or contractual development commitments. The applicability and scope of such vested rights or contractual developments, if any, will be reviewed and determined at the time of development plan approval.

Section 6. If a provision of the Plan conflicts with a provision of any policy, standard, or regulation adopted by the City, the more strict provision shall prevail.

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

Section 8. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Resolution No. 38 re Compliance Hearing for the Chamberlain Property East Annexation

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

**Recommended City Council Action**

Adopt Resolution No. 38 accepting the annexation petition submitted by the Chamberlain Trust and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of July 26, 2004, for the annexation hearing.

**Summary Statement**

- The Chamberlain property is located on the south side of Reed Street, south of the Church Ranch Park-n-Ride. The western portion of the property was recently annexed by the City as the relocation site for the Church Ranch BP/Amoco that has recently been demolished. Mr. Chamberlain has now petitioned to annex the remaining 3.1 acres into the City.
- The City Council has previously adopted an annexation agreement in conjunction with the annexation of the eastern portion of the Chamberlain property in which the City agreed to work cooperatively with Mr. Chamberlain on the Comprehensive Lane Use Plan designation for his property.
- Mr. Chamberlain may withdraw his petition if the property does not receive a Retail Commercial Comp Plan classification.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Whether to annex the Chamberlain East property at this time.

**Alternative**

Make a finding that there is no community of interest with the Chamberlain East property and take no further action. If this course is taken, the property in question will remain unincorporated, and the penalties enumerated in the previously approved annexation agreement will be exacted. This includes an additional payment of \$100,000 added to the purchase price of the western portion of the Chamberlain property.

**Background**

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

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

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

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

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **38**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

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

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes July 26, 2004, 7 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 14th day of June 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Councillor's Bill No. 37 re 2004 CDBG Fund Appropriation

**Prepared By:** Robin Byrnes, Community Development Programs Coordinator

**Recommended City Council Action**

Pass Councillor's Bill No. 37 on first reading to appropriate 2004 CDBG funds in the amount of \$681,000.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on first reading appropriating 2004 Community Development Block Grant (CDBG) funds in the amount of \$681,000, awarded by the U.S. Department of Housing and Urban Development (HUD).
- The 2004 CDBG allocation of \$681,000 was designated to fund the 2004 CDBG projects, per City Council approval on November 24, 2003.
- In 2003, the City was allocated \$696,000 from HUD, an increase of \$4,000 from the 2002 CDBG final allocation of \$692,000. In 2004, the City was allocated \$681,000 from HUD, a decrease of \$15,000 from the 2003 CDBG final allocation. The 2004 CDBG allocation was less due to an increase in the number of new CDBG entitlement cities and counties throughout the country.
- HUD approved the City's 2004 CDBG Action Plan on May 10, 2004. The 2004 Action Plan is a required submission by HUD that outlines the City's local goals and priorities in regards to the use of the 2004 CDBG allocation and designates the 2004 CDBG projects.

**Expenditure Required:** \$681,000

**Source of Funds:** 2004 Community Development Block Grant Funds

**Policy Issues**

- Should the 2004 CDBG funds in the amount of \$681,000 be appropriated to the 2004 CDBG projects as previously approved by City Council on November 24, 2003?
- If the City fails to spend the money in a timely manner, HUD may reduce the City's allocation of CDBG funds in subsequent years.

**Alternatives**

- Decline the Community Development Block Grant funding from the U.S. Department of Housing and Urban Development. This is not recommended due to the important projects funded with CDBG funds.

**Background Information**

The 2004 CDBG budget and projects were developed from input provided by Westminster residents, City Staff and independent organizations operating in the City. Public notices and citizen comment periods were used to solicit community input on the development of the 2004 CDBG Action Plan approved by HUD on May 10, 2004.

CDBG funds are used for community development projects, which primarily benefit the City's low to moderate-income populations and address blight conditions in the City. The following is a list of 2004 CDBG projects that were approved by City Council on November 24, 2004 and a description of each item follows this list.

2004 CDBG Program Administration	\$136,200
Lowell Boulevard Streetscape Improvements (Construction Phase 1 from 73 <sup>rd</sup> Ave. to 75 <sup>th</sup> Ave.)	\$274,000
Meade Street Streetscape Improvements (Construction)	\$170,450
Human Service Advisory Board Non-Profit Funding Recommendations	\$100,350
<b>Total</b>	<b>\$681,000</b>

***2004 CDBG Program Administration*** ***\$136,200***

HUD allows grantees to utilize up to 20% of the CDBG funding for administration and planning expenses. Program administration funds would cover the salaries of the Community Development Programs Coordinator and one full-time Secretary. Administrative costs associated with the administration of the CDBG program include: professional/consultant fees, meeting expenses, professional training, supplies/materials, studies, environmental reviews, etc. Per HUD requirements, the City is required to provide a number of services that require expenditure of administrative funds. Those duties include submission of the 5 year Consolidated Plan, preparation of the annual action and performance reports, hosting citizen participation activities and community meetings, monitoring minority business contract reports, conducting environmental reviews, compliance with the Davis Bacon wage act, national objective and eligibility review, contracting and procurement regulatory procedures, etc.

***Lowell Boulevard Streetscape Improvements (Construction Phase I)***

***\$274,000***

The project will provide funding to proceed with construction on streetscape improvements along Lowell Blvd. from 73<sup>rd</sup> Avenue to 75<sup>th</sup> Avenue. Improvements will include curb, gutter, sidewalk and handicapped accessibility curb cuts will be installed, underground street lighting, road and landscaping improvements. The project was provided 2002 and 2003 CDBG funds for design and development of construction documents. Phase I will be bid this summer and construction will begin late summer or early fall and be completed by spring of 2005.

***Meade Street Streetscape Improvements (Construction)***

***\$170,450***

The project will provide funding for physical improvements to Meade Street between 72<sup>nd</sup> Avenue and 73<sup>rd</sup> Avenue to include curb, gutter, sidewalk, street lighting and landscaping improvements in conjunction with the Meade Street Townhouse redevelopment project. The project will complete street improvements to this area and complement the 73<sup>rd</sup> Avenue Street Reconstruction project on 73<sup>rd</sup> Avenue between Bradburn Boulevard and Lowell Boulevard, which was completed in the spring of 2004. CDBG funds from 2003 were used to develop the design and construction documents required for bidding the project.

***Human Service Advisory Board Non-Profit Funding Recommendations***

***\$100,350***

The following programs and projects, totaling \$100,350, were previously approved by City Council during the adoption of the 2004 City budget.

- Access Housing, Inc \$7,500

To partially pay the staff salary of the Emergency Service Coordinator for the provision of services associated with the delivery of homeless services that includes: Homeless Prevention, Emergency Shelter, Adult Education, Transitional Housing, and Motel Vouchering programs.

- Adams County Housing Authority \$8,000

To pay for costs associated with the delivery of services under the Housing Counseling Program. Housing Counseling Program services includes: homeless prevention, utility assistance, home ownership, foreclosure/eviction prevention, rental subsidy, reverse mortgage counseling and certification, money management, and post-counseling to ensure continued housing retention.

- Community Reach Center \$24,000

To pay for costs associated with the delivery of outpatient counseling services that include 24-hour crisis telephone service, day treatment programs, and programs that provide education and training to prepare individuals for independent living and employment.

- Alternatives to Family Violence \$15,000

To pay for costs associated with the provision of housing for battered women, 24 hour crisis counseling, information, referral and advocacy, individual and group counseling for women, children and adolescents.

- Colorado Homeless Families \$11,000

To pay for costs associated with the provision of transitional housing units for homeless families. Families receive housing, case management, counseling, education, support groups, English classes, and computer training. Colorado Homeless Families also provides food, clothing and furniture.

- Family Tree, Inc \$13,000

To pay for costs associated with the provision of emergency housing and support services for victims of domestic violence. Services provided include: crisis intervention, legal advocacy, food, shelter, children's counseling, case management, and family therapy.

- Jefferson Center for Mental Health \$10,000

To pay for costs associated with the provision of mental health services that include: crisis intervention, legal advocacy, case management, information and referral, out patient counseling.

- The Senior HUB \$11,850

To pay for costs associated with the provision of senior services that include meals on wheels and the senior volunteer program.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2004

COUNCILLOR'S BILL NO. **37**  
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. This is the initial appropriation for 2004 for the CDBG Fund. The appropriation of \$681,000 is the amount approved by the US Department of Housing and Urban Development (HUD) for the City for 2004.

Section 2. The \$681,000 increase in the CDBG Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Block Grant-CDBG	7600.40610.0025	\$0	<u>\$681,000</u>	\$681,000
Total change to revenues			<u>\$681,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Expenses</b>				
Salaries	76030350.60200.0000	\$0	\$104,324	\$104,324
CDBG-04 Block Grant	80476030616.80400.8888	0	<u>576,676</u>	576,676
Total change to expenses			<u>\$681,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Councillor's Bill No. 38 re 2004 Budget Supplemental Appropriation

**Prepared By:** Karen Creager, Internal Auditor

**Recommended City Council Action:**

Pass Councillor's Bill No. 38 on first reading providing for supplementary appropriations to the 2004 budget of the General, General Capital Improvement, Golf Course and Open Space Funds.

**Summary Statement**

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 1st quarter supplemental appropriation for 2004.
- General Fund amendments:
  - \$12,911 Police Department overtime reimbursement
  - \$1,890 Police Department training reimbursement
  - \$1,500 Police Department sale of a K-9
  - \$344,560 Computer Lease proceeds
  - \$1,500 Parks, Recreation and Libraries library fines
  - \$21,500 Community Development Showcase sponsorships
- General Capital Improvement Fund amendments:
  - \$100,000 Developer contribution
  - \$5,140 Trail map reimbursements
- Open Space Fund amendments:
  - \$42,000 Easement payment
- Golf Course Fund amendments:
  - \$399,642 Golf cart lease proceeds
- Appropriation of these unbudgeted funds allows the funds to be spent in 2004.

**Expenditure Required:** \$930,643

**Source of Funds:** The funding sources for these expenditures include reimbursements, lease proceeds, fines, sponsorships, contributions, easement payment, sale of a K-9.

**Policy Issue**

Does City Council support amending the appropriations for the 2004 budget of the General, GCIF, Open Space and Golf Course Funds?

**Alternative**

The alternative would be not to amend the 2004 budget appropriations for the General, GCIF, Open Space and Golf Course Fund and utilize these funds to increase reserves. Staff does not recommend this alternative as the various departments have already incurred these expenses and covered them in their current budget in anticipation of receipt of the funds.

**Background Information**

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

The Police Department (PD) received \$11,817 and \$1,094 from the City of Lakewood and the US Department of Justice, respectively, for High Intensity Drug Trafficking Area (HIDTA) Investigations and Organized Crime Drug Enforcement Task Force (OCDETF) overtime reimbursements. These reimbursements were for overtime incurred by members of the Police Department while working on Federal HIDTA and OCDETF cases. (General Fund)

Additionally, the PD has received a reimbursement of \$1,890 from the Jefferson County Emergency 911 Authority Board for tuition for 10 Westminster dispatchers to attend a suicide intervention training class. (General Fund)

Due to the resignation of Officer Tim Sigwarth and the declining health of Xam, one of the PD's K-9 dogs, the PD authorized Officer Sigwarth to purchase Xam for \$1,500. These funds are being used to help offset the cost of the replacement K-9. (General Fund)

On January 26, 2004, City Council approved the lease purchase financing for the City's 2004 computer replacement and acquisition program. The amount of the lease was \$344,560. In order to properly reflect the receipt of the lease proceeds and the subsequent use of the proceeds on the City's books, the lease proceeds are now being appropriated. (General Fund)

The City's cash handling policy requires that all facilities transport their deposit to City Hall via an armored car service except in special circumstances. Both libraries began armored car service June 1, 2004. In order to cover the cost of this unbudgeted service in 2004, \$1,500 in anticipated excess library fines is being appropriated. Doing so will put the Libraries in compliance with the City's cash handling policy and will better secure the City's assets. (General Fund)

Community Development received sponsorship donations in the amount of \$21,500 from various businesses to offset the expenses of the annual Showcase Event. The full cost of the Showcase Event is intentionally not budgeted in Community Development's budget in anticipation of raising enough sponsorship funds to help cover the event costs. This event is in its 12<sup>th</sup> year and is an outreach to the real estate community. Sponsorships are received from exhibitors who offer information to the approximate 150 attendees. (General Fund)

Community Development received \$100,000 from Forest City to offset the cost of the North I-25 Project. The funds will contribute towards the payment for consulting services and other costs associated with the planning for and development of the Forest City regional retail project. (GCIF)

Parks, Recreation and Libraries received \$5,140 for the printing of the US 36 Regional Bike Map. This is a joint project between the cities of Arvada, Boulder, Lafayette, Louisville, Superior, Westminster and the City & County of Broomfield. The map shows the bicycle and pedestrian facilities along the U.S. 36 corridor. Westminster is the lead in getting the maps completed, therefore printing the maps. The City received reimbursement from the participating cities for their share of the cost of the map. (GCIF)

On January 12, 2004, City Council authorized the City Manager to execute a utility easement to Xcel Energy and accept \$42,000 as payment for the easement. The payment was in the form of reduced electric distribution costs for the I-25 and 136<sup>th</sup> Ave Interchange. Additionally, Council authorized the transfer of the \$42,000 into the City's Open Space Revenue account and Land Purchases Expense account. In order to properly reflect the receipt of the \$42,000 easement payment and provide for the future use of the funds, the funds are now being appropriated. (Open Space)

On February 9, 2004, City Council approved the lease purchase financing for the replacement of the golf cart fleet for Legacy Ridge and The Heritage at Westmoor. The amount of the lease was \$399,642. In order to properly reflect the receipt of the lease proceeds and the subsequent use of the proceeds on the City's books, the lease proceeds are now being appropriated. (Golf Course Fund)

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

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND GOLF COURSE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$383,861 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$83,081,992. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of reimbursements, library fines, lease proceeds, sale of a K-9 and sponsorships.

Section 2. The \$383,861 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Grants - Jeffco	1000.40640.0020	\$0	\$1,890	\$1,890
Federal Grants	1000.40610.0000	11,000	12,911	23,911
General Misc	1000.43060.0000	154,866	1,500	156,366
Other Financing Use	1000.46000.0000	0	344,560	344,560
Library Fines	1000.42120.0034	125,000	1,500	126,500
Contributions	1000.43100.0000	5,000	<u>21,500</u>	26,500
Total Change to Revenues			<u>\$383,861</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Career Dev	10020300.61800.0343	\$0	\$1,890	\$1,890
Overtime	10020300.60400.0344	0	12,911	12,911
Other Equipment	10020500.76000.0000	187,219	1,500	188,719
Other Financing Use	10010900.78800.0000	0	344,560	344,560
Other Cont Svcs	10050620.67800.0000	148,870	1,500	150,370
Special Promotions	10030340.67600.0000	19,600	<u>21,500</u>	41,100
Total Change to Expenses			<u>\$383,861</u>	

Section 3. The 2004 appropriation for the GCIF initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$105,140 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$8,974,273. The actual amount in the GCIF on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of contributions.

Section 4. The \$105,140 increase in the GCIF shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Cash-in-lieu Fut Cap Proj	7500.40210.0751	\$0	\$100,000	\$100,000
Contributions	7500.43100.0000	0	<u>5,140</u>	5,140
Total Change to Revenues			<u>\$105,140</u>	

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Retail Initiative	80275030527.80400.8888	\$0	\$100,000	\$100,000
Trails Development	80175050135.80400.8888	593,154	5,140	598,294
Total Change to Expenses			<u>\$105,140</u>	

Section 5. The 2004 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,663,797 is hereby increased by \$42,000 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$4,347,828. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of an easement payment.

Section 6. The \$42,000 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
General Misc	5400.43060.0000	\$0	<u>\$42,000</u>	\$42,000
Total Change to Revenues			<u>\$42,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchases	54010900.76600.0000	\$640,484	<u>\$42,000</u>	\$682,484
Total Change to Expenses			<u>\$42,000</u>	

Section 7. The 2004 appropriation for the Legacy Ridge Portion of the Golf Course Fund initially appropriated by Ordinance No. 2977 in the amount of \$1,927,183 is hereby increased by \$199,821 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$2,124,597. The actual amount in the Legacy Ridge Portion of the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of lease proceeds.

Section 8. The \$199,821 increase in the Legacy Ridge Portion of the Golf Course Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Fin Source	2200.46000.0000	\$0	<u>\$199,821</u>	\$199,821
Total Change to Revenues			<u>\$199,821</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Fin Use	22010900.78800.0000	\$0	<u>\$199,821</u>	\$199,821
Total Change to Expenses			<u>\$199,821</u>	

Section 9. The 2004 appropriation for the Heritage Portion of the Golf Course Fund initially appropriated by Ordinance No. 2977 in the amount of \$2,007,519 is hereby increased by \$199,821 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$2,209,747. The actual amount in the Heritage Portion of the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt lease proceeds.

Section 10. The \$199,821 increase in the Heritage Portion of the Golf Course Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Fin Source	2300.46000.0000	\$0	<u>\$199,821</u>	\$199,821
Total Change to Revenues			<u>\$199,821</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Fin Use	23010900.78800.0000	\$0	<u>\$199,821</u>	\$199,821
Total Change to Expenses			<u>\$199,821</u>	

Section 11. – 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 12. This ordinance shall take effect upon its passage after the second reading.

Section 13. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Councillor's Bill No. 39 re Emergency Management Program Grant

**Prepared By:** Captain Mike Reddy, Emergency Management Coordinator

**Recommended City Council Action**

Pass Councillor's Bill No. 39 on first reading authorizing a supplemental appropriation in the amount of \$20,000 allowing the City to receive an Emergency Management Performance Grant (EMPG) provided through the Colorado Office of Emergency Management.

**Summary Statement**

- On December 8, 2003, Council authorized staff to apply for grant funds to support the City's emergency management program.
- On April 16, 2004 staff received a Grant Award Letter from the Colorado Office of Emergency Management (COEM) in the amount of \$20,000.00.
- Staff has attached a proposed budget for expenditures of the grant that fulfills the requirements of the grant and addresses critical needs within the City's emergency management program. This grant will be used to provide contract emergency management training, specialized training for City employees, and emergency coordination center equipment.
- Funding requires soft match that will be achieved through existing budgeted funds for the emergency management program.
- Funds are made available on a cost reimbursement basis through quarterly submittals.
- An annual program paper has been accepted by COEM and quarterly activity reports will be required.
- Once the funding level is established for local jurisdictions, the State will set aside that amount for future years assuming federal funds are made available to COEM.

**Expenditure Required:** \$20,000 in Revenues from Grant Funds (Additional City of Westminster funds are not required to receive this grant.)

**Source of Funds:** Federal Emergency Management Agency Grant

**Policy Issue**

Should the City of Westminster accept the Emergency Management Performance Grant funds.

**Alternatives**

The City of Westminster may choose not to accept the grant funds, continuing to fund the emergency management program without federal financial support. This is not recommended as these grant funds require only a soft dollar match.

**Background Information**

The Federal Emergency Management Agency, through the Colorado Office of Emergency Management, has granted Emergency Management Performance Grants (EMPG) to the City of Westminster to support and to enhance the City's program. Funds may be used for program operations, equipment, contracts, salaries, benefits and other expenses related to the emergency management program. The EMPG program will continue to provide funds to the City of Westminster in future years assuming continuation of the federally funded EMPG program, the City's compliance with program requirements and submittal of an Annual Program Paper. EMPG is a flexible grant, allowing staff to continue to meet City established program priorities and goals.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Councillor's Bill No. 39 re Emergency Management Program Grant

**Prepared By:** Captain Mike Reddy, Emergency Management Coordinator

**Recommended City Council Action**

Pass Councillor's Bill No. 39 on first reading authorizing a supplemental appropriation in the amount of \$20,000 allowing the City to receive an Emergency Management Performance Grant (EMPG) provided through the Colorado Office of Emergency Management.

**Summary Statement**

- On December 8, 2003, Council authorized staff to apply for grant funds to support the City's emergency management program.
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- Staff has attached a proposed budget for expenditures of the grant that fulfills the requirements of the grant and addresses critical needs within the City's emergency management program. This grant will be used to provide contract emergency management training, specialized training for City employees, and emergency coordination center equipment.
- Funding requires soft match that will be achieved through existing budgeted funds for the emergency management program.
- Funds are made available on a cost reimbursement basis through quarterly submittals.
- An annual program paper has been accepted by COEM and quarterly activity reports will be required.
- Once the funding level is established for local jurisdictions, the State will set aside that amount for future years assuming federal funds are made available to COEM.

**Expenditure Required:** \$20,000 in Revenues from Grant Funds (Additional City of Westminster funds are not required to receive this grant.)

**Source of Funds:** Federal Emergency Management Agency Grant

**Policy Issue**

Should the City of Westminster accept the Emergency Management Performance Grant funds.

**Alternatives**

The City of Westminster may choose not to accept the grant funds, continuing to fund the emergency management program without federal financial support. This is not recommended as these grant funds require only a soft dollar match.

**Background Information**

The Federal Emergency Management Agency, through the Colorado Office of Emergency Management, has granted Emergency Management Performance Grants (EMPG) to the City of Westminster to support and to enhance the City's program. Funds may be used for program operations, equipment, contracts, salaries, benefits and other expenses related to the emergency management program. The EMPG program will continue to provide funds to the City of Westminster in future years assuming continuation of the federally funded EMPG program, the City's compliance with program requirements and submittal of an Annual Program Paper. EMPG is a flexible grant, allowing staff to continue to meet City established program priorities and goals.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **39**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund, initially appropriated by Ordinance No. 2977 in the amount of \$71,818,317 is hereby increased by \$20,000 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$82,698,131. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of an emergency management performance grant.

Section 2. The \$20,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Federal Grants	1000.40610.0000	\$11,000	<u>\$20,000</u>	\$31,000
Total change to revenues			<u>\$20,000</u>	
<b>Expenses</b>				
Career Dev	10025260.61800.0000	\$30,800	\$1,600	\$32,400
Contract Svcs	10025260.67800.0000	12,456	10,368	22,824
Supplies	10025260.70200.0000	32,266	<u>8,032</u>	40,298
Total change to expenses			<u>\$20,000</u>	

Section 3. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance.



The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
June 14, 2004



**Subject:** Councillor’s Bill No. 40 re Supplemental Appropriation of Big Dry Creek Watershed Grant Funds

**Prepared by:** David Carter, Laboratory Services Coordinator, Big Dry Creek Wastewater Treatment Facility

**Recommended City Council Action**

Pass Councillor’s Bill No. 40 on first reading appropriating \$25,000 into the Special Studies Project account as a result of a United States Department of Energy (DOE) Grant extension.

**Summary Statement**

- The DOE grant’s focus is to aid in the continuing biological monitoring program on Big Dry Creek and to encourage the continued formation of a watershed group comprised of the cities of Westminster, Broomfield, Northglenn, Thornton and Department of Energy/Rocky Flats to study the Big Dry Creek watershed, and to identify and involve additional stakeholders in the further study and management of the watershed basin.
- The extension of this grant would represent the fifth year of receiving grant money from the DOE for the Big Dry Creek Watershed Association biological monitoring program and consulting services. The grant would be administered by the City of Westminster under the Big Dry Creek Basin Water Quality Agreement.

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**Expenditure Required:** \$25,000

**Source of Funds:** The DOE will provide grant funds to the City of Westminster as grant administrator for the Big Dry Creek Watershed Association.

**Policy Issue**

Should the City of Westminster authorize the appropriation of an extension of a United States Department of Energy Grant in the amount of \$25,000 to study the aquatic environment in the Big Dry Creek Watershed in cooperation with the Watershed Association?

**Alternatives**

City Council could decide not to authorize the appropriation of the grant extension from the DOE. Because of the restrictions placed on the DOE, the only way they can give the Watershed Association any funds is through a grant process. The DOE has granted the Watershed Association approximately \$194,000 over the last four years under the Cooperative Agreement. If the Watershed Association does not receive the grant money from the DOE, the duties of biological monitoring and Watershed Association coordination would either have to be delegated to staff from the various partnering agencies or not be completed at all.

**Background Information**

A coordinated Big Dry Creek water quality sampling program has been conducted by the cities of Westminster, Broomfield, and Northglenn for the past twelve years and has resulted in increased efficiency and greater overall coverage when compared to the individual sampling programs previously done by each City. In 1997, the United States Department of Energy/Rocky Flats joined with the cities of Westminster, Broomfield, and Northglenn, and through an Intergovernmental Agreement (IGA) and an Environmental Protection Agency (EPA) Regional Geographic Initiative (RGI) grant formed the Big Dry Creek Watershed Association. Because of the restrictions placed on the DOE, the only way they can give the Association any funds is through a grant process.

A biological monitoring program was initiated in 1997 by the cities of Westminster, Broomfield and Northglenn, the United States Department of Energy and Rocky Flats to enhance the current water quality monitoring program begun by the three cities. The goal was to document the abundance and distribution of fish and benthic macro invertebrate populations and characterize the physical habitat at selected locations along Big Dry Creek. The water quality and biological monitoring programs are all covered under the Big Dry Creek Basin Water Quality Agreement between the various entities. Since 1997, the Association has increased the frequency of biological monitoring of Big Dry Creek along with providing a forum for watershed coordination through the EPA RGI, the EPA 319, non-point source, and the DOE grant programs.

The benefit of this monitoring is an increased understanding of Big Dry Creek and the impacts on it from the cities' wastewater discharges, and from other sources throughout the watershed. An increased understanding of the creek has, and will continue to benefit the parties during State reviews of existing and proposed stream standards. The Colorado Department of Public Health and Environment (CDPH&E) performs a triennial review of the water quality standards for Big Dry Creek. During these reviews, proposed stream standard changes are considered and ruled upon. Often, changes are made based on general data and observations made by the CDPH&E and do not incorporate data specific to the individual stream being considered. This can result in unnecessarily strict standards being set. Strict stream standards will result in a greater compliance burden being placed on each wastewater treatment facility's discharge.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **40**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the Water Portion of the Utility Fund initially appropriated by Ordinance No. 2977 in the amount of \$28,737,449 is hereby increased by \$25,000 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$29,212,190. The actual amount in the Water Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a grant from the United States Department of Energy.

Section 2. The \$25,000 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Federal Grants	2000.40610.0000	\$0	<u>\$25,000</u>	\$25,000
Total change to revenues			<u>\$25,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Expenses</b>				
Environmental Grant	80120035189.80400.8888	\$217,330	<u>\$25,000</u>	\$242,330
Total change to expenses			<u>\$25,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Resolution No. 39 re Compliance Hearing for the Zuni Street Right-of-Way Annexation

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

**Recommended City Council Action**

Adopt Resolution No. 39 accepting the annexation petition submitted by the Adams County Commissioners and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of July 26, 2004, for the annexation hearing.

**Summary Statement**

- The northbound lanes of Zuni Street along the west boundary of the Amherst subdivision are currently unincorporated. The southbound lanes are located in the City and County of Broomfield (please refer to the attached vicinity map).
- The Westminster Police Department has asked that the northbound lanes be annexed to Westminster in order to clarify the responsibilities for provision of emergency services to this portion of the street. Adams County has provided a petition for annexation in order to expedite this action.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Whether to annex the Zuni Street right-of-way at this time.

**Alternative**

Make a finding that there is no community of interest with the Zuni Street right-of-way and take no further action. If this course is taken, the property in question will remain unincorporated, and the existing confusion over which jurisdiction must provide emergency services to this portion of Zuni Street will continue.

**Background**

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

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

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

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

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **39**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

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

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes July 26, 2004, 7 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 14th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Councillor's Bill No. 41 re Filling Vacancy in Offices of Mayor and Councillor

**Prepared By:** Sharon Widener, Assistant City Attorney

**Recommended City Council Action**

Pass Councillor's Bill No. 41 on first reading, amending Chapters 10 and 11 of Title 1 of the Westminster Municipal Code, which sets forth the procedures for the filling of a vacancy in the office of Mayor and Councillor.

**Summary Statement**

- The City Charter and City Code provide that if the office of Mayor becomes vacant, the Mayor Pro Tem shall assume the office of Mayor and hold such office until the next regular election.
- In addition, the current City Code provides that at the next regular election, a Mayor shall be elected to "complete the four-year term of the person previously elected, or for a new four-year term as applicable." This provision contemplates the election of a replacement Mayor for less than four years in the event the resigning mayor, at the time of resignation, had a term of office that extended beyond the next scheduled regular election.
- The proposed ordinance would provide that at the next regular election following a mayoral resignation, a NEW mayor shall be elected for a term of four years, regardless of the terms of office of the resigning mayor. This ordinance reflects the intent of the 2003 City Charter amendment that made all terms of office on City Council equal to four years.

**Expenditure Required:** \$0

**Source of Funds:** N/A



**Policy Issue**

Should the City Code be amended to clarify the procedures for filling vacancies in the offices of Mayor and Councillor?

**Alternative**

No alternatives are under consideration at this time.

**Background Information**

Mayor Ed Moss has announced his resignation as Mayor upon his appointment as a District Court Judge in July 2004. The vacancy in the office of Mayor will be filled by Mayor Pro Tem Nancy McNally. Section 3.2 the City Charter authorizes City Council to establish procedures for the election of Mayor, which it has done in Chapter 10 of Title 1 of the Westminster Municipal Code. Section 1-10-1 clearly establishes that the Mayor Pro Tem shall fill a vacant office of Mayor, but the wording of the term of office for the new Mayor is not clear. The proposed ordinance clarifies that the term of office for the new mayor shall last until the next regular City election. Thus, Ms. McNally shall begin her term upon assuming the office and shall remain Mayor until November 2005. In 2005, Ms. McNally may choose to run for a full four-year term, as may other candidates.

When Ms. McNally becomes Mayor, her term as Councillor/Mayor Pro Tem will become vacant. City Council's remaining members will then appoint a person to fill the position. The second amendment is a housekeeping measure to clarify that the term of office for the appointed Councillor will be that of the person previously elected to the position. This change is necessary to comport the City Code to the 2003 Charter Amendment, which provides that any person appointed to fill a vacancy on Council shall serve a term equal to the term of office of his or her predecessor. These two amendments to the City Code will assure that all elections of officials in the City shall be for a term of four years. These actions, in turn, avoid the inconsistency that existed previously between the City's election structure and the provisions of the Colorado Constitution concerning term limits.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **41**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE  
IN THE EVENT OF MAYOR OR COUNCIL VACANCY

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-10-1, subsection (D), W.M.C., is hereby AMENDED to read as follows:

**CHAPTER 10 MAYOR**

**1-10-1: ELECTION AND TERM LIMITATION OF MAYOR:**

(D) If the Mayor resigns or if the office otherwise becomes vacant, the Mayor Pro Tem shall assume the office of Mayor and shall hold office until the next regular City election. AT SAID ELECTION, A MAYOR SHALL BE ELECTED FOR A FOUR-YEAR TERM. ~~At said election a Mayor shall be elected either to complete the four year term of the person previously elected, or for a new four year term, as applicable.~~ The position of the Councillor/Mayor Pro Tempore shall then be filled according to the provisions of Section 1-11-4, W.M.C. ~~The provisions of Section 1-11-4 shall apply to a vacancy in the office of Mayor in the same manner as to other members of Council, unless in conflict with this section.~~ This section shall not apply to a vacancy which is the result of a recall petition or recall election, in which case City Charter procedures applicable to recall shall apply.

Section 2. Section 1-11-4, subsection (A), W.M.C., is hereby AMENDED to read as follows:

**CHAPTER 11 CITY COUNCIL**

**1-11-4: FILLING VACANCIES:**

(A) Any vacancy WHICH OCCURS in the City Council ~~more than ninety (90) days before the next regular City election~~ shall be filled within thirty (30) days by a majority of the remaining members of the City Council; ~~said appointee to hold office until the Monday following such election, at which election such vacancy shall be filled for any balance of the unexpired original term.~~ SAID APPOINTEE TO HOLD OFFICE FOR THE BALANCE OF THE UNEXPIRED TERM. ~~Any vacancy which occurs in the City Council ninety (90) days or less before the next regular City election shall not be filled.~~

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of June, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



## Agenda Item 10 R

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 12, 2004



**SUBJECT:** City Council Vacancy

**Prepared By:** Michele Kelley, City Clerk

### **Recommended City Council Action**

Establish the deadline of Friday, July 2<sup>nd</sup> for citizens interested in applying for the vacancy on City Council.

### **Summary**

- Pursuant to the City Charter, City Council needs to take action to formally announce the vacancy on City Council because of the upcoming resignation of Mayor Ed Moss.
- Set a deadline for accepting applications.
- After the deadline for applications, Council will need to schedule interviews with all applicants.
- A new Councillor will need to be appointed by Council by August 5<sup>th</sup>, per City Charter requirements..
- It is anticipated that City Council will consider the selection of a new Councillor at a regular City Council meeting in July.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should City Council start the application process at this time?

**Alternative**

Council could decide to wait until a later date to start accepting applications. This alternative is not recommended because the City Charter requires the vacancy to be filled within 30 days of the vacancy.

**Background Information**

Recently, Mayor Ed Moss was appointed by Governor Owens as a District Court Judge for the 17<sup>th</sup> Judicial District. Per State law requirements Mayor Moss is required to resign as Mayor of the City.

Attached is a copy of the application form to be used for this vacancy along with additional information that will be distributed to all individuals who might be interested in filing an application for this vacancy.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



**WESTMINSTER  
COLORADO**

**APPLICATION FOR APPOINTMENT TO CITY COUNCIL**

**NOTE:** It is important to complete this application answering all questions to the fullest extent and amplify on those responses requesting a narrative answer. This form plus any letter and/or resume you submit, will be the sole means of material, which Council will utilize to screen applicants for appointment. Please submit your application to Michele Kelley, City Clerk, before 5:00 P.M. on July 2, 2004. Each applicant must be a resident of the City for at least one year prior to applying for this City Council vacancy, a registered voter and a resident of the City during the term of office. Use additional paper if necessary

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

EMPLOYER \_\_\_\_\_

OCCUPATION \_\_\_\_\_

EDUCATION \_\_\_\_\_

DATE OF MOVING TO WESTMINSTER \_\_\_\_\_ WORK PHONE \_\_\_\_\_ HOME PHONE \_\_\_\_\_

REASON FOR YOUR INTEREST IN SERVING ON COUNCIL? \_\_\_\_\_

WHAT CONTRIBUTIONS DO YOU FEEL YOU CAN MAKE TO THIS COUNCIL? (Be as specific as possible) \_\_\_\_\_

WHAT PREVIOUS WORK EXPERIENCE, CIVIC ACTIVITY OR OTHER VOLUNTEER SERVICE WOULD YOU BRING TO THE POSITION? \_\_\_\_\_

WHAT IS YOUR PERSPECTIVE ON CURRENT CITY OPERATIONS? \_\_\_\_\_

HOW WOULD YOU APPROACH A DECISION ON A MATTER WHICH INVOLVES STRONG FEELINGS BY CITIZENS BOTH IN FAVOR AND IN OPPOSITION TO AN ISSUE BEFORE COUNCIL? \_\_\_\_\_

ARE YOU RELATED TO ANY PART OR FULL TIME EMPLOYEE OF THE CITY OF WESTMINSTER? \_\_\_\_\_

SERVICE ON COUNCIL REQUIRES A SIGNIFICANT TIME COMMITMENT. ARE YOU ABLE TO DEVOTE TIME AWAY FROM YOUR PERSONAL AND PROFESSIONAL INTERESTS TO FULFILL THIS COMMITMENT? \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**ACCEPTANCE OF NOMINATION**

I, \_\_\_\_\_ hereby accept the nomination for **Councillor at large** for the City of Westminster and agree to serve if appointed. I certify that I am not a candidate, directly or indirectly, of any political party, any firm or corporation, any fraternal organization, any church or other religious organization, any labor organization, or any other organization whatsoever.

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ SSN: \_\_\_\_\_

Drivers License Number \_\_\_\_\_ State of D/L Issue \_\_\_\_\_

Place of Birth \_\_\_\_\_

Westminster City Charter requires each applicant for appointment to submit an affidavit indicating whether he or she has been convicted of a felony under the laws of the State of Colorado or in another jurisdiction. The report of a felony shall include the type of offense, the date of the offense and may include the circumstances and any evidence of rehabilitation. Each applicant shall also give written permission for a criminal background investigation by the Westminster Police Department, who shall report to the City Clerk any felony convictions of an applicant found in their investigation. The City Clerk shall maintain the report in a file available to the public.

I, \_\_\_\_\_ hereby certify that I have not been convicted of a felony under the laws of the State of Colorado or in another jurisdiction and the facts contained within this application are true and correct. I further authorize the Westminster Police Department to conduct a criminal background investigation, with the understanding that any felony convictions found will become a matter of public record.

\_\_\_\_\_  
(Signature)

STATE OF COLORADO  
COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

(SEAL)

\_\_\_\_\_  
Notary Public

## INFORMATION FOR COUNCIL CANDIDATES

Recently Mayor Moss was appointed as 17<sup>th</sup> Judicial District Judge. State law requires the Mayor to resign his current seat on Westminster City Council. This resignation will be effective July 6, 2004. Mayor Pro Tem Nancy McNally will move into the position of Mayor on July 6, 2004, there will then be a vacancy on City Council, with the term of office expiring November, 2005.

Persons interested in submitting an application for this vacancy on City Council may pick up an application form and information in the City Clerk's office, located at 4800 West 92nd Avenue. This information is also available on the City's web site at [www.ci.westminster.co.us](http://www.ci.westminster.co.us)

To qualify as a candidate, a person must be a resident of the City for at least one year prior to filing their application, a registered elector of the City, a citizen of the United States, and be at least 18 years of age.

The deadline for applications to be submitted to the City Clerk's Office is Friday, July 2, 2004.

After the deadline for applications to be submitted, City Council will conduct interviews and make a determination on who to appoint by August 5, 2004. This appointment will be effective through November, 2005.

For additional information, please call Michele Kelley, City Clerk at 303-430-2400 Extension 2161.

**Qualifications for Councillor:** Every registered elector 18 years of age or older on the last day for filing a petition may be a candidate and hold office.

No person shall hold any elective office of the City unless he or she has been a resident of the City for at least one (1) year immediately prior to the last day for filing original petitions for such office or prior to the time of appointment to fill a vacancy. No person shall hold any elective office unless he or she is a qualified and registered elector of the city on such last day for filing and throughout tenure of office.

No person shall be eligible for any elective office who is in default to the City or to any other governmental unit of the State. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.

Each candidate for elective office shall file an affidavit that the candidate possesses the qualifications for such office provided in this section.

At the time a candidate submits an application for elected office, such person shall also submit an affidavit indicating whether he or she has been convicted of a felony under the laws of the State of Colorado or in another jurisdiction. The report of the felony shall include the type of offense, the date of the offense, and may include the circumstances and any evidence of rehabilitation. Each candidate or applicant shall also give written permission for a criminal background investigation by the Westminster Police Department. The Police Department shall report to the City Clerk any felony convictions of a candidate or applicant found in its investigation. The City Clerk shall maintain the report in a file available to the public.

No elective officer, under this Charter, may be appointed to any City office or be employed by the City during the term of office for which he or she was elected or for two (2) years thereafter, provided that after the expiration of the term of office the person may be appointed as a member of an independent board or commission or fill a vacancy in the position of Councilman

## **Section 5.7. Filling Vacancies in Elective Offices**

(a) Any vacancy which occurs in the Council shall be filled within thirty (30) days by a majority vote of the remaining members of the Council, said appointee to hold office for any balance of the unexpired term. (Amended 11-7-02)

(b) If any vacancy in the office of Councilman which the Council is authorized to fill is not so filled within thirty (30) days after such vacancy occurs, or if three (3) or more vacancies exist simultaneously in the office of Councilman, such vacancies shall be filled for the respective unexpired terms at a special election.

**Compensation:** Councillors receive \$800 per month.

**Time Commitment:** Councillors can expect a meeting on Monday evenings on a weekly basis and significant other meetings and events throughout each week, along with review of agendas and other written materials submitted by the City.





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 14, 2004



**SUBJECT:** Wayne Carle Middle School Agreements

**Prepared By:** Lynn Wodell, Open Space Coordinator

**Recommended City Council Action:**

Authorize the City Manager to execute an Intergovernmental Agreement, in substantially the same form as attached, with such non-monetary changes as may be approved by the City Manager and City Attorney, and all related documents to complete the land sale and trade between the City of Westminster, Jefferson County and Jefferson County R-1 School District to allow the construction of the new middle school at the northeast corner of Standley Lake Regional Park.

**Summary Statement:**

- The staffs of the City of Westminster (the “City”), Jefferson County (the “County”) and Jeffco R-1 School District (the “District”) have been working toward agreements that will allow the School District to construct a middle school on approximately 25 acres in the northeast corner of Standley Lake Regional Park south of 100<sup>th</sup> Avenue at Countryside Drive.
- The City is the owner of fee simple title to Standley Lake Regional Park, which was acquired by Jefferson County through the Open Space Program and deeded to the City.
- In order to provide the District the opportunity to hold title to the Standley Lake parcel for the construction of the middle school, the City proposes to transfer the school site to the District fee title free of the County’s reverter interest for a total compensation in cash and property of \$2,025,876, which shall be payable by the District as follows: (1) \$950,000 in cash or certified funds, delivered to the City at closing, (2) \$206,854 in cash or certified funds, delivered to the County at closing, and (3) the conveyance to the City at closing of the District’s 11.6 acres Walnut Creek property valued at \$869,022.

**Expenditure Required:** \$ 0 - \$2,025,876 (Total revenues and lance values)

**Source of Funds:** Jefferson County School District R-1

## **Policy Issues**

Does the Council wish to enter into an agreement with the County and the School District to allow the construction of a new middle school at the northeast corner of Standley Lake Regional Park?

## **Alternatives**

1. Approve the terms of the land sale and trade that have been negotiated by Staff. This alternative is recommended because the terms are very complex and are in the best interests of the City.
2. Approve the sale and trade in concept but not at the terms that have been negotiated. This alternative is not recommended because it has taken years to come to terms on this transaction.
3. Not approve the sale or trade at this time. This alternative is also not recommended because the need for a new middle school to serve the Westminster residents of this area has been demonstrated.
4. Not accept this location for the new middle school. This alternative is also not recommended because numerous alternative sites have been evaluated and determined to be not feasible.

## **Background Information**

The City is the owner of fee simple title to Standley Lake Regional Park, which was acquired by Jefferson County through the Open Space Program and deeded to the City. The County holds a reverter interest in the Standley Lake Regional Park for park, recreation, and open space purposes only. In order for the school site to be sold to the District, the County's Open Space Advisory Board and the Board of County Commissions must approve the sale, which is anticipated .

In order to provide the District the opportunity to hold title to the Standley Lake parcel for the construction of the middle school, City Staff proposed that the City transfer the school site to the District free of the County's reverter interest for a total compensation in cash and property of \$2,025,876, payable by the District as follows: (1) \$950,000 in cash or certified funds, delivered to the City at closing, (2) \$206,854 in cash or certified funds, delivered to the County at closing, and (3) the conveyance to the City at closing of the District's 11.6 acres Walnut Creek property valued at \$869,022.

The \$950,000 cash consideration from the District will go to the City as reimbursement for the purchase of the Brauch property located at W. 100<sup>th</sup> Avenue and Alkire Street, which was acquired approximately one year ago by the City. The property is 18 acres plus improvements. \$250,000 of the \$950,000 will go into the City's Open Space Land Purchases Account and \$700,000 will go into the City's Park Capital Improvement Program. The County's open space reverter will be placed on the Brauch property under this agreement.

The \$206,854 cash consideration from the District will go into the County's Open Space Fund. The anticipation is that these funds will be available for use in acquisition of other open space properties in the Standley Lake area or other sites in the City.

The District will deed to the City the 11.6 Walnut Creek property as part of this transaction and the County's Open Space reverter will be placed on this parcel as well. The City will also place the County's Open Space reverter on a 25-acre portion of Colorado Hills Open Space located along Simms Street north of 100<sup>th</sup> Avenue.

The City staff believes this is a win-win solution to the negotiations, the transaction is supported by the County's Open Space Advisory Board, the Open Space staff and the District staff. Closing is anticipated by June 30. After closing, a supplemental appropriation will be prepared for Council consideration to place the proceeds from this sale into the Open Space Land Purchases Account and the Park Capital Improvement Program Account.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, June 14, 2004. Mayor Moss, Mayor Pro-Tem McNally, Councillors Dittman, Dixon, Hicks, Kauffman, and Price were present at roll call. Absent none.

The minutes of the May 24, 2004 meeting were approved.

Council presented a proclamation to Luis Pérez Muñoz, who will be celebrating his 100<sup>th</sup> birthday on June 20<sup>th</sup>. Council recognized the service of the graduating seniors from the 2003-2004 Youth Advisory Panel; Nicole Williams, Whitney Burnham, Michelle Ly, and Kelsey Osborne, Outgoing Chairperson. Council accepted two sculptures from the Community Artist Series to be placed at the Irving Street Library.

Council approved the following: Authorize the City Manager to execute a Purchase and Sale Agreement and all necessary closing documents for the acquisition of the property located on the east side of Sheridan Boulevard at about 74<sup>th</sup> Avenue and on the west side of the Little Dry Creek as open space and authorize the City Manager to expend \$185,000 of City Open Space Funds for the purchase of the property and the improvements located on the property; Renewal of Underwriter Contract Stifel Nicolaus & Co., Hanifen Imhoff; 4<sup>th</sup> Amended Crown Point PDP; Church Ranch BP/Amoco PDP and ODP; established the deadline of Friday, July 2<sup>nd</sup> for citizens interested in applying for the vacancy on City Council; and IGA to complete the land sale and trade between the City of Westminster, Jefferson County and Jefferson County R-1 School District for construction of new middle school at the northeast corner of Standley Lake Regional Park.

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At 7:30 p.m. a public meeting was held for citizen input on the 2005 and 2006 City Budget

The following Public Hearings were held: At 7:45 p.m. I-25/144<sup>th</sup> Avenue Right-of-way Annexation; At 7:47 p.m. 4<sup>th</sup> Amended Crown Point PDP; At 8:00 p.m. Church Ranch BP/Amoco PDP and ODP; At 8:08 p.m. Comprehensive Land Use Plan update.

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 SECTIONS 15 AND 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO purpose: annexing the I-25/144<sup>th</sup> Avenue ROW**

**A BILL FOR AN ORDINANCE REPEALING AND REENACTING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN WITH THE 2004 UPDATE, AND MAKING CONFORMING AMENDMENTS TO THE WESTMINSTER MUNICIPAL CODE purpose: adopting the 2004 Comprehensive Land Use Plan update**

**A BILL FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND purpose: 2004 CDBG Fund Appropriation**

**A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND GOLF COURSE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS purpose: 2004 Budget Supplemental Appropriation**

A BILL FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND purpose: supplemental appropriation of Emergency Management Performance Grant

A BILL FOR AN ORDINANCE INCREASING THE 2004 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND purpose: supplemental appropriation of BDC Watershed Grant Funds

A BILL FOR AN ORDINANCE AMENDING PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE IN THE EVENT OF MAYOR OR COUNCIL VACANCY purpose: amending procedures for filling vacancy in the office of Mayor and Councillor

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE

A BILL FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS

A BILL FOR AN ORDINANCE AMENDING TITLE 4, CHAPTER 6, OF THE WESTMINSTER MUNICIPAL CODE CONCERNING CONCRETE REPLACEMENT PROGRAM

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS

The following Resolutions were adopted:

Resolution No. 37 re findings I-24/144<sup>th</sup> Avenue Right-of-way Annexation

Resolution No. 38 re accepting annexation petition submitted by Chamberlain Trust

Resolution No. 39 re Compliance Hearing for Zuni Street Right-of-way Annexation

At 8:45 p.m. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on June 24, 2004

SERIES OF 2004

INTRODUCED BY COUNCILLORS  
**Dittman - Price**

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING  
OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, Chapter 3, W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW SECTION to read as follows:

**6-2-13: OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE:**

(A) IT SHALL BE UNLAWFUL FOR A PERSON TO KNOWINGLY OBSTRUCT OR OTHERWISE INTERFERE WITH ANYONE WHO IS SEEKING MEDICAL, POLICE, FIRE OR OTHER EMERGENCY ASSISTANCE FROM ANY PERSON OR AGENCY, PUBLIC OR PRIVATE.

(B) OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE IS A CRIMINAL OFFENSE, PUNISHABLE BY A FINE OR IMPRISONMENT, OR BOTH, AS PROVIDED IN SECTION 1-8-1 OF THIS CODE.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of May, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of June, 2004.

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund, initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$465,000 which, when added to the fund balance as of the City Council action on May 24, 2004 will equal \$82,678,131. 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 appropriation of 2003 carryover for waterlines at the Shops at Walnut Creek.

Section 2. The \$465,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Carryover	1000.40200.0000	\$2,838,645	<u>\$465,000</u>	\$3,303,645
Total change to revenues			<u>\$465,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Expenses</b>				
Transfer to Water Fund	10010900.79800.0200	\$0	<u>\$465,000</u>	\$465,000
Total change to expenses			<u>\$465,000</u>	

Section 3. The 2004 appropriation for the Water Portion of the Utility Fund, initially appropriated by Ordinance No. 2977 in the amount of \$28,737,449 is hereby increased by \$465,000 which, when added to the fund balance as of the City Council action on May 24, 2004 will equal \$29,187,190. The actual amount in the Water Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to an increase in the transfer from the General Fund for waterlines at the Shops at Walnut Creek.

Section 4. The \$465,000 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Transfer from General Fund	2000.45000.0100	\$0	<u>\$465,000</u>	\$465,000
Total change to revenues			<u>\$465,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Expenses</b>				
104 <sup>th</sup> Wtr Main Old Wads	80220035523.80400.8888	\$322,000	<u>\$465,000</u>	\$787,000
Total change to expenses			<u>\$465,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of May, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of June, 2004.



SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Hicks - Price**

A BILL

FOR AN ORDINANCE AMENDING TITLE 4, CHAPTER 6, OF THE WESTMINSTER MUNICIPAL CODE CONCERNING CONCRETE REPLACEMENT PROGRAM

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The following sections of Title IV, Chapter 6 of the Westminster Municipal Code are hereby AMENDED to read as follows:

**4-6-1: WORDS AND PHRASES DEFINED:** The following words and phrases as used in this Chapter shall have the following meaning:

(J) ~~"Residential Utility Customer"~~ "CONSUMER" means ANY PERSON, FIRM OR CORPORATION RECEIVING WATER FROM THE CITY WATERWORKS. ~~every in-city utility account for three dwelling units or less primarily used for residential occupancy, served by one water meter or connected to the City sewer system.~~

**4-6-2: IMPOSITION OF CHARGE:** Effective December 30, 1992 there is hereby imposed a concrete replacement charge of fifty cents (\$.50) per month on each residential utility customer. EFFECTIVE JUNE 15, 2004 THE ABOVE CONCRETE REPLACEMENT CHARGE IS HEREBY IMPOSED ON EVERY CONSUMER'S UTILITY ACCOUNT. Said charge is in addition to all other taxes imposed by law.

**4-6-3: EXEMPTIONS:** No ~~residential~~ utility customer shall be exempt from the charge.

**4-6-5: POLICY:** (A) The Department of Public Works and Utilities ~~Street~~ INFRASTRUCTURE IMPROVEMENTS Division Budget receives an annual appropriation as part of the budget earmarking funds ~~citizen's requests~~ for curb, gutter and sidewalk replacement. Effective January 1, 1993 a concrete replacement charge was added to all residential utility bills to pay for concrete replacement. EFFECTIVE JUNE 15, 2004 THE FEE WAS AMENDED TO INCLUDE ALL CONSUMER'S UTILITY ACCOUNTS. This fee is included within the ~~Street~~ INFRASTRUCTURE IMPROVEMENTS Division budget annually. (2274)

(B) Programs: Westminster has ~~three~~ A programs to replace curb, gutter and sidewalk adjacent to citizens' properties:

1. Streets being reconstructed, ~~or~~ resurfaced, OR SEALCOATED WILL have all deteriorated concrete replaced prior to pavement improvements. The City funds 100% of the concrete replacement as part of the annual street improvement project.

2. ~~The City pays 100% of the curb, gutter and sidewalk replacement. Property owners requesting service are placed on the first come first served priority replacement list and may wait as long as five years for the repairs.~~

~~3. The City pays 50% and the property owner pays 50%. Property owners who elect to have concrete repairs completed during the calendar year following the year the request is made shall agree to pay 50% of the cost and be moved up on the priority list.~~

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24<sup>th</sup> day of May, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14<sup>th</sup> day of June, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Price - Hicks**

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$1,085,413 which, when added to the fund balance as of the City Council action on May 10, 2004 will equal \$82,202,131. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to an inter-fund borrowing from the Westminster Economic Development Authority for \$1,085,413.

Section 2. The \$1,085,413 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Source	1000.46000.0225	\$0	\$1,085,413	\$1,085,413
Total Change to Revenues			<u>\$1,085,413</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Use	10010900.78800.0000	\$0	\$1,085,413	\$1,085,413
Total Change to Expenses			<u>\$1,085,413</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of May, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of June, 2004.