



WESTMINSTER
COLORADO

AUGUST 14, 2000
7:00 P.M.

Cell phones and pagers must be turned OFF during meetings

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**
 - A. Proclamation re Mike Massarotti in recognition of his retirement from School District 50
 - B. Proclamation re Chris Dittman in recognition of his retirement from School District 50
 - C. Proclamation re Westminster Commons 20th Anniversary

5. **Citizen Communication**

6. **Report of City Officials**

- A. City Manager's Report

7. **City Council Comments**

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

8. **Consent Agenda**

- A. Bids re Tennis Courts and Basketball Court Resurfacing to Southwest Recreation Industries for \$56,700
- B. Utica Court Reconstruction Contract to Diamond Contracting Corp for \$45,805, Asphalt Specialites \$98,600
- C. Agreement with Sherman and Howard for Bond Counsel Services for General Improvement Districts
- D. Construction Manager/General Contractor Contract for Public Safety Facility with Saunders Construction
- E. Councillor's Bill No. 66 re Defining & Placing Restriction on Sexual Offender Residents (Atchison-Moss)
- F. Councillor's Bill No. 67 re Rental Inspection of Hotels and Motel Units (Merkel-Hicks)
- G. Councillor's Bill No. 68 re City Park Softball Complex Phase B in the amount of \$994,000 (Smith-Merkel)
- H. Councillor's Bill No. 69 re Big Dry Creek Trail GOCO Grant 99th at Old Wadsworth Atchison-Hicks)
- I. Councillor's Bill No. 70 re Big Dry Creek Discharge Limitations (Moss-Atchison)

9. **Appointments and Resignations**

- A. Appointment of Legacy Foundation Board of Directors
- B. Resolution No. 59 re Resignations and Appointments to Board of Adjustment and Environmental Advisory Board

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

- A. TABLED Resolution No. 33 re Career Enrichment Park Site Improvement and Utilization Plan
- B. TABLED Resolution No. 56 re Heritage Golf Course Green Fee Increase
- C. Councillor's Bill No. 71 re Creating the Promenade Parking General Improvement District
- D. Councillor's Bill No. 72 re Creating the 136th Avenue General Improvement District
- E. Continued Public Hearing re Annexation/Zoning and PDP for Freedom Inc, and City Open Space located north and south side of 99th Avenue west of Wadsworth Boulevard
- F. Resolution No. 50 Findings re Annexation of City Open Space and Freedom Inc Properties
- G. Councillor's Bill No. 53 re Annexation of City Open Space and Freedom Inc. Properties
- H. Councillor's Bill No. 54 re Zoning City Open Space Property and Freedom Inc. Property
- I. Preliminary Development Plan for Freedom Inc. Property

- J. Public Hearing re Annexation/Zoning, Comprehensive Land Use Amendment and PDP for Covenant at 112th & Sheridan Development, located at northwest corner of 112th Avenue & Sheridan Boulevard
- K. Resolution No. 60 Findings re Annexation of Covenant at 112th & Sheridan Development
- L. Councillor's Bill No. 73 re Annexation of Covenant at 112th & Sheridan Development
- M. Councillor's Bill No. 74 re Comprehensive Land Use Plan Amendment for Covenant at 112th & Sheridan Development
- N. Councillor's Bill No. 75 re Zoning Covenant at 112th & Sheridan Development
- O. Preliminary Development Plan for Covenant at 112th & Sheridan Development
- P. Public Hearing re Comprehensive Land Use Plan Amendment for NWC of 104th & Grove Street to Office
- Q. Councillor's Bill No. 76 re Comprehensive Land Use Plan Amendment for NWC of 104th Ave & Grove
- R. Public Hearing re Comprehensive Land Use Plan Amendment for Bruchez Homestead Property at Legacy Ridge to Single Family Attached Residential
- S. Councillor's Bill No. 77 re Comprehensive Land Use Plan Amendment for Bruchez Homestead Property at Legacy Ridge
- T. Councillor's Bill No. 78 re Farmers Highline Canal Trail project appropriation of \$98,000
- U. CDOT Contract for Farmers Highline Canal Trail Connection to Maulis Park
- V. Purchase of Open Space Along Walnut Creek from Tronox for 17 acres for approximately \$850,000
- W. Resolution No. 61 re Countrydale Metropolitan District Amended Service Plan
- X. Councillor's Bill No. 79 re Changes to the Environmental Advisory Board duties
- Y. Councillor's Bill No. 80 re Off-Leash Dog Site Amendment to Animal Control and Park Ordinances
- Z. Councillor's Bill No. 81 re Community Service for Sale of Alcohol to Underage Persons

11. Old Business and Passage of Ordinances on Second Reading

- A. Councillor's Bill No. 64 re Annexation of 6.92 acre Church Ranch West (Atchison-Merkel)
- B. Councillor's Bill No. 65 re Zoning Church Ranch West (Atchison-Merkel)

12. Citizen Presentations and Miscellaneous Business

- A. City Council
- B. Request for Executive Session

13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS:

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, AUGUST 14, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon, and Councillors Atchison, Hicks, Merkel, Moss and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Hicks to accept the minutes of the meeting of July 24, 2000 with no additions or corrections. Mayor Pro Tem Dixon requested to abstain from voting since she was not present at this meeting. The motion carried with Mayor Pro Tem Dixon abstaining.

PROCLAMATIONS:

The Mayor presented proclamations to Mike Massarotti in recognition of his retirement from School District 50 as superintendent; Chris Dittman in recognition of his retirement from School District 50 as principal of Westminster High School; and Proclamation to the Westminster Commons Resident Council re Westminster Commons 20th Anniversary

CITIZEN COMMUNICATION

George Staface, the new Adams County School District 50 Superintendent introduced himself to City Council.

CITY MANAGER'S REPORT

The City Manager reminded citizens of the South Westminster Revitalization meeting which will be held on Thursday, August 17th at 7 P.M. at the College Hill Library.

COUNCIL COMMENTS

Councillor Moss commented on the Mile High Compact, which is an active step to control growth by Cities and Counties in the area. Mayor Pro Tem Dixon talked about the Stewardship of Rocky Flats meetings she will be attending this week and next week.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Bids re Tennis Courts and Basketball Court Resurfacing to Southwest Recreation Industries for \$56,700; Utica Court Reconstruction Contract to Diamond Contracting Corp for \$45,805, Asphalt Specialties \$98,600; Agreement with Sherman and Howard for Bond Counsel Services for General Improvement Districts; Construction Manager/General Contractor Contract for Public Safety Facility with Saunders Construction ; Councillor's Bill No. 66 on second reading re Defining & Placing Restriction on Sexual Offender Residents; Councillor's Bill No. 67 on second reading re Rental Inspection of Hotels and Motel Units; Councillor's Bill No. 68 on second reading re City Park Softball Complex Phase B in the amount of \$994,000; Councillor's Bill No. 69 on second reading re Big Dry Creek Trail GOCO Grant at 99th Ave and Old Wadsworth Blvd; and Councillor's Bill No. 70 on second reading re Big Dry Creek Discharge Limitations.

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

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

LEGACY FOUNDATION BOARD OF DIRECTORS APPOINTMENTS

A motion was made by Moss and seconded by Hicks to appoint Mr. Ben Beaty, Mr. Geoffrey Wodell, and Mr. Dan Bloomdahl to be Directors of the Westminster Legacy Foundation. The term of the appointment is to be three years. Ben Beaty addressed Council. The motion carried unanimously.

RESOLUTION NO. 59 RE RESIGNATIONS AND APPOINTMENTS TO BOARDS

A motion was made by Atchison and seconded by Dixon to adopt Resolution No. 59 accepting the resignation of Bill Wendt from the Board of Adjustment and Jim Wood from the Environmental Advisory Board and moving Leisa Schievelbein from alternate member to regular member of the Board of Adjustment and Ray Parsons from an alternate member to a regular member of the Environmental Advisory Board. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 56 RE HERITAGE GOLF COURSE GREEN FEE INCREASE

A motion was made by Merkel and seconded by Smith to remove this item from the table and adopt Resolution No. 56 approving the Heritage Golf Course fee increase of \$2 across the board per the attached chart to become effective immediately. This change would make The Heritage Golf Course fees consistent with those of Legacy Ridge Golf Course. A greens fee adjustment of \$2 per category is recommended in order to achieve a balanced revenue and expenditure picture for the remainder of 2000. Upon roll call vote, the motion carried with dissenting votes from Hicks and Moss.

ORDINANCE NO. 2802 RE CREATING THE PROMENADE PARKING GID

A motion was made by Moss and seconded by Merkel to pass Councillor's Bill No. 71 as an emergency ordinance creating the City of Westminster Promenade Parking General Improvement District. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2803 RE CREATING THE 136TH AVENUE GID:

A motion was made by Smith and seconded by Merkel to pass Councillor's Bill No. 72 as an emergency ordinance creating the City of Westminster 136th Avenue General Improvement District. Upon roll call vote, the motion carried unanimously.

CONTINUED PUBLIC HEARING-ANNEX/ZONE/PDP- FREEDOM INC AND CITY OPEN SPACE:

At 7:48 P.M. the public hearing was opened on the annexation, zoning and preliminary development plan for Freedom Inc, Jefferson Academy and City of Westminster Open Space land, located at 99th Avenue west of Wadsworth Boulevard. Planning Manager Dave Shinneman read into the record a letter from Jefferson County recommending denial of the annexation request. Dave Anderson representing Freedom Inc and Jordon Guison, 95th & Pecos #400 spoke in favor of this application. Robert Davee, 10026 Allison Court and Susan Schierkolk, 9620 Allison Way spoke in opposition. In addition, the following people requested their names be entered into the record in opposition: Richard and Carol Pachello, 9931 Ammons Circle; Cheryl Holliday, 8266 West 99th Avenue; Mr. & Mrs. William Weathersby, 10006 Yarrow Street and Randy Adams, 10015 Allison Street. The public hearing was declared closed at 8:14 P.M.

RESOLUTION NO. 50 FINDINGS RE ANNEXATION OF CITY OPEN SPACE AND FREEDOM INC :

A motion was made by Atchison and seconded by Hick to deny the adoption of Resolution No. 50 making certain finding of fact as required by State Statutes regarding the City and Freedom, Inc. properties. Mayor Pro Tem Dixon requested to abstain from voting on this issue since she was not present at the portion of the public hearing held on July 24th. Upon roll call vote, the motion carried with Mayor Pro Tem Dixon abstaining.

COUNCILLOR'S BILL NO. 53 RE ANNEXATION OF CITY OPEN SPACE AND FREEDOM INC.:

A motion was made by Atchison and seconded by Hick to deny the annexation of City open space and Freedom Inc property. Mayor Pro Tem Dixon requested to abstain from voting on this issue since she was not present at the portion of the public hearing held on July 24th. Upon roll call vote, the motion carried with Mayor Pro Tem Dixon abstaining.

A motion was made by Atchison and seconded by Hicks to postpone indefinitely action on Councillor's Bill No 54 and the Preliminary Development Plan for Freedom Inc since the annexation has been denied. The motion carried unanimously.

PUBLIC HEARING RE COVENANT AT 112TH & SHERIDAN DEVELOPMENT:

At 8:17 P.M. the public hearing was opened on the annexation/zoning and comprehensive land use plan amendment for Covenant at 112th & Sheridan Development, located at the northwest corner of 112th Avenue and Sheridan Boulevard. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Steve Dawson, representing Covenant Development spoke in favor of this application. James Welsch, 11406 Depew Way, Miquel Fomsecaq, 11354 Chase Way; Glenn and Desiree Scott, 11413 Benton Court, asked questions or spoke in opposition. A letter from Scott McCarty, 5357 West 115th Loop was read into the record in opposition. The public hearing was declared closed at 8:55 P.M.

RESOLUTION NO. 60 FINDINGS RE ANNEXATION OF COVENANT AT 112TH & SHERIDAN :

A motion was made by Merkel and seconded by Hicks to adopt Resolution No. 60 making certain findings as required by State Statutes for the annexation of Covenant Development. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 73 RE ANNEXATION OF COVENANT AT 112TH & SHERIDAN:

A motion was made by Merkel and seconded by Hick to pass Councillor's Bill No. 73 on first reading annexing the Covenant at 112th & Sheridan Development. Upon roll call vote, the motion carried unaimously.

COUNCILLOR'S BILL NO. 74 RE COVENANT COMPREHENSIVE LAND USE PLAN AMENDMENT

A motion was made by Merkel and seconded by Hicks to pass Councillor's Bill No. 74 on first reading, amending the Comprehensive Land Use Plan by adding the Covenant property and designating it as "Office", "Public/Quasi-Public" (needed for a church use) and as "Single-Family Detached-Medium Density". Upon roll call vote the motion carried with dissenting votes from Atchison and Dixon.

COUNCILLOR'S BILL NO. 75 RE ZONING COVENANT AT 112TH & SHERIDAN DEVELOPMENT

A motion was made by Merkel and seconded by Hicks to pass Councillor's Bill No. 75 on first reading, zoning the Covenant property from Jefferson County A-2 to Planned Unit Development (PUD). Upon roll call vote, the motion carried unanimously.

PRELIMINARY DEVELOPMENT PLAN FOR COVENANT AT 112TH & SHERIDAN DEVELOPMENT

A motion was made by Merkel and seconded by Hicks to approve the Preliminary Development Plan for the Covenant at 112th and Sheridan development on condition that the plan be amended to permit only Single-Family Detached units at 3.5 units per acre for the residential portion of the property. The motion carried with dissenting votes from Atchison and Dixon.

PUBLIC HEARING RE COMPREHENSIVE LAND USE PLAN AMENDMENT FOR 104TH & GROVE ST:

At 9:00 P.M. the public hearing was opened on the comprehensive land use plan amendment for the property located on the northwest corner of 104th Avenue and Grove Street. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Barry Sherman, representing The Church of the Nazarene, David Ralph, Pastor of the Church, 4961 West 101st Circle, Jeffrey Alexander, 8444 Parfeit Court member of the Church Board; Shirley Smith-Kosters, 11847 Wyandot Circle, Roxann and Ken Peach, 3142 West 105th Court, Steve Wagner, 10038 Wolff Street spoke in favor of this application. The following people were in the audience, and requested to have their name entered into the record in favor: Flora Andries, 4790 Easley Road, Golden; Scott and Debbie Seymour, 6533 West 113th Ave; James Calfee and Marine Markl, 11335 Quivas Way; Yvonne Martin, Box 350164; Wade Stevens, 7260 E 73rd Ave; Norman Betz, 9662 Lamar Pl; Vicki Wire, 4718 West 68th Ave; Karen Neal, 9416 Ingalls St; Cynthia and Justin Medford, 9799 Perry Way; Marlene & David Chatman., 10124 #E Grove Loop; Marci Wilson-Boggs & Nicole Boggs, 2800 West 92nd Ave; George & Carla Sexton, 10870 Utica Court; Sharon & Jerry Walker, 4186 West 97th Ct; Ellen Perry Oliver, 8611 Carr Loop; Jeffrey Smith, 1733 West 102nd Ave; Robin Alexander, 8444 Parfet Court; Pamela & Tony Carson, 5060 Yates Court; Carol Ralph, 4961 West 101st Circle; James & Sue Glasscock, 3033 West 109th Place; Jane Good, 9331 Raleigh Ct; Bernadine & James Edwards, 1490 West 6th Ave; Shelley Trostle, 5807 W 81st Place; Renee & Ron Cunningham, 10880 Tennyson St; Jeremy & David Bell, 4825 West 128th Place. A letter from Mr. And Mrs. Alan Bratetic, 3440 West 104th Place was entered into the record in opposition. The public hearing was declared closed at 9:25 P.M.

COUNCILLOR'S BILL NO. 76 RE 104TH & GROVE COMPREHENSIVE LAND USE PLAN:

A motion was made by Atchison and seconded by Hicks to pass Councilor's Bill No. 76 on first reading, amending the Comprehensive Land Use Plan to change the Land Use from "Single-Family Detached - Medium Density" to "Office." Upon roll call vote, the motion carried with a dissenting vote from Moss.

PUBLIC HEARING RE BRUCHEZ COMPREHENSIVE LAND USE PLAN AMENDMENT:

At 9:32 P.M. the public hearing was opened on the comprehensive land use plan amendment for the property located in Legacy Ridge to redesignate land from "Retail Commercial" and "Multi-Family Residential" to "Single-Family Attached" Residential. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Kelly McElvain representing The Bruchez Group spoke in favor of this application. There was no opposition. The public hearing was closed at 9:45 P.M.

COUNCILLOR'S BILL NO. 77 RE COMPREHENSIVE LAND USE PLAN AMENDMENT RE BRUCHEZ:

A motion was made by Dixon and seconded by Moss to pass Councilor's Bill No. 77 on first reading amending the Comprehensive Land Use Plan designation for the Bruchez property from Retail/Commercial and Multi-Family Residential to Single-Family Attached Residential based on the finding that the proposed amendment meets the requirements of Section 11-4-16 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 78 RE FARMERS HIGHLINE CANAL TRAIL PROJECT:

A motion was made by Smith and seconded by Merkel to pass Councillor's Bill No. 78 on first reading appropriating \$98,000 into the General Capital Improvement Fund of the Farmers Highline Canal Trail project. Upon roll call vote, the motion carried unanimously.

CDOT CONTRACT FOR FARMERS HIGHLINE CANAL TRAIL CONNECTION TO MAULIS PARK

A motion was made by Smith and seconded by Merkel to authorize the City Manager to sign a contract with Colorado Department of Transportation in the amount of \$122,500 to obligate grant funding for design of the Farmers Highline Canal Trail project. The motion carried unanimously.

PURCHASE OF OPEN SPACE ALONG WALNUT CREEK FROM TRONOX FOR 17 ACRES:

A motion was made by Merkel and seconded by Hicks to authorize the City Manager to execute the necessary documents to purchase from Tronox Associates for the Open Space Program approximately 17 acres of land at a cost of approximately \$850,000, with the exact cost to be determined by the final survey of the property at \$49,600 per acre, and charge the expense to the Open Space Fund. Authorize the execution of the following agreements by City Staff: Dedication by the landowners of an additional .75 acre to satisfy the remaining Public Land Dedication for the entire Walnut Grove development including future projects; Dedication by the landowner of a trail easement across their remaining property if requested by the City; Allow the landowner or developer to make reasonable utility connections to utilities located within the land being acquired by the City.; Authorize City Staff and landowner to work together if necessary to exchange small areas of equal size, or allow grading across the property lines between the proposed open space and remaining developable property, not to exceed 25' in width or one acre in total, to better coordinate development, trail connections and maintenance issues. The motion carried unanimously.

RESOLUTION NO. 61 RE COUNTRYDALE METROPOLITAN DISTRICT AMENDED SERVICE PLAN

A motion was made by Atchison and seconded by Hicks to adopt Resolution No. 61 approving the Service Plan for the Countrydale Metropolitan District and making certain findings and determinations in regard to the Countrydale Metropolitan District. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 79 RE CHANGES TO THE ENVIRONMENTAL ADVISORY BOARD:

A motion was made by Hicks and seconded by Atchison to pass Councillor's Bill No. 79 on first reading amending the City Code pertaining to the powers and duties of the Environmental Advisory Board. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 80 RE OFF-LEASH DOG SITE:

A motion was made by Moss and seconded by Smith to pass Councillor's Bill No. 80 amending the Municipal Code to allow the Director of Parks, Recreation and Libraries to establish or discontinue off-lease dog park sites within the City of Westminster. The first pilot site would be a 20-acre off-leash park designated on the Colorado Hills Open Space located at 105th Avenue and Simms Street. The motion was amended by the maker and second to reflect one site. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 81 RE COMMUNITY SERVICE FOR UNDERAGE ALCOHOL SALES:

A motion was made by Atchison and seconded by Hicks to pass Councilor's Bill No. 81 on first reading, amending the City Code to add a new subsection on mandatory community service for selling alcohol to underage individuals with the amendment to the last sentence as follows: THE MUNICIPAL COURT JUDGE SHALL NOT HAVE DISCRETION TO SUSPEND THE MINIMUM SENTENCE OF EIGHT (8) HOURS OF COMMUNITY SERVICE. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2804 – ANNEXING CHURCH RANCH WEST:

A motion was made by Atchison and seconded by Merkel to pass Councillor's Bill No. 64 on second reading, annexing the Church Ranch West property to the City of Westminster. Upon roll call vote, the motion carried unanimously with Councillor Moss abstaining.

ORDINANCE NO. 2805 - ZONING CHURCH RANCH WEST TO PUD:

A motion was made by Atchison and seconded by Merkel to pass Councillor's Bill No. 65 on second reading, zoning the annexed Church Ranch West property to Planned Unit Development. Upon roll call vote, the motion carried with Councillor Moss abstaining.

The Mayor stated there were no executive session items to be discussed.

ADJOURNMENT:

The meeting was adjourned at 9:58 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 14, 2000
Subject: Proclamation for Mike Massarotti
Prepared by: Michele Kelley, City Clerk

Introduction

The Mayor on behalf of the entire City Council is requested to present a proclamation to Mike Massarotti, who has recently retired as Superintendent of Schools for Adams County School District #50.

Summary

Mike has spent more than 34 years in public education and has played a role in efforts to address public education accountability, standards-based education, and evaluation of staff as well as higher education reform.

Mike has recently retired from Adams County School District 50 and is a candidate for State Senate District 24.

Policy Issue

There are no policy issues with this action

Background Information

Dr. Massarotti's leadership has been instrumental in propelling School District 50 to receive state and national recognition for exemplary models of accountability, technology implementation and collaborative partnerships with private sector and higher education. The recent successes in interest-based bargaining with the Westminster Education Association is another example of his leadership on the cutting edge.

Staff Recommendation

Present proclamation to Mike Massarotti, in recognition of his recent retirement from School District 50.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

WHEREAS, Mike Massarotti is a native of Colorado and attended grade school in Cokedale and high school and junior college in Trinidad; and he earned his bachelor's degree, master's degree and doctorate through the University of Denver; and Mike is a career educator with more than 34 years in public education; and

WHEREAS, Mike Massarotti's lifetime commitment to public education includes teaching and administrative positions in the Denver Public Schools and teaching appointments at the University of Denver and University of Wyoming as well as consulting roles in program evaluation and management of educational projects; and

WHEREAS, Dr. Mike has worked for Adams County School District 50 from 1976 and appointed as superintendent in 1987, following eleven years of service to the District as a central office administrator, and retired in June, 2000; and

WHEREAS, Mike was appointed by the Governor to the Colorado Commission for Achievement in Education in 1991 and reappointed in 1994; and Governor Romer appointed him to serve on the Children's Information Commission in 1996; and he has served in statewide leadership positions regarding technology, bilingual education and performance evaluation for educators; and

WHEREAS, Dr. Mike has also served on nationwide boards serving on the College Board, American Telephone and Telegraph Information System's Advisory Committee, and the Governance Task Force for the American Association of School Administrators; and he was chosen as Colorado's 1996 Superintendent of the Year.

NOW, THEREFORE, I, Nancy Heil, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim August 15th, 2000 as

MIKE MASSAROTTI DAY

In the City of Westminster in recognition of his dedication, hard work and commitment to the Adams County School District 50 and Westminster community, and wish him good luck in his future endeavors.

Signed this 14th day of August, 2000.

Nancy M. Heil, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 14, 2000
Subject: Proclamation for Chris Dittman
Prepared by: Michele Kelley, City Clerk

Introduction

The Mayor on behalf of the entire City Council is requested to present a proclamation to Chris Dittman, who has recently retired from Adams County School District #50 as principal of Westminster High School.

Summary

Chris has spent the past seven years as principal of Westminster High School, and the six years before that as assistant principal at Westminster High School.

Policy Issue

There are no policy issues with this action

Background Information

Chris Dittman has won many professional awards and honors over the years including Education Theatre Association Administrator's Award; Paul Harris Fellow; Administrator of the Year – Regis College; Who's Who in the West; Outstanding Young Men in America; Two time National Science Foundation Grant Recipient and Colorado Semi-Pro manager of the year.

Chris Dittman's leadership at Westminster High School has been a great asset to the Westminster community, and it is fitting to recognize the work he has accomplished at this time.

Staff Recommendation

Present proclamation to Chris Dittman, in recognition of his recent retirement from School District 50.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

WHEREAS, Chris Dittman moved to Westminster in 1954 and graduated from Westminster High School in 1962; and graduated with a bachelor's degree from Wichita State University in 1967; received a master's degree from the University of Colorado at Boulder in 1971 and in 1990 earned administrative credentials from the University of Northern Colorado; and

WHEREAS, Chris Dittman taught social studies at Ranum High School then at Westminster High School, spent nine years as director of athletics at Regis University, six years as assistant principal and nearly seven years as principal at Westminster High School; and

WHEREAS, Chris Dittman's positive attitude toward Westminster High School students over the years has molded these students into successful, mature young men and women; and

WHEREAS, Chris Dittman has always provided an environment that is conducive to learning and growing; and

WHEREAS, Chris Dittman has purchased many lunches for students than anyone else on earth; and

WHEREAS, Chris Dittman's commitment to a safe school for students and teachers was unparalleled; and

WHEREAS, Chris Dittman's charming personality always made him approachable regardless of the situation; and

WHEREAS, Chris Dittman's leadership abilities made him a mentor and role model for teachers and students; and

NOW, THEREFORE, I, Nancy Heil, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim August 15th, 2000 as

CHRIS DITTMAN DAY

In the City of Westminster in recognition of his dedication, hard work and commitment to the Adams County School District 50 and Westminster community, and wish him good luck in his future endeavors.

Signed this 14th day of August, 2000.

Nancy M. Heil, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Proclamation Recognizing Westminster Commons' 20th Anniversary

Prepared by: Jerry Cinkosky, Contract Services Coordinator

Introduction

The Mayor is requested to proclaim Thursday, August 17, 2000, as Westminster Commons Day.

Summary

On August 17, 1980, the City of Westminster dedicated its first senior housing complex. The facility was designed to provide low income housing for Westminster's seniors and disabled residents. Over the past 20 years, the Westminster Commons has never had a vacancy, and typically there has been a waiting list of 100 applicants. Thirteen of the original tenants still reside at the Commons.

The Westminster Commons will be celebrating its 20th anniversary on August 17 by holding a dessert reception from 6:00 p.m. until 7:30 p.m. for its residents, guests, City Councillors, other City officials, and former Mayors and City Council Members. Members of the Westminster Commons Resident Council will be present at the August 14, 2000 City Council meeting to accept the Proclamation.

Policy Issue(s)

None.

Staff Recommendation

Present a proclamation to members of the Westminster Commons Resident Council celebrating the 20th anniversary of the opening of Westminster Commons.

Background Information

In the mid-1970's, then Mayor Vi June had an idea to provide Westminster's seniors a place to live by making available low income housing in the City of Westminster. Working with the Federal Department of Housing and Urban Development (HUD) and newly created Westminster Housing Authority, Mrs. June's vision became a reality in August of 1980 when the \$3.4 million project was completed and opened its doors to the senior population.

The Westminster Commons, a Federally subsidized, Section 8 apartment complex, was built by the Westminster Housing Authority, and designed to provide low income housing for Westminster's senior citizens and handicapped persons. The complex has three 3-story buildings and a total of 130 one-bedroom units with 13 units specifically equipped for handicapped residents.

The Westminster Commons continues to provide a high quality of life for its residents with its park-like surroundings and proximity to shopping, recreational facilities, churches, RTD bus routes, and the Westminster Public Library. The complex is managed by Bishop Realty with City Staff presently overseeing budget preparation, expenditures and capital improvement projects. Staff working together with Bishop Realty has made this project an extremely successful venture for both the residents and the Westminster Housing Authority. To this day, the Westminster Commons remains a beautiful facility and one of the more successful HUD projects in the Denver metropolitan area.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

WHEREAS, The Westminster Commons was the first senior housing facility to be built in the City of Westminster; and

WHEREAS, The Westminster Commons is a federally subsidized apartment complex built by the Westminster Housing Authority for senior citizens and handicapped persons; and

WHEREAS, The Westminster Commons complex has three 3-story buildings and a total of 130 one bedroom units with 13 units specifically equipped for handicapped residents; and

WHEREAS, The Westminster Commons continues to provide a high quality of life for its residents with its park-like surroundings and proximity to shopping and recreational facilities, churches, the Westminster Public Library and RTD bus routes; and

WHEREAS, The Westminster Commons provides a valuable amenity to citizens of Westminster.

NOW THEREFORE, I, Nancy Heil, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim Thursday, August 17th, 2000 as

WESTMINSTER COMMONS DAY IN THE CITY OF WESTMINSTER

In recognition of the 20th Anniversary of the Westminster Commons Complex

Signed this 14th day of August, 2000.

Nancy M. Heil, Mayor



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Bids re Tennis Courts Resurfacing

Prepared by: Richard Dahl, Park Services Manager

Introduction

City Council action is requested to award the contract to resurface the tennis courts at Kings Mill Park and Windsor Park, and resurface the basketball court at Wolff Run Park, to Southwest Recreation Industries, Inc. in the amount of \$56,700. Funds have been specifically allocated in the 2000 Park Major Maintenance Capital Fund for this expense.

Summary

The extension of the Open Space Tax approved by voters November 1996 provides funds to undertake major renovations to existing park sites, including such improvements as playground upgrades, ADA compliance, athletic field construction, and hard surface (tennis, basketball) court resurfacing.

In 1996, the Department of Parks, Recreation and Libraries conducted an evaluation of all tennis and basketball court conditions in the City to establish a priority list for major repairs. The projects identified as high priorities included the court surfaces at Kings Mill, Windsor and Wolff Run park.

Staff solicited bids from three pre-qualified contractors who have the expertise necessary to perform resurfacing on existing courts and have references reflecting the quality of their work from previous jobs. Of the three bids requested, two were submitted. One of the bids submitted did not adequately address the parks listed in the request for proposals, and is considered invalid by the Purchasing Specialist.

Alternatives

- Require Staff to re-bid the resurfacing work to obtain more bids/contractors. Staff's experience with companies doing tennis court repairs indicates that quality and reliability of the work is a major concern and it is better to use reputable contractors who have extensive experience in tennis court construction and resurfacing. As with most specialized construction projects it is difficult to get contractors to submit bids due to the level of construction activity at this time.
- In lieu of resurfacing, close the tennis courts and basketball court to reduce the risk of injury or liability claims. Staff does not recommend this approach due to the extensive use the hard surfaced courts receive on a daily basis.

Policy Issue

- Should City Council approve the bid for tennis court resurfacing to ensure that tennis and basketball courts are maintained adequately as approved in the Capital Improvement Program for 2000?
- Does City Council want to continue providing hard surface court games throughout the City?

Staff Recommendation

Award the bid for resurfacing of tennis courts to Southwest Recreational Industries, Inc. in the amount of \$56,700 and authorize the expenditure to be charged to the appropriate General Capital Improvement Fund Project Account.

Background Information

Resurfacing bids were solicited from three reputable contractors/owners who have worked in the Denver Metropolitan area in excess of ten years. The results of the bids were as follows:

Southwest Recreational Industries, Inc.	\$56,700
LER Specialty Contractors, Inc	Invalid bid as determined by Purchasing Specialist
Coatings Incorporated	No bid submitted

LER Specialty Contractors, Inc. bid was ruled invalid by the Purchasing Specialist because it did not provide all the cost and resurfacing options as requested by the bid documents and the bid did not provide a resurfacing quote for the Wolff Run basketball courts.

There are currently three methods of resurfacing an existing court surface. The first one involves total removal of the asphalt material and re-compaction of the subgrade before new asphalt is installed. This method is not much different than construction of a new tennis court.

A second alternative is called “slip sheeting” or “divorced membrane.” This process requires placement of a membrane material (burlap or plastic composite) on top of the existing court, tacked along the edges, and then a half-inch lift of asphalt placed on top of the membrane. This process works well and keeps old cracks from reappearing in the new asphalt but the Parks Division has had mixed results on longevity of the surface with previous tennis court repairs.

The final method is called Petromat and involves placing a membrane on the court surface and tacking it down at all points and a two-inch asphalt lift is placed on top. This method is similar to the “slip sheet” option, but a larger lift of asphalt is used and, because heavy equipment is used, is less expensive to install due to reduced labor costs. Staff is recommending the Petromat process, for the repair work to be performed at the Kings Mill tennis courts, Windsor Park tennis courts, and the Wolff Run Park basketball courts.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Utica Court Reconstruction Contract

Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to award a contract to Diamond Contracting Corporation for installation of storm sewer in Utica Court from 90th Avenue to 92nd Avenue at a cost of \$45,805.00 and to authorize the expenditure of \$98,600.00 under the City's contract with Asphalt Specialties, Inc. for concrete replacement in the same area. An additional \$33,000.00 for landscape restoration and contingency is also necessary. Funds have been specifically allocated in the 2000 General Capital Improvement Fund for these expenses.

Summary

Streets in the Northridge Manor neighborhood have for some time experienced problems with standing storm water and the resultant deterioration of curb, gutter and asphalt. Three streets in particular, Tennyson Street, Utica Street and Utica Court between 90th and 92nd Avenues were constructed 30 years ago with very shallow street slopes. After years of high frequency maintenance efforts and complaints from the neighborhood, it was concluded that a reconstruction of these streets at a more functional alignment was necessary along with the installation of storm sewer to resolve drainage problems.

Utica Court will be the last of the three streets to be constructed. Tennyson Street was done successfully in 1998 and Utica Street followed in 1999. Proposals for the Utica Court project were requested from four contractors of whom two submitted bids. Diamond Contracting Corporation's bid of \$45,805.00 was the lowest bid and their schedule allows them to dovetail their work with the Streets Division's Concrete and Asphalt Replacement Program which will follow the storm sewer installation and reconstruct the entire street.

Approval for the expenditure of \$98,600.00 under the City's contract with Asphalt Specialties, Inc. is also requested for the replacement of concrete curb and sidewalk in Utica Court along with funding for replacement of landscaping affected by the work and a project contingency, for a total budget of \$177,405.00.

Policy Issues

City Council is being asked to award a contract to the lowest bidder where only two bids were received. Normal policy would require that at least three proposals be received to assure competitive bidding. Although City Staff requested proposals from four contractors, one was simply too busy to bid the job and another was uncertain they could meet the City's schedule and did not bid. Council has the authority to award a contract in this circumstance and Staff is recommending Diamond Contracting Corporation's bid be accepted because it is the lowest of the two bids received, it is clearly competitive in today's utility construction market and the bid is in the best interest of the public, given the importance of the work and the schedule for completion.

Staff Recommendation

Award a contract to Diamond Contracting Corporation in the amount of \$45,805.00 for storm sewer construction in Utica Court; authorize the expenditure of \$98,600 for concrete replacement in Utica Court under the City's contract with Asphalt Specialties, Inc.; authorize \$10,000.00 for landscape restoration along with a project contingency of \$23,000.00 and charge the total of \$177,405.00 to the appropriate General Capital Improvement Fund Project Account.

Background

The Northridge Manor Subdivision was built in the 1960s and early 1970s, and several of the streets (Tennyson Street, Utica Street and Utica Court) were constructed with very shallow street slopes; some as low as three tenths percent (.3%). Current City Standards require that public streets be constructed at a minimum slope of 0.50%. No storm sewer was installed in these three side streets. Because the grades are so shallow for significant distances, the streets have had problems with storm water runoff standing in the gutter. This has led to the deterioration and increased need for maintenance of both the curb and gutter and the adjoining asphalt pavement.

For the last several years, City Staff has heard complaints from residents living on these three streets requesting that something be done about the storm drainage. City Staff concluded that over the long term the only adequate solution to the problem was a re-alignment of the vertical profile of the streets by reconstructing them after installing a storm sewer to collect storm water runoff at several sump locations. The storm sewer would tie into an existing facility in 92nd Avenue.

Tennyson Street was the first of the three streets to be constructed, in 1998. In 1999, the reconstruction of Utica Street was successfully accomplished. The storm sewer installation for these streets is done under one contract and the concrete and asphalt reconstruction is done under the annual contract for such work administered by the Streets Division of the Public Works and Utilities Department. This approach also provides the best value for the overall reconstruction of Utica Court, since unit prices for curb, sidewalk and asphalt are relatively low due to the size of these contracts.

Plans for the Utica Court storm sewer were prepared and provided to four local contractors who are qualified to do the work and with whom the City has had good experience. Timing and scheduling the work is a significant consideration since the concrete and asphalt replacement must follow closely behind the sewer installation to keep the inconvenience to local residents to a minimum. Bid proposals were received from the following contractors:

<u>Bidder</u>	<u>Amount</u>
Diamond Contracting Corporation	\$ 45,805
Diamond Excavating, Inc.	\$100,205

Receiving only two bids is reflective of the demand for utility contractors at this time. One of the contractors declined to prepare a proposal and a second simply missed the deadline after promising they would propose. The two bids received are different by a significant margin, which seems to indicate that Diamond Excavating, Inc. might have expected a premium for fitting this work into their schedule also. Diamond Contracting Corporation's proposal is very reasonable and carries the added benefit of their ability to start the project immediately. They have committed to start work in a time frame to mesh with the Concrete Replacement Program being managed by the Streets Division under a contract awarded to Asphalt Specialties, Inc. earlier this spring. Diamond Contracting Corporation is also the contractor who installed the storm sewer in Utica Street in 1999, and is very familiar with the overall project and procedures. Given the importance of this project and the clear cost savings, Staff is recommending that City Council waive the requirement for three bidders and accept Diamond Contracting Corporation's proposal and award of the contract to them.

The cost of concrete replacement for the Utica Court reconstruction is estimated to be \$98,600.00 using unit costs under the City's contract with Asphalt Specialties, Inc. Restoration of the landscaping and irrigation systems of the 20 residential properties which will be disturbed by the reconstruction will cost approximately \$10,000. A project contingency of \$23,000 is also recommended to deal with unforeseen circumstances. Authorization of a total of \$177,405.00 is recommended for the Utica Court reconstruction and was included in appropriations in the 2000 General Capital Improvement Fund.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: August 14, 2000

Subject: Agreement With Sherman & Howard for Bond Counsel Services

Prepared by: Marty McCullough, City Attorney

Introduction

City Council action is requested to approve appropriate fee agreements with Sherman & Howard for bond counsel services in connection with the City's proposed issuance of up to \$19,000,000 in Sales Tax Revenue Bonds to fund the 136th Avenue Interchange, including the City's proposed formation of a general improvement district in order to provide partial funding of the debt service, as well as the organization of and issuance by the Promenade Parking General Improvement District of \$8,000,000 in GID bonds.

Summary

- In order to proceed with the financing for the 136th Avenue/112th Avenue Road Improvement Project and the formation of a General Improvement District in the vicinity of the Interchange, the City will be issuing up to \$19,000,000 Sales Tax Revenue Bonds.
- In addition, City Council has previously directed Staff to move forward with the organization of a General Improvement District and the issuance of \$8,000,000 in GID bonds for the construction of a tiered parking garage at the Promenade.
- Staff is recommending the retention of Mr. Dee Wisor of the law firm of Sherman & Howard to serve as bond counsel to the City for these financings, at a fee of \$28,000.00 for the 136th Avenue/112th Avenue Road Improvement Project, and a fee of \$18,500 for the Promenade Parking Garage Project. Payment for these services will be available from the proposed bond financing.

Staff Recommendation

Authorize the City Manager to execute a legal services contract with Mr. Dee Wisor of Sherman & Howard to act as Bond Counsel to the City in connection with (1) the issuance of up to \$19,000,000 in Sales Tax Revenue Bonds for the 136th Avenue/112th Avenue Road Improvement Project and the formation of a General Improvement District at a fee of \$28,000.00, and (2) the issuance of \$8,000,000 in General Improvement District bonds for the Promenade Parking Garage, at a fee of \$18,500, both fees exclusive of out-of-pocket expenses, and both to be paid out of the proceeds of the proposed bond issues.

Background Information

As with all public, tax-exempt financings, these financings will require an opinion from a nationally recognized law firm regarding certain tax-related matters. Sherman & Howard was Bond and Special Counsel for the City for the \$19.72 million Certificates of Participation (COP) issue (Series 1999) for the Westminster Boulevard Extension and Westminster Mall Remodeling Projects. Fees for comparable financings over the past several years have ranged from \$10,000 to \$30,000, dependent on the size and complexity of the issue.

The proposed fees are considered within the range of fees experienced for similar City financings in the past, particularly in light of the several TABOR ballot questions that will need to be presented in this upcoming November 2000, election, as well as the work involved in organizing the two General Improvement Districts. The proposed fees are to be paid out of the proceeds of the two bond issues.

Mr. Dee Wisor of Sherman & Howard has served as the City's bond counsel in the past and is thoroughly familiar with the City's charter, ordinances and outstanding bond covenants.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Construction Manager/General Contractor Contract for Public Safety Facility

Prepared by: Janice Kraft, Technical Services Manager

Introduction

City Council action is requested authorizing the City Manager to execute a contract with Saunders Construction, Inc. in the amount of \$1,257,054 for construction management/general contractor services for the new Public Safety building project. This contract amount includes a lump sum fee for pre-construction services of \$55,422, a 5% pre-construction services contingency of \$2,772, and a general conditions fee of \$1,198,860. Funds are available in the General Capital Improvement Fund Public Safety Project for the pre-construction services expense. It is Staff's plan to incorporate the general conditions fee into the COP financing for construction of the building as part of the 2001 General Capital Improvement Fund. Contract language will be included which indicates that the general conditions fee of this contract will be contingent upon City Council approving the COP construction financing. Saunders is aware of, and agrees to, this stipulation.

Summary

Previous City Council actions have authorized the City Manager to execute contracts for the design architect and owner's representative for the Public Safety building project. Council also directed Staff to pursue selection of a construction manager/general contractor (CM/GC) for the project. Staff's recommendation of Saunders Construction, Inc. is the culmination of an experience, qualifications and cost proposal based competitive process:

- Letters of interest, qualifications documents, and cost proposals were received from five firms: Gerald H. Phipps, Taylor Ball, Swinerton & Walberg Builders, Saunders Construction, and Turner Construction. Turner Construction and Saunders Construction were the two lowest cost proposals.
- The five firms were interviewed by a selection panel made up of the Architect, the City's Owner's Representative, the City's Special Projects Coordinator, and staff from the Police and Fire Departments. Gerald H. Phipps was eliminated from further consideration based on their interview.
- The remaining four firms were requested to provide a more detailed, line item cost proposal to verify that all general conditions fees were included and that all contractor's proposals contained the same information. The City's Owner's Representative provided an analysis of the cost proposals to the selection team and the list was narrowed to two firms, Turner Construction and Saunders Construction whose proposals remained the two lowest.
- Staff further refined the cost proposal request and met with Turner and Saunders to verify understanding of the contractor's cost proposals and to negotiate the City's contract for CM/GC services.
- Reference checks were then completed by the City's Chief Building Official who made contact with previous clients and subcontractors of both Turner Construction and Saunders Construction.

A summary of the cost proposals is as follows:

	Turner Construction	SaundersConstruction
Pre-construction/design phase	\$ 45,000	\$ 55,422
General Conditions	\$ 640,918	\$ 631,974
Indirect Expenses and Reserves	\$ 504,080	\$ 566,886
Total	\$1,189,999	\$1,254,282

Staff believes the Saunders cost proposal, being higher by \$64,283, more accurately reflects the work and services that are critical to the project. A more detailed analysis of these proposals and the selection process will follow in the background segment of this memorandum.

Policy Issue

Prior direction provided by City Council to Staff was to select a construction manger/general contractor for the Public Safety building project. Should the City award the CM/GC contract to Saunders Construction, Inc. in the amount of \$1,257,054 which includes a 5% contingency for pre-construction services?

Staff Recommendation

Authorize the City Manager to sign a contract with Saunders Construction Incorporated in the amount of \$1,257,054 for construction management and general contractor services for the Public Safety facility project and charge the pre-construction services expense to the appropriate project account in the General Capital Improvement Fund with the general conditions fee being incorporated into the future financing for this project at such time as the financing is completed.

Background Information

City Council approved a contract with Humphries Poli Architects and Roth + Sheppard Architects for the design of the new Public Safety building at their meeting March 27, 2000. At a Council Study Session May 15, 2000 Council approved a Construction Management/General Contractor (CM/GC) method for delivering the project and authorized Staff to select the CM/GC firm using a negotiated contract process. Council further directed Staff to hire an Owner's Representative to assist on the project prior to selection of the CM/GC firm. At its meeting on July 24, 2000, Council authorized a contract with Architectural Resource Consultants for Owner's Representative services.

The Construction Manager/General Contractor process brings on early in the design process the contractor who will construct the building. The contractor provides input into constructability of the design, offering suggestions on choices of systems, materials and finishes that may allow for a reduction in cost or that may require long lead time for delivery which could ultimately affect the schedule or budget. The contractor has direct knowledge of possible materials or labor shortages that also could impact the budget or schedule for the project. Since the contractor participates as the design evolves, they are more informed and provide another safety check to verify that construction design documents are thorough and complete. The contractor should have a complete understanding of the project, therefore reducing misunderstanding and confusion during the construction phase.

Staff began selection of the CM/GC by requesting letters of interest and qualifications from ten contractors. This list of ten was established by recommendations from the Architect and Staff. From these ten responses, Staff and the Architect reduced the list to six based on the firms' experience with public projects, projects of a similar size, scope, and budget as the new Public Safety building, and the firms' experience with the CM/GC process.

Initial cost proposals and additional information regarding qualifications and experience were requested from the following six firms: Mortenson, Gerald H. Phipps, Taylor Ball, Swinerton & Walberg Builders, Saunders Construction, Inc., and Turner Construction. The cost proposal requested the firm's fee for pre-construction services in a lump sum amount, a proposed fee for general conditions (their actual cost to do the work), profit listed as a percentage of the total construction cost, and their mark-up for change orders or directives. Mortenson did not respond. Turner Construction and Saunders Construction were the two lowest cost proposals at this point in the process.

The remaining five firms were interviewed by a selection panel made up of City Staff, the City's Owner's Representative, and the Architect. The contractors were evaluated on the experience and qualifications of their pre-construction staff, project manager, project superintendent, and office support. Consideration was given to the firm's track record on projects similar in scope, previous experience with criminal justice facilities, municipal work, experience with work in the City and for the City, and experience on projects with the design Architect. The firms project approach, interest and desire to be awarded this contract, their fit with the City's project team, and their ability to deliver the project were also evaluated. Gerald H. Phipps was eliminated from further consideration subsequent to the interviews based on the review team's opinion that their proposal was significantly weaker than the other proposals.

The remaining four firms, Swinerton & Walberg Builders, Taylor Ball, Saunders Construction and Turner Construction were requested to provide a more detailed line item cost proposal to verify that all general conditions fees were included and that all contractor's proposals contained the same information. The City's Owner's Representative provided an analysis and comparison of the cost proposals and the list was narrowed to two firms, Turner Construction and Saunders Construction, whose proposals still remained the two lowest of the submitting firms.

Staff further refined the cost proposal request and met with Saunders and Turner to verify understanding of their proposals and to negotiate the City's contract for CM/GC services. Both firms committed to their cost proposal and agreed to the City's contract stipulations.

Reference checks were then completed by the City's Chief Building Official who made contact with previous clients and subcontractors of both Turner Construction and Saunders Construction.

Analysis of Qualifications and Experience

Both firms are large construction management/general contractor firms; Turner is a national firm with a Denver office of 80 employees. Saunders is a front-range Colorado firm with an employee base of 300. Both firms offer pre-construction and construction services.

Saunders Construction has more experience with municipal projects and public safety related projects than does Turner. Turner Construction's only criminal justice related project in Colorado is the Sterling Correction Facility. Saunders has completed the Longmont Public Safety building, the expansion of the Arvada City Hall and Arvada Police Department, Broomfield Municipal Court and Police Department, Greenwood Village City Hall with Police Department, and Castlewood Fire Station. They are currently working on the new Broomfield Police Department and the Arapahoe County Justice facility. Staff and the Architect believe that it is an advantage to our project to have a contractor who is familiar with the building type and who knows the requirements of a public project versus other commercial construction.

Turner Construction has no experience with projects in the City or for the City. Saunders completed a remodel of the current Westminster Police Department building, the remodel of the old City Hall for the Municipal Court, Fire Station 6, and the original City Hall building.

The Saunders pre-construction staff has more tenure with the company and more experience working directly with the proposed project manager and field project superintendent. The Turner pre-construction manager, though having previous experience with other companies, has been with Turner for only two years. Staff and the Architect believe that the size, tenure, and team experience of the Saunders pre-construction division is a significant advantage to the Public Safety facility project.

Both Saunders and Turner have worked or are currently working on projects with our design team, Humphries Poli Architects and Roth + Sheppard Architects. Saunders has worked more projects with them than Turner and Saunders is currently working with Roth + Sheppard Architects on the new Broomfield Police Department and the new Arapahoe County Justice facility. Both design and contractor firms are familiar with staff from each other's company, and lines of communications, methods, and processes have been established throughout other projects.

Reference checks with previous clients and subcontractors produced nothing but positive comments about Saunders Construction. Saunders has been voted contractor of the year by the subcontracting community five of the last ten years. Turner's references did not come in nearly as positive as those of Saunders.

Analysis of Cost Proposals

Saunders Construction and Turner Construction were the two lowest cost proposals and remained in that position throughout the entire negotiated contract process.

Turner	
Pre-construction/design phase	\$ 45,000
General Conditions	\$640,918
Indirect Expenses and Reserves	<u>\$504,080</u>
	\$1,189,999
Saunders	
Pre-construction/design phase	\$ 55,422
General Conditions	\$631,974
Indirect Expenses and Reserves	<u>\$566,886</u>
	\$1,254,282

The Saunders proposal is \$64,283 higher than the Turner proposal. All individual line items in the general conditions proposal are about equal between the two firms with the exception of two – materials testing and winter protection. Saunders proposed \$75,000 to Turner's \$35,000 for materials testing. Saunders proposed \$56,250 for winter protection to Turner's \$0. Staff and the Architect believe that the Saunders proposal for these two items reflects their understanding of the City's requirements for quality control and budget control on this project. Materials testing is a critical component of this project as is the need to address winter protection. Staff believes the Saunders' numbers more accurately reflect what a project of this size and scope requires.

Given these cost factors, the experience of Saunders with the City and Public Safety projects in other jurisdictions and Saunders positive reference checks, Staff believes that the City's best interests would be served by awarding the contract to Saunders.

It is anticipated that construction of this building will be under way by late Spring of 2001. Current plans call for an approximate 15 month construction timeframe, with completion scheduled for the Fall of 2002.

Alternative(s)

- 1) Do not approve the contract with Saunders Construction, Inc. at this time.
- 2) Approve a contract with one of the other proposers.
- 3) Direct Staff to pursue selection of an altogether different firm.

Staff does not recommend any of these alternatives as proposals were reviewed from five firms in this process and Staff believes Saunders to be the best qualified and suited to the project goals. A delay in the selection of a firm at this time would have an impact on the overall project schedule.

Staff believes that Saunders Construction will be an important member of the team working on the Public Safety facility project along with Humphries Poli Architects, Roth + Sheppard Architects, and Architectural Resource Consultants.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Appointment of Westminster Legacy Foundation Board of Directors

Prepared by: Bill Walenczak, Director of Parks, Recreation and Libraries

Introduction

City Council action is requested to appoint three individuals to the Westminster Legacy Foundation Board. The Parks and Recreation Advisory Board has interviewed these individuals and recommends their appointment.

Summary

On Thursday, July 20, the Park and Recreation Advisory Board (PRAB) interviewed three individuals who have expressed a strong desire to serve as volunteer Directors for the Foundation. The PRAB believes that all three candidates are worthy of a three-year appointment and that each individual brings a high level of enthusiasm and expertise that would be beneficial in establishing and operating this new organization. The three individuals recommended to serve on the initial Board of Directors for the Westminster Legacy Foundation are Mr. Ben Beaty, Mr. Geoffrey Wodell, and Mr. Dan Bloomdahl. Councillor Ed Moss participated in the interviews and is in agreement with the PRAB recommendations.

Policy Issue(s)

No policy issues are applicable at this time based on prior Council direction and approval for the selection and appointment of "at large" members of the Board of Directors for the Westminster Legacy Foundation.

Alternative(s)

Instruct Staff to arrange for another set of interviews of these three at large candidates and have City Council conduct the interviews.

Staff Recommendation

Appoint Mr. Ben Beaty, Mr. Geoffrey Wodell, and Mr. Dan Bloomdahl to be Directors of the Westminster Legacy Foundation. The term of the appointment is to be three years.

Background Information

In 1999, City Council directed the PRAB to pursue the development of a non-profit tax-exempt public foundation whose goal would be to generate support for various City projects and programs. The PRAB has been meeting monthly to focus on this project. The purpose and mission of this new Foundation would be to enlist, organize and encourage various types of support from individuals, businesses, and the community for City projects and programs. The Articles of Incorporation and the selection of the Westminster Legacy Foundation name were approved by Council in late 1999 and the Articles were then filed with the State of Colorado.

The process to recruit and select individuals to serve as Directors of the Foundation was also reviewed and approved by Council in early May.

City Council agreed at that time that the PRAB would conduct interviews of qualified candidates and submit a list of recommendations to City Council for final approval/appointment. Brief biographical sketches of the three candidates are provided below and their resumes and applications are also attached for review by City Council:

Mr. Ben Beaty – a 22-year resident of Westminster, Ben has been very active on various Boards and projects with the City. He has been on the Environmental Advisory Board for 5 ½ years as well as an active member of the College Hill COG group. Ben has extensive experience in project management through his career at Public Service. A very dedicated individual who wants to “give back to the City,” Mr. Beaty also brings sound judgement and analytical skills to the position. He has had some experience working with non-profit organizations through his association with United Way and Northglenn High School Band Boosters.

Mr. Geoffrey Wodell – A resident of Wheat Ridge whose wife works for the City of Westminster. Mr. Wodell has very extensive knowledge and expertise in working with non-profit organizations. Currently the Director of the Interfaith/Intercultural Institute at the University of Denver, Mr. Wodell has been an appointed member of the Jefferson County Cultural Council for the past three years. His business background includes 25 years of progressive management experience and has a Masters degree in Human Resources.

Mr. Dan Bloomdahl – A retired CFO and CPA who recently moved to Westminster and currently resides at the Covenant Village. Mr. Bloomdahl was a senior financial management executive for 20 years and a CPA for over 35 years. He has technical expertise in accounting and financial reporting for foundations. Mr. Bloomdahl is the retired Vice President and Chief Financial Officer of the Farm Credit Council. He is also very active in his church as well as former treasurer and board member of the Girl Scouts – Mile High Council.

These initial “at large” appointments, if approved by City Council, would work with the other designated members of the Board of Directors in the start up and management of the Foundation. The other members of the Board of Directors include:

- One member of City Council (yet to be determined)
- The City Manager or his designee
- One member of the Parks and Recreation Advisory Board (John Polston)
- One member of the Open Space Advisory Board (Ed Getsch)
- One member of the Library Board (Marilyn Flachman)

It was Council’s direction that, in addition to the above “in-house” Directors, there would be ten (10) at large appointments so that the Board would have fifteen (15) total members. Advertisement and recruitment for at large applicants was done in May and June and three applications were received. Efforts will continue to attract more applicants interested in serving on this Board.

Any Council members with an interest in serving on the Board are encouraged to contact the Mayor in the next two weeks and indicate their interest.

Once the City Council representative and the City Manager’s designee are determined, the Board will be convened to embark upon its duties.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Resolution No. 59 re Board and Commission Resignations and Appointments

Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to accept the resignation of William Wendt from the Board of Adjustment and the resignation of James Wood from the Environmental Advisory Board and appoint alternate members to regular member status.

Summary

Bill Wendt has recently resigned from the Board of Adjustment because he is moving out of the City (see attached letter). Bill was appointed to the Board of Adjustment on December 18, 1995, and has served continually since that time.

James Wood has recently resigned from the Environmental Advisory Board due to work and school commitments that will required him to miss all meetings for the next 8 to 12 months. Jim Wood was appointed to the Environmental Advisory Board on June 8, 1998, and has served continually since that time.

Leisa Schievelbein is the alternate member on the Board of Adjustment.

Currently, there are two alternate members of the Environmental Advisory Board, and Council is requested to move Ray Parsons from an alternate member to a regular member of the Environmental Advisory Board.

Recently, City Council set the deadline of October 31, 2000 for citizens to apply for the Boards and Commissions pool. It is recommended that new appointments be made when the interview process has been completed for the new Board and Commission applicants.

Policy Issue

Should City Council move the alternate members to regular member status on the Board of Adjustment and Environmental Advisory Board?

Staff Recommendation

Adopt Resolution No. 59 accepting the resignation of Bill Wendt from the Board of Adjustment and Jim Wood from the Environmental Advisory Board and moving Leisa Schievelbein from alternate member to regular member of the Board of Adjustment and Ray Parsons from an alternate member to a regular member of the Environmental Advisory Board.

Background Information

A Resolution has been prepared for Council to formally accept the resignation of Bill Wendt from the Board of Adjustment and Jim Wood from the Environmental Advisory Board and to move Leisa Scheivelbein from an alternate member to a regular member of the Board of Adjustment and move Ray Parson from an alternate member to a regular member of the Environmental Advisory Board.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. **59**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, A resignation has been received from William Wendt from the Board of Adjustment; and

WHEREAS, A resignation has been received from James Wood from the Environmental Advisory Board; and

WHEREAS, Currently there is a vacancy on the Board of Adjustment and Environmental Advisory Board; and

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of William Wendt from the Board of Adjustment and James Wood from the Environmental Advisory Board and move the following individuals to the City of Westminster Board of Adjustment and Environmental Advisory Board as listed below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Leisa Schievelbein Moved from Alternate Member to Regular Member	Board of Adjustment	December, 2001
Raymond Parson Moved from Alternate Member to Regular Member	Environmental Advisory Board	December, 2000

Passed and adopted this 14th day of August, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: TABLED Resolution No. 56 re Heritage Golf Course Fee Increase

Prepared by: Ken Watson, Recreation Facilities Manager

Introduction

Based on the discussion at the July 31 Study Session, City Council action is requested to remove from the Table and adopt the attached Resolution and the chart of recommended Heritage Golf Course fees. This \$2 across the board increase will make the fees at The Heritage Golf Course the same as the fees at Legacy Ridge Golf Course.

Summary

City Staff is recommending to the City Council that greens fees at The Heritage Golf Course be raised \$2 across the board to match the fees currently charged at Legacy Ridge Golf Course. This adjustment is being recommended after a mid-year review of revenue production at Heritage. Council Resolution #50, Series 1993 gives the City Manager the authority to adjust green fees up to 10% annually. However, the City Manager exercised this authority for both golf courses on February 10, 2000, which means that further fee adjustments must be reviewed and approved by City Council.

Policy Issue:

- Does City Council wish to raise fees at the Heritage Golf Course at mid-year?
- Does City Council wish to have The Heritage Golf Course and Legacy Ridge Golf Course offer identical fee structures?
- Does City Council have a different approach to rebalance the Heritage Golf Course budget?

Recommendation

Remove this item from the table and adopt Resolution No. 56 approving the Heritage Golf Course fee increase of \$2 across the board per the attached chart to become effective immediately. This change would make The Heritage Golf Course fees consistent with those of Legacy Ridge Golf Course. A greens fee adjustment of \$2 per category is recommended in order to achieve a balanced revenue and expenditure picture for the remainder of 2000.

Background Information

The Heritage Golf Course opened on September 9, 1999. In order to promote this new golf course, City Staff recommended a special introductory fee rate that was \$2 lower than Legacy Ridge Golf Course for all greens fee categories. Staff did this, knowing that eventually the fees would need to be raised to balance revenues and expenditures. The 1999 revenue numbers for The Heritage came in right at Staff's projections. This was due to excellent weather conditions and the good reviews that the golf course received from the media and public. Based on that positive experience, Staff decided to keep the \$2 discount in place to begin the 2000 golf season.

Unfortunately, high winds this winter and spring at The Heritage cost the City 30 days of potential higher golf rounds. The Heritage location near the foothills gets harsher weather exposure than does Legacy Ridge, which is more protected from high winds. Another factor that has come to light is that the differential between resident and non-resident play is much different at The Heritage than at Legacy Ridge. This differential shows that The Heritage is experiencing 28% non-resident play as compared to 60% non-resident play at Legacy Ridge. This means that The Heritage is getting \$9 less per round every time a non-resident qualifies to play The Heritage at resident rates. In rounds to date, this equates to a revenue loss of approximately \$36,000. This will more than double by the end of year if the current resident/non-resident trend continues.

The main reason for this differential is that the City agreed to allow all Jefferson County residents to play golf at The Heritage at resident rates. This was done as part of the agreement to receive a \$3.3 million grant from Jefferson County Open Space to help build the golf course. At the time, City Staff knew that this policy would impact golf course revenues, but was unable to predict precisely what that would be until user patterns could be established.

Staff has also reviewed expenditures for the Heritage Golf Course and the budget has been reduced by placing \$150,500 into a contingency account to assist in re-balancing this budget.

The bottom line is that The Heritage has fallen behind revenue projections for the 2000 calendar year. This increase in fees is part of Staff's overall evaluation of the Heritage Golf Course budget including both reduced expenditures and increase revenues. Given the enterprise status of the golf course operations it is important to assure sufficient revenues to cover needed expenditures.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

Proposed Fee Increase for The Heritage Golf Course

1999	2000 Ridge	Mid-year 2000	Legacy		
18 hole Resident Weekday		\$22	\$24	\$26	\$26
9 hole Resident Weekday		\$12	\$13	\$15	\$15
18 hole Non-Resident Weekday		\$30	\$33	\$35	\$35
9 hole Non-Resident Weekday		\$17	\$18	\$20	\$20
18 hole Resident Weekend		\$28	\$31	\$33	\$33
9 hole Resident Weekend		\$14	\$15	\$17	\$17
18 hole Non-Resident Weekend		\$36	\$39	\$41	\$41
9 hole Non-Resident Weekend		\$17	\$18	\$20	\$20
Cart Fees 18 hole		\$22	\$24	\$24	\$24
Cart Fees 9 hole		\$13	\$14	\$14	\$14
Reservation Card Resident		\$29	\$31	\$31	\$31
Reservation Card Non-Resident		\$53	\$58	\$58	\$58

RESOLUTION

RESOLUTION NO. **56**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION OF THE CITY COUNCIL ESTABLISHING NEW FEES FOR THE HERITAGE GOLF COURSE, TO RESPOND TO MARKET CONDITIONS, MAINTAIN COMPETITIVE RATES, AND INCREASE REVENUE.

WHEREAS, it is the intent of the City Council to adjust fees to generate adequate revenue to support the enterprise at The Heritage Golf Course; and

WHEREAS, Staff has determined that a \$2 across the board increase is necessary to generate adequate revenue; and

WHEREAS, the fee increase of \$2 across the board would equalize the rates at The Heritage and Legacy Ridge Golf Courses; and

WHEREAS, it is the intent of the City Council to adjust fees to provide marketable, competitive fees.

NOW, THEREFORE, be it resolved by the Westminster City Council that the fees at The Heritage Golf Course will be increased \$2 across the board as follows:

18 hole Resident Weekday	\$26
9 hole Resident Weekday	\$15
18 hole Non-Resident Weekday	\$35
9 hole Non-Resident Weekday	\$20
18 hole Resident Weekend	\$33
9 hole Resident Weekend	\$17
18 hole Non-Resident Weekend	\$41
9 hole Non-Resident Weekend	\$20
Cart Fees 18 hole	\$24
Cart Fees 9 hole	\$14
Reservation Card Resident	\$31
Reservation Card Non-Resident	\$58

Passed and adopted this 14th day of August, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Councillor's Bill No. 71 re: Creating the Promenade Parking General Improvement District

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council action is requested to adopt the attached Councillor's Bill on an emergency basis creating the City of Westminster Promenade Parking General Improvement District.

Summary

The last major facility for Promenade East is the office building/parking garage complex. At the July 24, 2000 meeting Council approved the creation of a General Improvement District (GID) to finance and operate the garage. City Council would be the ex-officio Board of the General Improvement District. The developer, Inland Pacific Companies, LLC, is currently working with City Staff on design plans and financing for the parking garage.

The first step in the creation of a GID is for petitioners to file a Petition with the City Clerk for the organization of a General Improvement District. The petition must meet all legal requirements as set forth in the appropriate sections of the Colorado Revised Statutes.

The required petition to form a GID has been properly filed by the petitioners (copy attached). The next procedural step requires that the City Council adopt an ordinance creating the GID.

If the GID is created, Staff will return on August 28 to request the approval of ballot language to hold the GID election in November.

Policy Issue

Should the City proceed with the formation of the Promenade Parking General Improvement District. Prior emphasis by City Council has been in favor of the development of the Promenade area.

Staff Recommendation

Pass Councillor's Bill No. 71 as an emergency ordinance creating the City of Westminster Promenade Parking General Improvement District.

Background

At the July 24, 2000 City Council meeting, Council received information from Staff regarding the formation a GID at the Promenade to fund a parking garage. Petitioners have filed the appropriate paperwork in a timely manner and this action now requires formal consideration by Council.

The office building-parking garage complex is the last major capital improvement for Promenade East. A summary of the role of the district and the features of the garage include the following:

- The garage would be owned and operated by the GID at no additional cost to the City.

- The garage would be a two-story facility for 600 spaces, covered on the first floor, open on the second.
- The facility would be publicly-owned and be a benefit to all who visit the Promenade – both East and West - including those office tenants, visitors using the Ice Centre, the Conference Center, the hotel and all of Promenade's other sights.
- Because it will be open to the public, the City can finance the construction of the facility using tax-exempt financing.
- The bonds used to finance the construction would be issued by the proposed Promenade parking GID. Debt service would be paid by a property tax levy paid by the developer.
- Operation and maintenance of the facility would also be included in the property tax levy, developed by means of an annual budget filed with the millage certification at Jefferson County.
- The City will sell to the GID the land needed for the parking garage at a price of \$800,000.

Staff supports the creation of the GID to achieve the financing for the parking garage by means of the following:

- Form the GID. The annual property tax levied against the property owners would be sufficient to cover debt service on bonds used to construct the parking garage, as well as to provide an annual budget for the operations and maintenance of the facility.
- Have the GID issue tax-exempt bonds to construct the garage.
- Use the property tax derived from the special district to make the debt service payments and to pay annual operations and maintenance costs of the garage.

Alternatives

1. Direct Staff to cease work on the parking garage. This is not recommended, as the parking will be needed and the City bears none of the risk of the bond issuance and the debt service.
2. Delay work on the parking garage. This is not recommended because the parking will be needed when the office buildings open. Due to the inflation, construction costs are expected to escalate in the next five years. Staff has determined average costs of construction should inflate at an average rate of 10% per year for the next five years, making the delay of construction work very much against the City's long-term financial interests. Because the City earns 6% on its portfolio, the net negative effect on the City's financial interests would be a minimum of 4% per year. Lastly, the City expects to issue the bonds at approximately 7% cost of debt, which argues in favor of issuing the bonds, nullifying the future costs of construction.

Bond Counsel and the City's Financial Advisor(s) will be present at the City Council meeting on Monday, August 14 to answer questions.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

A BILL

FOR AN ORDINANCE CREATING THE CITY OF WESTMINSTER PROMENADE PARKING GENERAL IMPROVEMENT DISTRICT; PROVIDING OTHER DETAILS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, a Petition for the Organization of a General Improvement District in the City of Westminster, Colorado (the "Petition"), has been filed in the office of the City Clerk of the City of Westminster (the "City"); and

WHEREAS, the Petition has been reviewed by the City Clerk; and

WHEREAS, the Petition states that it has been signed by one hundred percent of the owners of taxable real property to be included within the proposed district and contains a request, pursuant to Section 31-25-607 (3.5), C.R.S., for waiver of all requirements for notice, publication, and a hearing set forth in Sections 31-25-606 and 31-25-607, C.R.S., and of the requirement for filing an organizational bond set forth in Section 31-25-605, C.R.S.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Short Title. This Ordinance shall be known and may be cited by the short title "City of Westminster Promenade Parking General Improvement District Creation Ordinance."

Section 2. Findings and Determinations. The City Council hereby accepts the Petition for the Organization of a General Improvement District in the City of Westminster, Colorado, which requests the formation of a general improvement district to be known as "City of Westminster Promenade Parking General Improvement District." The Council hereby finds and determines as follows:

- a. that the Petition is signed by one hundred percent of the owners of taxable real property to be included within the proposed district;
- b. that the Petition contains a request for waiver of all requirements for notice, publication, and a hearing set forth in Sections 31-25-606 and 31-26-607, C.R.S., and of the organizational bond set forth in Section 31-25-605, C.R.S.;
- c. that the Petition is signed by not less than thirty percent or two hundred (whichever is less) of the electors of the proposed district in compliance with ' 31-25-604(1), C.R.S.;
- d. that the signatures on the Petition are genuine;
- e. that a review of the tax rolls and the last official registration list of Jefferson County, together with other available evidence, shows that the total number of electors of the proposed district is Three (3) and the total valuation for assessment of the real and personal property within the proposed district is \$46,200;
- f. that the proposed district is located entirely within the City's boundaries in Jefferson County, Colorado;
- g. that the proposed district will not provide the same improvements or service as those provided by an existing special district within the territory of such existing special district;
- h. that the proposed district's improvements to be acquired, constructed, installed, operated, or maintained:

- (1) are improvements that the City is authorized to provide under the City's home rule charter (the "Charter"); and
 - (2) do not duplicate or interfere with any municipal improvement already constructed or planned to be constructed within the limits of the proposed district;
 - i. that the costs of the improvements will not be excessive as compared with the value of the property in the proposed district;
 - j. that the creation of the proposed district and proposed improvements therein will confer a general benefit on the proposed district;
 - k. that the organization of the proposed general improvement district will serve a public use and will promote the health, prosperity, security and general welfare of the inhabitants of the City and the proposed district;
 - l. that the request for waiver is hereby granted; and
 - m. that the proposed general improvement district should be established.
- These findings and determinations of the Council are final and conclusive on all parties in interest, whether appearing or not.

Section 3. Establishment of District. It appearing that the Petition has been duly signed and presented in conformity with Colorado law and that the allegations of the Petition are true, the Council, by this ordinance, hereby finds that it has full jurisdiction under the law to adopt this ordinance, that the proposed district for which the Petition has been filed is hereby declared organized and shall be known as "City of Westminster Promenade Parking General Improvement District" (the "District"), by which, in all proceedings, it shall hereafter be known. The District shall be a public or quasi-municipal subdivision of the State of Colorado and a body corporate with the limited proprietary powers set forth in Part 6, Article 25, Title 31, C.R.S.

Section 4. District Boundaries. The legal description of the District boundaries is as follows:

The District lies within the City of Westminster, County of Jefferson, State of Colorado and its boundaries are follows:

LOT 2B, SECOND REPLAT OF WESTMINSTER PROMENADE EAST, AS RECORDED IN THE RECORDS OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, COLORADO.

Section 5. District Improvements. A general description of the improvements to be acquired, constructed, installed, operated, or maintained within the District is as follows:

A two-story parking facility of approximately 127,940 square feet on each level for 600 parking spaces, concrete and steel construction, covered on the first level, open on the second level and all other necessary, incidental, appurtenant, and convenient facilities, equipment, land and property rights.

Section 6. Recording of Ordinance. Within thirty days after Council action on this ordinance, the City Clerk shall transmit to the County Clerk and Recorder of Jefferson County a copy of this ordinance for recording.

Section 7. Ordinance Conclusive. This ordinance shall finally and conclusively establish the regular organization of the District against all persons unless an action attacking the validity of the organization is commenced in a court of competent jurisdiction within thirty days after the adoption of this ordinance. Thereafter, any such action shall be perpetually barred.

Section 8. Repealer. All bylaws, orders, resolutions and ordinances of the City, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any other such bylaw, order, resolution or ordinance of

the City, or part thereof, heretofore repealed. All rules of the City Council, if any, which might prevent the final passage and adoption of this ordinance as an emergency measure at this meeting of the City Council be, and the same hereby are, suspended.

Section 9. Severability. If any section, subsection, paragraph, clause or other provision of this ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this ordinance, the intent being that the same are severable.

Section 10. Declaration of Emergency. In order to create the District pursuant to Section 31-25-607 (3.5), C.R.S. in time to schedule an election on the question of issuing bonds to finance the District's proposed improvements at the general election on November 7, 2000, it is hereby declared that an emergency exists and that this ordinance is immediately necessary for the preservation of the public peace, health, safety and financial well-being of the City.

Section 11. Effective Date, Recording and Authentication. This ordinance shall be in full force and effect immediately upon its adoption and passage. This ordinance shall be recorded in "The Ordinance Book" of the City kept for that purpose, and shall be authenticated by the signatures of the Mayor and City Clerk, and published in accordance with Section 8.4 of the Charter.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE
on August 14, 2000.

Mayor

ATTESTED:

City Clerk

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

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

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council (the "Council") of the City at a regular meeting of the Council held at the City Hall on August 14, 2000. A quorum of the Council was in attendance at said meeting.

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

Those Voting Aye:	Councillor Herb Atchison Mayor Pro Tem Samantha Dixion Mayor Nancy Heil Councillor Butch Hicks Councillor Ann Merkel Councillor Ed Moss Councillor Suzanne Smith
Those Voting Nay:	None
Those Absent:	None
Those Abstaining:	None

3. That the Ordinance has been authenticated by the Mayor, sealed with the corporate seal of the City, attested by me as City Clerk, and duly recorded in "The Ordinance Book" of the City; and that the same remains of record in "The Ordinance Book" of the City.

4. That notice of the meeting of August 14, 2000, in the form, attached hereto as Exhibit A, was duly given to the Council members and was posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

5. That the ordinance was published in full within 10 days after its enactment in Westminster Window, a newspaper of general circulation within the City on August 24, 2000. The affidavit of publication is attached hereto as Exhibit B. The Westminster Window is a newspaper which meets the requirements of Section 17.5 of the City's Charter, and I have received the affidavit and such other evidence as I deem necessary from the publisher thereof that said newspaper meets the circulation requirements of said Section 17.5.

6. On September 5, 2000, I transmitted a copy of the Ordinance to the Jefferson County Clerk and Recorder for recording.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 19th day of September, 2000.

(SEAL)

 City Clerk

EXHIBIT A

(Attach Notice of Meeting)

EXHIBIT B

(Attach Affidavit of Publication)



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Councillor's Bill No. 72 re: Creating the 136th Avenue General Improvement District

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council action is requested to adopt the attached Councillor's Bill as an emergency ordinance creating the City of Westminster 136th Avenue General Improvement District.

Summary

In February 2000, Staff reviewed with City Council the legislative/political processes needed to accomplish the financing and construction of the I-25 interchange at 136th Avenue. Staff reviewed preliminary costs, revenues to anticipate offsetting the costs, financing and debt service and the timeline for ballot proposals, financing and construction. An update on this project was provided in a Staff Report dated June 14. The direction from Council was to move forward with the Staff recommendation for a (no-tax-increase) Sales Tax Bond ballot proposal for the November 2000 election. The ballot proposal would fund the Westminster portion of the interchange. Staff was also directed to establish a General Improvement District (GID) to assure that property benefiting from the construction of the interchange would participate in paying off the debt incurred by the Sales Tax Bond issue. The first step in the creation of a GID is for petitioners to file a Petition for the Organization of a General Improvement District with the City Clerk. The petition must meet all legal requirements as set forth in the appropriate sections of the Colorado Revised Statutes.

The required petition to form a GID has been properly filed with the City Clerk by the petitioners (copy attached). The next procedural step requires that the City Council adopt an ordinance creating the GID.

If the GID is created, the Council will become the ex-officio Board of the GID. To comply with deadlines set forth in State law, appropriate ballot questions for the GID debt issue will be prepared and presented for the Boards consideration on August 28.

Policy Issue

Should City Council move forward with the formation of the 136th Avenue General Improvement District. City Council has previously supported moving forward with the Sales Tax Bond and the formation of the GID.

Staff Recommendation

Pass Councillor's Bill No. 72 as an emergency ordinance creating the City of Westminster 136th Avenue General Improvement District.

Background

Over the past several years Council and Staff have discussed the completion of a new Interchange on I-25. One of the major questions has been the funding of the project. In the discussions that occurred, it became evident it would be beneficial for landowners and the City to collaborate on this venture. As has been explained in previous memos the establishment of a GID will allow this partnership to occur.

The formation of the GID is one of a series of steps required to move toward funding and construction of the interchange. If both the sales tax ballot questions and the GID ballot questions move forward and are approved by the voters the estimated timeline for completion of the project consists of the following:

- August 28- Council would approve the Sales Tax Ballot proposal. The GID Board would also approve the GID ballot questions.
- November 2000 election: ballot question to be voted by electors of the district on the GID property tax Mill Levy and the Tabor ballot question.
- November 2000 election: ballot question to be voted by general electorate of the City on a (no sales tax increase) limited Sales Tax Obligation Bond Issue of approximately \$13.75 million (includes all costs), to be issued in the second quarter for construction of the interchange.
- Second Quarter, 2002: issuance of bonds for construction of the interchange.
- Second Quarter, 2002: property tax collections begin for property owners in the GID, to support the construction of the interchange.
- Second Quarter, 2002: construction begins on the interchange.
- Mid-2002 to Spring 2004: proposed construction period for the interchange.

Alternatives

1. Direct Staff to cease work on the I-25 initiative. This is not recommended, as the additional long-term prospects for the City with regard to sales tax, property tax and other revenues are very favorable.
2. Delay work on the I-25 initiative. This is not recommended due to the inflation of construction costs, now and anticipated in the next five years. Staff has determined average costs of construction should inflate at an average rate of 10% per year for the next five years, making the delay of construction work very much against the City's long-term financial interests. Because the City earns 6% on its portfolio, the net negative effect on the City's financial interests would be a minimum of 4% per year.

Bond Counsel and the City's Financial Advisor(s) will be present at the City Council meeting on Monday, August 14 to answer questions.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

By Authority

Ordinance No. _____

Councillor's Bill No. **72**

Series of 2000

Introduced by Councillors

A BILL

FOR AN ORDINANCE CREATING THE CITY OF WESTMINSTER 136th
AVENUE GENERAL IMPROVEMENT DISTRICT; PROVIDING OTHER
DETAILS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, a Petition for the Organization of a General Improvement District in the City of Westminster, Colorado (the "Petition"), has been filed in the office of the City Clerk of the City of Westminster (the "City"); and

WHEREAS, the Petition has been reviewed by the City Clerk; and

WHEREAS, the Petition states that it has been signed by one hundred percent of the owners of taxable real property to be included within the proposed district and contains a request, pursuant to Section 31-25-607 (3.5), C.R.S., for waiver of all requirements for notice, publication, and a hearing set forth in Sections 31-25-606 and 31-25-607, C.R.S., and of the requirement for filing an organizational bond set forth in Section 31-25-605, C.R.S.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Short Title. This Ordinance shall be known and may be cited by the short title "City of Westminster 136th Avenue General Improvement District Creation Ordinance."

Section 2. Findings and Determinations. The City Council hereby accepts the Petition for the Organization of a General Improvement District in the City of Westminster, Colorado, which requests the formation of a general improvement district to be known as "City of Westminster 136th Avenue General Improvement District." The Council hereby finds and determines as follows:

- a. that the Petition is signed by one hundred percent of the owners of taxable real property to be included within the proposed district;
- b. that the Petition contains a request for waiver of all requirements for notice, publication, and a hearing set forth in Sections 31-25-606 and 31-26-607, C.R.S., and of the organizational bond set forth in Section 31-25-605, C.R.S.;
- c. that the Petition is signed by not less than thirty percent or two hundred (whichever is less) of the electors of the proposed district in compliance with ' 31-25-604(1), C.R.S.;
- d. that the signatures on the Petition are genuine;
- e. that a review of the tax rolls and the last official registration list of Adams County, together with other available evidence, shows that the total number of electors of the proposed district is six and the total valuation for assessment of the real and personal property within the proposed district is \$46,910;
- f. that the proposed district is located entirely within the City's boundaries in Adams County, Colorado;
- g. that the proposed district will not provide the same improvements or service as those provided by an existing special district within the territory of such existing special district;
- h. that the proposed district's improvements to be acquired, constructed, installed, operated, or maintained:
 - (1) are improvements that the City is authorized to provide under the City's home rule charter (the "Charter"); and
 - (2) do not duplicate or interfere with any municipal improvement already constructed or planned to be constructed within the limits of the proposed district;

- i. that the costs of the improvements will not be excessive as compared with the value of the property in the proposed district;
 - j. that the creation of the proposed district and proposed improvements therein will confer a general benefit on the proposed district;
 - k. that the organization of the proposed general improvement district will serve a public use and will promote the health, prosperity, security and general welfare of the inhabitants of the City and the proposed district;
 - l. that the request for waiver is hereby granted; and
 - m. that the proposed general improvement district should be established.
- These findings and determinations of the Council are final and conclusive on all parties in interest, whether appearing or not.

Section 3. Establishment of District. It appearing that the Petition has been duly signed and presented in conformity with Colorado law and that the allegations of the Petition are true, the Council, by this ordinance, hereby finds that it has full jurisdiction under the law to adopt this ordinance, that the proposed district for which the Petition has been filed is hereby declared organized and shall be known as "City of Westminster 136th Avenue General Improvement District" (the "District"), by which, in all proceedings, it shall hereafter be known. The District shall be a public or quasi-municipal subdivision of the State of Colorado and a body corporate with the limited proprietary powers set forth in Part 6, Article 25, Title 31, C.R.S.

Section 4. District Boundaries. The legal description of the District boundaries is as follows:

The District lies within the City of Westminster, County of Adams, State of Colorado and its boundaries are follows:

The District is bounded on the west by Huron Street, on the north by the north line of the Parcel known by Assessor's Parcel Number 0157322000090; on the east by Interstate Highway 25 and on the south by the south line of the Parcel known by Assessor's Parcel Number 0157327000029. The district contains all of the land located within the above described boundaries with the exception of the Bull Canal, which bisects the Parcel known by Assessor's Parcel 0157327000029 and the Parcel located at the southwest corner of 136th Avenue and Interstate Highway 24, which is known by Assessor's Parcel Number 0157327000003. The area of the district is 214 acres more or less.

Section 5. District Improvements. A general description of the improvements to be acquired, constructed, installed, operated, or maintained within the District is as follows:

An interchange on I-25 at 136th Avenue and all other necessary, incidental, appurtenant, and convenient facilities, equipment, land and property rights.

Section 6. Recording of Ordinance. Within thirty days after Council action on this ordinance, the City Clerk shall transmit to the County Clerk and Recorder of Adams County a copy of this ordinance for recording.

Section 7. Ordinance Conclusive. This ordinance shall finally and conclusively establish the regular organization of the District against all persons unless an action attacking the validity of the organization is commenced in a court of competent jurisdiction within thirty days after the adoption of this ordinance. Thereafter, any such action shall be perpetually barred.

Section 8. Repealer. All bylaws, orders, resolutions and ordinances of the City, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any other such bylaw, order, resolution or ordinance of the City, or part thereof, heretofore repealed. All rules of the City Council, if any, which might prevent the final

passage and adoption of this ordinance as an emergency measure at this meeting of the City Council be, and the same hereby are, suspended.

Section 9. Severability. If any section, subsection, paragraph, clause or other provision of this ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this ordinance, the intent being that the same are severable.

Section 10. Declaration of Emergency. In order to create the District pursuant to Section 31-25-607 (3.5), C.R.S. in time to schedule an election on the question of issuing bonds to finance the District's proposed improvements at the general election on November 7, 2000, it is hereby declared that an emergency exists and that this ordinance is immediately necessary for the preservation of the public peace, health, safety and financial well-being of the City.

Section 11. Effective Date, Recording and Authentication. This ordinance shall be in full force and effect immediately upon its adoption and passage. This ordinance shall be recorded in "The Ordinance Book" of the City kept for that purpose, and shall be authenticated by the signatures of the Mayor and City Clerk, and published in accordance with Section 8.4 of the Charter.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE on August 14, 2000.

Mayor

(SEAL)

ATTESTED:

City Clerk

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

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

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council (the "Council") of the City at a regular meeting of the Council held at the City Hall on August 14, 2000. A quorum of the Council was in attendance at said meeting.

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

Those Voting Aye:	Councillor Herb Atchison Mayor Pro Tem Samantha Dixion Mayor Nancy Heil Councillor Butch Hicks Councillor Ann Merkel Councillor Ed Moss Councillor Suzanne Smith
-------------------	--

Those Voting Nay:	None
Those Absent:	None
Those Abstaining:	None

3. That the Ordinance has been authenticated by the Mayor, sealed with the corporate seal of the City, attested by me as City Clerk, and duly recorded in "The Ordinance Book" of the City; and that the same remains of record in "The Ordinance Book" of the City.

4. That notice of the meeting of August 14, 2000, in the form, attached hereto as Exhibit A, was duly given to the Council members and was posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

5. That the ordinance was published in full within 10 days after its enactment in Westminster Window, a newspaper of general circulation within the City on August 24, 2000. The affidavit of publication is attached hereto as Exhibit B. The Westminster Window is a newspaper which meets the requirements of Section 17.5 of the City's Charter, and I have received the affidavit and such other evidence as I deem necessary from the publisher thereof that said newspaper meets the circulation requirements of said Section 17.5.

6. On September 5, 2000, I transmitted a copy of the Ordinance to the Adams County Clerk and Recorder for recording.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 19th day of September, 2000.

(SEAL)

City Clerk

EXHIBIT A

(Attach Notice of Meeting)

EXHIBIT B

(Attach Affidavit of Publication)



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Continued Annexation and Preliminary Development Plan Approval for the Freedom, Inc. Property, and Annexation and Zoning of City Open Space

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested for the purpose of taking action on the application for annexation and zoning of two parcels of land and a Preliminary Development Plan for the Freedom, Inc. land. The two parcels include the Big Dry Creek Open Space parcel that is owned by the City and a two-acre parcel belonging to Freedom, Inc.

Summary

Applicant/Property Owner: City of Westminster and Freedom, Inc.

Location: On the north and south side of 99th Avenue, west of Wadsworth Boulevard. (See attached vicinity map)

Size of Site: Freedom, Inc. parcel, 2 acres; City parcel, 4.5 acres. Total annexation: 6.5 acres.

Description of Proposed Use: The City-owned property was purchased for open space, and the Freedom, Inc. property is proposed as an area for expansion of the Family in Christ Church, which is adjacent to the north.

Major Issues

1. 99th Avenue is an important right-of-way for the City as it has been designated as the route for the Big Dry Creek Trail, which is being constructed this year. A signalized trail crossing of Wadsworth Boulevard is also planned near 99th Avenue. As part of this application, the owners of the Freedom, Inc. property will dedicate 25-feet of the frontage of their property for Wadsworth Boulevard improvements and ten additional feet along the north side of 99th Avenue.
2. This annexation originally included the Jefferson Academy property, however the Academy has since withdrawn their application and the City Council accepted the withdrawal at their 7/24/00 meeting.
3. Council members asked at the 7/24/00 meeting that staff investigate the possibility of requiring that the entire Freedom, Inc parcel be included in the annexation. Since the applicant does not wish to include the eastern-most portion in the annexation at this time, there is not a way under the annexation statutes to include the entire parcel. The applicant has submitted a letter agreeing to annex the property before any further development occurs and the City would not provide water to this area until it was annexed into the City.

4. Jefferson County raised two concerns:

- Jefferson County Board of County Commissioners strongly recommends that the City of Westminster reconsider Annexation Map #1. The proposal for the first part of the annexation leaves out a significant piece of property. Any further annexation to the north of this property could create a “mini enclave” in Jefferson County. Currently, the property being left out of the annexation request is zoned Commercial-One (C-1) and is under the same ownership as the parcel to the west which is zoned Agricultural-One (A- 1). Furthermore, the County Assessor shows these lots to be one parcel.
- The legal descriptions, which have been submitted to Staff twice, are not correct. There is concern that a gap exists between Annexation Map #1 and Annexation Map #2. There is also concern that the Boundary Calculations did not close on either Annexation Map #1 or Annexation Map #2.

Policy Issue(s)

- Does the proposed annexation further City goals? The Intergovernmental Agreement between the City and Jefferson County for the Northeast Jefferson County/Westminster Enclaves Area states that “it is the mutual goal of the County and City that the area set forth on Exhibit A (the area described in the Northeast Comprehensive Development Plan) be annexed into the City at such time as it is eligible for annexation and is in compliance with City goals.”
- Whether or not to approve the Preliminary Development Plan for the Freedom, Inc. property allowing for a church use.

Planning Commission Recommendation

Planning Commission voted unanimously (7-0) to recommend to City Council that the Jefferson Academy property not be annexed or zoned O-1. Planning Commission members felt that the school should work with the neighbors to resolve the contentious issues prior to the City annexing the property.

Planning Commission voted unanimously (7-0) to recommend to City Council that the annexation of the Lange property and the Freedom, Inc. parcel be approved.

Planning Commission voted unanimously (7-0) to recommend to City Council that the City owned property be zoned O-1 (Open Space) and that the Freedom, Inc. parcel be zoned Planned Unit Development (PUD).

Planning Commission voted unanimously (7-0) to recommend to City Council that the Preliminary Development Plan (PDP) for the Freedom, Inc. parcel be approved as submitted.

Staff Recommendation

1. Open the Continued Public Hearing.
2. Adopt Resolution No. 50 making certain finding of fact as required by State Statutes regarding the City and Freedom, Inc. properties.
3. Pass Councillor’s Bill No. 53 on first reading annexing the City and Freedom, Inc., properties to the City of Westminster.
4. Pass Councillor’s Bill No. 54 on first reading zoning the City property O-1 (Open) and the Freedom, Inc. property Planned Unit Development (PUD).
5. Approve the Preliminary Development Plan (PDP) for the Freedom, Inc. property as submitted.

Alternative(s)

1. Open the continued public hearing.
2. Make a finding that it is undesirable to annex the subject parcels and take no further action.

Background Information

Discussion of Major Issues

The original annexation request included the Jefferson Academy land. Jefferson Academy requested withdrawal of their petition in a letter dated July 21, 2000. On July 24, 2000, City Council accepted the withdrawal of the Jefferson Academy land from the annexation petition.

Architectural/Building Materials

Plans for the church expansion will be reviewed as part of the Official Development Plan process. No changes are proposed for the City property or for Jefferson Academy.

Public Land Dedication, Parks/Trails

No public land dedication is required of any of the properties. The 99th Avenue right-of-way will be used as the corridor for the Big Dry Creek trail. The City property may be used in part for trailhead parking.

Access and Circulation

Improvements to Wadsworth Boulevard will be deferred until the property that fronts along the street is developed. However, the applicant will, however, dedicate the necessary right-of-way at this time.

Site Design

Design of the Freedom, Inc. property will be determined at the time of the Official Development Plan approval.

Signage

No signage is proposed for the Freedom, Inc. site, and no additional signage is proposed for the school site. The City may elect to identify the open space parcel at some point in the future.

Service Commitment Category

No Service Commitments will be required as part of this proposed annexation.

Referral Agency Responses

No responses were received.

Public Comments

The proposed annexation conforms to the requirements of the Northeast Comprehensive Development Plan, which was adopted after numerous public meetings. The representatives of the adjacent residents have conveyed to Staff the concerns with the Jefferson Academy operations. Several concerns have been raised by area residents regarding the school and the annexation of the school into the City.

Surrounding Land Use and Comprehensive Land Use Plan Designations

The land to be annexed is entirely surrounded by land regulated by the Northeast Comprehensive Development Plan. The properties to be annexed are bordered on the north, west and south by land that is zoned A-2 in the county. To the east of the Freedom, Inc. parcel, the land is zoned C-1 in the county.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. 50

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 42 finding the Petitions to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

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

3. The City Council further finds:

- a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;
- b. That the annexation will not result in the attachment of area from a school district;
- c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;
- d. That the City of Westminster has in place a plan for the area proposed to be annexed; and
- e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

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

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

PASSED AND ADOPTED this 14th day of August, 2000.

ATTEST:

Mayor

City Clerk

Freedom Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. 53

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

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

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, in accordance with the procedures specified in Section 31-12-104(1)(a) C.R.S., of the following described contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, to wit:

Annexation 1

A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14; thence S 00°41'00" W along the east line of said southwest quarter of Section 14 a distance of 346.06 feet to the point of beginning.

Thence continuing S 89°30'40" W along said northerly line a distance of 32.31 feet;

Thence N 01°00'31" E a distance of 660.42 feet;

Thence N 89°32'00" E a distance of 201.80 feet; to an arc of radius 45.00' whose chord bears N 72°34'55" E and being of chord length 81.41 feet;

Thence N 89°32'00" E a distance of 320.73 feet; to an arc of radius 73.01 feet whose chord bears N 44°52'20" W and being of length 104.25 feet;

Thence S 00°16'54" W a distance of 563.21 feet;
Thence S 89°44'17" W a distance of 328.02 feet;
Thence N 00°21'28" E a distance of 271.30 feet;
Thence S 89°41'25" W a distance of 255.35 feet;
Thence S 00°41'00" W a distance of 271.11 feet;
Thence S 89°51'01" W a distance of 65.38 feet; to the point of beginning.
Containing 8.39 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 14th day of August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 28th day of August, 2000.

ATTEST:

Mayor

City Clerk

Freedom Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. 54

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN PARCELS OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, 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 Jefferson County A-1 to City of Westminster O-1 and From A-1 to PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the parcels described herein from Jefferson County A-1 to City of Westminster O-1:

Parcel 1: Lots 1 through 4 inclusive, Wadsworth Acres, as recorded in Book 23 at Page 22.

Section 3. The Zoning District Map of the City is hereby amended by reclassification of the parcel described herein from Jefferson County A-1 to City of Westminster PUD:

Parcel 3: A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14;

Thence S 00°41'00" W along the east line of said southwest quarter of Section 14 a distance of 346.06 feet to the point of beginning;

Thence continuing S 89°51'01" W along said northerly line a distance of 65.38 feet,

Thence S 00°41'00" W a distance of 261.11 feet;

Thence S 89°41'25" W a distance of 255.35 feet;

Thence N 00°21'28" E a distance of 261.30 feet;

Thence S 89°44'17" W a distance of 328.02 feet;

Thence S 00°21'28" W a distance of 271.57 feet;
Thence N 89°41'25" E a distance of 679.52 feet;
Thence N 01°00'31" E a distance of 271.06 feet;
Thence S 89°30'40" W a distance of 32.31 feet; to the point of beginning,
Containing 2.71 acres more or less.

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

Section 5. 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 August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED
PUBLISHED this 28th day of August, 2000.

ATTEST:

Mayor

City Clerk

Freedom Zoning



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Covenant at 112th and Sheridan Annexation, Comprehensive Land Use Plan (CLUP), Zoning, and Preliminary Development Plan.

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested regarding the application by Covenant Developments, Inc. for annexation, Comprehensive Land Use Plan (CLUP) designation, zoning, and Preliminary Development Plan (PDP) approval for the property located at the northwest corner of 112th Avenue and Sheridan Boulevard. (See attached Exhibit B.)

Summary

Covenant Development, Inc., has requested annexation, Comprehensive Land Use Plan designation, zoning, and Preliminary Development Plan approval on their property in order to develop the property for a church, office, and residential land uses.

Applicant/Property Owner: Covenant Developments, Inc.

Location: Northwest corner of 112th Avenue and Sheridan Boulevard.

Size of Site: 36.3 acres.

Description of Proposed Use: A 5-acre church site, 17.06 acres of residential at 7.5 dwelling units per acre, and 12.04 acres of office park. The additional 2.17 acres will be dedicated for Sheridan Boulevard right-of-way.

Major Issues

1. The applicant is requesting a Single-Family Attached (townhome) type of unit on the residential portion of the property at 7.5 dwelling units per acre. This would permit approximately 100 townhouse units. After meeting with residents in the area and hearing their concerns regarding a higher density development next to the Torrey Peaks and Arrowhead subdivisions, Staff is recommending that the residential portion of the development be restricted to Single-Family Detached residences at 3.5 dwelling units per acre. This would permit approximately 48 single-family units. This option supports the policies of the Comprehensive Land Use Plan.
2. When the adjacent Arrowhead Planned Unit Development was developed, the approved plans anticipated that 115th Avenue would eventually be connected to Sheridan Boulevard and a stub-out was constructed to facilitate that connection. At the neighborhood meetings there was opposition voiced to making the connection as part of this request. As a result of those concerns, a survey was conducted by Staff of the entire Arrowhead community and portions of the Torrey Peaks and Sheridan Green developments. 554 questionnaires were returned to the City, of which 76 percent were in favor of the connection being made.

Policy Issue(s)

1. The policy of the City has been to annex enclaves when the owners have petitioned for annexation. A community of interest has been assumed in previous cases.
2. Should the City continue to encourage connectivity within neighborhoods by making necessary street connections between neighborhoods and arterial streets?

Planning Commission Recommendation

This request was heard by the Planning Commission on July 25, 2000. After hearing the presentation from the applicant, six persons spoke in opposition to the request. All of those who spoke were not in favor of the requested attached housing element of the proposed plan, three residents did not want 115th Avenue connected to Sheridan, and one resident requested that a large cottonwood be preserved on the site. The Planning Commissions voted unanimously to recommend to the City Council the following:

- That the annexation of the Covenant Property at 112th Avenue and Sheridan Boulevard be approved.
- That the Covenant Property be zoned Planned Unit Development.
- That the Comprehensive Land Use Plan be amended to add the Covenant Property, and that it be designated as “Single-Family Detached-Medium Density”, “Public/Quasi-Public”, and “Office”. (See attached Exhibit A)
- That the Preliminary Development Plan for the Covenant 112th Avenue and Sheridan Development be approved on the condition that the proposed single-family attached element be amended to allow only single-family detached units at 3.5 units per acre.

Staff Recommendation

1. Hold a public hearing
2. Adopt Resolution No. 60 making certain findings of fact as required by State Statutes regarding the annexation of the property.
3. Pass on first reading Councillor’s Bill No. 73 annexing the property located at the northwest corner of 112th Avenue and Sheridan Boulevard to the City.
4. Pass on first reading Councillor’s Bill No. 74 amending the Comprehensive Land Use Plan by adding the Covenant property and designating it as “Office”, “Public/Quasi-Public” (needed for a church use) and as “Single-Family Detached-Medium Density”. (See Exhibit A)
5. Pass on first reading Councillor’s Bill No. 75 Zoning the Covenant property from Jefferson County A-2 to Planned Unit Development (PUD).
6. Approve the Preliminary Development Plan for the Covenant at 112th and Sheridan development on condition that the plan be amended to permit only Single-Family Detached units at 3.5 units per acre for the residential portion of the property.

Alternative(s)

1. Make a finding that the property not be annexed at this time and take no further action.
2. As to Staff recommendation #4, recommend the property be designated on the Comprehensive Land Use Plan, as Single-Family Attached, Office, and Public/Quasi-Public.
3. As to Staff recommendation #6, recommend the property be annexed and the Preliminary Development Plan be approved as submitted permitting single-family attached units at a maximum density of 7.5 dwelling units per acre on the residential portion.

Background Information

Discussion of Major Issues:

1. Two neighborhood meetings were held regarding this request. Area residents at these meetings expressed a strong desire to limit the residential portion of the property to Single-Family-Detached (3.5 dwelling units per acre). The applicant is requesting the ability to construct townhomes in this area at a density of 7.5 dwelling units per acre. The residents expressed a desire that the units be similar to theirs both in quality and price range. Staff is recommending that the desires of the neighbors be followed since single-family detached units would be compatible with the adjacent residential area west of Sheridan Boulevard.
2. The Staff recommendation to change the requested residential area from townhome to single-family detached density is supported by the following provisions of the Comprehensive Land Use Plan (CLUP):
 - Under the Executive Summary in the section entitled Balanced Housing Mix, the CLUP states that single-family detached units should be encouraged over multi-family and attached housing.
 - On page 21, section 5 a. states that the higher density housing types are over represented in Westminster creating more demand on water resources.
 - Under the Housing Section on page 25, Goal C2 states that “move-up” and “move-in” markets should be encouraged and Goal C3 states that multi-family should be discouraged.

The Comprehensive Land Use Plan (CLUP) states in the Executive Summary that Multiple and attached housing is over represented in the Westminster housing stock and that as a result, single family developments should be encouraged. The City Council has also made the finding in Section 11-4-3 of the Westminster Municipal Code that water resources should be preserved where practicable. The Staff’s recommendation promotes these goals.

3. 115th Avenue Connection

As part of the proposed development, Staff has supported the continuation of 115th Avenue east from 115th Loop to Sheridan Boulevard. The connection was originally planned with the Arrowhead Subdivision in 1988 and 115th Avenue was constructed to the east boundary of the subdivision in anticipation of the future extension to Sheridan Boulevard when the adjacent property was developed. During the review process of this project, Staff received comments from some residents of the adjacent neighborhood expressing opposition to the proposed connection. In order to determine the extent of the opposition to the connection, Staff prepared a survey that was distributed, via the mail, to all of the households located within the Arrowhead subdivision and portions of the Torrey Peaks and Sheridan Green developments, west of Sheridan Boulevard, south of 118th Avenue and north of 112th Avenue (the survey area map is attached as Exhibit C). Surveys provided a brief description of the proposed development, an explanation of why Staff supports this connection and posed a question to the residents: “Do you support the connection of W. 115th Avenue from Arrowhead Subdivision to Sheridan Boulevard?” The survey included three boxes (Yes, No and No Opinion) and residents were asked to check one of the boxes. Attached to the survey, was a diagram which compared the existing average daily traffic within the adjacent neighborhood and the anticipated average daily traffic once 115th Avenue is extended to Sheridan Boulevard. A copy of the survey and traffic diagram are attached as Exhibit D.

One of the points made in the survey supporting this connection (and neighborhood interconnectivity in general) was that connections help to “evenly distribute neighborhood traffic”. The traffic comparison shows that the 115th Avenue connection accomplishes this goal. While the traffic would increase along 115th Avenue if the connection is made, traffic is projected

to decrease on Eaton Street, Depew Court, 116th Avenue and 117th Avenue, which are the other major connections to the arterial streets, (Sheridan Boulevard and 112th Street).

The responses to the survey correlate to the projected traffic flows. Where traffic is projected to increase, the responses opposed the connection by approximately a 2:1 margin. Where traffic is projected to decrease, the responses favored the connection by approximately a 6:1 margin. The areas that are in support of the connection are shaded blue, green and yellow and the area that is opposed to the connection is shaded red on the survey area map.

Overall, of the 554 returned surveys, 76 percent were in favor of connecting 115th Avenue to Sheridan Boulevard. The actual survey results are tabulated below.

	YES	NO	NO OPINION
Blue	143	13	4
Red	30	61	1
Green	117	14	3
Yellow	132	22	14
Total	422	110	22

Architectural/Building Materials

Architectural character will be determined at the Official Development Plan approval stage. The residential units are subject to the Category B competition process and will meet or exceed the single-family guidelines. The church will be constructed of masonry and EIFS materials. The proposed office will meet or exceed the Commercial Guidelines and will be a minimum of 50 feet away from adjacent residential development.

Public Land Dedication, Parks/Trails

If the Staff recommended density of 3.5 Single-Family Detached units per acre is adopted, the required public land dedication for the residential portion would be 11 percent or 1.87 acres. If the applicant requested density of 7.5 Single-Family Attached units per acre is adopted the required dedication would be 15 percent or 2.55 acres.

Access and Circulation

Whether or not 115th Avenue is connected to Sheridan Boulevard, 115th Avenue will act as the major access route to the residential portion of this development and will have a full turn access point on Sheridan Boulevard. The church will access Sheridan with a right-in/right-out access only, and the office park area will have access on 112th Avenue and another access on Sheridan Boulevard. The exact nature of the access points will be determined at the time of the Official Development Plan.

Site Design

Site design will be reviewed at the time of the Official Development Plan submittal.

Signage

Signage for all three areas shall conform to the provisions of the City Sign Code.

Service Commitment Category

The residential area will be awarded Service Commitments out of Category B if the development is awarded commitments through the competition process. The church and office areas out of Category C.

Referral Agency Responses

There were no responses from referral agencies.

Public Comments

Two neighborhood meetings were held for this proposed development. Both were well attended by area residents who shared a number of concerns with Staff and applicants. Most requested strong buffers from the Arrowhead property line and many were concerned with the connection of 115th Avenue, which is discussed above. These issues will be addressed in the Official Development Plan (ODP).

Surrounding Land Use and Comprehensive Land Use Plan Designations

The property is bordered on the north and west by the Torrey Peaks and Arrowhead developments, which are both designated as Single-Family Detached-Medium Density in the Comprehensive Land Use Plan. Property to the south is developed as commercial/retail and designated as Retail/Commercial and across Sheridan Boulevard to the east are parcels designated as Retail/Commercial and Office/Residential.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO **60**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 47 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

- a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
- b. A community of interest exists between the area proposed to be annexed and the City;
- c. The area is urban or will be urbanized in the near future; and
- d. The area is integrated with or is capable of being integrated with the City.

2. The City Council further finds:

- a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
- b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

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

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

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

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

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

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

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

PASSED AND ADOPTED this 14th day of August, 2000.

ATTEST:

Mayor

City Clerk

Covenant Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **73**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land located in the southeast one-quarter (SE ¼) of Section 1, Township 2 South, Range 69 West of the 6th Principal Meridian, being more particularly described as follows:

The basis of bearings is the east line of the southeast one-quarter of Section 1, being assumed to bear N00°08'45" E, a distance of 2632.96 feet. Monumented by a 3 1/4" aluminum cap in Range Box LS #17669 at the southeast corner and a 3 1/4" aluminum cap in Range Box LS #12186 at the east one-quarter corner.

Beginning at the southeast corner of said Section 1;

Thence along the south line of said southeast one-quarter, N89°38'41"W, a distance of 725.00 feet;

Thence along the easterly lines of Arrowhead Subdivision Filing No. 2, 1 & 5, N00°21'19"E, a distance of 2382.23 feet, to the southerly line of Torrey Peaks Subdivision Filing No. 2, amended;

Thence along said southerly line of Torrey Peaks Subdivision Filing No. 2, amended, S89°52'21"E, a distance of 716.29 feet, to the east line of said southeast one-quarter;

Thence along said east line of the southeast one-quarter, S00°08'45"W, a distance of 2385.09 feet, to the point of beginning;

Containing an area of 1,717,767 square feet or 39.4345 acres.

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 August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of August, 2000.

ATTEST:

Mayor

City Clerk

Covenant Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **74**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to add the Covenant annexation property, legally described in "Exhibit A" attached hereto. The Covenant property shall be designated "Single Family Detached- Medium Density", "Public/Quasi Public", and "Office".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of August, 2000.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **75**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, 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 Jefferson County A-2 to City of Westminster PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster PUD. A parcel of land located in Section 1, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land located in the southeast one-quarter (SE ¼) of Section 1, Township 2 South, Range 69 West of the 6th Principal Meridian, being more particularly described as follows:

The basis of bearings is the east line of the southeast one-quarter of Section 1, being assumed to bear N00°08'45" E, a distance of 2632.96 feet. Monumented by a 3 1/4" aluminum cap in Range Box LS #17669 at the southeast corner and a 3 1/4" aluminum cap in Range Box LS #12186 at the east one-quarter corner.

Beginning at the southeast corner of said Section 1;

Thence along the south line of said southeast one-quarter, N89°38'41"W, a distance of 725.00 feet;

Thence along the easterly lines of Arrowhead Subdivision Filing No. 2, 1 & 5, N00°21'19"E, a distance of 2382.23 feet, to the southerly line of Torrey Peaks Subdivision Filing No. 2, amended;

Thence along said southerly line of Torrey Peaks Subdivision Filing No. 2, amended, S89°52'21"E, a distance of 716.29 feet, to the east line of said southeast one-quarter;

Thence along said east line of the southeast one-quarter, S00°08'45"W, a distance of 2385.09 feet, to the point of beginning;

Containing an area of 1,717,767 square feet or 39.4345 acres.

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 14th day of August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of August, 2000.

ATTEST:

Mayor

City Clerk

Covenant Zoning



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Comprehensive Land Use Plan Amendment for the Northwest Corner of 104th and Grove Street

Prepared by: Michele McLoughlin, Planner II

Introduction

City Council action is requested on a proposed change in land use designation to the Westminster Comprehensive Land Use Plan (CLUP) for the property located on the northwest corner of 104th and Grove Street.

Summary

DCB Construction (applicant for the property owner) is requesting a Comprehensive Land Use Plan amendment to amend the land use designation for the property located at the northwest corner of 104th Avenue and Grove Street from Single-Family Detached - Medium Density, to Office. Staff supports the requested change.

Applicant: Barry Sherman, Vice President of Design, DCB Construction Company, Inc.
909 East Sixty-Second Avenue, Denver, CO 80216

Property Owner: Westminster Church of the Nazarene, 3501 West 104th Avenue, Westminster, CO

Location: The property is located at the northwest corner of 104th and Grove Street as shown on the attached location map.

Size of Site: The property is approximately 2.4 acres in size.

Description of Proposed Use: The Westminster Comprehensive Land Use Plan currently designates this property as Single Family Detached - Medium Density. The owner is requesting a Comprehensive Land Use Plan amendment to Office in order to construct a two-story office building on the site.

Major Issues: There are no major issues in regard to this request. The Comprehensive Land Use Plan does identify this area as a "View Corridor." View Corridors are intended to preserve magnificent views that can be seen from public streets. Staff is aware of the View Corridor designation for this area and this issue would be dealt with at such time as an Official Development Plan is submitted for review. Staff supports a land-use change to Office based upon the following: The property to the east is designated "retail commercial." The northernmost parcel of the property to the east has been developed with a new United States Post Office. The property to the west is Public/Quasi-Public and is developed as a church site. The property to the south contains City of Westminster water tanks and is designated "Public/Quasi-Public." Taking into consideration the surrounding land uses and the recent development in the area, the proposed "office" use is in Staff's opinion a logical progression between the "public/quasi-public" land use where the church currently exists to the west and the vacant "commercial-retail" parcel to the east. The office use would also serve as a transition area between residential areas and 104th Avenue.

Policy Issue(s)

Is the proposed change from Single-Family Detached - Medium Density to Office in the best interests of the City and the surrounding property at this time? The change in use would allow the property to be developed consistently with the existing and future development of the surrounding properties.

Planning Commission Recommendation

The Planning Commission heard this request at their July 25, 2000, hearing. The Planning Commission voted 5-2 to recommend that the Comprehensive Land Use Plan map be amended to designate the property as "Office." The dissenting votes felt that the land use change was inappropriate at this time and would rather the area remain Single-Family Detached-Medium Density on the CLUP.

Staff Recommendation

1. Hold a public hearing.
2. Pass Councilor's Bill No. 76 on first reading, amending the Comprehensive Land Use Plan to change the Land Use from "Single-Family Detached - Medium Density" to "Office."

Alternative

Make a finding that the proposed Comprehensive Land Use Plan amendment is not appropriate at this time and deny the proposed amendment.

Background Information

Surrounding Land Use and Comprehensive Land Use Plan Designations: The land uses surrounding this proposed Comprehensive Land Use Plan Amendment consist of Retail Commercial to the east, Single-Family Detached - Medium Density to the north, and Public/Quasi Public to the west and south. All surrounding parcels are zoned Planned Unit Development (PUD).

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **76**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City has received an application requesting a land use change for the property shown in "Exhibit A"; and

WHEREAS, an amendment to the Plan is necessary to change the existing land use designation from Single-Family Detached - Medium Density to Office; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to change the existing land use designation of Single-Family Detached - Medium Density, shown in "Exhibit A" attached hereto. The property shall be designated "Office."

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of August, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Comprehensive Land Use Plan Amendment for Bruchez Homestead Property at Legacy Ridge

Prepared by: Max Ruppeck, Senior Project Manager

Introduction

City Council is requested to hold a public hearing and pass the attached Councillor's Bill approving a change in land use designation in the Comprehensive Land Use Plan (CLUP) for the Bruchez Homestead property at Legacy Ridge. (See attached map).

Summary

The Bruchez Group is requesting a CLUP amendment on the property located in Legacy Ridge to redesignate land from "Retail Commercial" and "Multi-Family Residential" to "Single-Family Attached" Residential.

Applicant/Property Owner: Kelly McElvain, General Manager, Bruchez Group L.L.P.

Location: Approximately 300-ft. west of Legacy Ridge Parkway on the south side of W. 112th Avenue.

Size of Site: approximately 4 acres.

Description of Proposed Use: Approximately two acres of the area subject to this request are designated as "Retail/Commercial" on the Comprehensive Land Use Plan. The other two acres \pm are designated as "Multi-Family" residential. The applicant wishes to have both areas redesignated to "Single-Family Attached".

Major Issues

If the project were to develop at the maximum density allowed by the current Comprehensive Land Use Plan designation, a commercial use plus approximately 36 apartment units (2 acres x 18 du/acre) could be developed. If this Comprehensive Land Use Plan amendment is approved, no commercial use would be permitted and a maximum of 40 Single-Family Attached units (4 acres x 10 du/acre) could be developed. An Official Development Plan (ODP) would need to be approved before development could occur.

Policy Issues

The City Comprehensive Land Use Plan supports reducing residential densities. While the proposal would result in approximately the same maximum number of housing units, these units would be at a lower overall density (10 du/a vs 18 du/a).

Planning Commission Recommendation

At their regular meeting held on July 24, 2000, the Planning Commission unanimously recommended approval of the required amendment to the CLUP to amend the CLUP designation on the subject property from "Retail/Commercial" and "Multi-Family Residential" to "Single-Family Attached Residential".

Staff Recommendation

1. Hold a public hearing.
2. Pass Councillor’s Bill No. 77 on first reading amending the Comprehensive Land Use Plan designation for the subject property from Retail/Commercial and Multi-Family Residential to Single-Family Attached Residential based on the finding that the proposed amendment meets the requirements of Section 11-4-16 of the Westminster Municipal Code.

Alternative(s)

1. Deny only the Retail/Commercial redesignation to Single-Family Attached in the Comprehensive Land Use Plan.
2. Deny only the Multi-Family Residential redesignation to Single-Family Attached in the Comprehensive Land Use Plan.
3. Deny the redesignation of both parcels and retain the existing designations in the Comprehensive Land Use Plan.

Background Information

The Preliminary Development Plan for Legacy Ridge designates all of the subject property as Multi-Family Residential at an allowed density of 20 du/a. However, when the Comprehensive land Use Plan was adopted, the owners requested that the two (2) acres of property around the existing Bruchez Homestead be designated Retail/Commercial because there was an interest in converting the homestead to a restaurant use. Marketing the property for a restaurant use has not been successful. The owners now wish to develop a Single-Family Attached product on the property (please see attached letter). The homestead, built in 1940’s, cannot be moved because of its design and construction and therefore will be demolished.

Service Commitment Category: Service Commitments are not necessary at this time, but when the Official Development Plan for the Single-Family Attached development is approved, Service Commitments will be taken from Category L-2 (Legacy Ridge-Single-Family Attached).

Referral Agency Response: No comments received.

Surrounding Land Use and Comprehensive Land Use Plan Designations: The property to the west is being developed as apartments. To the north, across W. 112th Avenue are the Front Range Community College and the Stratford Lakes Single-Family Detached subdivision. The property to the east is currently undeveloped and is designated “Single-Family Attached on the Comprehensive Land Use Plan. Public open space, golf course and a single-family development lie to the south.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE

COUNCILLOR'S BILL NO. **77**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City has received an application requesting a land use change for the property shown in "Exhibit A"; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan for the Bruchez property, shown in "Exhibit A" attached hereto. The Bruchez property shall be designated "Single Family Attached".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of August, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Farmers Highline Canal Trail Connection to Maulis Park

Prepared by: Philo Shelton, Design Development Manager

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill re a supplemental appropriation of \$98,000, the amount of the 1999 Transportation Equity Act (TEA-21) grant award, into the General Capital Improvement Project Fund for design of the Farmers Highline Canal Trail project. City Council action is also requested to authorize the City Manager to sign a contract with The Colorado Department of Transportation (CDOT) for \$98,000 to fund design, right of way acquisition for the this project, located at Maulis park (92nd Ave. and the railroad). The City already has budgeted in the Farmers Highline Canal and Trail Development accounts the 20% matching funds in the amount of \$24,500 required by the TEA-21 grant.

Summary

In December 1997, Staff applied for a \$500,000 TEA-21 trails grant administered by Denver Regional Council of Governments and sponsored by the Federal Highway Administration. The City was awarded the grant in the amount of \$329,000 for both design and construction of the Farmers Highline Canal. The TEA-21 grant funding is administered through CDOT. The design phase contract with CDOT allows the City to receive the TEA-21 funding for design, and guarantees that the City will provide the matching funds. The grant requires 20% matching funds of \$24,500 and TEA-21 grant will fund 80% at \$98,000 for a total design budget of \$122,500.

Policy Issue

Should City Council provide matching funding to the Farmers Highline Canal Trail Project that was budgeted in the 1999 Capital Improvement Program?

Staff Recommendation

1. Pass Councillor's Bill No. 78 on first reading appropriating \$98,000 into the General Capital Improvement Fund of the Farmers Highline Canal Trail project.
2. Authorize the City Manager to sign a contract with Colorado Department of Transportation in the amount of \$122,500 to obligate grant funding for design of the Farmers Highline Canal Trail project.

Background Information

The Farmers Highline Canal Trail is a regional trail corridor as identified in the DRCOG trails masterplan. Projects located on the regional trail corridors are given priority funding in the DRCOG region. The project is planned to connect to the existing trail system along the Farmers Highline Canal Trail by the Westglenn subdivision with a bridge over the railroad track to Maulis Park. This will provide two functions in that the bridge will connect trail users to the Farmers Highline Canal Trail extending to the east and to park users at Maulis park.

The contract with CDOT is for the design phase at this time. Capital project funding will be requested in 2002 to meet the required match for the remaining portion of the grant funds that will allow for construction of this project.

Alternative

City Council could chose not to proceed with the Farmers Highline Canal Trail Project. This would limit the access to Maulis park and isolate the Westglenn subdivision from Farmers Highline Canal Trail System.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments - Councillor's Bill and Project map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **78**_

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,699,851 is hereby increased by \$98,000 which, when added to the fund balance as of the City Council action on August 28, 2000, will equal \$21,064,766. The actual amount in the General Capital Improvement Project 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 an TEA-21 grant for design of the Farmers Highline Canal Trail.

Section 2. The \$98,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Intergovernmental			
75-0478-000	\$45,000	<u>\$98,000</u>	\$143,000
<u>EXPENSES</u>			
Farmers Highline Canal Trail project			
75-50-88-555-365	\$20,000	<u>\$98,000</u>	\$118,000

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of August 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of August, 2000

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Purchase of Open Space Along Walnut Creek

Prepared by: Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested to authorize the City Manager to execute closing documents to purchase for open space approximately 17 acres of land from Tronox Associates. This property is located along and includes a portion of Walnut Creek just west of Wadsworth Parkway at approximately 106th Avenue (see attached map). (The “Future Commercial” area shown on the map is owned by a different party, and efforts to preserve the small area of Walnut Creek that crosses that property may be pursued separately at some future date.)

Summary

This parcel of land is a key link in the Walnut Creek open space, wildlife and trail corridor. A narrow strip along a constructed drainageway was acquired in 1996, but the old creekbed with considerable trees, wetlands and wildlife value remains in the path of development. This purchase would protect the best natural areas, and would preserve a wide “view window” to the mountains from Wadsworth Parkway, matching the protected open space just east of this roadway. The purchase would also allow room for both trail construction and wildlife habitats, and improve the trail and open space experience considerably.

The property has a recently approved Preliminary Development Plan, in conformance with the Comprehensive Land Use Plan, which allows up to 109 single family detached or townhome dwelling units. If the property is acquired for open space, these units would not be constructed, lowering the need to acquire and treat water, and provide other services.

The Open Space Advisory Board is very supportive of this acquisition for open space and trail corridor. Funds are available for this purchase in the Open Space Land Acquisition account.

Policy Issues

Shall the City purchase this property for open space?

Staff Recommendation

Authorize the City Manager to execute the necessary documents to purchase from Tronox Associates for the Open Space Program approximately 17 acres of land at a cost of approximately \$850,000, with the exact cost to be determined by the final survey of the property at \$49,600 per acre, and charge the expense to the Open Space Fund. Authorize the execution of the following agreements by City Staff:

- Dedication by the landowners of an additional .75 acre to satisfy the remaining Public Land Dedication for the entire Walnut Grove development including future projects.

- Dedication by the landowner of a trail easement across their remaining property if requested by the City.
- Allow the landowner or developer to make reasonable utility connections to utilities located within the land being acquired by the City.
- Authorize City Staff and landowner to work together if necessary to exchange small areas of equal size, or allow grading across the property lines between the proposed open space and remaining developable property, not to exceed 25' in width or one acre in total, to better coordinate development, trail connections and maintenance issues.

Alternatives

One alternative would be to not preserve this property. A narrow area along the new drainage channel has been acquired, and a trail might be possible but would be difficult within that area. The old creekbed and wetlands could be filled as anticipated many years ago, providing for additional residential development.

A second alternative would be to delay a purchase. However, the landowner is willing to sell now, Open Space funds are available now for this purchase, and this property is considered a high priority for acquisition with existing funds. Landowner attitude and funding at a future date are unknown.

Staff does not recommend either of the alternatives, but recommends moving forward with the purchase at this time.

Background

The Preliminary Development Plan for this area, known as the Walnut Grove PUD, was approved in the early 1970's before the concern for wetlands and open space had evolved to today's levels. A new channel for much of Walnut Creek was constructed back then, and it was anticipated that later work would remove the wandering oxbows of the old creek and wetlands to allow more development. The old creekbed was not filled however, and its natural values remain today. In 1996, the City acquired a smaller open space including the "new channel" area and a future park site (see map). The City attempted to negotiate a larger purchase in 1996, but the landowners were not willing to sell more property. Thus a smaller purchase was completed, with hopes by City Staff that this additional property could someday be preserved.

Regarding the desirable open space area, it is not possible to use City and/or other regulations to preserve the floodplain and natural area in this case, and it is not reasonable to expect the developer to dedicate or donate a large part of their developable property. This property is a high priority for acquisition by the Open Space Advisory Board, and Open Space Funds are available for the purchase.

The landowners and Staff have "stayed in touch" over the past several years, and the landowner is now willing to sell the "natural" areas along Walnut Creek and adjacent developable property – approximately 17 acres at \$49,600 per acre - to the City for Open Space. Given that this land can be developed with patio homes or townhomes, this is a very reasonable price for the property. While not immediately threatened with development, that could change very quickly.

The proposed acquisition includes several additional agreements beyond the purchase price. These terms are:

- that the landowners will dedicate an additional .75 acre to satisfy the remaining Public Land Dedication for the entire Walnut Grove development including future projects.

- that the landowner will grant a trail easement across their remaining property if requested by the City.
- that the landowner or developer will be allowed to make reasonable utility connections to utilities located within the land being acquired by the City.
- that the City and landowner will work together if necessary to exchange small areas of equal size, or allow grading across the property lines between the proposed open space and remaining developable property, not to exceed 25' in width or one acre in total, to better coordinate development, trail connections and maintenance issues.

Similar agreements were included with the prior purchase in 1996, this approach has worked well, and Staff recommends acceptance of these terms if City Council approves the purchase for open space.

The proposed purchase would allow the City to acquire this key link along Walnut Creek at a reasonable cost, would provide for a much better trail experience, protect the excellent wildlife and open space values of the area, and remove the possibility of filling the old creek bed and loss of this unique area. This purchase would also and reduce the need to acquire and treat raw water for new development.

The land proposed for purchase fits the Criteria for the selection of Open Space sites very well, as follows:

- < **Aesthetics:** This property lies along and includes Walnut Creek. Acquisition would protect this natural view corridor, which is readily enjoyed from the adjacent arterial streets as well as on the site. Natural features include the stream, wetlands, a few large trees, new trees and shrub thickets which are growing back after the channelization work in late 1970's, and a variety of native plants and wildlife species.
- < **Protection and Preservation:** This acquisition would protect the environmentally sensitive features of the stream, wetlands, trees, other plants and wildlife, and avoid encroachment into the floodplain. Without the purchase, these areas would be filled and developed.
- < **Location:** This property along Walnut Creek is an important link in a natural corridor intended to provide local connections and open space enjoyment in the northwestern part of the City. This corridor also has the potential to connect the Westminster system of parks, trails and open space northwest to thousands of acres of open space owned by Broomfield, Jefferson and Boulder Counties, and the City of Boulder.
- < **Use Potential:** This land along Walnut Creek provides an important connection in the City-wide trail system, and would provide many opportunities for nature study, photography or solitude. The proposed acquisition would also protect this watershed, would minimize need for expensive storm drainage improvements by generally maintaining the channel in a natural condition with room to meander, and would avoid floodplain encroachment. A substantial portion of this corridor is intended for wildlife habitats and movements.
- < **Need for Immediate Action and Acquisition Consideration:** This property has approved zoning that would allow bulldozing the trees and natural area, and squeezing Walnut Creek into a narrow channel. The landowner is now willing to sell the open space area, and funds are available for the purchase.

Respectfully submitted,



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Resolution No. 61 re Countrydale Metropolitan District Service Plan Amendment

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council action is requested to adopt the attached Resolution amending the Service Plan for the Countrydale Metropolitan District. The main purpose of the District is to finance public improvements on a 325-acre parcel of land currently under development by Westfield Development Company known as the Westmoor Business and Technology Park, located above 108th Avenue between Wadsworth Blvd and Simms Road.

Summary

The Westmoor Business and Technology park has 6 of 16 buildings completed and occupied, has the seventh building completed and has Buildings 8-10 under construction. The completion date for all 16 buildings is estimated at 2007.

The district is requesting approval of the amended service plan to accomplish financing of new debt (\$2.9 million), re-financing existing bonds (\$7.1 million), and to allow for changes in the service plan as follows:

- An increased bonding limitation, from \$16.5 million to \$24.6 million.
- Lengthening the maximum term to maturity for bonds issued, from 20 years to 30 years.
- Intention to cap the mill levy on the Year 2000 bonds at 23.5 mills.
- Intention to hold the mill levy maximum at the district level to 35 mills.
- Approval of a developer's guarantee in the event of default (consistent with the original plan), as opposed to a third-party letter of credit.

Staff analysis of the developer projections indicates the district has developed projections that it can produce the property taxes necessary at a level millage rate to satisfy the debt service requirements with two exceptions:

- For the years 2002-2008, wherein the developer guarantee will need to be used to satisfy the debt service requirement. This is because construction is still underway and assessed values have not materialized to the level to satisfy debt service commitments.
- Depending on assessed value appreciation, the developer guarantee may also be needed in the years 2016-2019. This is because the developer has submitted revised projections with the inflation assumption revised downward, from 5% per year to 2% per year, in order to be conservative. Total developer payments over this time are projected to be approximately \$5.7 million. If these payments are needed and not available from the developer, the cash/cash equivalents on deposit with US Bank would be used to make these payments.

In response to these potential shortfalls, the district has provided a letter from US Bancorp as their underwriter, requiring the developer to deposit 25% of the \$12.6 million bond issue in cash or cash equivalents, which they will do. The remaining 75%, or \$9.45 million, will be guaranteed by the developer. If the property taxes are insufficient to make the debt service payments, and if the developer fails to make up the difference, the bank will draw down on the collateral pool to make the debt service payments to the bondholders.

Policy Issue(s)

Does City Council wish to approve the amended service plan as submitted for the Countrydale Metropolitan District?

Staff Recommendation

Adopt Resolution No. 61 approving the Service Plan for the Countrydale Metropolitan District and making certain findings and determinations in regard to the Countrydale Metropolitan District.

Background Information

In summary, the chronology of the Countrydale Metropolitan District is as follows:

- November, 1997 Organized - Authorized \$16.5mm debt
- November, 1998 Issued \$7.25mm bonds - 23.5 mills assessed
- September, 1999 Issued \$6.545mm - Authorization remains at \$16.5 mm debt, 23.5 mills assessed
- November, 1999 None issued - Authorization “refreshed” at \$24.6 mm Approved by the Board of the District, but not yet approved by the City via a service plan amendment. 23.5 mills assessed
- June, 2000 No Debt Issued - Service Plan Authorization remains at \$16.5 mm debt, additional .5mills assessed to permit office tenants to golf at Heritage at reduced (resident) rates.
- August, 2000 Issue \$12.83 mm Increase Authorization to \$24.6 mm debt, 23.5 mills + .5 mills
- Request Refund \$7.12mm, new \$2.8 mm, extend max maturity to 30 years, install security of \$3.15mm cash/cash equivalents.

The Countrydale Metropolitan District was organized with the approval of the City in 1997. Its purpose is to fund construction and operation of improvements to serve the Westmoor Business Park. Pursuant to its approved Service Plan, the District has a debt limit of \$16.5 million. The District is asking that the limit be raised to \$24.6 million.

The reason for the request is the fact that the District has completed the initial phases of development contemplated by the service plan, and will exhaust its debt authorization as originally limited in its service plan. The District is now prepared to refinance some of its existing debt, and construct further improvements, and requires an increase in debt authorization in order to finance these improvements.

The District’s first issuance of debt occurred on December 1, 1998, when the District issued its General Obligation Limited Tax Bonds, Series 1998 in the total amount of \$7,250,000.

The 1998 Bonds are secured by a limited mill levy that is not to exceed 23.5 mills, subject to changes in the method of calculating assessed values. The 1998 bonds were issued to sophisticated investors in increments of \$500,000.

The proceeds of the 1998 Bonds, after discount, issuance costs and provision for reserves, were used to fund the following improvements and expenses:

- City Reimbursement: \$1,000,000
- Reimbursement of Westmoor Business: \$4,450,000

For the design, construction, and land acquisition costs for the spine road and bridge improvements in the business park, and related street safety installations, open space acquisition, grading and seeding, and the installation of telecommunications conduit and fiber optic systems. Additionally start up operations and maintenance expenses were funded.

The District's second issuance of debt occurred on September 23, 1999, when the District issued its Subordinate General Obligation Limited Tax Bonds, Series 1999 in the total amount of \$6,545,000. The 1999 Bonds are also secured by a limited mill levy that is not to exceed 23.5 mills, subject to changes in the method of calculating assessed values. The 1999 bonds were issued to the developer to document the obligation to reimburse the developer for its continued advances to the District for public improvements, including additional street and street safety improvements, landscape and park improvements, and the continuing installation of telecommunications conduit and fiber optic systems. The 1999 Bonds are subordinate to the 1998 bonds, and interest has been accruing such that the outstanding amount due on the 1999 Bonds is now approximately \$7,100,000.

Accordingly, the District's current outstanding indebtedness is approximately \$14,350,000.

In November of 1999, the District "refreshed" its debt authorization and the District Board voted to allow a total of \$24.6 million in indebtedness. This needs to be approved by the City Council as a service plan amendment.

In 2000, the District expects to issue an additional \$12.83 million in debt for the purposes of (1) paying off the 1999 Bonds in their entirety (2) reimbursing the developer for additional advances that have occurred since September of 1999 in the amount of approximately \$800,000, and (3) providing approximately \$2.9 million in new construction and expenses for the benefit of the property owners within the District, including:

- Payment to the City for Recreation Center \$500,000
- Pocket Park Acquisition Costs \$332,000
- Funding of Extensions of Additional Water, Sewer, Street and Street Safety, and Park and Pavilion Improvements \$2,068,000

After the issuance, the District will have a total of \$20.08 million in outstanding indebtedness. The additional authorization over and above that amount may be used only upon a vote of the Board of Directors, only upon compliance with statutory restrictions, and only as market conditions and restrictions allow. It is expected that the additional authorization will be used primarily to fund the costs connected with future refinancing(s) of the District's debt to effect savings and other efficiencies, though a limited amount of "new money" debt may be issued if construction needs dictate and assessed values allow.

Amended Exhibit G, attached to the proposed Amendment, consists of the developer's estimation of additional construction and development within the District through 2007, and the District's underwriting consultant's disclosure of the terms of the proposed indebtedness and its assumptions as to assessed values and cash flows through 2020, assuming a 5% inflation factor through 2010, then a 2% inflation factor for the rest of the term. New construction is completed by 2007. These projections demonstrate that the total assessed valuation of the property within the District will steadily increase from \$8,711,000 in 1999 up to a projected \$148,018,000 in 2020.

Amended Exhibit G sets forth the projected tax revenue of the District, and the projected bond repayments for both the 1998 Bonds and the proposed 2000 Bonds using a constant mill levy of 23.5 mills. The District intends that the issuance of the 2000 Bonds will include a capped mill levy of 23.5 mills, and that they will also be subordinate to the 1998 bonds. If there are shortfalls in revenue, any such shortfalls will be covered by a developer guarantee. Guarantees are to be received as a condition of the District's issuance of the 2000 Bonds. The developer also provided the City with a letter from the underwriter requiring the developer to deposit \$3.15 million in cash and/or cash equivalents, as security for the bonds. This is 25% of total value of the outstanding bonds. The remaining 75% of the outstanding value of the bonds is to be provided by the developer's personal guarantee. Staff believes this is adequate; in comparison, a 10% reserve fund would be \$1.26 million, a Letter of Credit could cost the developer approximately \$2.0 million. The cash security is in excess of both these amounts.

Also included are cash flow projections of the pay out of the 1998 Bonds alone and the cumulative payout of the 1998 Bonds together with the proposed 2000 Bonds. In the latter schedule, the "Analysis" column shows payments in gross, including both principal and interest.

Alternative(s)

Do not approve the amendment. This is not recommended, as this would seriously impact the completion of a very successful project to date.

Approve a portion of the provisions of the amendment, reject others. This is also not recommended, as the financial feasibility is reasonable, given the revisions made to date. Rejecting selected provisions would also serve to undermine the feasibility of the entire project, as these provisions need to be viewed as a unified package.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment(s)



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Councillor's Bill No. 79 re Changes to the Environmental Advisory Board

Prepared by: Rachel Harlow-Schalk, Environmental Compliance Coordinator
Kathleen Hix, Organizational Support Services Manager
Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading, regarding changes to the Environmental Advisory Board

Summary

In January 2000, Council asked each Board and Commission to review their "Powers and Duties" as described in the City Code and to recommend any needed changes. At their July 30 meeting, Board members agreed that changes should be made. The most substantial recommended change is to add Storm Water Quality to the City Code. This reflects the Board's desire to provide input and support of City Staff in an effort to increase compliance of the United States Environmental Protection Agency's Storm Water Phase II regulations. The addition of Storm Water Quality to the City Code includes educating the public regarding storm sewer inlets and illegal connections to the storm sewer via the sanitary sewer, and playing a role in the City's development and implementation of the storm water management program.

The two other recommended changes clarify the Board's role regarding household hazardous waste disposal opportunities, and air quality issues. Staff believes that the recommended changes will provide for an ordinance that is more responsive to the current needs of the community.

Alternative(s)

An alternative to the proposed action would be to leave the Environmental Advisory Board duties and powers as currently stated.

Policy Issue(s)

Whether to expand the duties and responsibilities of the Environmental Advisory Board to include areas not previously within their scope of responsibility and delete duties that are better suited to the Transportation Board's scope of responsibility.

Staff Recommendation

Pass Councillor's Bill No. 79 on first reading amending the City Code pertaining to the powers and duties of the Environmental Advisory Board.

Background Information

City Council previously directed the Council liaisons to meet with their respective Boards and Commissions to review their powers and duties to determine if they need to be updated and/or modified.

The Environmental Advisory Board requests that their powers and duties be expanded to include responsibilities related to storm water quality and air quality enhancements such as ground-level ozone. By the end of this year, the State of Colorado will adopt the United States Environmental Protection Agency's Storm Water Phase II regulations. These regulations, in part, require that the public play an active role in the development, implementation, and education of the City's storm water management program as a method of complying with the regulations. The Board wishes to help the City meet the requirements of this Phase II regulation but, at the same time, wants to limit the Board's duties specifically to storm water quality rather than the more far-reaching topic of water quality. The Board's storm water quality responsibilities would include educating the public regarding storm sewer inlets and illegal connections to the storm sewer via the sanitary sewer, and playing a role in the City's development and implementation of the storm water management program. Water quality, on the other hand, implies a broader scope of responsibility that could include Rocky Flats issues and the protection of the City's water supply. These two topics are currently handled by the Departments of Community Development and Public Works & Utilities. Based on feedback from both Community Development and Public Works & Utilities Staff, the Board believes that Rocky Flats issues and the protection of the City's water supply should be handled by the respective departments and not have the Environmental Advisory Board take on this new area.

The Board recognizes that their duties related to air quality enhancements such as use of alternative modes of transportation and, bike or bus to work days, carpooling, and telecommuting overlap with the duties assigned to the Transportation Commission. The Board believes, as does Community Development Staff, that these issues are better suited to the Transportation Commission. Therefore, they would like to have these transportation issues removed from their list of duties and have air quality enhancements such as ground-level ozone added to their list of duties.

An additional change to the Environmental Advisory Board Ordinance is to replace the term "hazardous materials" with "hazardous waste." Hazardous materials are typically regulated by the United States Department of Transportation (USDOT), the Occupational Safety and Health Administration (OSHA) typically regulates hazardous substances, and the Environmental Protection Agency (EPA) regulates hazardous wastes. Therefore, the Board would like to change the terms "materials" to "waste" to better define the topics for which the Board is to provide advice and recommendations to Council and Staff. Hazardous materials are those substances and products regulated by the Colorado Department of Transportation and Fire jurisdictions. For example, USDOT regulates the transportation of bleach via roadways and the Fire Department regulates the bleach when it reaches its destination by mandating storage requirements. EPA regulates hazardous wastes, those products and materials that are no longer of use. For example, EPA regulates disposal of the bleach. On the other hand, OSHA regulates hazardous substances which are those products and materials used in the work environment. For example, OSHA would set limits for exposure of the employees to the bleach. The Environmental Advisory Board believes that City Council would prefer the powers and duties of the Board be focused on EPA guidelines rather than the guidelines of the other regulatory agencies.

In addition to the changes listed above, the Environmental Advisory Board would like to add a general statement that allows them to recommend or advise City Council on other environmental related items as assigned by Council. The Board believes this will give them latitude to act in accordance with the changing needs of the community based on direction from City Council.

Staff believes that the changes describe above provide for a better response to the current needs of the community and will put the City in a better position to meet current federal and state regulations.

Respectfully submitted,

Stephen P. Smithers, Acting City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **79**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING TITLE II CHAPTER THIRTEEN OF THE WESTMINSTER MUNICIPAL CODE RELATING TO THE ENVIRONMENTAL ADVISORY BOARD

The City of Westminster Ordains

Section 1. Title 2, Chapter 13 of the Westminster Municipal Code is hereby amended as follows:

2-13-3: POWERS AND DUTIES: The powers of the Environmental Advisory Board shall be advisory only, and the Board shall have the following duties:

(A) To advise City Council and Staff on matters in the community pertaining to solid waste disposal, yardwaste recycling, air quality enhancements, ~~and hazardous materials~~ WASTE management AND STORMWATER QUALITY;

(B) To make recommendations to City Council and Staff regarding the development of city-wide community and/or neighborhood programs to address long range recycling and solid waste disposal issues; programs to address grass, tree limb, and leaf recycling; programs to address air quality ENHANCEMENTS SUCH AS GROUND-LEVEL OZONE ~~concerns through the use of alternative modes of transportation;~~ and programs to address hazardous ~~materials~~ WASTE recycling and/or disposal; AND TO EDUCATE THE COMMUNITY AND SERVE IN AN ADVISORY CAPACITY REGARDING STORM WATER QUALITY PROGRAMS.

(C) To encourage citizen participation in community recycling efforts and promote public education on the environmental benefits of various community programs including curbside recycling, Christmas tree recycling, composting, ~~mulching, bike or bus to work days, carpooling, telecommuting~~ GROUND-LEVEL OZONE ACTION ALERTS, woodburning bans, and ~~chemical drop-off opportunities at the Jefferson County Hazardous Waste Facility~~ HOUSEHOLD HAZARDOUS WASTE DISPOSAL OPPORTUNITIES.

(D) To adopt, subject to approval of the Council, rules and regulations for the conduct of meetings of the Environmental Advisory Board;

(E) The Board shall not make recommendations or advise on matters pertaining to land use, wildlife, water quality, transportation issues or internal City organization policies or programs relating to environmental issues including anything related to staffing or other personnel type matters.

(F) TO RECOMMEND OR ADVISE CITY COUNCIL ON OTHER ENVIRONMENTAL RELATED ITEMS AS ASSIGNED BY COUNCIL.

Section 2. Title 2, Chapter 13 of the Westminster Municipal Code is hereby amended as follows:

2-13-4: MEETINGS: The Environmental Advisory Board shall BE convened ~~on the third Wednesday in January or at such other time in January of each year as shall be~~ AS agreed upon BY A MAJORITY OF MEMBERS. ~~The Board shall meet~~ at least four times per year, AND as the Chairperson of the Board requests. A record of the minutes of each meeting shall be kept and placed in the office of the City Clerk for public inspection. Except as provided by Section 2-1-5 (A), all meetings of the Environmental Advisory Board shall be open to the public.

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

Section 5. 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 August, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of August, 2000 as amended.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Councillor's Bill No. 80 re Off-Leash Dog Site

Prepared by: Rod Larsen, Open Space Supervisor

Introduction

City Council action is requested to pass the attached Councillor's Bill regarding changes to the Westminster Municipal Code associated with the establishment of an "off-leash" dog site.

Summary

Over the years, Staff has received numerous calls from citizens requesting an area where they can take their dogs and let them be off-leash to get exercise. However, the City of Westminster Municipal Code Chapter 7, Animals, Section 6-7-5, currently requires citizens to keep all dogs on leash when they are using parks, open space, or any public property within the City.

In order to accommodate the desire for a site where citizens can let their dogs run, Staff is recommending, on a one year trial basis, approximately 20 acres of open space at the Colorado Hills Open Space site for the "off-leash" site. Staff chose this site because of the natural boundaries, accessibility, parking availability, and the terrain. Located at the 105th Avenue and Simms Street trailhead, approximately 20 level acres lie within natural boundaries making this site one of the largest of its kind in the metro area. Because of the rules and regulations governing the site, and the size of the area, Staff is confident that the character of the open space will not be lost through the opening of the off-leash area.

If this pilot program is successful, the Parks, Recreation and Libraries Department may look at additional sites in other parts of the City.

Policy Issue

Westminster's Municipal Code presently does not allow for dogs to be off-leash in any public area of Westminster. Should Westminster amend the City Municipal Code to allow off-leash parks in areas designated by the Director of Parks, Recreation and Libraries?

Alternatives

- Instruct Staff to research other locations for an off-leash park that may be more centrally located within the City.
- Take no action and request Staff to monitor the progress and problems associated with other municipal off-leash parks and report back to Council at a later date.

Staff Recommendation

Pass Councillor's Bill No. 80 amending the Municipal Code to allow the Director of Parks, Recreation and Libraries to establish or discontinue off-leash dog park sites within the City of Westminster. The first pilot site would be a 20-acre off-leash park designated on the Colorado Hills Open Space located at 105th Avenue and Simms Street.

Background Information

Staff has researched the subject of "off-leash parks" through surveys of other communities and information obtained through the National Recreation and Parks Association. Municipalities that currently have an off-leash park or are in the process of developing one include the following: Ft. Collins (1), Cherry Creek (1), Lakewood (2), Denver (1), Jefferson County Open Space (2), Boulder County (1 plus 2 planned), Aurora (1), Chatfield (1), and Highlands Ranch (1 opened in June, 5 planned). In addition, Staff conducted an inventory of the present City open space and park area to determine a possible location for an off-leash site.

A community informational meeting was held at the Countryside Recreation Center on June 28 detailing this proposal. The attendees of the meeting strongly supported the proposed off-leash site. Staff reiterated this would be strictly a pilot project that would be reviewed after one year to determine if it should be implemented on a permanent basis.

The proposed rules and regulations for the site are as follows:

1. The site will be open from sunrise to sunset seven (7) days a week.
2. Dogs must be leashed when entering or leaving off-leash area and owners must have a visible leash at all times.
3. Dogs are not allowed to chase or harass wildlife or other dogs.
4. Owners may not leave their dogs unattended.
5. Animals must be spayed or neutered.
6. Owners must remove dog's waste.
7. The following dogs are not allowed in the off-leash area:
 - Aggressive dogs
 - Female dogs in heat
 - Dogs without current vaccination tag attached to collar worn by the dog
 - Dogs too young to vaccinate against rabies
 - Dogs known to be ill or exhibiting signs of illness
 - Dogs not under voice command
8. The owner assumes the legal responsibility for any damage, disease, or injury to persons, other dogs, or property caused by the dog.

These rules have been reviewed and accepted by the City Attorney's Office and the Police Department. The regulations would be clearly posted at the trailhead entrance to the off-leash park. Enforcement of these regulations would be handled through the Standley Lake Park Rangers, as well as the Westminster Police Animal Control Officers. The City Attorney's Office has also drafted the attached City Code amendment, which would reflect the regulations associated with the off-leash site.

Colorado Hills Open Space is located on the west side of Simms Street between 100th and 106th Avenues and encompasses over 500 acres of range land. A parking lot/trailhead was constructed this past year at 105th Avenue where users can get on a 2.3 mile dirt trail. It is at this trailhead where Staff is proposing to start the off-leash area. This site works well because it has natural boundaries consisting of an irrigation canal on the south and west side and fencing on the north and east sides. Regulation signs will be posted

at the trailhead and also at the boundaries of the off-leash area. The terrain is relatively flat and open and the amount of land (20 acres) would enable dogs to have considerable space between each other.

Within the past few months, several other off-leash dog parks have opened up in the Denver metro area, which indicates the increasing popularity and interest for this type of activity. The response other agencies have received from users has been very positive and the public who use the sites are highly supportive of any area that can be created which allows them to exercise their pets within the confines of the law.

Respectfully submitted,

Stephen P Smithers
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **80**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE ESTABLISHING AN OFF-LEASH DOG SITE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 6-7-5 of the Westminster Municipal Code is amended as follows:

6-7-5: ANIMALS RUNNING AT LARGE:

(A) Animals Running at Large Prohibited:

(1) It shall be unlawful for any owner of an animal to fail to restrain the animal by physical means from running at large. In addition to being a violation of this section, an animal running at large is declared to be a public nuisance that may be abated pursuant to the provisions specified in Chapter 4 of Title VIII of this Code. THIS SUBPARAGRAPH (A) 1. SHALL NOT APPLY TO DOGS RUNNING OFF-LEASH AT AN OFF-LEASH DOG SITE AS ESTABLISHED IN 13-1-3 (Z).

Section 2. Section 13-1-3 of the Westminster Municipal Code is amended by the addition of a new paragraph (Z) as follows:

13-1-3: ~~UNLAWFUL~~ USE REGULATIONS: It shall be unlawful for any person to FAIL TO COMPLY WITH THE FOLLOWING:

(Z) OFF-LEASH DOG SITE. THE DIRECTOR OF PARKS, RECREATION AND LIBRARIES IS AUTHORIZED TO ESTABLISH OR DISCONTINUE OFF-LEASH DOG PARK SITES. AT SUCH SITES, OWNERS MAY ALLOW DOGS TO RUN WITHOUT A LEASH, SUBJECT TO THE FOLOWING CONDITIONS:

1. THE SITE WILL BE OPEN FROM SUNRISE TO SUNSET SEVEN (7) DAYS A WEEK.
2. DOGS MUST BE LEASHED WHEN ENTERING OR LEAVING OFF-LEASH SITE AND OWNERS MUST HAVE A VISIBLE LEASH AT ALL TIMES.
3. DOGS ARE NOT ALLOWED TO CHASE OR HARASS WILDLIFE OR OTHER DOGS.
4. OWNERS MAY NOT LEAVE DOGS UNATTENDED.
5. ANIMALS MUST BE SPAYED OR NEUTERED.
6. OWNERS MUST REMOVE DOG'S WASTE.
7. THE FOLLOWING DOGS ARE NOT ALLOWED IN THE OFF-LEASH SITE:
 - a. AGGRESSIVE DOGS.
 - b. FEMALE DOGS IN HEAT.
 - c. DOGS WITHOUT CURRENT VACCINATION TAG ATTACHED TO COLLAR. WORN BY THE DOG.

- d. DOGS TOO YOUNG TO VACCINATE AGAINST RABIES.
- e. DOGS KNOWN TO BE ILL OR EXHIBITING SIGNS OF ILLNESS.
- f. DOGS NOT UNDER VOICE COMMAND.

8. FOR PURPOSES OF THIS SECTION, "OWNER" SHALL BE THE PERSON WHO BRINGS THE DOG TO THE SITE OR AS DEFINED IN SECTION 6-7-1 of THIS CODE.

9. ALL PROVISIONS OF THE ANIMAL CONTROL CODE, CHAPTER 7 OF TITLE 6 OF THIS CODE, SHALL BE IN FORCE AT THE OFF-LEASH SITE UNLESS SPECIFICALLY CHANGED BY THIS PARAGRAPH (Z).

10. THE OWNER ASSUMES THE LEGAL RESPONSIBILITY FOR ANY DAMAGE, DISEASE, OR INJURY TO PERSONS, OTHER DOGS, OR PROPERTY CAUSED BY THE DOG.

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.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this ____ day of _____, 2000.

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

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 14, 2000

Subject: Councilor's Bill No. 81 re Mandatory Community Service for Selling Alcohol to Underage Individuals

Prepared by: Steve Smithers, Assistant City Manager
Sharon Widener, Assistant City Attorney

Introduction

City Council action is requested to adopt the attached Councilor's Bill amending the City Code to add a new subsection on mandatory community service for selling alcohol to underage individuals.

Summary

In the early part of July, Councilor Atchison requested that Staff look into the drafting of an ordinance to establish mandatory community service for liquor licensees' and employees who sell alcohol to underage individuals. The purpose of this proposed change was to create a further disincentive for the selling of alcohol to individuals under 21 years of age.

Staff pulled together a working group that included representatives from the Court, City Attorney's Office, Special Permits and Licensing Board and the City Manager's Office. In addition, Councilor Atchison participated in the discussions of this group. The attached ordinance is the culmination of the efforts of this group. The ordinance establishes a mandatory minimum penalty of eight hours of community service for any individual who is convicted of selling alcohol to individuals under the age of 21. This penalty is in addition to the other penalties currently authorized to be imposed by City Code.

The ordinance has been reviewed by the Special Permit and Licensing Board and has received their endorsement.

Councilor Atchison and Staff member Steve Smithers also met with Pete Meersman, Executive Director of the Colorado Restaurant Association, to get industry's perspective on the concept of establishing mandatory community service for liquor licensees' employees who serve to underage individuals. Mr. Meersman expressed support of the concept and stated that he believed that his members would embrace this new law to place additional responsibility on alcohol servers.

Policy Issue

Does City Council want to amend the liquor code to establish mandatory community service penalties for selling alcoholic beverages to underage individuals.

Staff Recommendation

Pass Councilor's Bill No. 81 on first reading, amending the City Code to add a new subsection on mandatory community service for selling alcohol to underage individuals.

Background

The issue of underage alcohol sales has been a continuing challenge to both public entities and the liquor industry. Liquor licensees frequently complain that underage drinking enforcement efforts do not take into account the person who actually serves the alcohol to underage individuals. Liquor licensees feel that servers don't get penalized for breaking laws related to service of alcohol to underage individuals, whereas, they face fines and license suspensions for these violations.

The liquor industry has been pushing for tougher penalties on their employees who serve to underage persons and may be pursuing the establishment of mandatory fines on a statewide basis during the next session of the state legislature. After discussions with industry representatives it is reasonably clear that additional penalties applied against on-premise and retail alcohol servers will assist in the overall effort to reduce the problem of underage drinking. Currently, the typical practice in Westminster Municipal Court for individuals found guilty of serving to underage persons is to receive a fine. Under the new language proposed in the attached ordinance persons found guilty of selling to underage individuals would receive a minimum of eight hours community service and could also be fined. Additional community service could be imposed at the discretion of the judge.

The Special Permit and License Board (liquor licensing authority) met last week and reviewed the proposed ordinance mandating community service for servers caught serving alcohol to minors. The Board supported the idea of adding community service to the penalties that can be placed on persons selling to underage individuals. There were some members who felt it should not be mandatory. Instead, they suggested the community service should be recommended but leave it to the discretion of the judge.

Alternatives

Leave the current ordinance in place and continue to assess only fines against persons who sell alcohol to underage individuals.

Modify the new code language to allow the imposition of community service as a penalty, but leave it to the discretion of the Municipal Judge when and how much service time to impose.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **81**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ESTABLISHING A PENALTY FOR SERVING ALCOHOL TO MINORS IN A LIQUOR-LICENSED ESTABLISHMENT . .

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 6, Chapter 9, Section 4, Westminster Municipal Code, is hereby amended by the addition of a new subsection (F) to read as follows:

CHAPTER 9, ALCOHOLIC BEVERAGES

6-9-4: CONDUCT PROHIBITED IN LIQUOR AND BEER ESTABLISHMENTS:

- (F) IT SHALL BE UNLAWFUL FOR ANY PERSON TO SELL, SERVE, GIVE AWAY, OR DELIVER ANY FERMENTED MALT BEVERAGE, OR MALT, VINOUS, OR SPIRITOUS LIQUOR TO ANY PERSON UNDER THE AGE OF TWENTY-ONE (21) IN ANY ESTABLISHMENT LICENSED UNDER THE COLORADO BEER CODE OR THE COLORADO LIQUOR CODE. ANY PERSON CONVICTED OF SUCH ACT SHALL, IN ADDITION TO THE PENALTIES PROVIDED IN SECTION 1-8-1 OF THIS CODE, BE SENTENCED TO A MINIMUM OF EIGHT (8) HOURS OF COMMUNITY SERVICE. THE MUNICIPAL COURT JUDGE SHALL HAVE DISCRETION TO SUSPEND THE MINIMUM SENTENCE OF EIGHT (8) HOURS OF COMMUNITY SERVICE.

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 August, 2000 as amended.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of August, 2000.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, August 14, 2000

Present at roll call were Mayor Heil, Mayor Pro Tem Sam Dixon and Councillors Atchison, Hicks, Merkel, Moss and Smith. Absent none.

The minutes of the July 24, 2000 Council meeting were approved with no additions or corrections.

The Mayor present proclamations to Mike Massaroti and Chris Dittman recognizing their retirement from Adams County School District 50 and Westminster Commons Resident Council members recognizing the 20th anniversary of the Commons senior housing.

Council approved the following: Bids re Tennis Courts and Basketball Court Resurfacing to Southwest Recreation Industries for \$56,700; Utica Court Reconstruction Contract to Diamond Contracting Corp for \$45,805, Asphalt Specialites \$98,600; Agreement with Sherman and Howard for Bond Counsel Services for General Improvement Districts; Construction Manager/General Contractor Contract for Public Safety Facility with Saunders Construction for \$1,257,054; Purchase of Open Space Along Walnut Creek from Tronox for 17 acres for approximately \$850,000; and CDOT Contract for Farmers Highline Canal Trail Connection to Maulis Park

Council accepted the resignation of William Wendt from the Board of Adjustment and James Wood from the Environmental Advisory Board and appointed Leisa Schievelbein as a regular member of the Board of Adjustment and Ray Parsons as a regular member of the Environmental Advisory Board and appointed Ben Beaty, Geoffrey Wodell and Dan Bloomdahl to the Westminster Legacy Foundation.

The following Resolutions were adopted by City Council:

TABLED Resolution No. 56 re Heritage Golf Course Green Fee Increase

Resolution No. 59 accepting resignations and appointments to Board of Adjustment and Environmental Advisory Board

Resolution No. 60 Findings re Annexation of Covenant at 112th & Sheridan Development

Resolution No. 61 re Countrydale Metropolitan District Amended Service Plan

The following public hearings were held: At 7:48 P.M. Continued Annexation/Zoning and PDP for Freedom Inc, City Open Space, located north and south side of 99th Avenue west of Wadsworth Boulevard; at 8:17 P.M. Annexation/Zoning, Comprehensive Land Use Amendment and PDP for Covenant, located at the northwest corner of 112th & Sheridan Boulevard; at 9:00 P.M. Comprehensive Land Use Plan Amendment for NWC of 104th & Grove Street to Office; and at 9:32 P.M. Comprehensive Land Use Plan Amendment for Bruchez Homestead Property at Legacy Ridge from multi-family residential to single family residential.

Council denied Resolution No. 50 Findings re Annexation of City Open Space and Freedom Inc Properties and Councillor's Bill No. 53 re Annexation of City Open Space and Freedom Inc. Properties

The following Councillor's Bill were passed and adopted as emergency ordinances:

A BILL FOR AN ORDINANCE CREATING THE CITY OF WESTMINSTER PROMENADE PARKING GENERAL IMPROVEMENT DISTRICT; PROVIDING OTHER DETAILS RELATING THERETO; AND DECLARING AN EMERGENCY. Purpose: Creating the Promenade Parking General Improvement District

A BILL FOR AN ORDINANCE CREATING THE CITY OF WESTMINSTER 136th AVENUE GENERAL IMPROVEMENT DISTRICT; PROVIDING OTHER DETAILS RELATING THERETO; AND DECLARING AN EMERGENCY. Purpose: Creating the 136th Avenue General Improvement District

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Annexation of Covenant at 112th & Sheridan Development

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: Comprehensive Land Use Plan Amendment for Covenant at 112th & Sheridan Development

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Zoning Covenant at 112th & Sheridan Development

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: Comprehensive Land Use Plan Amendment for NWC of 104th Ave & Grove to Office

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: Comprehensive Land Use Plan Amendment for Bruchez Homestead Property at Legacy Ridge to single family attached residential.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND. Purpose: Farmers Highline Canal Trail project appropriation of \$98,000

A BILL FOR AN ORDINANCE AMENDING TITLE II CHAPTER THIRTEEN OF THE WESTMINSTER MUNICIPAL CODE RELATING TO THE ENVIRONMENTAL ADVISORY BOARD. Purpose: Changes to the Environmental Advisory Board duties

A BILL FOR AN ORDINANCE ESTABLISHING AN OFF-LEASH DOG SITE. Purpose: Off-Leash Dog Site Amendment to Animal Control and Park Ordinances

A BILL FOR AN ORDINANCE ESTABLISHING A PENALTY FOR SERVING ALCOHOL TO MINORS IN A LIQUOR-LICENSED ESTABLISHMENT. Purpose: Community Service for Sale of Alcohol to Underage Persons

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

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

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

A BILL FOR AN ORDINANCE DEFINING A HOUSEHOLD AND PLACING RESTRICTIONS ON ITS RESIDENTS.

A BILL FOR AN ORDINANCE .AMENDING THE RENTAL PROPERTY MAINTENANCE CODE . .

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

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

A BILL FOR AN ORDINANCE AMENDING THE LOCAL DISCHARGE LIMITATIONS IN TITLE VIII CHAPTER 10 OF THE WESTMINSTER MUNICIPAL CODE.

At 9:58 P.M. the meeting was adjourned.
By order of the Westminster City Council
Michele Kelley, CMC, City Clerk

Published in the Westminster Window on August 24, 2000