



WESTMINSTER  
COLORADO

JULY 14, 2003  
7:00 P.M.

## CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

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

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

8. Consent Agenda
  - A. West Nile Virus IGA with JeffCo and JeffCo Department Of Health and Environment
  - B. Median Renovation Contract Award
  - C. Engineering Design/Construction Services for Big Dry Creek Wastewater Treatment Facility
  - D. Contract for Final Design of Huron Street, 140th Avenue to 150<sup>th</sup> Avenue
  - E. Councillor's Bill No. 33 re Change of Zoning of the NEC 80<sup>th</sup> & Sheridan Blvd. (Dittman-Dixion)
  - F. Councillor's Bill No. 34 re Supplemental Appropriation for Faversham Park (Dittman-Dixion)
  - G. Councillor's Bill No. 35 re Appropriation of 2002 Carryover Funds Into 2003 (Kauffman-McNally)
9. Appointments and Resignations
  - A. Resolution No. 24 re Board & Commission Appointments
10. Public Hearings and Other New Business
  - A. Councillor's Bill No. 36 re Brauch Property Tenant Lease
  - B. Resolution No. 25 re Hyland Hills/Holy Trinity School and Church for an AdCo Open Space Grant
  - C. Councillor's Bill No. 37 re Supplemental Appropriation of Big Dry Creek Watershed Grant Funds
  - D. Resolution No. 26 re findings of fact for annexation of Chambers Preserve Property
  - E. Resolution No. 27 re findings of fact for annexation of Hazlewood Property
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
  - A. City Council
  - B. Executive Session
    1. Attorney-Client Privilege Consultation
13. Adjournment

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JULY 14, 2003 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 Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally 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

Councillor Dittman moved, seconded by Councillor Dixon to approve the minutes of the meeting of June 23, 2003 with no corrections or additions. The motion carried unanimously.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the City's water supply and that residents are conserving water, the Conservation Rebate Program, and he advised Council that the prairie dogs at Windsor Park would be exterminated until Council directed staff differently.

CITY COUNCIL COMMENTS

Councillor Dixon commented on the Have A Heart Home dedication on July 10, 2003, the Adventure Golf fundraiser for Metro North Chamber of Commerce, and the Open Space tour on July 12, 2003.

Councillor Hicks commented on National Night Out against Crime to be held on August 5.

Councillor Kauffman commented on the 4<sup>th</sup> of July celebration and the upcoming Westminster Faire that will be held at the Promenade.

Councillor Dittman commented on the Police and Fire future needs presentation last week.

CONSENT AGENDA

The following items were considered as part of the consent agenda: West Nile Virus IGA with Jefferson County Department of Health and Environment; Median Renovation Contract Award with Arrow J Landscape for \$235,000; Engineering Design/Construction Services for Big Dry Creek Wastewater Treatment Facility contract with CDM Engineers for \$2,169,685; Contract for Final Design of Huron Street, 140<sup>th</sup> to 150<sup>th</sup> Avenue for with Transystems Corporation \$354,000; CB No. 33 re Zoning of NEC of 80<sup>th</sup> & Sheridan Blvd.; CB 34 re Supplemental Appropriation for Faversham Park; and CB 35 re Appropriation of FY2002 Carryover Funds into FY2003.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. Councillor Hicks asked that the Median Renovation Contract Award with Arrow J Landscape for \$235,000 be removed for separate discussion.

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

MEDIAN RENOVATION CONTRACT AWARD

Councillor Kauffman moved, seconded by Dittman to authorize the City Manager to execute a contract with Arrow J Landscape and Design, Inc. in the amount of \$216,160 for median renovation at various streetscape locations in the City of Westminster and authorize a 9% contingency amount of \$18,840, for a total project budget of \$235,000. The motion carried with a dissenting vote from Councillor Hicks.

RESOLUTION NO. 24 RE RESIGNATION AND APPOINTMENTS

Councillor McNally moved, seconded by Dixon to adopt Resolution No. 24 formally accepting the resignation of Betty Tellier from the Library Board and appointing Raymond Selix and Tim McClung to the Board of Adjustment, and Sharon Hall to the Library Board with terms of office to expire on December 31, 2003; and to appoint Hal Smith to the Library Board with term of office to expire on December 31, 2004. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 36 RE BRAUCH PROPERTY TENANT LEASE

Councillor Hicks moved, seconded by McNally to pass Councillor's Bill No. 36 on first reading approving a lease with Joseph Collins for tenancy on the Brauch Property. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 25 RE HYLAND HILLS/HOLY TRINITY SCHOOL AND CHURCH GRANT

Mayor Pro-Tem Atchison moved, seconded by Dittman to adopt Resolution No. 25 sponsoring Hyland Hills Park and Recreation District and Holy Trinity School and Church for an Adams County Open Space grant application. Mary Skellie, 3842 W 99<sup>th</sup> Ave, addressed Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 37 SUPPLEMENTAL APPROPRIATION OF BDC WATERSHED GRANT

Councillor Dixon moved, seconded by McNally to pass Councillor's Bill No. 37 on first reading appropriating \$40,000 into the Special Studies Project account as a result of a United States Department of Energy Grant extension. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 27 RE COMPLIANCE HEARING FOR HAZLEWOOD PROPERTY ANNEXATION

Councillor Dittman moved, seconded by Hicks to adopt Resolution No. 27 accepting the annexation petition submitted by Frank and Deborah Hazlewood, and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of August 25, 2003 for the annexation hearing. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 26 RE COMPLIANCE HEARING FOR CHAMBERS PROPERTY ANNEXATION

Councillor Dittman moved, seconded by Hicks to adopt Resolution No. 26 accepting the annexation petition submitted by Matt Moorhead as Program Manager of the Nature Conservancy, and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of August 25, 2003, for the annexation hearing. Upon roll call vote, the motion carried unanimously.

CITIZEN COMMUNICATION

The Mayor stated the Council had received 19 e-mails regarding the prairie dogs at Windsor Park. 18 of the e-mails were in favor of exterminating the prairie dogs and 1 was in favor of rescuing the prairie dogs. The City Manager's office also received 15 telephone calls and all the callers were in favor of exterminating the prairie dogs.

Wendy Atkinson, 4280 West 105<sup>th</sup> Place, Kathy Dawson, President of Prairie Dog Action, 1677 Dexter St, Broomfield, Jean Treve, Adams County Community Development, Anoosh Shahidi, 3332 W 109<sup>th</sup> Cir, Deb Jones of Prairie Dog Action, 11307 Quivas Way, and John Hollinger, 3322 W 109<sup>th</sup> Circle, Judy Tenterly, Broomfield, Colorado, JoAnn Reince, 1473 W 135<sup>th</sup> Pl, and Keith Henderson, 10736 King St, and Beth Chorbajian, 2245 Newton St, Denver, addressed Council on the prairie dog situation at Windsor Park.

Council agreed to move forward with a contract for extermination of the prairie dogs at Windsor Park with no dogs to be exterminated until at least July 29, 2003, and if Prairie Dog Action is able to relocate the prairie dogs prior to July 29, they may do so.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session item to discuss an Attorney-Client Privilege Consultation.

ADJOURNMENT:

The meeting was adjourned at 8:35 P.M.

ATTEST:

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003



**SUBJECT:** West Nile Virus Intergovernmental Agreement with Jefferson County and the Jefferson County Department Of Health and Environment

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

**Recommended City Council Action:**

Authorize the Mayor to sign an Intergovernmental Agreement (IGA) between the City of Westminster, Jefferson County and the Jefferson County Department of Health and Environment to reimburse the City for mosquito control expenses within Jefferson County.

**Summary Statement:**

- In order to deal effectively with the continuing threat of mosquito-borne transmission of West Nile Virus and other avoviral diseases, Jefferson County is contracting with Colorado Mosquito Control, Inc. (CMC) for Integrated Mosquito Management services within certain areas of Jefferson County during the year 2003.
- On April 8, 2002, City Council approved a three-year agreement with CMC to manage and control mosquitoes within the boundaries of the City of Westminster.
- The City of Westminster's 2003 projected expense for mosquito control with CMC is \$38,110.
- Because the City is currently under contract to CMC, Jefferson County, as part of a program to control the transmission of West Nile Virus, will reimburse the City for 50 percent of the treatment costs of mosquito habitat areas within Jefferson County boundaries up to a maximum of \$9,192 for 2003.
- The City's contiguous boundary as calculated for this service is 35.43 square miles. The Jefferson County portion of the City is 17.09 square miles or 48.24 percent, which makes the City eligible for the full reimbursement of \$9,192 from the County.

**Expenditure Required:** \$ 0

**Source of Funds:** None

**SUBJECT:** West Nile Virus Intergovernmental Agreement with Jefferson County and the Jefferson County Department Of Health and Environment

Page 2

**Policy Issue**

Should the City of Westminster enter into an Intergovernmental Agreement with Jefferson County and the Jefferson County Department of Health and Environment to receive reimbursement in the amount of \$9,192 for mosquito control in that portion of the City within Jefferson County?

**Alternative**

Council could choose to not approve the IGA. Staff advises against this option, as additional funding for the program will offset future expenses in mosquito control related to the West Nile Virus.

**Background Information**

The Jefferson County Health Department deems the threat of West Nile Virus to be serious enough to initiate a Countywide mosquito control program. As Westminster currently has a mosquito program (originally established in 1986), the County will reimburse the City for 50 percent of expenses of the 2003 program up to the amount of \$9,192.

The Department of Parks, Recreation and Libraries will be responsible to provide the County with documentation necessary to comply with the IGA Mosquito Management reimbursement program.

Respectfully submitted,

J. Brent McFall  
City Manager

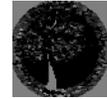
Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003



**SUBJECT:** Median Renovation Contract Award

**Prepared By:** Kathy Piper, Landscape Architect

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Arrow J Landscape and Design, Inc. in the amount of \$216,160 for median renovation at various streetscape locations in the City of Westminster and authorize a 9% contingency amount of \$18,840, for a total project budget of \$235,000.

**Summary Statement**

- The Parks, Recreation and Libraries Department has identified several existing landscaped medians in the City that are in need of renovation.
- All median landscape renovations will use drought-tolerant plant materials and irrigation technology that will use City water effectively.
- The first phase of Median renovation has approximately 30,000 square feet of demolition, landscape, irrigation, and mulch.
- Bids were solicited from five reputable landscape construction companies, with four companies providing bids. The low bid for this phase of projects is Arrow J Landscape, Inc.
- Arrow J Landscape Inc. has successfully completed both new construction and renovation landscape projects for the City in the past, most recently both phases of Amherst Park.
- A total of \$235,000 has been designated in the Community Enhancement Capital Improvement Project Fund for median renovation in 2003.
- Construction will begin in the summer of 2003.
- The contingency funds will be held in a separate account.

**Expenditure Required:** \$ 235,000

**Source of Funds:** Community Enhancement 2003 Capital Improvement Program.

**Policy Issue**

Should the City pursue contracting out the median renovation in areas of the City that have begun to show signs of decline?

**Alternative**

City Council could choose not to authorize the median renovation bid and leave the medians in their current condition until a later date. Staff, however, recommends pursuing renovation of the medians to help with ongoing irrigation and plant maintenance problems as well as addressing Council’s Beautiful City goal. Renovation will allow Staff to address outdated irrigation systems, drought needs, plant material and improve the overall image of medians.

**Background Information**

The City of Westminster’s landscaped median development has increased over the past ten years as various street beautification projects have been completed. The newest medians completed are at 104<sup>th</sup> Avenue, between Sheridan and US 36, and a section of median on 120<sup>th</sup> Avenue in front of Bradburn Village. While new construction and street improvements have added medians in the City, the older medians (some date back to the early 1980’s) have suffered from plant dieback, traffic accidents, accumulation of salts/sand, irrigation system failures, and three years of drought.

The renovation program will take into consideration each median in the City based on past plant performance, drought tolerance and visibility in the City. Renovation will include new irrigation systems, plant materials, mulch and concrete repairs. Most trees within the medians will remain if they are in good health or will be replaced with another tree species. All shrub replacements will be low-growing junipers, ornamental shrubs and/or perennials. Over the years, Staff has documented the survivability of numerous plant materials (trees, shrubs, groundcovers, perennials) and these will be selected based on the hardiest species for each renovation area.

Currently, the Community Enhancement Fund has \$235,000 dedicated for median renovations. It is Staff’s intent to complete as many median renovations as possible with the available funds. Below is the list of medians that will be renovated under this proposed contract.

- Yates Street, 92<sup>nd</sup> Avenue to the RTD Park and Ride
- US 36 at Sheridan Boulevard intersection
- 92<sup>nd</sup> Avenue medians in front of City Hall
- Sheridan Boulevard, from 92<sup>nd</sup> Avenue to 104<sup>th</sup> Avenue.

A competitive bid was sent out to five landscape construction companies for median renovation and bids were received as follows:

Arrow J Landscape Inc.	\$216,160.43
T2 Construction	\$217,334.45
Schultz.	\$248,937.88
Autumn Landscaping, Inc.	\$289,789.86

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003



**SUBJECT:** Engineering Design/Construction Services for Big Dry Creek Wastewater Treatment Facility

**Prepared By** Kent W. Brugler, Senior Engineer

**Recommended City Council Action**

Authorize the City Manager to execute a contract with CDM Engineers for the amount of \$1,972,435, plus a project contingency of \$197,250 (10%) to be maintained in a separate account, for the final engineering design and construction management services for the upgrade and expansion of the Big Dry Creek Wastewater Treatment Facility.

**Summary Statement**

- The flows to the Big Dry Creek Wastewater Treatment Facility are approaching the maximum amount allowed under the state permit, thereby requiring the design and construction of a plant expansion.
- The facility must to be expanded to accommodate growth in the Big Dry Creek service area of the City and the resulting increased wastewater flow, and some of the older treatment processes and equipment must also be replaced.
- The recently completed Wastewater Utility Plan and Site Application quantified the flows expected through build-out of the City, evaluated the treatment facility needs for expansion and upgrade, and recommended improvements that must be made to meet treatment requirements.
- The upcoming widening of Huron Street adjacent to the plant site will affect access into the plant and to several buildings within the plant site, and will impact the alignment of the major interceptor pipelines that convey wastewater to the treatment facility.
- A prequalification of engineering design firms was conducted and four firms were invited to propose for the final design and construction management of the facility upgrade and expansion.
- CDM Engineers presented the most responsive proposal to the City’s request in both the technical and cost portions of their proposal, and it is recommended that City Council award the contract to CDM Engineers.
- Funds have been allocated by City Council in the Utility Fund Capital Improvement budget for this engineering design work.

**Expenditure Required:** \$2,169,685

**Source of Funds:** Utility Fund Capital Improvement Budget  
Contingency Funds of \$197,250 will be set aside in a separate account.

**Policy Issue**

Should the City proceed with the final design and construction of the upgrade and expansion of the Big Dry Creek Wastewater Treatment Facility to increase its treatment capacity, to upgrade portions of the facility that are aged and in need of replacement and to accommodate the widening of Huron Street?

**Alternatives**

The City could delay the design of the upgrade and expansion of the facility, however, this would risk violation of our state wastewater discharge permit and result in uncertain margin of treatment capacity to accommodate City growth.

The City could award the contract to another firm; however, this would most likely result in a higher cost and a longer project completion time.

**Background Information**

The Big Dry Creek Wastewater Treatment Facility (BDCWWTF) was originally constructed in 1972 with a capacity of 1.0 million gallons per day (mgd), and has been expanded several times since then, most significantly in 1982 and 1995, to its current capacity of 7.5 mgd average daily flow. Most of the original structures and equipment are still in use today and show signs of wear and deterioration.

The state permit for discharge from the BDCWWTF requires that once the flow into the facility reaches 80% of the facility's maximum monthly flow capacity, which is currently 9.2 mgd, the design process must begin for expansion of the facility. This level of flow, or 7.4 mgd, was exceeded in 2001 which triggered the need to complete preliminary design work in 2002. The permit also requires that construction be started prior to flows reaching 95% of the permitted capacity. This wet weather flow is anticipated to be reached in 2005, and is highly dependent on the amount of rainfall received. The Wastewater Master Plan concluded that the build-out capacity for the facility will need to be 11.9 mgd. This final design phase will allow the facility to be expanded to treat this capacity by 2006.

The preliminary design phase, which was completed earlier this year, included a thorough evaluation of: the build-out capacity facility flow requirements, all existing structures and processes at the facility, odor control options, a security assessment, improved automation methods, biosolids processing and handling options, all related permit coordination and a recommendation of the most effective waste treatment method that should be followed in the final design phase. The preliminary phase also included the development of a site plan that identified the final facility layout along with a storage area for vehicles, materials and equipment that is needed by other City Divisions for servicing the northern section of the City.

From the prequalification process used for the preliminary design phase, four engineering firms were invited to submit proposals. The City project team met with each firm twice during the proposal period to review the recommendations from the preliminary design phase and overall project scope, and to allow each firm to acquaint themselves with treatment facility. Three firms submitted proposals for the final design and construction management phase of the facility expansion, with Richard P. Arber Associates electing not to submit a proposal based on the level of their current workload. All three firms that submitted proposals have successfully completed numerous projects for the City, and they are listed below along with their proposed fee:

Burns and McDonnell Engineering	\$1,698,100 (non responsive bid)
CDM Engineers	\$1,972,435
Black and Veatch Corp.	\$2,521,059

The proposals were reviewed in detail by the City project team as well as our Capital Projects Consultant, RG Consulting Engineers, Inc. As a result of these reviews, it was discovered that Burns & McDonnell did not include a portion of the project scope in their design fee and therefore their proposal was determined to be non-responsive to our request. Both CDM and Black & Veatch addressed the entire project scope in their cost proposals. CDM's fee represents 11.1% of the estimated construction value of \$17,700,000, which is well within the industry standard for design and construction management services for a project of this magnitude.

The City project team's review of the technical portion of the proposals concluded that CDM presented the most comprehensive and innovative response to the City's request. With the Huron Street widening project adjacent to the BDCWWTF site scheduled to be under construction starting in the first quarter of 2004, access into the BDCWWTF and to certain buildings within the plant site will be affected, requiring the complete design of certain plant improvements by March 1, 2004. CDM was the only firm to commit to completing 100% of the design work by this deadline, therefore ensuring that the construction phase can be completed with a single bid package rather than requiring two or more bid packages, or a combination of a partial bid package and a negotiated Guaranteed Maximum Price for the balance of the work. By bidding and constructing all the work as a single contract, the City will save an estimated \$500,000-750,000 in reduced construction costs and reduced project management fees. This was our stated goal in the request for proposals, and CDM was the only firm to make this commitment.

In addition to committing to the requested schedule, CDM presented several alternatives for the City's consideration that would reduce the overall project costs or allow for the completion of additional necessary improvements identified in the Utility Plan. The City project team believes CDM's proposal outlines an approach to the final design that will give the City the greatest "bang for the buck" for this expansion project. CDM also presented the most comprehensive approach to designing and constructing an odor control system for the facility, which is a significant component of this project. CDM has extensive in-house experience in the design of odor control systems for national and international facilities.

Based on these reviews and the comprehensive response by CDM Engineers to the City's request for proposals, it is recommended that the contract for the final design and construction management of the Big Dry Creek Wastewater Treatment Facility expansion and upgrade be awarded to CDM Engineers.

Respectfully submitted,

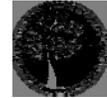
J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003



**SUBJECT:** Contract for Final Design of Huron Street, 140th Avenue to 150<sup>th</sup> Avenue

**PREPARED BY:** Stephen C. Baumann, Assistant City Engineer

**Recommended City Council Action:**

Authorize the City Manager to sign a contract with Transystems Corporation for final design of Huron Street from 140<sup>th</sup> Avenue to 150<sup>th</sup> Avenue. Authorize a project budget of \$354,000, including up to \$293,000 for design activities under this contract, \$31,000 for title research, appraisals and other activities preparatory to acquiring right-of-way, and \$30,000 in contingency.

**Summary Statement:**

- Huron Street is presently a two-lane paved road north of 128<sup>th</sup> Avenue to the north City limits at approximately 150<sup>th</sup> Avenue. Traffic volumes have increased significantly in the past several years. The construction of the 136<sup>th</sup> Avenue interchange at Interstate 25, scheduled for completion in late summer of 2004, makes Huron Street a top transportation improvement priority. City Council recently gave approval for final design of Huron Street to 140<sup>th</sup> Avenue under a contract with Felsburg Holt and Ullevig. A contract for final design of the mile and one-half from 140<sup>th</sup> Avenue to 150<sup>th</sup> Avenue (see attached vicinity map) is now being recommended so that both projects can be accomplished in the most expedient fashion.
- Proposals were requested from three qualified engineering consultants and reviewed for their experience with similar projects, their familiarity with the corridor, and the value indicated by their proposed fees for the expected scope of the work. The firm of Transystems Corporation was chosen from this group for the final design effort. Their experience in Westminster includes the design of Sheridan Boulevard, 113<sup>th</sup> Avenue to 118<sup>th</sup> Avenue, construction of which was completed in 2002. At \$271,000, their proposed design fees for the effort are judged to be reasonable and a good value.
- Authorization is sought for a total of \$354,000. The design contract with Transystems Corporation will be set at \$293,000, adjusted from their proposal to account for the task of designing utility relocations and adjustments as yet unknown. Expenditures that need to parallel the final design work include title research and appraisals, estimated to cost \$31,000 under several administrative contracts, and an overall project contingency of \$30,000, which will be held in a separate account.
- Funds for this design and other work in the General Fund Huron Street Capital Improvement project account.

**Expenditure Required:** \$354,000

**Source of Funds:** General Capital Improvement Fund

**Policy Issues**

Should the City proceed with the design work in the Northern Huron Street improvements?

**Alternatives**

- Alternatives include postponing or abandoning the final design of this portion of Huron Street. Given the increasing traffic and the prospect of further pressure on these facilities from the 136<sup>th</sup> Avenue Interchange and the high likelihood of significant development in the corridor, this alternative is not recommended.
- A second alternative would be to award the contract for design to one of the other firms. The three firms are all qualified to perform the job and have experience in one or more of the significant aspects of this particular assignment. Transystems' experience with the Sheridan Boulevard project is valuable in that Huron Street has similar elements and design characteristics. Since the fee structure proposed by Transystems represents the best value for the City, the option of choosing another firm is not recommended.

**Background Information**

The Huron Street corridor north from 128<sup>th</sup> Avenue has experienced rapidly increasing traffic in recent years. The two-lane roadway is becoming inadequate to handle existing traffic, much less projected future traffic. In a joint project with the City of Thornton, the City of Westminster will complete construction of the 136<sup>th</sup> Avenue interchange at Interstate 25 in late summer of 2004. In addition, the renewed emphasis on the development of the properties flanking Interstate 25 between 128<sup>th</sup> and the north City limits at 150<sup>th</sup> Avenue makes the improvement of Huron Street a top transportation priority of the next several years.

A first phase of design is underway under a contract with Felsburg, Holt and Ullevig (FHU), which City Council approved in February 2003. This effort covers the mile and one-half from 128<sup>th</sup> Avenue and 140<sup>th</sup> Avenue, and could be expected to be bid for construction in the spring of 2004. Focusing on this first phase provides the best opportunity to mesh the interchange project with the Huron Street projects with the least inconvenience to the public. The intention is to have the intersection of Huron Street and 136<sup>th</sup> Avenue operational when the 136<sup>th</sup> Avenue/I-25 Interchange goes into service in late summer 2004. This will make the second mile and one-half, from 140<sup>th</sup> to 150<sup>th</sup> much easier to build and less of an impediment to those who can then use the new interchange. .

In the 140<sup>th</sup> Avenue to 150<sup>th</sup> Avenue section of the project, a minimum of four through lanes (two lanes in each direction) would be built, but the consultant will also evaluate the potential time frame for development in the corridor and using traffic projections, identify the need and potential timing for six through lanes. Another design challenge is the area south of 148<sup>th</sup> Avenue where there are a number of houses with direct access to Huron Street may necessitate installation of a frontage road to parallel Huron Street. In addition to traffic analyses and evaluation of street alignments, significant utility facilities exist in the Huron Street right-of-way, and relocation and adjustment schemes must be evaluated in detail. The extent of utility conflicts is yet to be determined and difficult to quantify in terms of designing and costs of relocation or avoidance. Major drainageway crossings of Huron Street must be designed for downstream of McKay Lake and at the Shay Ditch crossing north of 148<sup>th</sup> Avenue. Both will be designed to incorporate grade-separated pedestrian facilities. While not as complex as the first phase of the project between 128<sup>th</sup> and 140<sup>th</sup>, the project is multi-faceted and challenging in terms of engineering issues.

Proposals for final design engineering were invited from three engineering consultants, and their expected fees for the scope of work are listed below. The three firms were judged to be the top three qualifiers after the FHU team was recently chosen for the first phase of Huron Street design, from 128<sup>th</sup> Avenue to 140<sup>th</sup> Avenue. The FHU team was not included in this group for several reasons. First, FHU needs to be able to focus their time and effort on the 128<sup>th</sup>-140<sup>th</sup> Avenue phase to maximize the potential for constructing the 136<sup>th</sup> Avenue/Huron Street intersection in conjunction with the 136<sup>th</sup> Ave Interchange construction..

Having one firm tackle the nearly three miles of arterial roadway design from 128th to 150th Avenue increases the possibility that the firm’s resources might be strained, thus affecting the overall schedule adversely. Second, there is value in apportioning the work in the north I-25 corridor to more than one engineering firm, so that future projects (144th Avenue, for example) are not reliant on one firm due to their familiarity with the area. Design firms are being very competitive for contracts and this is an opportunity to take advantage of that interest to have several engineers with experience in the area for future projects.

The three firms listed below have the experience and capability to handle the Huron Street project design, particularly in the areas of transportation and roadway design, utility relocation design and drainage analysis related to floodplains and their modification as a result of the street improvements. These are all significant elements of the Huron Street project between 140th Avenue and 150th Avenue. The firms and their proposed fees are:

<u>Firm</u>	<u>Fees</u>
Transsystems Corporation	\$271,000
Parsons Transportation Group	\$323,000
PBS&J	\$324,000

A detailed review of the proposals, and an interview of the top candidates concluded with the recommendation that the firm of Transsystems Corporation be awarded the contract for final design of Huron Street from 140th Avenue to 150th Avenue. The proposed project team lead by Transsystems has first-hand experience in the area, having done the drainage master planning for the McKay Lake Drainageway, including preliminary evaluation of the crossing of Huron Street downstream of the McKay Lake. Transsystems was also the lead design firm for the Sheridan Boulevard street widening constructed from 113th Avenue to 118th Avenue in 2002, a street improvement project that also rebuilt an existing two-lane street. Add to that their proposed fees, which are the lowest of the three candidates, and Staff believes that they are a good choice for this project. Staff is recommending award of the contract for final design to Transsystems Corporation.

As with the first phase of Huron Street, utility conflicts are the great-unknown factor, and timely design and coordination to resolve problems with utilities is critical to maintaining the schedule. Given the significant coordination effort that might be needed to deal with them, staff is recommending a provision to allow specialized utility planning and design for up to \$22,000 be built into the contract. This work item would only be implemented for use if the present assumptions regarding utility conflicts were more severe than anticipated, and would set the contract amount with Transsystems at \$293,000 (\$271,000 plus \$22,000). In addition, authorization is sought for \$31,000 in funding for activities preparatory to acquiring right-of-way, including appraisals. An overall contingency of \$30,000 for the design effort brings the total needed funding to \$354,000. The recommended funding authorizations are summarized below.

Final Design contract with Transsystems	\$293,000
Title work, appraisals, pre-acquisition activities	\$ 31,000
Contingency	<u>\$ 30,000</u>
<b>Total</b>	<b><u>\$354,000</u></b>

Respectfully submitted,

J. Brent McFall  
City Manager

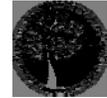
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**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003



**SUBJECT:** Second Reading of Councillor's Bill 33 re Change of Zoning of the Fuller and Sons Property from C1, Commercial District, to Planned Unit Development (PUD)

**Prepared By:** Daniel E. Osborn, Planner II

**Recommended City Council Action**

Pass Councillor's Bill No. 33 on second reading approving the rezoning of the Fuller and Sons Property from C1, Commercial District, to Planned Unit Development (PUD).

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill No. 33 on second reading that changes the zoning classification from C1, Commercial, to PUD, Planned Unit Development to allow C1 uses and a muffler shop. The property is currently an abandoned gas station located on the northeast corner at 80<sup>th</sup> Avenue and Sheridan Boulevard.
- This Councillor's Bill was passed on first reading on June 23, 2003.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **33**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND CHANGING THE ZONING CLASSIFICATION OF A CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds;

- a. That an application for the zoning of the property described below from City of Westminster C-1 to City of Westminster PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-2.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code, Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminster C-1 to City of Westminster PUD. A parcel of land located in Section 30, Township 2 South, Range 68 West, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the southwest corner of said Section 30; thence along the south line of said Section N89°27'23"E a distance of 165.00 feet; thence leaving said Section line N00°04'04"W a distance of 53.00 feet to a point on the northerly right-of-way line of West 80<sup>th</sup> Avenue as described in Book 3317, Pages 810, said point being the True Point of Beginning; thence along said right-of-way line S89°27'23"W a distance of 80.70 feet to a point of curvature; thence continuing along said right-of-way line 53.69 feet along the arc of a curve to the right having a central angle of 90°28'33", a radius of 34.00 feet and a chord which bears N45°18'21"W a distance of 48.28 feet to a point of tangency, said point being on the easterly right-of-way line of north Sheridan Boulevard as described in Book 3317, Page 813; thence along said right-of-way line N00°04'04"W a distance of 87.72 feet; thence departing said easterly right-of-way line N89°27'23"E a distance of 115.00 feet; thence S00°04'04"E a distance of 122.00 feet to True Point of Beginning. Said parcel contains 13,778 square feet or 0.316 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of June, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14<sup>th</sup> day of July, 2003.

ATTEST

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003



**SUBJECT:** Second Reading of Councillor's Bill No. 34 re Supplemental Appropriation for Faversham Park

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

**Recommended City Council Action:**

Pass Councillor's Bill No. 34 on second reading, appropriating \$74,775 from the Colorado Division of Wildlife for Faversham Park Improvements into the General Capital Improvement Fund, increasing the total project budget to \$355,775.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading which appropriates grant money into the Capital Improvement Program for enhancements to Faversham Park.
- This Councillor's Bill was passed on first reading on June 23, 2003.

**Expenditure Required:** \$74,775

**Source of Funds:** Fishing is Fun Grant

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3035**

COUNCILOR'S BILL NO. **34**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**Dittman-Dixon**

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$74,775 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$9,089,708. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Fishing is Fun Program grant from the Colorado Division of Wildlife.

Section 2. The \$74,775 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
State Grants 7501.40620.0000	\$0	<u>\$74,775</u>	\$74,775
Total Change to Revenues		<u>\$74,775</u>	
<b>EXPENSES</b>			
Faversham Park 80275050513.80400.8888	\$281,000	<u>\$74,775</u>	\$355,775
Total Change to Expenditures		<u>\$74,775</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 23<sup>rd</sup> day of June, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of July, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003



**SUBJECT:** Second Reading of Councillor's Bill No. 35 re Appropriation of FY2002 Carryover Funds Into FY2003

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

**Recommended City Council Action:**

Pass Councillor's Bill No. 35 on second reading appropriating FY2002 carryover funds into the FY2003 budgets of the General, Fleet, General Capital Improvement, General Reserve, General Capital Outlay Replacement, Utility, and Open Space Funds.

**Summary Statement**

- City Council action is requested to pass the attached Councillors Bill on second reading that appropriates FY2002 carryover funds into the General, Fleet, General Capital Improvement, General Reserve, General Capital Outlay Replacement, Utility, and Open Space Funds. This appropriation takes place annually once the audit is substantially completed for the prior year.
- This Councillor's Bill was passed on first reading on June 23, 2003.

**Expenditure Required:** \$8,289,226

**Source of Funds:** General, Fleet, General Capital Improvement, General Reserve, General Capital Outlay Replacement, Utility, and Open Space Funds

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **35**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL, FLEET, GENERAL CAPITAL IMPROVEMENT, GENERAL RESERVE, GENERAL CAPITAL OUTLAY REPLACEMENT, UTILITY AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$3,057,631 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$70,852,348. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2002 carryover.

Section 2. The \$3,057,631 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Carryover 1000.40020.0000	\$0	<u>\$3,057,631</u>	\$3,057,631
Total Change to Revenues		<u>\$3,057,631</u>	
<b>EXPENSES</b>			
Central Charges – Prof Svcs 10010900.65100.0000	\$125,580	\$140,900	\$266,480
Central Charges – Prof Svcs Litigation 10010900.65100.0258	15,000	20,000	35,000
Municipal Court – Overtime 10012130.60400.0000	5,700	24,000	29,700
Municipal Court – Supplies 10012130.70200.0000	9,900	7,000	16,900
Finance – Temp Salaries 10015050.60600.0000	0	1,700	1,700
Finance – Prof Services 10015220.65100.0000	38,790	8,500	47,290
Community Development – Prof Svcs 10030360.65100.0000	9,341	100,000	109,341
Community Development – Office Equip 10030360.75200.0000	0	5,000	5,000
Community Development – Printing 10030360.66600.0000	4,700	3,500	8,200
Police Department – Other Equipment 10020500.76000.0000	0	1,804	1,804
Police Department – Office Equipment 10020270.75200.0000	0	27,000	27,000
Police Department – Elec & Gas 10020050.67200.0000	84,000	30,000	114,000
Police Department – Prof Svcs 10020270.65100.0000	9,750	13,700	23,450
Police Department – Supplies 10020500.70200.0000	66,568	18,200	84,768
Police Department – Prof Svcs 10020300.65100.0000	4,500	6,100	10,600
Police Department – Unif & Equip 10020500.61000.0000	84,840	12,000	96,840
Fire Department – Salaries 10025260.60400.0000	118,619	38,504	157,123
Fire Department – Salaries EMS 10025260.60400.0546	39,930	9,496	49,426
Fire Department – Contract Svcs 10025260.67800.0000	4,000	5,900	9,900
PR&L – Library Materials 10050620.71600.0000	307,300	1,000	308,300
PR&L – Special Promotions 10050760.67600.0528	0	4,683	4,683
Central Charges – Budget Hold 10010900.76800.0000	1,542	2,000,000	2,001,542
Transfer to General Capital Outlay Replacement Fund 10010900.79800.0450	0	345,644	345,644
Transfer to General Capital Improvement Fund 10010900.79800.0750	0	<u>233,000</u>	233,000

Total Change to Expenditures

\$3,057,631

Section 3. The 2003 appropriation for the General Reserve Fund, initially appropriated by Ordinance No. 2977 in the amount of \$7,290,745 is hereby increased by \$110,720 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$7,401,465. The actual amount in the General Reserve 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 2002 carryover.

Section 4. The \$110,720 increase in the General Reserve Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
REVENUES			
Carryover 1100.40020.0000	\$7,183,000	<u>\$110,720</u>	\$7,293,720
Total Change to Revenues		<u>\$110,720</u>	
EXPENSES			
Contingency 11010900.79900.0000	\$7,290,745	<u>\$110,720</u>	\$7,401,465
Total Change to Expenditures		<u>\$110,720</u>	

Section 5. The 2003 appropriation for the Fleet Fund, initially appropriated by Ordinance No. 2977 in the amount of \$1,149,638 is hereby increased by \$26,500 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$1,176,138. The actual amount in the Fleet 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 2002 carryover.

Section 6. The \$26,500 increase in the Fleet Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
REVENUES			
Carryover 3000.40020.0000	\$0	<u>\$26,500</u>	\$26,500
Total Change to Revenues		<u>\$26,500</u>	
EXPENSES			
Computer Soft/Hard 30012460.75400.0000	\$26,500	<u>\$26,500</u>	\$53,000
Total Change to Expenditures		<u>\$26,500</u>	

Section 7. The 2003 appropriation for the Open Space Fund, initially appropriated by Ordinance No. 2977 in the amount of \$4,486,775 is hereby increased by \$1,422,375 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$5,909,150. 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 increase is due to the appropriation of 2002 carryover.

Section 8. The \$1,422,375 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
REVENUES			
Carryover 5400.40020.0000	\$0	<u>\$1,422,375</u>	\$1,422,375
Total Change to Revenues		<u>\$1,422,375</u>	
EXPENSES			
Land Purchases 54010900.76600.0000	\$731,382	<u>\$1,422,375</u>	\$2,153,757
Total Change to Expenditures		<u>\$1,422,375</u>	

Section 9. The 2003 appropriation for the General Capital Outlay Replacement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$1,163,431 is hereby increased by \$345,644 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$1,509,075. The actual amount in the General Capital Outlay Replacement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2003 carryover.

Section 10. The \$345,644 increase in the General Capital Outlay Replacement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Transfer from General Fund 4500.45000.0100	\$0	<u>\$345,644</u>	\$345,644
Total Change to Revenues		<u>\$345,644</u>	
<b>EXPENSES</b>			
Vehicles 45010900.75600.0000	\$676,950	<u>\$345,644</u>	\$1,022,594
Total Change to Expenditures		<u>\$345,644</u>	

Section 11. The 2003 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$1,783,000 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$10,706,000. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2003 carryover.

Section 12. The \$1,783,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Carryover 7500.40020.0000	\$0	\$1,550,000	\$1,550,000
Transfer from General Fund 7500.45000.0100	0	<u>233,000</u>	233,000
Total Change to Revenues		<u>\$1,783,000</u>	
<b>EXPENSES</b>			
Promenade/Mandalay Gardens 80175030201.80400.8888	\$150,000	\$400,000	\$550,000
144 <sup>th</sup> Ave Interchange 80375030316.80400.8888	132,600	1,000,000	1,132,600
City Hall Space Allocation 80275012534.80400.8888	250,000	33,000	283,000
City Hall Major Maintenance 80175012023.80400.8888	175,000	<u>350,000</u>	525,000
Total Change to Expenditures		<u>\$1,783,000</u>	

Section 13. The 2003 appropriation for the Utility Fund, initially appropriated by Ordinance No. 2977 in the amount of \$37,814,744 is hereby increased by \$2,122,000 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$39,941,244. The actual amount in 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 2002 carryover.

Section 14. The \$2,122,000 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Carryover 2100.40020.0000	\$1,947,500	\$2,015,000	\$3,962,500
Carryover 2000.40020.0000	0	<u>107,000</u>	107,000
Total Change to Revenues		<u>\$2,122,000</u>	

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>EXPENSES</b>			
InformationTechnology – Prof Svcs 20060230.65100.0000	\$35,500	\$40,000	\$75,500
Water Res & Trtmt– Prof Svcs 20035480.65100.0000	221,191	67,000	288,191
Plants – Maint & Repair 21035490.66200.0000	40,000	12,000	52,000
Plant – Prof Svcs – Water Quality 21035490.65100.0943	87,000	3,000	90,000
Transfer to Utility Fund Reserve 21010900.79800.0205	0	<u>2,000,000</u>	2,000,000
Total Change to Expenditures		<u>\$2,122,000</u>	

Section 15. The 2003 appropriation for the Utility Fund Reserve, initially appropriated by Ordinance No. 2977 in the amount of \$6,860,385 is hereby increased by \$2,000,000 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$8,860,385. The actual amount in the Utility Fund Reserve 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 2002 carryover.

Section 16. The \$2,000,000 increase in the Utility Fund Reserve shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Transfer from Wastewater Fund 2050.45000.0210	\$0	<u>\$2,000,000</u>	\$2,000,000
Total Change to Revenues		<u>\$2,000,000</u>	
<b>EXPENSES</b>			
Contingency			
20510900.79900.0000	\$6,860,385	<u>\$2,000,000</u>	\$8,860,385
Total Change to Expenditures		<u>\$2,000,000</u>	

Section 17. – 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 18. This ordinance shall take effect upon its passage after the second reading.

Section 19. 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 23<sup>rd</sup> day of June, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of July, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003

**SUBJECT:** Resolution No. 24 re Resignation and Appointments to Board of Adjustment and Library Board

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

**Recommended City Council Action**

Adopt Resolution No. 24 formally accepting the resignation of Betty Tellier from the Library Board and making appointments to the Board of Adjustment and Library Board.

**Summary Statement**

- City Council recently received the resignation of Brian Lunning from the Board of Adjustment and accepted the resignation at the June 9, 2003 Council meeting.
- Betty Tellier has been a member of the Library Board since February, 1996 and during 2002 and 2003 she has not attended any Library Board meetings.
- Currently, City Council has a list of 23 persons within the “pool” to be considered when vacancies occur on the various boards during the year.
- Council action is now requested to adopt the attached resolution formally accepting the resignation of Betty Tellier from the Library Board.
- Council action is now requested to appoint new citizens to the Board of Adjustment and Library Board.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**SUBJECT:** Resolution re Resignations and Appointments to BOA & Library Board - Page 2

**Policy Issue**

Should City Council appoint new members to the Board of Adjustment and Library Board at this time?

**Alternative(s)**

Council could decide not to appoint new members to the Board of Adjustment and Library Board at this time.

**Background Information**

Betty Tellier was appointed to the Library Board on February 26, 1996, and pursuant to the City Charter section 5.3 (c) If such officer shall miss four (4) consecutive regular meetings of such board or commission, or twenty-five percent (25%) of such meetings in any fiscal year of the City, unless such absences shall be excused by such board or commission at the time of each absence.

Currently there are 23 citizens within the pool of applicants interested in vacancies on the Boards and Commissions. Council reviewed the chart of citizens within the 2003 “pool” and directed Staff to prepare the attached Resolution and the designated appointment.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **24**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENT

WHEREAS, Council has determined that pursuant to City Charter Section 5.3 (c) a resignation has been created on the Library Board; and

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of Betty Tellier of the Library Board and appoint the following individuals to the City of Westminster Board of Adjustment and Library Board as indicated below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Raymond Selix (moved from Alternate member to Regular member)	Board of Adjustment	December 31, 2003
Tim McClung (Alternate member)	Board of Adjustment	December 31, 2003
Hal Smith (moved from Alternate member to Regular member)	Library Board	December 31, 2004
Sharon Hall (Alternate member)	Library Board	December 31, 2003

Passed and adopted this 14<sup>th</sup> day of July, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

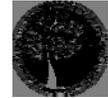
\_\_\_\_\_  
City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003



**SUBJECT:** Councillor's Bill No. 36 re Brauch Property Tenant Lease

**Prepared By:** Becky Eades, Landscape Architect II

**Recommended City Council Action**

Pass Councillor's Bill No. 36 on first reading approving a lease with Joseph Collins for tenancy on the Brauch Property.

**Summary Statement**

- The City purchased the Brauch property, located at 10001 Alkire Street, on May 30, 2003.
- Mr. Joseph Collins has been a tenant on the Brauch property for the past five years. He lives in his trailer on the property.
- Mr. Collins served as caretaker on the property when the Brauchs were away for extended periods of time.
- The Park Services Division is evaluating the feasibility of using the Brauch property for the future relocation of Park Services operations from the Municipal Services Center.
- The Department of Parks, Recreation and Libraries would like Mr. Collins to remain on site to provide security and maintenance while the property is vacant.
- City Charter Section 13.4 requires that all leases be approved by ordinance.
- The lease will run until May 31, 2004.

**Expenditure Required:** \$0

**Source of Funds:** n/a

**Policy Issue**

Should the City allow rental use on the Brauch property now owned by the City?

**Alternative**

Not authorize the ordinance approving the lease and evict Joe Collins from the property. This alternative is not recommended as Staff believes having a presence on the property makes sense until the City is able to occupy the site.

**Background Information**

The City purchased the 18-acre Brauch property on May 30, 2003, and is currently evaluating the feasibility of its use for the relocation of Park Services operations from the Municipal Service Center. Until such time as the City is ready to relocate to this site, the Department of Parks, Recreation and Libraries would like to allow Mr. Collins to remain as a tenant on the site. Mr. Collins has been a resident in his trailer on the property for the past five years and has paid rent to Dennis Brauch, the previous property owner. When Mr. Brauch was away from the property for extended periods, Mr. Collins served as caretaker including watching for unusual activity and mowing grass. The Brauch property is isolated, being approximately 3,500 feet from the nearest roadway, and could be a target for vandalism and theft if left vacant. The Department of Parks, Recreation and Libraries would prefer to allow Mr. Collins to remain on the site so passersby would see a visible presence on the site while the feasibility study is underway. Mr. Collins will pay rent of \$600 per month through May 31, 2004 under the terms of the lease. The Council Ordinance and Lease Agreement are attached.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **36**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE APPROVING A LEASE WITH JOE COLLINS FOR TENANCY ON THE  
BRAUCH PROPERTY

WHEREAS, City Council previously authorized the purchase of the Brauch property; and

WHEREAS, the City wishes to lease a portion of this property to Joe Collins for parking his RV  
and use of one garage building.

WHEREAS, the City Charter requires such leases to be approved by ordinance.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease between the City and Joe Collins for the lease parking for his RV and use  
of one garage building is hereby approved in substantially the form attached as Exhibit A.

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 July, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 28th day of July, 2003.

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Mayor

ATTEST:

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003



**SUBJECT:** Resolution No. 25 Sponsoring Hyland Hills and Holy Trinity School and Church for an Adams County Open Space Grant Application

**Prepared By:** Julie M. Meenan Eck, Landscape Architect

**Recommended City Council Action**

Adopt Resolution No. 25 sponsoring Hyland Hills Park and Recreation District and Holy Trinity School and Church for an Adams County Open Space grant application.

**Summary Statement**

- Adams County Open Space provides grant money in Adams County to assist municipalities and recreation districts as well as private non-profit entities such as churches with recreational capital improvements and open space purchases.
- In order for recreation districts and private non-profit groups to qualify, they must seek sponsorship of their application from the entity in which the project is located.
- A resolution from the City Council indicating sponsorship for the Hyland Hills and Holy Trinity School and Church application is requested by both groups.
- Holy Trinity School and Church is planning a complete renovation of its playground and picnic shelter area, including the future renovations of its fields, by providing \$40,000 to the project.
- Holy Trinity School and Church is located at 76<sup>th</sup> Avenue and Federal Boulevard and is an important parcel in south Westminster, visible from Federal Boulevard.
- Hyland Hills will partner on the Adams County Open Space Grant with Holy Trinity. The grant will request a 50 percent project match.
- Sponsoring a grant does not affect the ability of the sponsoring entities to submit their own grants.

**Expenditure Required:** \$0

**Source of Funds:** NA

**Policy Issue**

Does City Council support the Hyland Hills and Holy Trinity project to renovate the existing school playground?

**Alternatives**

Council could choose not to sponsor the grant application for Hyland Hills and Holy Trinity. However, this playground is also an important neighborhood amenity as well as serving the school children from the church.

**Background Information**

The Holy Trinity School and Church approached Hyland Hills Park and Recreation District with a proposal to completely renovate their playground and picnic area. Holy Trinity School and Church has \$40,000 in funds available for the project, but after talking to Staff from Hyland Hills and the City, it was determined that this will not be enough money to do any significant changes. Hyland Hills suggested that Holy Trinity apply for the Adams County Open Space Grant, with a supplemental match from the Hyland Hills Board of Directors. The project will serve as a benefit to the area families and children during the hours the school is not in session.

Staff feels that this project is worthy of City support.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**RESOLUTION**

RESOLUTION NO. **25**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

SPONSORSHIP OF HYLAND HILLS PARK AND RECREATION DISTRICT AND HOLY TRINITY SCHOOL AND CHURCH FOR APPLICATION TO ADAMS COUNTY OPEN SPACE PROGRAM

WHEREAS, Adams County has established an Open Space grant application process to assist with development of passive and active use projects for eligible jurisdictions within Adams County, Colorado; and

WHEREAS, the County will accept applications from park and recreation districts and private non-profit groups located within the county provided that the entity in which the project is located will sponsor the application; and

WHEREAS, the City of Westminster is the sponsoring entity for the application to renovate Holy Trinity's existing playground and shelter area; and

WHEREAS, matching grant funding from the Adams County Open Space Program would assist in the renovation of the above project, for the benefit and enjoyment of those residences of Hyland Hills Park and Recreation District, Adams County, and the City of Westminster.

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster sponsor the grant application to the Adams County Open Space Program, from Hyland Hills Park and Recreation District and Holy Trinity Church and School, requesting funds for the renovation of the current playground and picnic area at 76<sup>th</sup> Avenue and Federal Boulevard.

Passed and adopted this 14<sup>th</sup> day of July 2003.

Attest:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003



**Subject:** Councillor's Bill No.37 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. 37 on first reading appropriating \$40,000 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 fourth 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:** \$40,000

**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 \$40,000 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 \$155,000 over the last three 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 eleven 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 (DOE) 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 the 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. **37**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the Water Portion of the Utility Fund initially appropriated by Ordinance No. 2977 in the amount of \$24,576,936 is hereby increased by \$40,000 which, when added to the fund balance as of the City Council action on July 14, 2003 will equal \$24,728,436. 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 \$40,000 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	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Federal Grants			
2000.40610.0000	\$0	<u>\$40,000</u>	\$40,000
Total Change to Revenues		<u>\$40,000</u>	
<b>EXPENSES</b>			
Environmental Grant			
80120035189.80400.8888	\$128,133	<u>\$40,000</u>	\$168,133
Total Change to Expenditures		<u>\$40,000</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 July, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of July, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

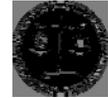
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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003



**SUBJECT:** Resolution No. 26 re Compliance Hearing for the Chambers Preserve Property Annexation

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

**Recommended City Council Action**

Adopt Resolution No. 26 accepting the annexation petition submitted by Matt Moorhead as Program Manager of the Nature Conservancy, and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of August 25, 2003, for the annexation hearing.

**Summary Statement**

- The Chambers Preserve is located on the south side of the 104<sup>th</sup> Avenue alignment, abutting the east side of the Warwick Station Apartments east of Wadsworth Parkway (see attached map). The approximately 8-acre property is owned by the Nature Conservancy and is entirely unimproved.
- The applicants wish to annex the property to the City with the understanding that the City can provide better emergency services than can be provided by the County.
- The property is governed by the provisions of the Northeast Comprehensive Development Plan (NECDP) that indicates this property should be preserved as a wildlife area and kept in its natural condition. Staff will recommend that the property be zoned O-1. This zoning is consistent with the NECDP. The property to be annexed is already included in the Comprehensive Land Use Plan (CLUP) as Northeast Comprehensive Development Plan.

**Expenditure Required:** \$0

**Source of Funds:** N/A

### **Policy Issue**

The Northeast Comprehensive Development Plan was adopted in 1996. When the plan was adopted the City Council adopted the policy that assumes that a community of interest exist for all of the properties governed therein, and as such, should be eventually annexed. The policy issue here is whether the City should annex this property at this time.

### **Alternative**

Make a finding that it is not in the best interests of the City at this time to annex the Chambers Preserve, and take no further action. If this action were taken, this open space parcel would not be added to the City's inventory of protected lands.

### **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 Nature Conservancy, 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. **26**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

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 August 25, 2003, 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 July, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 14, 2003



**SUBJECT:** Resolution No. 27 re Compliance Hearing for the Hazlewood Property Annexation

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

**Recommended City Council Action**

Adopt Resolution No. 27 accepting the annexation petition submitted by Frank and Deborah Hazlewood, and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of August 25, 2003, for the annexation hearing.

**Summary Statement**

- The Hazlewood property is located at 14781 Huron Street at the southwest corner of 148<sup>th</sup> Avenue and Huron Street (see attached map). The 2.5 acre property is owned by Frank and Deborah Hazlewood and is improved with a single-family detached residence. No other improvements are contemplated at this time.
- The applicants wish to annex the property to the City in order to purchase a City water tap, and to have the option of hooking up to City sanitary sewer.
- Staff recommends that the property be zoned O-1. The property owners have requested O-1 zoning. A Comprehensive Land Use Plan (CLUP) amendment is required and staff will recommend that the property be designated as Single-Family Detached – Very Low Density. The parcel is adjacent to the Quail Hill subdivision that is designated Single-Family Detached – Very Low Density.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues**

Whether to annex the Hazlewood property at this time.

**Alternatives**

Make a finding that it is not in the best interests of the City to annex the Hazlewood property at this time and take no further action. If this action is taken, the Hazlewoods will not given access to City water or sanitary sewer service.

**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 Hazlewoods, signers of the petition, own 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 it complies with the above requirements.

If the City Council finds 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. **27**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

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 August 25, 2003, 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 July, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, July 14, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally. Absent none.

The minutes of the June 23, 2003 meetings were approved.

Council approved the following: West Nile Virus IGA with Jefferson County Department of Health and Environment; Median Renovation Contract Award with Arrow J Landscape for \$235,000; Engineering Design/Construction Services for Big Dry Creek Wastewater Treatment Facility contract with CDM Engineers for \$2,169,685; and the Contract for Final Design of Huron Street, 140<sup>th</sup> to 150<sup>th</sup> Avenue with Transystems Corporation \$354,000.

Council accepted the resignation of Betty Tellier from the Library Board and appointed Tim McClung to the Board of Adjustment, and Sharon Hall to the Library Board with terms of office to expire on December 31, 2003.

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

A BILL FOR AN ORDINANCE APPROVING A LEASE WITH JOE COLLINS FOR TENANCY ON THE BRAUCH PROPERTY Purpose: tenant lease for Brauch property

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND Purpose: supplemental appropriation for Big Dry Creek Watershed Grant Funds

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

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND CHANGING THE ZONING CLASSIFICATION OF A CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL, FLEET, GENERAL CAPITAL IMPROVEMENT, GENERAL RESERVE, GENERAL CAPITAL OUTLAY REPLACEMENT, UTILITY AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS

The following Resolutions were adopted:

Resolution No. 24 re Board & Commission Resignation and Appointments

Resolution No. 25 re Hyland Hills/Holy Trinity School and Church for an Adco Open Space Grant

Resolution No. 26 re findings of fact for annexation of Chambers Preserve Property

Resolution No. 27 re findings of fact for annexation of Hazlewood Property

At 8:35 P.M. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on July 14, 2003

BY AUTHORITY

ORDINANCE NO. **3036**

COUNCILLOR'S BILL NO. **33**

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Dittman-Dixon**

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND CHANGING THE ZONING CLASSIFICATION OF A CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds;

- a. That an application for the zoning of the property described below from City of Westminster C-1 to City of Westminster PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-2.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code, Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminster C-1 to City of Westminster PUD. A parcel of land located in Section 30, Township 2 South, Range 68 West, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the southwest corner of said Section 30; thence along the south line of said Section N89°27'23"E a distance of 165.00 feet; thence leaving said Section line N00°04'04"W a distance of 53.00 feet to a point on the northerly right-of-way line of West 80<sup>th</sup> Avenue as described in Book 3317, Pages 810, said point being the True Point of Beginning; thence along said right-of-way line S89°27'23"W a distance of 80.70 feet to a point of curvature; thence continuing along said right-of-way line 53.69 feet along the arc of a curve to the right having a central angle of 90°28'33", a radius of 34.00 feet and a chord which bears N45°18'21"W a distance of 48.28 feet to a point of tangency, said point being on the easterly right-of-way line of north Sheridan Boulevard as described in Book 3317, Page 813; thence along said right-of-way line N00°04'04"W a distance of 87.72 feet; thence departing said easterly right-of-way line N89°27'23"E a distance of 115.00 feet; thence S00°04'04"E a distance of 122.00 feet to True Point of Beginning. Said parcel contains 13,778 square feet or 0.316 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of June, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14<sup>th</sup> day of July, 2003.

BY AUTHORITY

ORDINANCE NO. **3037**

COUNCILOR'S BILL NO. **34**

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Dittman-Dixon**

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$74,775 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$9,089,708. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Fishing is Fun Program grant from the Colorado Division of Wildlife.

Section 2. The \$74,775 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
State Grants 7501.40620.0000	\$0	<u>\$74,775</u>	\$74,775
Total Change to Revenues		<u>\$74,775</u>	
<b>EXPENSES</b>			
Faversham Park 80275050513.80400.8888	\$281,000	<u>\$74,775</u>	\$355,775
Total Change to Expenditures		<u>\$74,775</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 23<sup>rd</sup> day of June, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of July, 2003.

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Kauffman-McNally**

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL, FLEET, GENERAL CAPITAL IMPROVEMENT, GENERAL RESERVE, GENERAL CAPITAL OUTLAY REPLACEMENT, UTILITY AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$3,057,631 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$70,852,348. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2002 carryover.

Section 2. The \$3,057,631 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Carryover 1000.40020.0000	\$0	<u>\$3,057,631</u>	\$3,057,631
Total Change to Revenues		<u>\$3,057,631</u>	
<b>EXPENSES</b>			
Central Charges – Prof Svcs 10010900.65100.0000	\$125,580	\$140,900	\$266,480
Central Charges – Prof Svcs Litigation 10010900.65100.0258	15,000	20,000	35,000
Municipal Court – Overtime 10012130.60400.0000	5,700	24,000	29,700
Municipal Court – Supplies 10012130.70200.0000	9,900	7,000	16,900
Finance – Temp Salaries 10015050.60600.0000	0	1,700	1,700
Finance – Prof Services 10015220.65100.0000	38,790	8,500	47,290
Community Development – Prof Svcs 10030360.65100.0000	9,341	100,000	109,341
Community Development – Office Equip 10030360.75200.0000	0	5,000	5,000
Community Development – Printing 10030360.66600.0000	4,700	3,500	8,200
Police Department – Other Equipment 10020500.76000.0000	0	1,804	1,804
Police Department – Office Equipment 10020270.75200.0000	0	27,000	27,000
Police Department – Elec & Gas 10020050.67200.0000	84,000	30,000	114,000
Police Department – Prof Svcs 10020270.65100.0000	9,750	13,700	23,450
Police Department – Supplies 10020500.70200.0000	66,568	18,200	84,768
Police Department – Prof Svcs 10020300.65100.0000	4,500	6,100	10,600
Police Department – Unif & Equip 10020500.61000.0000	84,840	12,000	96,840
Fire Department – Salaries 10025260.60400.0000	118,619	38,504	157,123
Fire Department – Salaries EMS 10025260.60400.0546	39,930	9,496	49,426
Fire Department – Contract Svcs 10025260.67800.0000	4,000	5,900	9,900
PR&L – Library Materials 10050620.71600.0000	307,300	1,000	308,300
PR&L – Special Promotions 10050760.67600.0528	0	4,683	4,683
Central Charges – Budget Hold 10010900.76800.0000	1,542	2,000,000	2,001,542
Transfer to General Capital Outlay Replacement Fund 10010900.79800.0450	0	345,644	345,644
Transfer to General Capital Improvement Fund 10010900.79800.0750	0	<u>233,000</u>	233,000
Total Change to Expenditures		<u>\$3,057,631</u>	

Section 3. The 2003 appropriation for the General Reserve Fund, initially appropriated by Ordinance No. 2977 in the amount of \$7,290,745 is hereby increased by \$110,720 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$7,401,465. The actual amount in the General Reserve 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 2002 carryover.

Section 4. The \$110,720 increase in the General Reserve Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Carryover 1100.40020.0000	\$7,183,000	<u>\$110,720</u>	\$7,293,720
Total Change to Revenues		<u>\$110,720</u>	
<b>EXPENSES</b>			
Contingency 11010900.79900.0000	\$7,290,745	<u>\$110,720</u>	\$7,401,465
Total Change to Expenditures		<u>\$110,720</u>	

Section 5. The 2003 appropriation for the Fleet Fund, initially appropriated by Ordinance No. 2977 in the amount of \$1,149,638 is hereby increased by \$26,500 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$1,176,138. The actual amount in the Fleet 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 2002 carryover.

Section 6. The \$26,500 increase in the Fleet Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Carryover 3000.40020.0000	\$0	<u>\$26,500</u>	\$26,500
Total Change to Revenues		<u>\$26,500</u>	
<b>EXPENSES</b>			
Computer Soft/Hard 30012460.75400.0000	\$26,500	<u>\$26,500</u>	\$53,000
Total Change to Expenditures		<u>\$26,500</u>	

Section 7. The 2003 appropriation for the Open Space Fund, initially appropriated by Ordinance No. 2977 in the amount of \$4,486,775 is hereby increased by \$1,422,375 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$5,909,150. 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 increase is due to the appropriation of 2002 carryover.

Section 8. The \$1,422,375 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Carryover 5400.40020.0000	\$0	<u>\$1,422,375</u>	\$1,422,375
Total Change to Revenues		<u>\$1,422,375</u>	
<b>EXPENSES</b>			
Land Purchases 54010900.76600.0000	\$731,382	<u>\$1,422,375</u>	\$2,153,757
Total Change to Expenditures		<u>\$1,422,375</u>	

Section 9. The 2003 appropriation for the General Capital Outlay Replacement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$1,163,431 is hereby increased by \$345,644 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$1,509,075. The actual amount in the General Capital Outlay Replacement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2003 carryover.

Section 10. The \$345,644 increase in the General Capital Outlay Replacement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Transfer from General Fund 4500.45000.0100	\$0	<u>\$345,644</u>	\$345,644
Total Change to Revenues		<u>\$345,644</u>	
<b>EXPENSES</b>			
Vehicles 45010900.75600.0000	\$676,950	<u>\$345,644</u>	\$1,022,594
Total Change to Expenditures		<u>\$345,644</u>	

Section 11. The 2003 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$1,783,000 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$10,706,000. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2003 carryover.

Section 12. The \$1,783,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Carryover 7500.40020.0000	\$0	\$1,550,000	\$1,550,000
Transfer from General Fund 7500.45000.0100	0	<u>233,000</u>	233,000
Total Change to Revenues		<u>\$1,783,000</u>	
<b>EXPENSES</b>			
Promenade/Mandalay Gardens 80175030201.80400.8888	\$150,000	\$400,000	\$550,000
144 <sup>th</sup> Ave Interchange 80375030316.80400.8888	132,600	1,000,000	1,132,600
City Hall Space Allocation 80275012534.80400.8888	250,000	33,000	283,000
City Hall Major Maintenance 80175012023.80400.8888	175,000	<u>350,000</u>	525,000
Total Change to Expenditures		<u>\$1,783,000</u>	

Section 13. The 2003 appropriation for the Utility Fund, initially appropriated by Ordinance No. 2977 in the amount of \$37,814,744 is hereby increased by \$2,122,000 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$39,941,244. The actual amount in 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 2002 carryover.

Section 14. The \$2,122,000 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Carryover 2100.40020.0000	\$1,947,500	\$2,015,000	\$3,962,500
Carryover 2000.40020.0000	0	<u>107,000</u>	107,000
Total Change to Revenues		<u>\$2,122,000</u>	

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>EXPENSES</b>			
InformationTechnology – Prof Svcs 20060230.65100.0000	\$35,500	\$40,000	\$75,500
Water Res & Trtmt– Prof Svcs 20035480.65100.0000	221,191	67,000	288,191
Plants – Maint & Repair 21035490.66200.0000	40,000	12,000	52,000
Plant – Prof Svcs – Water Quality 21035490.65100.0943	87,000	3,000	90,000
Transfer to Utility Fund Reserve 21010900.79800.0205	0	<u>2,000,000</u>	2,000,000
Total Change to Expenditures		<u>\$2,122,000</u>	

Section 15. The 2003 appropriation for the Utility Fund Reserve, initially appropriated by Ordinance No. 2977 in the amount of \$6,860,385 is hereby increased by \$2,000,000 which, when added to the fund balance as of the City Council action on June 23, 2003 will equal \$8,860,385. The actual amount in the Utility Fund Reserve 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 2002 carryover.

Section 16. The \$2,000,000 increase in the Utility Fund Reserve shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Transfer from Wastewater Fund 2050.45000.0210	\$0	<u>\$2,000,000</u>	\$2,000,000
Total Change to Revenues		<u>\$2,000,000</u>	
<b>EXPENSES</b>			
Contingency 20510900.79900.0000	\$6,860,385	<u>\$2,000,000</u>	\$8,860,385
Total Change to Expenditures		<u>\$2,000,000</u>	

Section 17. – 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 18. This ordinance shall take effect upon its passage after the second reading.

Section 19. 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 23<sup>rd</sup> day of June, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of July, 2003.

## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that pursuant to the liquor laws of the State of Colorado and the ordinances of the City of Westminster, Night Life Enterprises, Inc d/b/a On the Rox has filed an application with the Special Permit and License Board of the City of Westminster, Colorado for a tavern liquor license with cabaret dancing, to be located at 7568-70 Sheridan Boulevard.

A public hearing on this application will be held in the City Council Chambers, 4800 West 92nd Avenue on Wednesday, August 6, 2003 at 7:05 P.M., when and where all interested parties can be heard.

The neighborhood has been established as 84<sup>th</sup> Avenue on the north, 68<sup>th</sup> Avenue on the south, Lowell Boulevard on the east and Harlan Street on the west. The City will be circulating petitions within this neighborhood.

Owners of Record are: William T. Holshue and Kari Ann Holshue, 4215 Newland Street, Lakewood, CO 80226.

For additional information contact City Clerk's Office 303-430-2400 Extension 2161.

**SPECIAL PERMIT AND LICENSE BOARD**  
**CITY OF WESTMINSTER**  
Michele Kelley, City Clerk

Published in the Westminster Window, July 24, 2003