



## CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

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

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
  - A. Financial Report for July 2008
  - B. Dry Creek Valley Ditch Secondary Drainage System
  - C. Office Furniture for Municipal Service Center Facility Renovation Contract
  - D. Quail Creek Improvements – Purchase of Wetlands Bank Credits
  - E. Second Reading of Councillor's Bill No. 31 re Annexation of the Wadsworth Blvd/98<sup>th</sup> Avenue Right-of-Way
  - F. Second Reading of Councillor's Bill No. 32 re Spacing Requirements for Liquor Licensed Establishments
9. Appointments and Resignations
  - A. Resolution No. 43 re Appointments to Boards and Commissions
10. Public Hearings and Other New Business
  - A. Public Hearing re Application to Designate the Penguin Building on Lowell Blvd as a Local Historic Landmark
  - B. Resolution No. 44 re Designating the Penguin Building, 7265-7269 Lowell Blvd, as a Local Historic Landmark
  - C. Resolution No. 45 re Carry Forward Balance of 2008 Private Activity Bond Allocation
  - D. Resolution No. 46 re Right-of-Way Acquisition for McKay Lake Outfall Drainage Improvements
  - E. Councillor's Bill No. 33 re 2008 2<sup>nd</sup> Quarter Supplemental Appropriation
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
  - A. City Council
  - B. Executive Session -

Discuss Strategy, Determine Positions and Obtain Instructions on an Economic Development Matter in the South Westminster Redevelopment Area in which the disclosure of information such as financial data or proposed incentives would, if made public, seriously jeopardize the City's ability to secure the development, and determine positions relative to matters that may be subject to negotiations regarding said economic development matters, as allowed pursuant to section 1-11-3(C)(4), W.M.C. and section 24-6-402(4)(e), C.R.S. (Confidential Memo)

13. Adjournment

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**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.

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CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, AUGUST 11, 2008 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Bob Briggs, Mark Kaiser, Mary Lindsey, Scott Major, and Faith Winter were present at roll call. J. Brent McFall, City Manager, Jeff Betz, Assistant City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Briggs moved, seconded by Kaiser, to approve the minutes of the regular meeting of July 28, 2008, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reminded everyone of the 18<sup>th</sup> Annual Westminster Faire being held at City Park on August 16. There would be activities, food, and entertainment for all age groups from 10 a.m. to 4 p.m. Preceding the Faire, the Boy Scouts would sponsor a pancake breakfast starting at 7:30 a.m. and the Holy Cow Stampede would get underway at 8 a.m. At 9 a.m. Mayor McNally would kick off a 1K Walk.

At the conclusion of this meeting, the Westminster Economic Development Authority would meet. Then Council would conduct a post-meeting in the Council Board Room, followed by an executive session to discuss possible settlement of a claim for property damage.

CITY COUNCIL COMMENTS

Councillor Briggs reported that the City had lost a good friend with the recent untimely death of Kandi McKay of the McKay/Church Ranch Family. She would be sorely missed. National Night Out had occurred since the last Council meeting and he had visited four neighborhoods that evening to participate in activities. He had traveled to Windsor on August 10 to see the damage caused by a tornado several months earlier. While rebuilding was ongoing, damage was still visible. On a final note, Councillor Briggs reported that the Prints of Pride at The Orchard would be unveiled on August 16.

Councillor Major reported that he, Councillor Winter, and Mayor McNally had visited eight neighborhood parties on National Night Out. All had been well attended. This program was a tremendous success thanks to the public safety staff of the Police and Fire Departments. Residents truly appreciated the physical presence of public safety officers and City Councillors in their neighborhoods.

Councillor Winter announced a Foreclosure Prevention Seminar being conducted at the Irving Street Library from 6 to 7 p.m. on August 13. This free service was open to the public.

Mayor McNally reported that Channel 4 would be filming the 1K Walk on August 16 at Christopher Fields. Filming would be included in an upcoming feature story about open space and trails serving metro area communities. She encouraged family participation, including children in wagons and pets on leashes with their owners. The Mayor also reported that the Denver Regional Air Quality would conduct a hearing on August 12 to discuss regional non-compliance with the 8-hour ozone.

CITIZEN COMMUNICATION

Lori Hoffner, 7212 South Zephyr Way in Littleton, and Sandy Maben, 5251 West Iliff Drive in Lakewood, updated Council on the status and successes of Second Wind, a teen suicide prevention program. They distributed

brochures for the 7<sup>th</sup> Annual Second Wind Walk/Run/Ride scheduled on September 21 and encouraged participation in the event, which was the primary fundraising activity that supported the program.

Sam Dixion, 3710 West 84<sup>th</sup> Avenue, suggested that \$200 per month salary increases for the Mayor and City Councillors be included in the 2009 and 2010 budget. Salaries had not been increased in many years and citizen expectation of the City's elected officials was vast, requiring many, many hours of involvement. The expenses incurred by elected officials to meet the demands of their office should be covered.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: acceptance of the Second Quarter 2008 Insurance Report; award the bid to Brannan Sand and Gravel Company to purchase asphalt on an as-needed basis for the remainder of 2008, amount not to exceed \$300,000; based on recommendation of the City Manager, City Council found the public interest would best be served by authorizing the City Manager to execute a contact in the amount of \$323,845 with URS, as the sole source for engineering design and construction management services for the Water and Sewer Infrastructure Master Plan Revisions and Updates and authorize a contingency in the amount of \$32,384; authority for the City Manager to sign an amended Intergovernmental Agreement with Hyland Hills Park and Recreation District for shared cost of the Siemens Energy Savings Project at The MAC (formerly the Community Senior Center); final passage of Councillor's Bill No. 29 appropriating FY2007 carryover funds into the FY2008 budgets of the General, General Capital Improvement, Utility, Utility Reserve, Storm Drainage, General Capital Outlay Replacement, and POST Funds; and final passage of Councillor's Bill No. 30 appropriating \$744,800 to the Old Wadsworth Big Dry Creek Trail project to advance the federal share for design and construction costs.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. None did.

It was moved by Councillor Major, seconded by Councillor Lindsey, to approve the consent agenda, as presented. The motion passed unanimously.

PUBLIC HEARING RE WADSWORTH BOULEVARD/98<sup>TH</sup> AVENUE RIGHT-OF-WAY ANNEXATION

At 7:21 p.m. the Mayor opened a public hearing to consider annexing portions of the Wadsworth Boulevard/98<sup>th</sup> Avenue right-of-way and adjacent City-owned property. Mr. McFall indicated that staff was present to answer any questions. There were no questions and no one wished to speak with respect to the proposal. The hearing was closed at 7:22 p.m.

RESOLUTION NO. 42 RE FINDINGS TO ANNEX WADSWORTH BOULEVARD/98<sup>TH</sup> AVENUE R-O-W

It was moved by Councillor Briggs and seconded by Councillor Kaiser to adopt Resolution No. 42 making certain findings of fact as required under Section 31-12-110, C.R.S. regarding the proposed Wadsworth Boulevard/98<sup>th</sup> Avenue right-of-way annexation. The motion passed unanimously at roll call.

COUNCILLOR'S BILL NO. 31 ANNEXING WADSWORTH BOULEVARD/98<sup>TH</sup> AVENUE RIGHT-OF-WAY

Upon a motion by Councillor Briggs, seconded by Councillor Kaiser, the Council voted unanimously at roll call to pass on first reading Councillor's Bill No. 31 annexing portions of the Wadsworth Boulevard/98<sup>th</sup> Avenue right-of-way and adjacent City-owned property.

COUNCILLOR'S BILL NO. 32 ELIMINATING DISTANCE REQUIREMENTS FOR LIQUOR LICENSES

Mayor Pro Tem Dittman moved to pass on first reading Councillor's Bill No. 32 amending the Westminster Municipal Code to eliminate spacing requirements for liquor licensed establishments. Councillor Major seconded the motion and it passed unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 7:26 p.m.

ATTEST:

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Mayor

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City Clerk



## Agenda Item 6 A

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2008



**SUBJECT:** Proclamation re Employee Appreciation Week

**Prepared By:** Lisa Chrisman, Senior Human Resources Analyst

**Recommended City Council Action**

Mayor McNally proclaim September 1 through September 5, 2008 as City of Westminster Employee Appreciation Week in recognition of the contributions of City employees to the overall success of the City organization and the quality of life of Westminster citizens.

**Summary Statement**

- The City Council is being requested to proclaim September 1 through September 5, 2008 as City Employee Appreciation Week.
- For many years, the City of Westminster and its citizens have benefited from the hard work and commitment of City employees.
- The purpose of the proposed proclamation is to recognize 1018 full and part-time benefited employees, and the more than 680 seasonal and non-benefited employees who comprise the City of Westminster's workforce.
- On September 3, the 19<sup>th</sup> annual employee appreciation breakfast will be prepared by the City Manager, Assistant City Manager, City Attorney, Presiding Municipal Court Judge, and City Department Heads.
- Members of the City's Employee Advisory Committee and the Employee Recognition Action Team, who represent employees from all City departments, have been invited to attend Monday evening's meeting to accept the proclamation on behalf of all City employees.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

The ability of the City of Westminster organization to provide quality municipal services is in no small part due to the commitment, dedication, talent, expertise and knowledge of the City's employee workforce. Currently there are 1018 full-time and part-time regular employees working in Information Technology, Police, Fire, Public Works and Utilities, Finance, General Services, Parks, Recreation and Libraries and Community Development Departments, and the City Attorney's and City Manager's Offices. Overall, there are roughly 1698 employees, including seasonal and non-benefited employees, on the City's payroll. In no small part due to the efforts of these individuals, Westminster is in the forefront of providing high quality facilities and services to its residents. Very positive citizen feedback in biennial surveys and the many national and regional awards the City has received attest to the caliber of the City's workforce.

The attached Proclamation summarizes the contributions of City employees and recognizes their efforts by proclaiming September 1 through September 5, 2008 as City of Westminster Employee Appreciation Week.

One of the highlights of the week will be the Employee Appreciation Breakfast at City Park Recreation Center. It will mark the 19<sup>th</sup> year in a row that the City Manager, Assistant City Manager, City Attorney, Presiding Municipal Court Judge, and Department Heads have arrived at 5:00 a.m. to prepare a full breakfast with pancakes, hash browns, eggs, fruit, ham and orange juice for employees at the start of their workday. Employees will stop by anytime between 6:00 a.m. and 8:30 a.m. to partake in the breakfast and comradery prior to the start of their normal workday.

In addition, the Employee Recognition Action Team has created an electronic thank you note that will be available to send to City employees during the week. This special thank you note helps employees remember to thank their coworkers for their teamwork and inspiration throughout the year. ERAT has planned other activities and events throughout Employee Appreciation Week including an all-employee picnic lunch.

Several of the members of the City's Employee Advisory Committee and the Employee Recognition Action Team will be present Monday evening to accept this proclamation from the City Council on behalf of all City employees.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**WHEREAS**, Westminster citizens have given the City very high service ratings in each of the past citizen surveys attesting to the high quality of services provided by Westminster employees; and

**WHEREAS**, Westminster employees are in large part responsible for the City's national and regional reputation for quality, progressive municipal government; and

**WHEREAS**, the 1018 full-time and part-time benefited employees and over 680 seasonal and non-benefited employees have contributed significantly to the quality of life of Westminster citizens; and

**WHEREAS**, these employees who are employed in the City Attorney's Office, City Manager's Office, Community Development, Fire, General Services, Information Technology, Parks, Recreation, and Libraries, Police, and Public Works and Utilities Departments, comprise a workforce that is unquestionably one of the City's most valuable resources; and

**WHEREAS**, on September 3, 2008 the City Manager, Assistant City Manager, City Attorney, and all City Department Heads will be preparing an Employee Appreciation Breakfast in recognition of all City employees at City Park Recreation Center; and

**WHEREAS**, the week of September 1, 2008 will include several other activities designed to express appreciation to City Employees.

**NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council do hereby proclaim September 1 through September 5, 2008 as**

**CITY OF WESTMINSTER  
EMPLOYEE APPRECIATION WEEK**

Signed this 25<sup>th</sup> of August, 2008.

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Nancy McNally, Mayor



# Agenda Item 8 A

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

City Council Meeting  
August 25, 2008



**SUBJECT:** Financial Report for July 2008  
**Prepared By:** Tammy Hitchens, Finance Director

### Recommended City Council Action

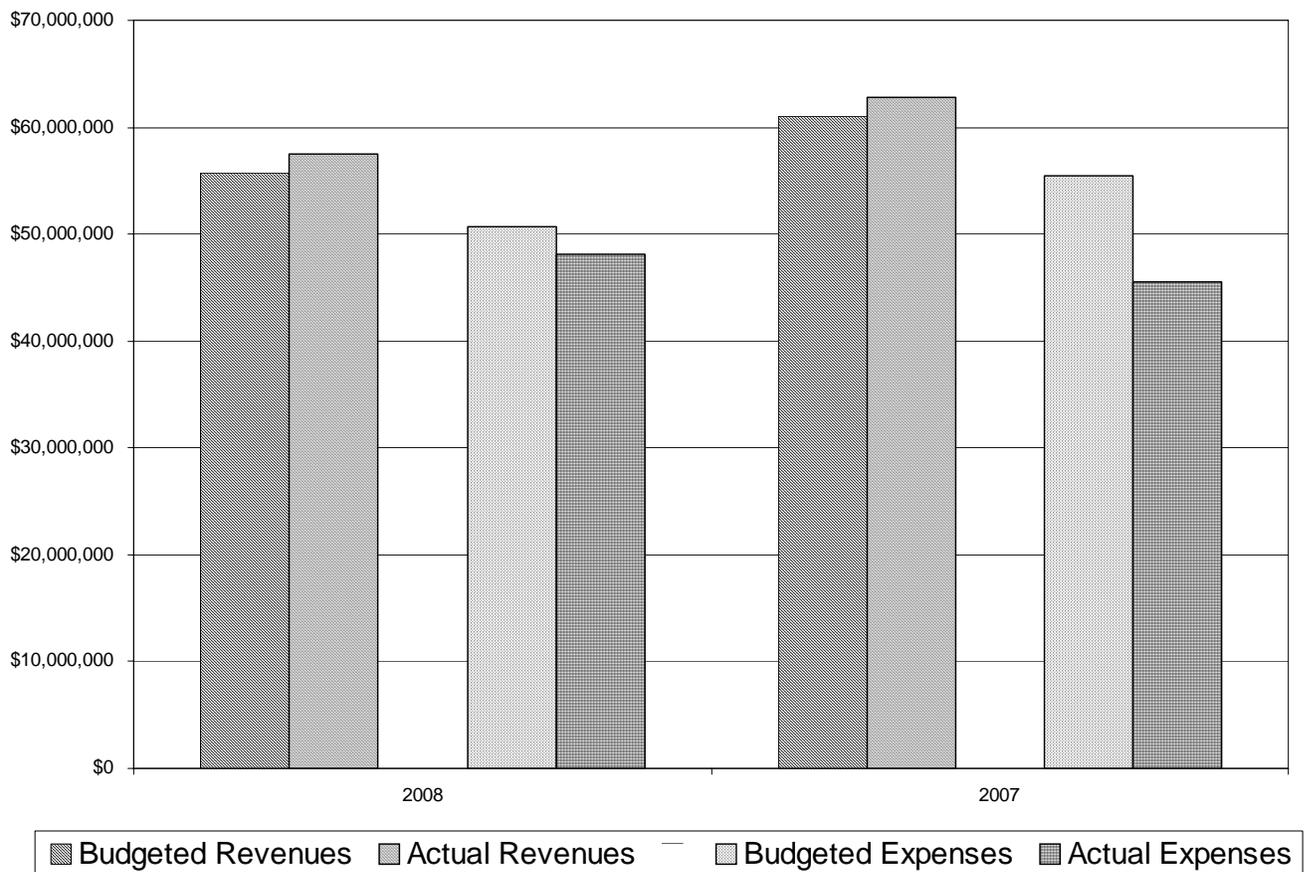
Accept the Financial Report for July as presented.

### Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 5-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$9,302,167. The following graph represents Budget vs. Actual for 2007 – 2008.

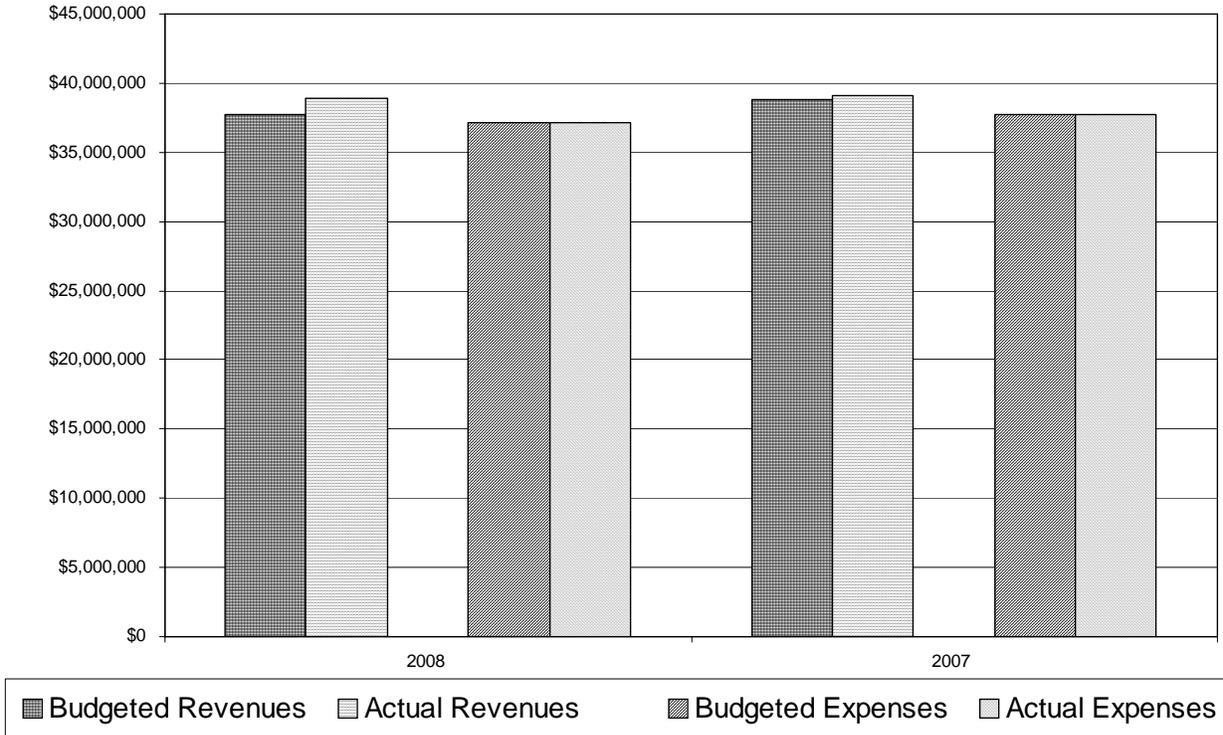
**General Fund  
Budget vs Actual**



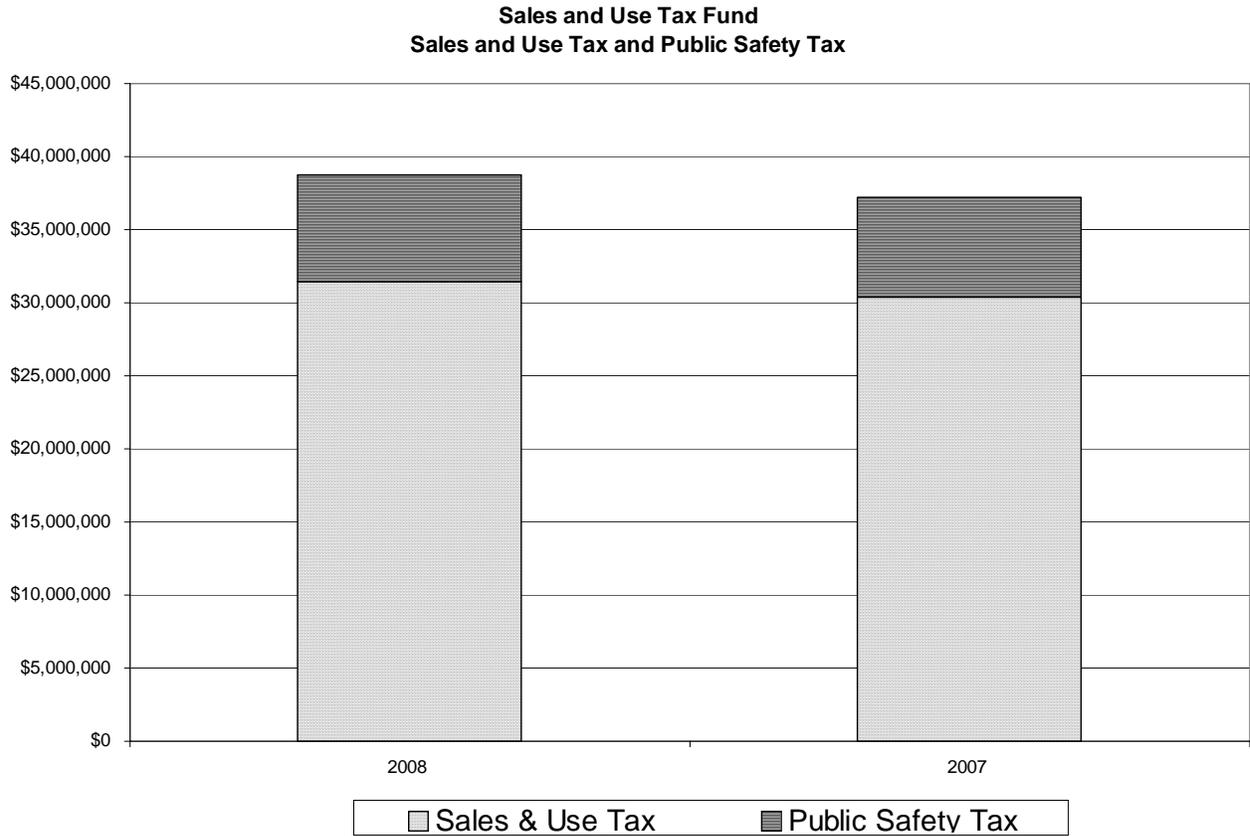
The Sales and Use Tax Fund revenues and carryover exceed expenditures by \$1,780,514.

- On a year-to-date cash basis, sales & use tax returns are up 5.5% over 2007.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 4.1% from the prior year. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are down 0.3%.
- The top 50 Sales Taxpayers, who represent about 62% of all collections, were down 0.2 % after adjusting for Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 21% on a year-to-date basis.
- Building Use Tax is up 15.8% year-to-date over 2007.

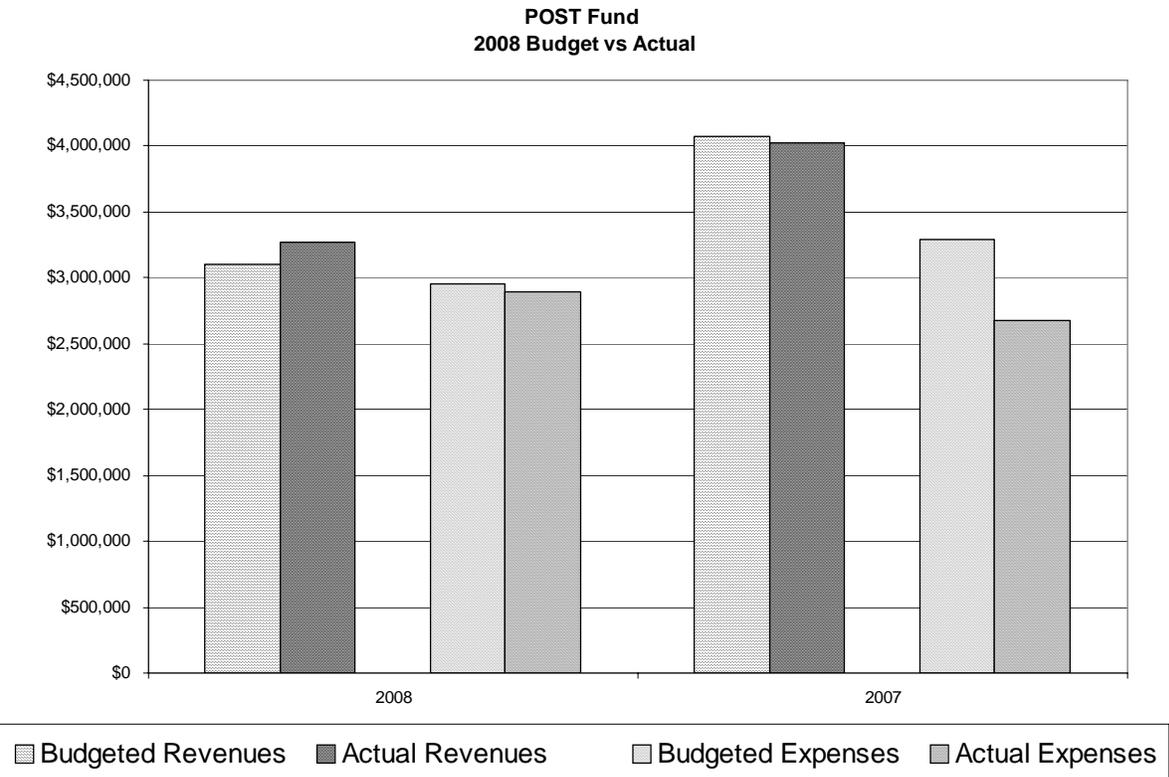
**Sales & Use Tax Fund  
Budget vs Actual**



The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.

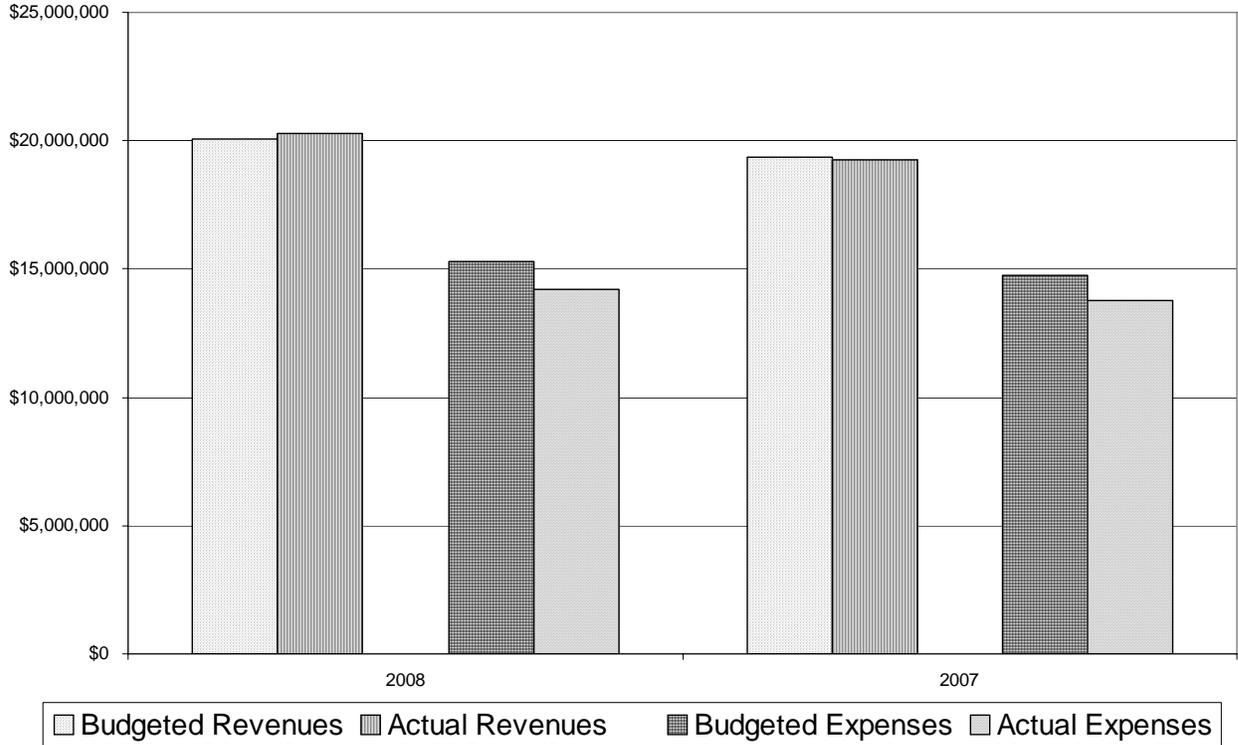


The Parks Open Space and Trails Fund revenues exceed expenditures by \$375,931. 2008 revenues reflect the sale of assets to the General Capital Improvement Fund for right of way acquisitions.

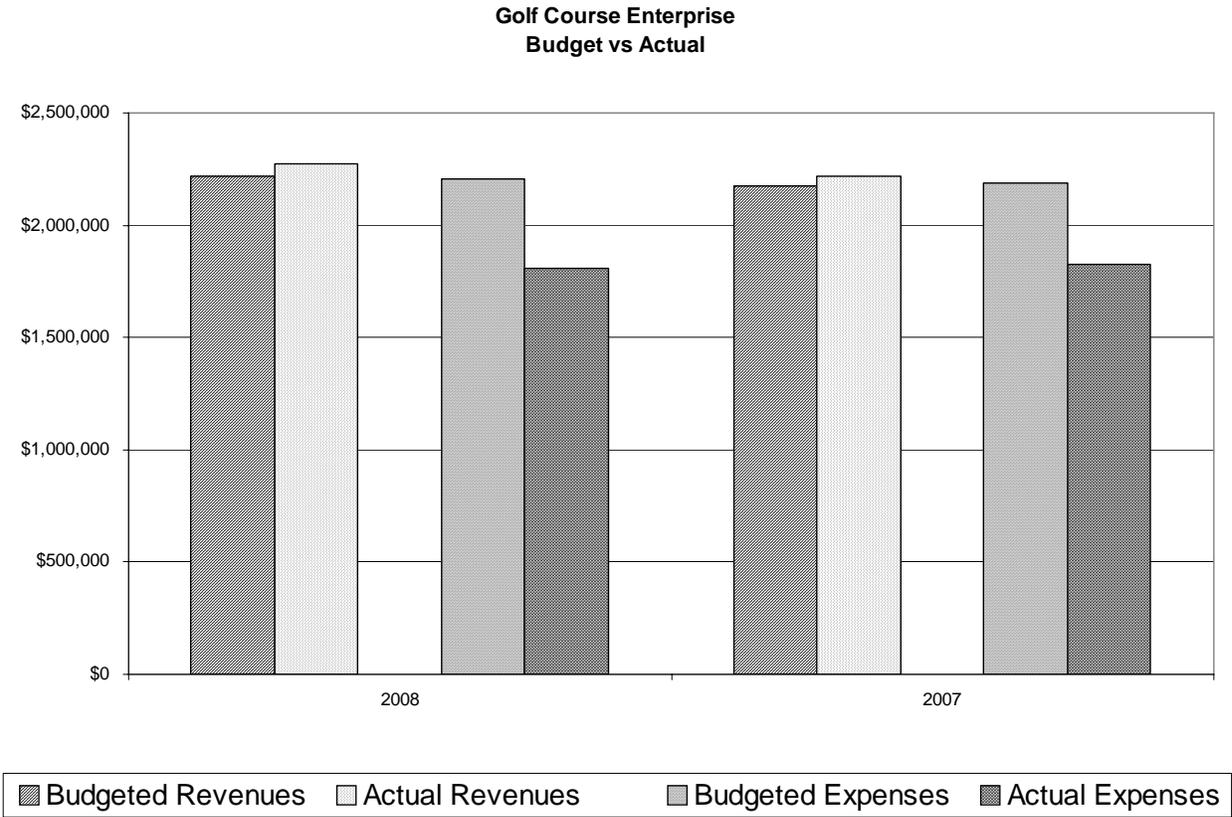


The combined Water & Wastewater Fund revenues and carryover exceed expenses by \$20,801,625. \$24,548,993 is budgeted for capital projects and reserves.

**Combined Water and Wastewater Funds  
2008 Operating Budget vs Actual**



The combined Golf Course Fund revenues exceed expenditures by \$463,299.



**Policy Issue**

A monthly review of the City’s financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

**Alternative**

Conduct a quarterly review. This is not recommended, as the City’s budget and financial position are large and complex, warranting a monthly review by the City Council.

**Background Information**

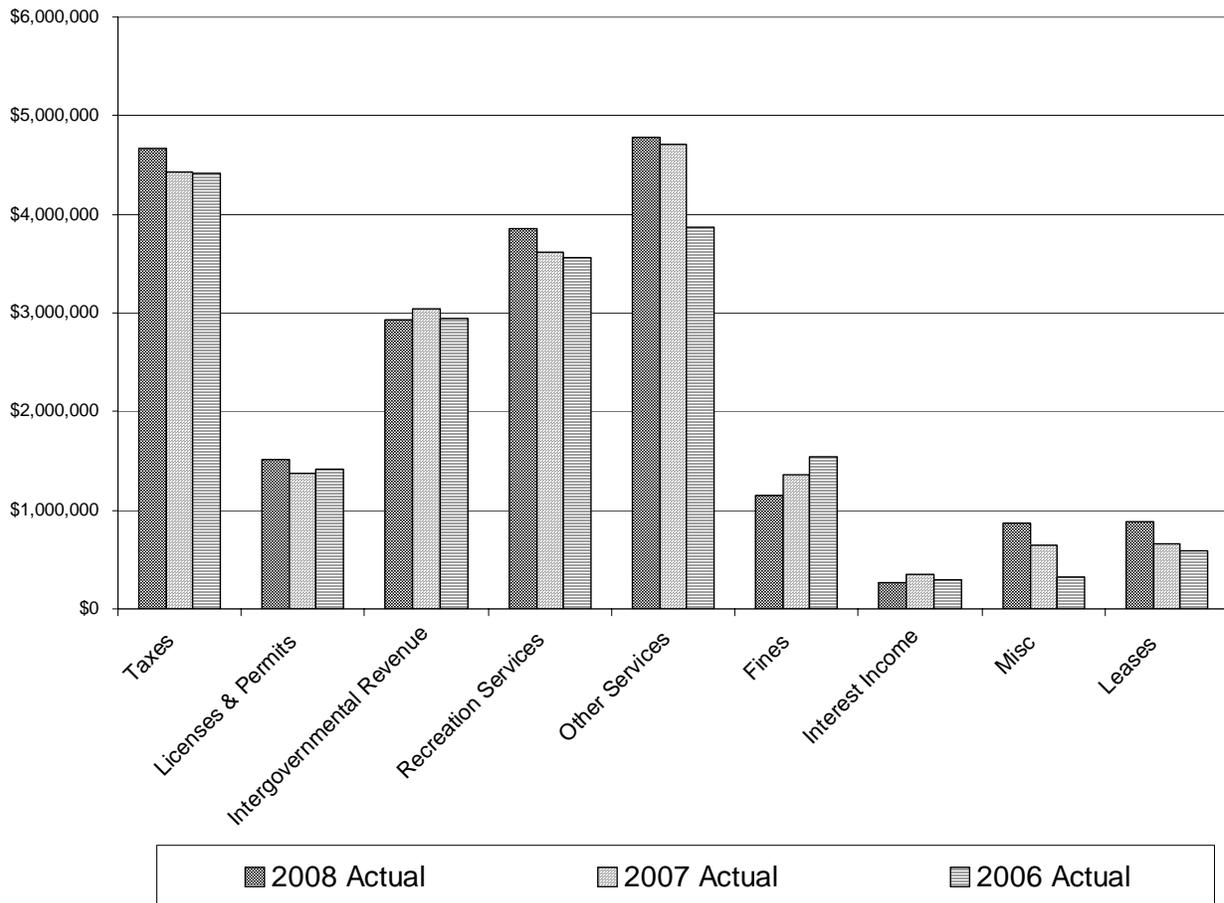
This section includes a discussion of highlights of each fund presented.

**General Fund**

This fund reflects the results of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions; City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2006 – 2008 year-to-date.

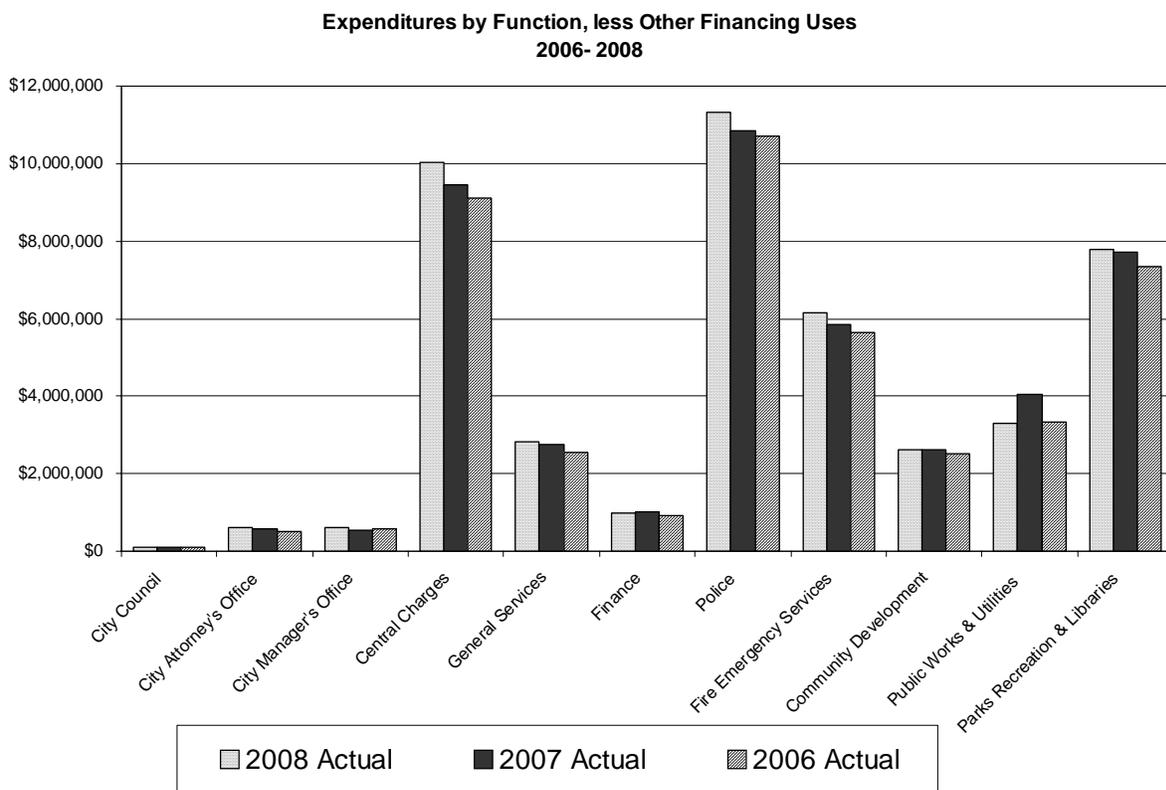
**General Fund Revenues without Transfers, Carryover, and Other Financing Sources  
2006 - 2008**



Increases in General Fund revenue categories are explained as follows:

- Taxes reflects a timing difference between years for property tax distributions by Adams County
- Licenses and Permits reflects Adams County commercial building permit activity for the North Huron Urban Renewal Area
- Recreation Services reflects seasonal flows for summer activities at City recreation facilities
- Miscellaneous reflects a reimbursement from Thornton relating to the 144<sup>th</sup> Avenue bridge construction IGA
- Leases reflects rental income for the former police building at 88<sup>th</sup> Avenue and Sheridan Boulevard

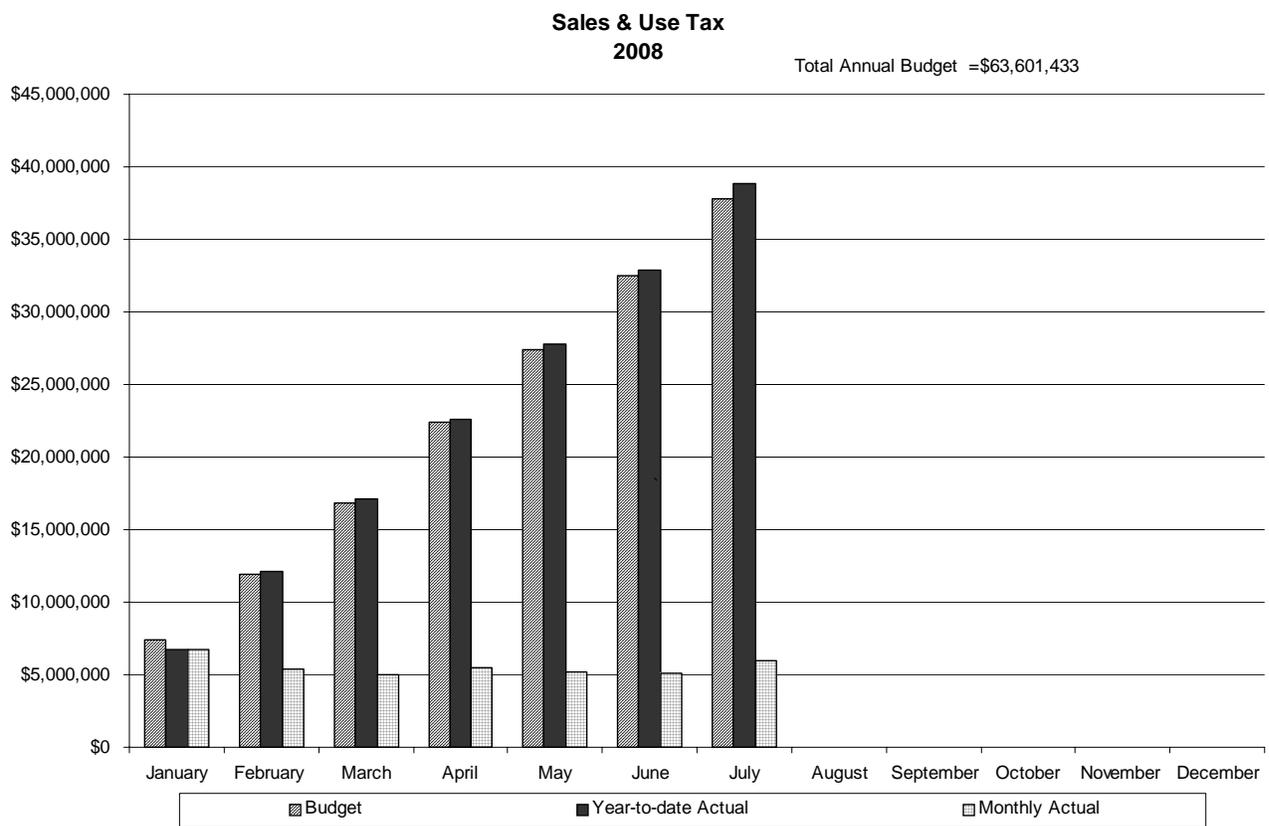
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2006 –2008.



**Sales & Use Tax Funds (Sales & Use Tax Fund and Open Space and Trails Sales & Use Tax Fund)**

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the General Capital Improvement Fund, the Debt Service Fund and the Heritage Golf Course Fund. The Parks, Open Space, and Trails Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space land, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

This chart indicates how the City's Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.

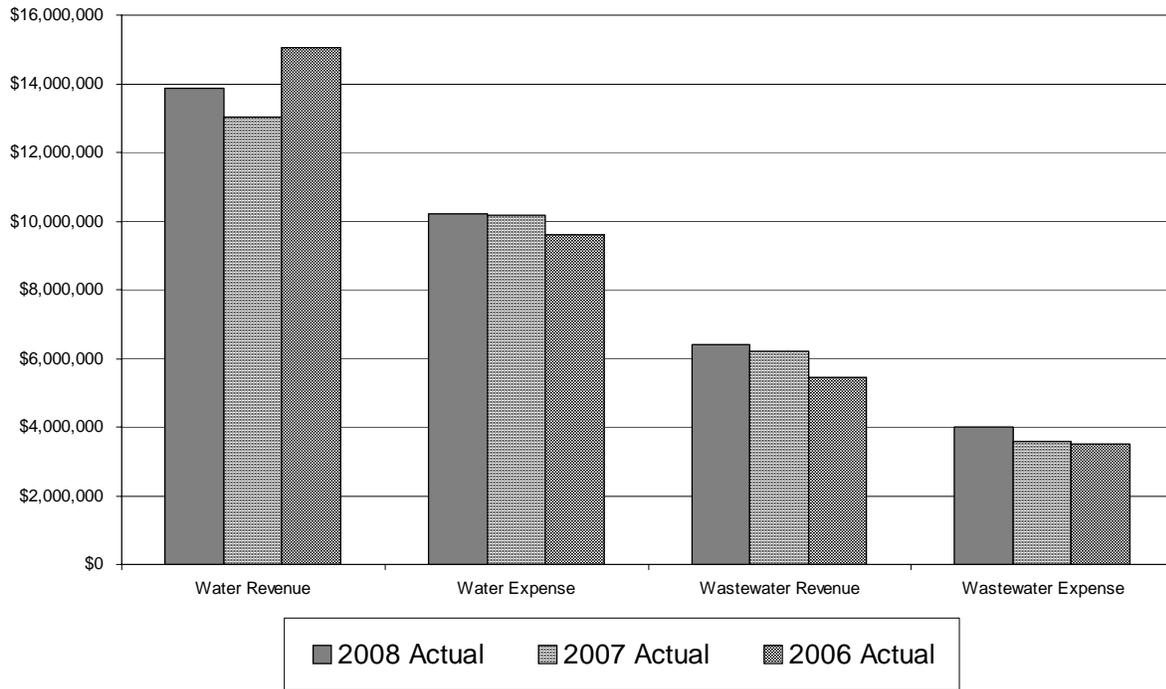


**Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)**

This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects and reserves.

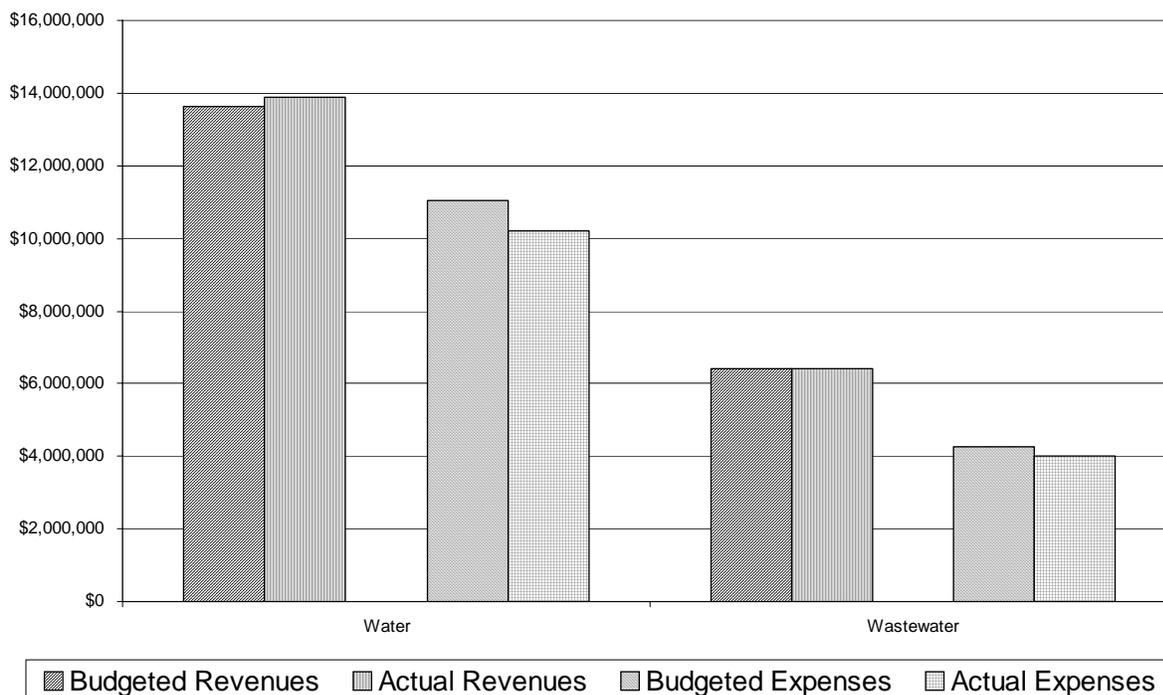
These graphs represent the segment information for the Water and Wastewater funds.

**Water and Wastewater Funds  
Operating Revenue and Expenses 2006-2008**



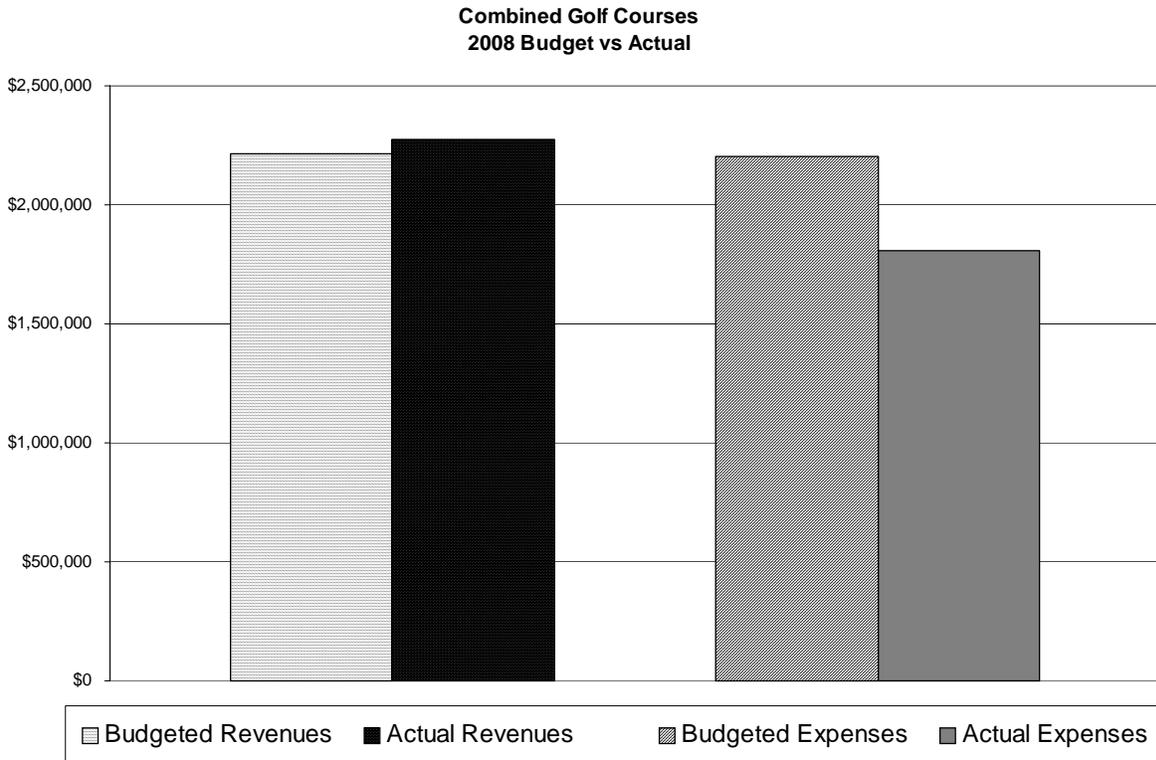
Fluctuation in Water revenue between years reflects the effect of weather variations on demand.

**Water and Wastewater Funds  
2008 Operating Budget vs Actual**

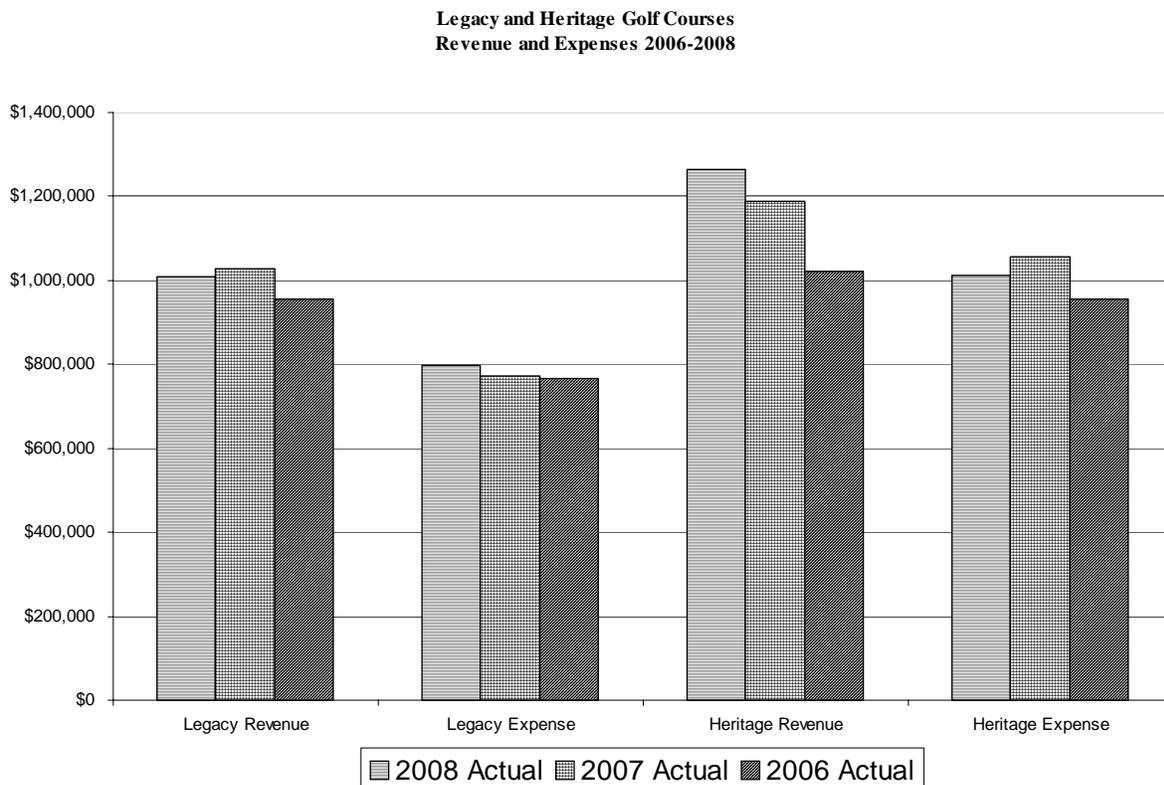


**Golf Course Enterprise (Legacy and Heritage Golf Courses)**

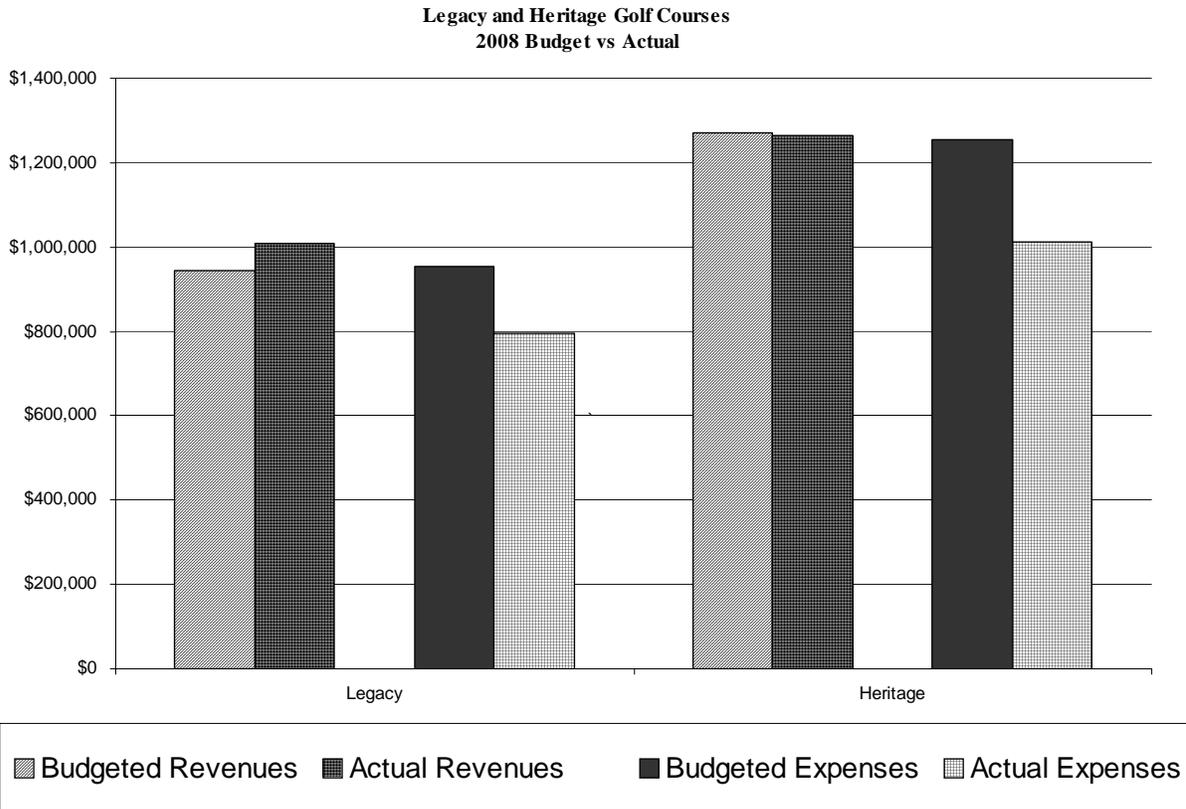
This enterprise reflects the operations of the City's two municipal golf courses.



The following graphs represent the information for each of the golf courses.



A one time Other Financing Source and use of \$582,144 for a lease purchase of golf carts, was omitted from 2006 Heritage revenues and expenses for comparison purposes. One time inter-fund transfers from the General Fund for the write off of inter-fund loans in the amounts of \$521,678 and \$228,322 for Heritage and Legacy, respectively, have been omitted from 2006 revenues for comparison purposes.



Respectfully submitted,

J. Brent McFall, City Manager

Attachments

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2008**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Revenues and Carryover</b>						
Taxes	5,012,710	4,626,326		4,663,945	37,619	100.8%
Licenses & Permits	1,575,000	937,740	(1)	1,512,014	574,274	161.2%
Intergovernmental Revenue	4,842,280	2,859,069		2,930,567	71,498	102.5%
Recreation Services	5,689,173	3,263,721		3,854,508	590,787	118.1%
Other Services	8,574,968	4,423,013		4,776,330	353,317	108.0%
Fines	2,353,275	1,348,427		1,145,959	-202,468	85.0%
Interest Income	500,000	291,667		266,485	-25,182	91.4%
Misc	1,742,029	593,508	(2)	863,507	269,999	145.5%
Leases	1,697,251	871,313		881,082	9,769	101.1%
Interfund Transfers	60,056,933	35,033,211		35,033,211	0	100.0%
Sub-total Revenues	<u>92,043,619</u>	<u>54,247,995</u>		<u>55,927,608</u>	<u>1,679,613</u>	<u>103.1%</u>
Carryover	1,500,000	1,500,000		1,500,000	0	100.0%
Revenues and Carryover	<u>93,543,619</u>	<u>55,747,995</u>		<u>57,427,608</u>	<u>1,679,613</u>	<u>103.0%</u>
<b>Expenditures</b>						
City Council	206,348	114,071		99,991	-14,080	87.7%
City Attorney's Office	1,105,473	633,780		606,275	-27,505	95.7%
City Manager's Office	1,159,924	653,635		602,218	-51,417	92.1%
Central Charges	25,476,533	12,434,764		11,841,743	-593,021	95.2%
General Services	5,306,175	2,961,789		2,808,205	-153,584	94.8%
Finance	1,891,094	1,081,512		992,682	-88,830	91.8%
Police	20,657,256	11,800,580		11,327,195	-473,385	96.0%
Fire Emergency Services	11,312,021	6,438,335		6,157,380	-280,955	95.6%
Community Development	4,650,725	2,665,358		2,615,257	-50,101	98.1%
Public Works & Utilities	7,170,255	3,649,393		3,289,199	-360,194	90.1%
Parks, Recreation & Libraries	14,607,815	8,214,628		7,785,296	-429,332	94.8%
Total Expenditures	<u>93,543,619</u>	<u>50,647,845</u>		<u>48,125,441</u>	<u>-2,522,404</u>	<u>95.0%</u>
Revenues and Carryover						
Over(Under) Expenditures	<u>0</u>	<u>5,100,150</u>		<u>9,302,167</u>	<u>4,202,017</u>	

(1) Reflects commercial building permit activity in the North Huron Urban Renewal Area

(2) Reflects reimbursement from the city of Thornton for 144th Avenue Bridge IGA

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Sales and Use Tax Fund</b>						
<b>Revenues and Carryover</b>						
Sales Tax						
Sales Tax Returns	41,420,167	25,268,327		25,210,518	-57,809	99.8%
Sales Tx Audit Revenues	684,000	466,200		340,804	-125,396	73.1%
S-T Rev. STX	<u>42,104,167</u>	<u>25,734,527</u>		<u>25,551,322</u>	<u>-183,205</u>	<u>99.3%</u>
Use Tax						
Use Tax Returns	8,811,551	4,580,429		5,314,869	734,440	116.0%
Use Tax Audit Revenues	761,782	466,211		609,005	142,794	130.6%
S-T Rev. UTX	<u>9,573,333</u>	<u>5,046,640</u>		<u>5,923,874</u>	<u>877,234</u>	<u>117.4%</u>
Total STX and UTX	<u><u>51,677,500</u></u>	<u><u>30,781,167</u></u>		<u><u>31,475,196</u></u>	<u><u>694,029</u></u>	<u><u>102.3%</u></u>
Public Safety Tax						
PST Tax Returns	11,647,649	6,829,167		7,088,235	259,068	103.8%
PST Audit Revenues	126,284	69,446		189,889	120,443	273.4%
Total Rev. PST	<u><u>11,773,933</u></u>	<u><u>6,898,613</u></u>		<u><u>7,278,124</u></u>	<u><u>379,511</u></u>	<u><u>105.5%</u></u>
Total Interest Income	150,000	87,500		128,030	40,530	146.3%
Carryover	0	0		0	0	N/A
Total Revenues and Carryover	<u><u>63,601,433</u></u>	<u><u>37,767,280</u></u>		<u><u>38,881,350</u></u>	<u><u>1,114,070</u></u>	<u><u>102.9%</u></u>
<b>Expenditures</b>						
Central Charges	<u>63,601,433</u>	<u>37,100,836</u>		<u>37,100,836</u>	0	100.0%
Revenues and Carryover Over(Under) Expenditures	<u><u>0</u></u>	<u><u>666,444</u></u>		<u><u>1,780,514</u></u>	<u><u>1,114,070</u></u>	

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2008**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Revenues and Carryover</b>						
Sales & Use Tax	4,897,190	2,870,031		3,034,134	164,103	105.7%
Interest Income	60,000	35,000		27,413	-7,587	78.3%
Sale of Assets	150,000	150,000		150,000	0	100.0%
Miscellaneous	88,832	51,819	(1)	55,898	4,079	107.9%
Sub-total Revenues	<u>5,196,022</u>	<u>3,106,850</u>		<u>3,267,445</u>	<u>160,595</u>	<u>105.2%</u>
Carryover	0	0		0	0	N/A
Total Revenues and Carryover	<u><u>5,196,022</u></u>	<u><u>3,106,850</u></u>		<u><u>3,267,445</u></u>	<u><u>160,595</u></u>	<u><u>105.2%</u></u>
<b>Expenditures</b>						
Central Charges	4,856,930	2,759,725		2,746,815	-12,910	99.5%
Park Services	339,092	197,302		144,699	-52,603	73.3%
	<u>5,196,022</u>	<u>2,957,027</u>		<u>2,891,514</u>	<u>-65,513</u>	<u>97.8%</u>
Over(Under) Expenditures	<u><u>0</u></u>	<u><u>149,823</u></u>		<u><u>375,931</u></u>	<u><u>226,108</u></u>	

(1) Reflects lease revenue for various open space properties.

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water and Wastewater Fund-Combined</b>						
<b>Operating Revenues</b>						
License & Permits	70,000	40,833	(1)	57,590	16,757	141.0%
Rates and Charges	37,661,877	19,819,125		20,075,191	256,066	101.3%
Miscellaneous	311,414	181,658		160,515	(21,143)	88.4%
Total Operating Revenues	<u>38,043,291</u>	<u>20,041,616</u>		<u>20,293,296</u>	<u>251,680</u>	<u>101.3%</u>
<b>Operating Expenses</b>						
Central Charges	5,705,227	3,328,049		3,214,307	(113,742)	96.6%
Finance	649,035	360,214		335,458	(24,756)	93.1%
Public Works & Utilities	19,596,959	10,095,154		9,245,478	(849,676)	91.6%
Information Technology	2,721,227	1,534,772		1,425,277	(109,495)	92.9%
Total Operating Expenses	<u>28,672,448</u>	<u>15,318,189</u>		<u>14,220,520</u>	<u>(1,097,669)</u>	<u>92.8%</u>
Operating Income (Loss)	<u>9,370,843</u>	<u>4,723,427</u>		<u>6,072,776</u>	<u>1,349,349</u>	
<b>Other Revenue and Expenses</b>						
Tap Fees	9,925,000	5,437,450	(1)	7,723,747	2,286,297	142.0%
Interest Income	1,550,000	904,167		1,003,646	99,479	111.0%
Interfund Transfers	10,160,069	7,484,620		7,484,620	0	100.0%
Sale of Assets	0	0		1,157,902	1,157,902	N/A
Carryover	(148,257)	(148,257)		(148,257)	0	100.0%
Debt Service	(6,308,662)	(2,492,809)		(2,492,809)	0	100.0%
Total Other Revenue (Expenses)	<u>15,178,150</u>	<u>11,185,171</u>		<u>14,728,849</u>	<u>3,543,678</u>	<u>131.7%</u>
Increase (Decrease) in Net Assets	<u>24,548,993</u>	<u>15,908,598</u>	(2)	<u>20,801,625</u>	<u>4,893,027</u>	

(1) Reflects significant development activity in the North Huron Urban Renewal Area

(2) Increase in Net Assets available for Capital Projects and Reserves

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water Fund</b>						
<b>Operating Revenues</b>						
License & Permits	70,000	40,833	(1)	57,590	16,757	141.0%
Rates and Charges	26,597,850	13,421,601		13,666,463	244,862	101.8%
Miscellaneous	301,414	175,825		160,502	(15,323)	91.3%
Total Operating Revenues	<u>26,969,264</u>	<u>13,638,259</u>		<u>13,884,555</u>	<u>246,296</u>	<u>101.8%</u>
<b>Operating Expenses</b>						
Central Charges	3,982,052	2,322,864		2,247,212	(75,652)	96.7%
Finance	649,035	360,214		335,458	(24,756)	93.1%
Public Works & Utilities	12,870,063	6,830,528		6,208,426	(622,102)	90.9%
Information Technology	2,721,227	1,534,772		1,425,277	(109,495)	92.9%
Total Operating Expenses	<u>20,222,377</u>	<u>11,048,378</u>		<u>10,216,373</u>	<u>(832,005)</u>	<u>92.5%</u>
Operating Income (Loss)	<u>6,746,887</u>	<u>2,589,881</u>		<u>3,668,182</u>	<u>1,078,301</u>	
<b>Other Revenue and Expenses</b>						
Tap Fees	7,500,000	4,069,900	(1)	5,739,525	1,669,625	141.0%
Interest Income	900,000	525,000		697,246	172,246	132.8%
Interfund Transfers	8,887,770	6,742,446		6,742,446	0	100.0%
Sale of Assets	0	0		1,157,902	1,157,902	N/A
Carryover	(108,725)	(108,725)		(108,725)	0	100.0%
Debt Service	(4,801,939)	(1,883,015)		(1,883,015)	0	100.0%
Total Other Revenues (Expenses)	<u>12,377,106</u>	<u>9,345,606</u>		<u>12,345,379</u>	<u>2,999,773</u>	<u>132.1%</u>
Increase (Decrease) in Net Assets	<u>19,123,993</u>	<u>11,935,487</u>	(2)	<u>16,013,561</u>	<u>4,078,074</u>	

(1) Reflects significant development activity in the North Huron Urban Renewal Area

(2) Increase in Net Assets available for Capital Projects and Reserves

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Wastewater Fund</b>						
<b>Operating Revenues</b>						
Rates and Charges	11,064,027	6,397,524		6,408,728	11,204	100.2%
Miscellaneous	10,000	5,833		13	(5,820)	0.2%
Total Operating Revenues	<u>11,074,027</u>	<u>6,403,357</u>		<u>6,408,741</u>	<u>5,384</u>	<u>100.1%</u>
<b>Operating Expenses</b>						
Central Charges	1,723,175	1,005,185		967,095	(38,090)	96.2%
Public Works & Utilities	6,726,896	3,264,626		3,037,052	(227,574)	93.0%
Total Operating Expenses	<u>8,450,071</u>	<u>4,269,811</u>		<u>4,004,147</u>	<u>(265,664)</u>	<u>93.8%</u>
Operating Income (Loss)	<u>2,623,956</u>	<u>2,133,546</u>		<u>2,404,594</u>	<u>271,048</u>	
<b>Other Revenue and Expenses</b>						
Tap Fees	2,425,000	1,367,550	(1)	1,984,222	616,672	145.1%
Interest Income	650,000	379,167		306,400	(72,767)	80.8%
Interfund Transfers	1,272,299	742,174		742,174	0	100.0%
Carryover	(39,532)	(39,532)		(39,532)	0	100.0%
Debt Service	(1,506,723)	(609,794)		(609,794)	0	100.0%
Total Other Revenues (Expenses)	<u>2,801,044</u>	<u>1,839,565</u>		<u>2,383,470</u>	<u>543,905</u>	<u>129.6%</u>
Increase (Decrease) in Net Assets	<u>5,425,000</u>	<u>3,973,111</u>	(2)	<u>4,788,064</u>	<u>814,953</u>	

(1) Reflects significant development activity in the North Huron Urban Renewal Area

(2) Increase in Net Assets available for Capital Projects and Reserves

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Storm Drainage Fund</b>						
<b>Revenues and Carryover</b>						
Charges for Services	1,840,000	1,073,333		1,132,385	59,052	105.5%
Interest Income	0	0		49,310	49,310	N/A
Miscellaneous	0	0		4,501	4,501	N/A
Sub-total Storm Drainage Revenues	<u>1,840,000</u>	<u>1,073,333</u>		<u>1,186,196</u>	<u>112,863</u>	<u>110.5%</u>
Carryover	0	0		0	0	N/A
Total Revenues and Carryover	<u>1,840,000</u>	<u>1,073,333</u>		<u>1,186,196</u>	<u>112,863</u>	<u>110.5%</u>
<b>Expenses</b>						
General Services	91,860	35,366		26,261	(9,105)	74.3%
Community Development	123,740	71,151		70,675	(476)	99.3%
Park Services	170,000	99,167		39,309	(59,858)	39.6%
Public Works & Utilities	360,400	157,855		131,231	(26,624)	83.1%
Total Expenses	<u>746,000</u>	<u>363,539</u>		<u>267,476</u>	<u>(96,063)</u>	<u>73.6%</u>
Increase (Decrease) in Net Assets	<u>1,094,000</u>	<u>709,794</u>	(1)	<u>918,720</u>	<u>208,926</u>	

(1) Increase in Net Assets available for Capital Projects and Reserves

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Golf Courses Combined</b>						
<b>Revenues</b>						
Carryover	0	0		0	0	N/A
Charges for Services	3,226,101	1,942,888		1,987,687	44,799	102.3%
Interest Income	0	0		12,984	12,984	N/A
Interfund Transfers	467,150	272,504		272,504	0	100.0%
<b>Total Revenues</b>	<u>3,693,251</u>	<u>2,215,392</u>		<u>2,273,175</u>	<u>57,783</u>	<u>102.6%</u>
<b>Expenses</b>						
Central Charges	210,500	121,248		105,316	(15,932)	86.9%
Recreation Facilities	2,982,436	1,941,895		1,561,902	(379,993)	80.4%
<b>Total Expenses</b>	<u>3,192,936</u>	<u>2,063,143</u>		<u>1,667,218</u>	<u>(395,925)</u>	<u>80.8%</u>
Operating Income (Loss)	500,315	152,249		605,957	453,708	
Debt Service Expense	500,315	142,658		142,658	0	100.0%
<b>Revenues Over(Under) Expenditures</b>	<u>0</u>	<u>9,591</u>		<u>463,299</u>	<u>453,708</u>	

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Pro rated Budget	% Budget
<b>Legacy Ridge Fund</b>						
<b>Revenues</b>						
Carryover	(117,732)	(68,677)		(68,677)	0	100.0%
Charges for Services	1,661,452	1,013,486		1,064,302	50,816	105.0%
Interest Income	0	0		12,984	12,984	N/A
<b>Total Revenues</b>	<u>1,543,720</u>	<u>944,809</u>		<u>1,008,609</u>	<u>63,800</u>	<u>106.8%</u>
<b>Expenses</b>						
Central Charges	107,700	62,035		51,668	(10,367)	83.3%
Recreation Facilities	1,436,020	890,332		745,300	(145,032)	83.7%
<b>Total Expenses</b>	<u>1,543,720</u>	<u>952,367</u>		<u>796,968</u>	<u>(155,399)</u>	<u>83.7%</u>
<b>Revenues Over(Under) Expenditures</b>	<u>0</u>	<u>(7,558)</u>		<u>211,641</u>	<u>219,199</u>	

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2008**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Heritage at Westmoor Fund</b>						
<b>Revenues</b>						
Carryover	117,732	68,677		68,677	0	100.0%
Charges for Services	1,564,649	929,402		923,385	(6,017)	99.4%
Interfund Transfers	467,150	272,504		272,504	0	100.0%
Total Revenues	<u>2,149,531</u>	<u>1,270,583</u>		<u>1,264,566</u>	<u>(6,017)</u>	<u>99.5%</u>
<b>Expenses</b>						
Central Charges	102,800	59,213		53,648	(5,565)	90.6%
Recreation Facilities	1,546,416	1,051,563		816,602	(234,961)	77.7%
Sub-Total Expenses	<u>1,649,216</u>	<u>1,110,776</u>		<u>870,250</u>	<u>(240,526)</u>	<u>78.3%</u>
Operating Income	500,315	159,807		394,316	234,509	
Debt Service Expense	<u>500,315</u>	<u>142,658</u>		<u>142,658</u>	<u>0</u>	<u>100.0%</u>
Revenues over (under) Expenditures	<u>0</u>	<u>17,150</u>		<u>251,659</u>	<u>234,509</u>	

CITY OF WESTMINSTER  
 GENERAL RECEIPTS BY CENTER - SUMMARY (CC)  
 MONTH and YEAR-TO-DATE JULY 2008

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	368,689	1,670	370,359	428,047	1,661	429,708	-14	1	-14
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	362,556	459	363,015	184,248	347	184,595	97	32	97
THE ORCHARD 144TH & I-25 JC PENNEY	265,580	36,473	302,054	154,970	1,110	156,081	71	3184	94
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	261,352	6,793	268,145	399,634	3,347	402,981	-35	103	-33
SHOPS AT WALNUT CREEK 104TH & REED TARGET	233,898	915	234,812	201,499	793	202,292	16	15	16
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	228,130	1,367	229,497	182,886	1,620	184,506	25	-16	24
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	192,251	1,073	193,324	198,318	5,589	203,907	-3	-81	-5
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	177,557	1,365	178,921	190	0	190	93292	*****	94010
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN CIRCUIT CITY	174,641	3,153	177,794	227,046	2,595	229,641	-23	22	-23
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	117,821	14,905	132,725	130,776	15,679	146,455	-10	-5	-9
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	127,370	3,124	130,494	127,119	986	128,105	0	217	2
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	123,005	1,186	124,191	117,403	14	117,417	5	8211	6
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	105,066	606	105,672	95,545	339	95,884	10	79	10
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	83,347	70	83,417	96,296	109	96,405	-13	-36	-13
STANDLEY SHORES CENTER SW CORNER 100TH & WADS	69,095	710	69,804	63,441	136	63,577	9	421	10

CITY OF WESTMINSTER  
 GENERAL RECEIPTS BY CENTER - SUMMARY (CC)  
 MONTH and YEAR-TO-DATE JULY 2008

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
KING SOOPERS ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	59,624	289	59,913	61,306	1,425	62,730	-3	-80	-4
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	53,912	1,301	55,213	55,436	150	55,587	-3	766	-1
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	50,767	126	50,893	59,474	475	59,950	-15	-73	-15
WILLOW RUN 128TH & ZUNI SAFEWAY	47,567	104	47,671	54,581	123	54,704	-13	-15	-13
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	42,057	522	42,578	40,403	542	40,945	4	-4	4
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	33,669	1,733	35,402	38,102	9,694	47,796	-12	-82	-26
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	31,966	264	32,230	29,254	1,231	30,484	9	-79	6
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	5,171	25,470	30,641	12,295	43,838	56,133	-58	-42	-45
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	24,779	1,598	26,377	25,842	1,304	27,146	-4	23	-3
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	25,921	260	26,181	27,399	365	27,764	-5	-29	-6
	3,265,790	105,534	3,371,324	3,011,510	93,472	3,104,982	8	13	9

CITY OF WESTMINSTER  
 GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)  
 MONTH and YEAR-TO-DATE JULY 2008

Center Location Major Tenant	/----- YTD 2008 -----/			/----- YTD 2007 -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	2,874,466	15,214	2,889,680	2,974,629	15,098	2,989,727	-3	1	-3
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	2,118,446	49,462	2,167,908	2,708,174	26,195	2,734,369	-22	89	-21
SHOPS AT WALNUT CREEK 104TH & REED TARGET	1,538,290	11,167	1,549,458	1,307,492	13,338	1,320,830	18	-16	17
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN CIRCUIT CITY	1,496,302	17,066	1,513,369	1,777,598	11,468	1,789,066	-16	49	-15
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	1,493,564	79,735	1,573,298	885,926	49,539	935,465	69	61	68
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	1,489,626	4,488	1,494,114	1,382,866	8,157	1,391,023	8	-45	7
THE ORCHARD 144TH & I-25 JC PENNEY	1,355,085	204,185	1,559,270	856,906	10,054	866,960	58	1931	80
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,336,760	15,007	1,351,767	1,302,534	13,292	1,315,825	3	13	3
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	936,571	224,772	1,161,342	1,307,556	105,720	1,413,276	-28	113	-18
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	871,920	23,946	895,866	953,972	9,136	963,108	-9	162	-7
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	791,334	4,417	795,751	712,590	12,294	724,884	11	-64	10
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	738,301	4,299	742,600	724,454	2,133	726,587	2	102	2
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	512,589	5,985	518,574	488,788	1,717	490,504	5	249	6
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	458,535	2,302	460,836	487,415	4,877	492,292	-6	-53	-6
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER	432,275	2,326	434,601	425,591	4,011	429,602	2	-42	1

CITY OF WESTMINSTER  
 GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)  
 MONTH and YEAR-TO-DATE JULY 2008

Center Location Major Tenant	/----- YTD 2008 -----/			/----- YTD 2007 -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
GUITAR STORE WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	386,433	25,780	412,213	373,694	1,567	375,260	3	1545	10
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	365,482	1,531	367,013	376,629	1,804	378,433	-3	-15	-3
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	337,723	4,718	342,441	3,825	8	3,833	8729	59171	8833
WILLOW RUN 128TH & ZUNI SAFEWAY	331,061	2,611	333,672	366,906	1,499	368,405	-10	74	-9
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	298,588	7,335	305,924	280,179	12,077	292,256	7	-39	5
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	204,727	3,896	208,622	205,582	14,908	220,490	0	-74	-5
BROOKHILL IV E SIDE WADS 90TH-92ND HANCOCK FABRICS	180,929	6,069	186,997	109,232	1,414	110,646	66	329	69
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	179,075	4,292	183,368	176,456	7,383	183,839	1	-42	0
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	175,690	884	176,574	188,255	3,290	191,545	-7	-73	-8
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	173,195	20,489	193,684	239,939	5,662	245,601	-28	262	-21
	21,076,968	741,973	21,818,942	20,617,188	336,639	20,953,827	2	120	4



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2008



**SUBJECT:** Dry Creek Valley Ditch Secondary Drainage System

**Prepared By:** John Burke, Senior Engineer

**Recommended City Council Action**

Authorize the City Manager to execute a contract with American West Construction, LLC in the amount of \$49,303 for the construction of the Dry Creek Valley Ditch Secondary Drainage System project; authorize a construction contingency in the amount of \$5,000.

**Summary Statement**

- In July of 2007, the City's Code Enforcement Division was called to respond to a large algae slick that was causing a safety concern on the sidewalk in front of several homes near 11189 West 104<sup>th</sup> Drive in Countryside Subdivision. Upon investigation, it was apparent that irrigation water was leaking out of the Dry Creek Valley Ditch, soaking the backyards of these homes and flowing toward the curb and gutter of 104<sup>th</sup> Drive.
- The City Attorney contacted the Dry Creek Valley Ditch Company, which is administered by the City and County of Broomfield. Broomfield handles the daily operations and is the majority share holder of this ditch with Westminster owning a small number of ditch shares. Following discussions with the Board of Directors of the ditch company, City staff determined that the most practical solution to this problem affecting Westminster residents would be for the City to contract for the construction of necessary improvements.
- Deere and Ault consultants were hired to investigate alternative solutions. Through their investigation, it was found that a 20-year old, four-inch underdrain system is completely clogged with tree roots and is not functioning as planned. This project will install a larger parallel underdrain system along the backyards of the directly impacted residents.
- A "Requests for Bids" for the construction of this project was sent to four qualified contractors. All four bids were received and opened, and the low bidder was American West Construction, LLC with a bid of \$49,303. Staff has reviewed the bids and recommends awarding this contract to American West Construction, LLC in the amount of \$49,303. A \$5,000 contingency is also recommended.

**Expenditure Required:** \$54,303

**Source of Funds:** Stormwater Utility Fund – Dry Creek Project Account

**Policy Issue**

Should the City proceed with the construction of the Dry Creek Valley Ditch Secondary Drainage System project?

**Alternative**

An alternative includes postponing or abandoning the construction of this project. Given the public safety risk with algae growth on the public sidewalk, this alternative is not recommended.

**Background Information**

The amount of water seeping from the ditch and into the backyards of these residences is estimated at approximately five gallons per minute. This is a significant amount of water running through the backyards of these homes and crossing the sidewalk into the curb and gutter of the street. Initially, City Staff thought that the company would be concerned about the loss of this much irrigation water from their ditch and would have an interest in repairing their facility. To the contrary, Staff was met with opposition from the Board of Directors who claimed that they previously warned the City and the developer not to permit construction of this subdivision adjacent to the ditch as it has a historic right to leak and that the ditch company is not responsible for any damage that may be caused.

The City Attorney provided research in case law to determine the potential liabilities that the City and the ditch company may have. Additionally, Staff contacted other jurisdictions that had recent similar experience with a leaking ditch causing damage to the adjacent residential subdivision. Ultimately, it was decided that though there may be legal justification for a lawsuit, it was not clear cut and would be met with major opposition from all ditch companies and water attorneys across the State. Additionally, the City owns a minority share of the water rights in this ditch and, therefore, would be on both sides of the case. It was determined that the most practical solution to this problem would be for the City to hire a consultant to evaluate the leaking ditch and find a solution to the problem that was within a reasonable budget.

Staff hired Deere and Ault Consultants under an initial engineering evaluation contract in the amount of \$14,500. The consultant's research led them to hire a contractor to find and evaluate the existing four-inch perimeter drain that runs along the base of the ditch in the backyards of these homes. Once the drain pipe was found, the contractor cleaned approximately 300-feet of pipe that was clogged with tree roots. Although this drain pipe runs in the backyards of 22 homes, there are only five homes that are impacted with the ditch water due to the gradient of the subdivision and the ditch. Therefore, instead of attempting to clean or replace this entire system at a much greater cost, it was decided that the more feasible approach would be to construct a secondary drainage system that would solve the problem for the five homes that are directly impacted. Deere and Ault completed this design and submitted a change order request for this and future construction services in the amount of \$35,400.

The design drawings were sent to four qualified contractors for bidding purposes, and the results are as follows:

<b><u>Contractor</u></b>	<b><u>Submitted Bid</u></b>
American West Construction, LLC	\$49,303
Diamond Contracting	\$54,615
Dirt Dobbers Excavating	\$52,568
Quality Pipe Services	\$83,710
<i>Engineer's Estimate</i>	<i>\$90,000</i>

**SUBJECT:** Dry Creek Valley Ditch Secondary Drainage System

Page 3

Staff and Deere and Ault, the City's engineering consultant, have reviewed the results of the bids and recommend that the low bidder, American West Construction, LLC, be awarded the contract for construction in the amount of \$49,303. The contingency amount of \$5,000 is just over 10% of the cost of construction, and Staff believes that this is adequate for a project of this size.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2008



**SUBJECT:** Office Furniture for Municipal Service Center Facility Renovation Contract

**Prepared By:** Michael C. Wong, Senior Engineer  
Abel Moreno, Capital Projects and Budget Manager

**Recommended City Council Action**

Based on the recommendation of the City Manager, the City Council finds that the public interest will be best served by a negotiated contract with Spaces; authorize the City Manager to execute a contract with Spaces in the amount of \$351,924 for the purchase and installation of office furniture in the remodeled Administration and Operations Buildings at the Municipal Service Center (MSC), and authorize a 10% contingency of \$35,192 for a total office furniture expenditure of \$387,116.

**Summary Statement**

- Proposals for purchasing and installation of office furniture for the remodeled Administration and Operations Building were requested from five reputable furniture vendors in early July 2008. Staff received five proposals on July 25. Upon evaluation of the proposals, Spaces, a local representative of All Steel Furniture, was determined to be the most qualified vendor for the project.
- The project scope includes review of existing architectural drawings and floor plans provided by the City's consulting architect, confirm Staff's office space and furniture requirements, and installation of all furniture furnishings in accordance with the administration building and operations building furniture layout plans.
- The cost for purchasing the office furniture and its installation of \$351,924 is included in the total MSC Facility Renovation project budget that was approved by City Council at the January 28, 2008 Meeting.
- The proposed furniture is being recommended due to its high-quality construction that is expected to last fifteen to twenty years.
- Staff is recommending a contingency of 10% due to the complexity of ordering office furniture and the changes that may need to be made once Spaces begins the installation of the furniture.

**Expenditure Required:** \$387,116

**Source of Funds:** Utility Fund CIP - Municipal Service Center Facility Renovation Project Account

### **Policy Issue**

Should the City execute a contract with Spaces in the amount of \$351,924 for the purchase and installation of office furniture in the remodeled Administration and Operations Buildings at the MSC site?

### **Alternatives**

The City could choose from the following alternatives:

1. Reject Staff's recommendation to execute a contract with Spaces, and do not furnish the Administration and Operations Buildings. There is not enough City owned used furniture to furnish the office space in these buildings. Staff does not recommend furnishing the newly remodeled buildings with outdated and used furniture.
2. Direct Staff to solicit a proposal from another vendor. Staff is not certain that a new proposal would result in any saving to the City. Spaces clearly understands the scope of work and its proposed price is well within the budget.
3. Reduce the quality of the furniture, thus lowering the cost. Staff does not recommend this alternative because the selection of the All Steel Furniture was based on quality, durability, product warranty and services provided by furniture manufacturer and its local representative.

Staff does not recommend any of these alternatives.

### **Background Information**

The Municipal Service Center was initially constructed in the mid 1970s and was last renovated in 1984. The MSC provides administrative office space for approximately 100 staff. It is also used for storage of City owned vehicles, snow plows, and maintenance materials and is the City's primary fueling station for the City's fleet. Over the years, demand for municipal services has out grown the MSC site in its existing condition.

There are three divisions working out of the 7-acre MSC site including Utilities Operations, Street Operations, and Fleet Maintenance. During a master plan study, it was recommended that a fourth division, Building Operations and Maintenance (BO&M) could be relocated to the MSC to serve as the City's centralized warehouse and to provide City building operations and maintenance functions. The Staff from Street Operations, Utilities Operations and BO&M will be housed in the remodeled Administration and Operations Buildings.

Fisher Associates was retained as the consulting architect and JHL Constructors, Inc. was selected as the Construction Manager/General Contractor (CM/GC) for the project. To date, the project is well within the authorized contract and on schedule.

Remodeling of the Administration and Operations Buildings is presently underway. The buildings are scheduled to be completed on October 1, 2008, at which time the general contractor will turn over the buildings to City Staff for furniture installation during the month of October 2008. Staff anticipates the Street Operations, Utilities Operations and Building Operations and Maintenance divisions will move back to the MSC site in November, prior to the winter of 2008.

At the January 28, 2008 City Council meeting, City Council approved a total project budget of \$11,204,463 for the MSC Facility Renovation. Included in the total project budget is \$430,000 for office furniture. The furniture purchase was not included in the CM/GC contract. The City is responsible for the selection of a vendor to provide office furniture and installation through a competitive process. Staff developed a Request for Proposal and sent it out to five known furniture suppliers.

The furniture purchase includes furniture for 3 Division Managers, 16 private offices, 53 cubicle workstations, 2 conference rooms, 5 divisional staging areas, 2 lunch rooms, and the central gathering area. The wood and laminate furniture is constructed to withstand the type of wear and tear that is customary for this type of facility. Staff is recommending furniture that is easily accessible and expandable, if necessary. Staff will be developing a similar 'Pride and Appearance' standard such as that utilized at City Hall to ensure consistency from workspace to workspace.

Request for Proposals were sent to five reputable furniture vendors, and on July 25, 2008 Staff received five proposals. The following is a tabulation of the proposals submitted by the vendors:

<u>Office Vendor</u>	<u>Proposed Cost</u>
Office Stuff Inc.	\$226,987
Spaces	\$294,646
Configurations	\$386,091
Pear Commercial	\$396,097
Workplace Resource	\$401,032

Upon evaluation of the proposals, Staff believes Spaces, which is the local representative for All Steel Furniture, to be the most qualified firm for the project. Staff's selection was based on Spaces' understanding of the scope of the project, quality of product, qualifications, and proposed cost. Staff is also recommending Spaces because of their post installation customer service approach that they employ. One of the criteria that is important to Staff is the availability of furniture in the future and Spaces' approach to ordering and installing the furniture. Although Spaces is the second low bidder, Staff believes that Spaces proposal was the most complete and better met the City's needs. The perceived low bidder did not meet the City's specifications and floor plans furniture layout as requested so Staff considered it an incomplete proposal.

After the initial selection of Spaces, Staff then negotiated with the firm for additional furniture items that were not included in the request for proposals, and also general upgrade of furniture for functionality as well as aesthetic consistency. Staff also visited Spaces to inspect the quality of the furniture to ensure it would meet the City's needs. The revised cost was changed from \$294,646 to \$351,924 (excluding contingency), representing an increase of \$57,278. The current budget for office furniture is \$430,000 which is sufficient to cover this revised furniture cost.

The remodeling and furnishing of the Administration and Operations Buildings is a critical part of the MSC Facility Renovation. The MSC Renovation project helps achieve the City Council's Strategic Plan goals of Safe and Secure Community by improving security to the City's primary staging area for Fleet Maintenance, Streets Operations, and Utilities Operations functions; Financially Sustainable City Government by contributing to the objective of well-maintained City infrastructure and facilities; and Beautiful City by enhancing the MSC site.

Respectfully submitted,

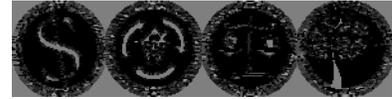
J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2008



**SUBJECT:** Quail Creek Improvements—Purchase of Wetlands Bank Credits

**Prepared By:** Steve Baumann, Assistant City Engineer  
Andrew Hawthorn, Civil Engineer

**Recommended City Council Action**

Authorize the City Manager to sign a purchase agreement with Mile High Wetlands Group, LLC for the purchase of wetland replacement credits in an amount not to exceed \$131,580.

**Summary Statement**

- The Quail Creek improvement project, sponsored by the City and the Urban Drainage and Flood Control District (District), will extend from Huron Street to Osage Street along 134<sup>th</sup> Avenue. The project is intended to alleviate potential flooding and reduce the extent of the floodplain by increasing the capacity of the existing channel. This should result in conditions that reduce the number of homes in Quail Crossing Subdivision that are required by their lenders to carry flood insurance.
- The project directly impacts 2.13 acres of existing wetlands and has indirect impacts on another 0.31 acres. There is limited space on or near the site on which to mitigate the direct impacts. The mitigation plan, approved by the United States Army Corps of Engineers, calls for the restoration of 0.4 acres on-site in the new channel and allows mitigation of the remainder of the direct impacts, 1.73 acres, to be met by purchasing wetland credits from a qualified wetlands banking facility. The 0.31 acres of indirect impacts will be observed for a one-year period after the project is complete. If those wetlands do not survive, those acres will have to be banked in the same way as the directly impacted areas.
- The City received three responses to a request for proposal from qualified wetlands banking facilities. The lowest of the three proposals was from Mile High Wetlands Group, LLC at \$64,500 per acre that translates to an immediate payment of \$111,580 for the 1.73 acres of direct impacts and a total payment of \$131,580 if the indirectly impacted areas do not survive after the observation period. The proposed purchase agreement with Mile High locks in the per-acre rate until December 31, 2010. City staff is recommending that the agreement be accepted.
- Under the terms of the intergovernmental agreement with the District approved by City Council in May of 2006, the District takes care of all payment obligations after having received the City's share of the project funds. The Army Corp of Engineers permit and the responsibility for mitigation rests with the City.

**Expenditure Required:** A maximum of \$131,580

**Source of Funds:** Urban Drainage and Flood Control District  
(using City funding already deposited with the District)

**Policy Issue**

Should the City accept the proposal from Mile High Wetlands Group and purchase wetland replacement credits for the Quail Creek Improvements project?

**Alternative**

Reject the Mile High proposal and revert to a plan of on-site and off-site mitigation nearer the project. This approach is feasible but is certain to cost more and will require a multi-year monitoring and maintenance program. The Army Corps of Engineers has allowed the wetlands banking approach as an alternative and it remains the recommended approach.

**Background Information**

The Quail Creek Drainage Improvement project extends from Huron Street to Osage Street along 134<sup>th</sup> Avenue, going through the Quail Crossing neighborhood. The project design calls for the channel bottom of Quail Creek to be lowered by four to five feet, which will increase the capacity of the existing channel. Portions of 134<sup>th</sup> Avenue will be narrowed to incorporate an eight-foot sidewalk into the new channel cross-section and extend the Quail Creek trail west to Pecos Street from its present terminus on the east side of Huron Street. The primary purpose of the work is to reduce the extent of the jurisdictional floodplain in this area and provide protection from potential flooding. When completed, the improvements should help Quail Crossing homeowners verify to their lenders that flood insurance coverage is no longer required.

The project has direct impacts on 2.13 acres of jurisdictional wetlands and has indirect impacts on another 0.31 acres, the latter area being primarily in the existing Quail Crossing Park. This necessitated developing a wetlands mitigation plan and securing a permit from the US Army Corps of Engineers. Options included mitigation of the wetlands in the project area at an estimated cost of \$170,000. Although the Corps of Engineers supports mitigation close to the site of the impacts, this option did not adequately address the concerns of the neighborhood about mosquito breeding areas and other pests thought to be associated with the existing wetlands. A second option called for mitigation off-site, close to Big Dry Creek and I-25, where it was feasible to expand the existing wetlands. The estimated cost of mitigation under this option was around \$250,000. These two options also require monitoring several years into the future. The third option was to purchase credit in a wetlands bank qualified for that purpose by the Corps of Engineers. These facilities consist of wetlands areas that have been created where none existed before, cultivated for the sole purpose of providing a wetlands “bank.” Construction projects that impact small wetlands areas where mitigation on-site is impossible or uneconomic can petition the Corps of Engineers to allow the project sponsor to purchase credit for the mitigation area at these wetlands banks and thereby meet the wetland permit requirements. In the case of the Quail Creek project, this turned out to be the most economical option.

After several months of negotiation, the Army Corps of Engineers agreed to issue the wetlands permit according to the following general terms: The mitigation plan will consist of 1.73 acres to be purchased from a wetland mitigation bank and 0.4 acres to be mitigated on the project site, primarily in the new channel. The additional indirectly-impacted 0.31 acres will be left undisturbed in Quail Crossing Park and monitored for a period of one year. Should the wetlands die, those acres would be mitigated by purchasing additional wetland bank credits in the same fashion. If those wetlands thrive, they will remain in place.

City staff obtained three proposals from wetland banking organizations that are recognized by the Army Corps of Engineers. The results are listed here:

		<b>Price good until</b>
Mile High Wetlands, LLC	\$64,500 per acre	December 31, 2010
South Platte Wetlands, Inc.	\$65,000 per acre	September 31, 2009
Middle South Platte Wetland Mitigation Bank	\$72,250 per acre	October 31, 2010

It is recommended that the proposal from Mile High Wetlands, LLC be accepted. Under the terms of the proposed purchase agreement, the City will purchase 1.73 acres immediately at a cost of \$111,580 and has the option to purchase the potential additional 0.31 acres at the same unit price until December 31, 2010. If that were necessary, the total outlay for the wetlands credits will be \$131,580. Approval is sought for the latter amount so that the agreement can be signed and the price can be locked in.

The project is being sponsored jointly by the City and the Urban Drainage and Flood Control District (District) under the terms of an intergovernmental agreement (IGA) approved by City Council in May of 2006. The IGA calls for the District to manage the project, and over the past several years the City has deposited its share of the costs with the District. However, the responsibility for the wetlands mitigation belongs to the City, so the purchase agreement being recommended will be between the City and Mile High Wetlands, LLC. Upon approval by the City, the District will make payment on its behalf according to the purchase agreement and the terms of the IGA.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

# Mile High Wetlands Group, LLC

## WETLAND MITIGATION CREDIT PURCHASE AGREEMENT

This AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, is by and between Mile High Wetlands Group, LLC, a Colorado limited liability company ("Mile High") and City of Westminster ("Buyer").

WHEREAS, the U.S. Army Corps of Engineers ("COE") has issued regulations for the establishment and operation of wetland mitigation banks to mitigate the filling, flooding, excavating or draining of specified waters of the United States; and

WHEREAS, the applicable law and regulations provide for the issuance of Section 404 Permits and Authorizations to the general public, for the certification of wetland mitigation banks owned by privately-held entities, and for the authorization of the use of wetland mitigation banks; and

WHEREAS, the Mile High Wetland Bank ("Bank") has been approved by the COE and participating Agencies in accordance with applicable law and regulations pursuant to which Buyer's wetland mitigation requirements for the Proposed Activity described below may be satisfied by the purchase of Wetland Mitigation Credits as provided herein; and

WHEREAS, Buyer wishes to purchase Wetland Mitigation Credits ("Credits") from the Bank in accordance with the terms of this Agreement for the activity ("Proposed Activity") described below:

NOW, THEREFORE, in consideration of the mutually binding covenants herein of the parties, it is agreed as follows:

1. Mile High is constructing and shall operate and monitor the Bank in accordance with the provisions of the Mile High Wetland Bank Instrument between Mile High, the COE and participating Agencies dated October 12, 1999. Each Credit unit shall equate to one tenth of one acre (1/10<sup>th</sup> of 1 acre) of wetland mitigation requirement. The full and complete extent of the interest represented by a mitigation Credit shall be the benefit of obtaining approval of the Proposed Activity by the regulatory agency with jurisdiction in the premises. No interest in water rights or real estate is conveyed hereby. Credits will be evidenced by a Credit Verification Certificate which will be issued by Mile High to Buyer upon full payment as provided below.

2. Mile High agrees to sell and Buyer agrees to buy 17.3 (1.73 acres) Credits for the full purchase price of \$111,580 ("Purchase Price"). Further, Mile High offers to sell to the Buyer and hereby grants to the Buyer the irrevocable option to purchase three and one tenth (3 and 1/10<sup>th</sup>) Credits for twenty thousand dollars (\$19,995) subject to the terms and conditions of this Agreement. The Buyer's option to purchase the additional Credits must be exercised by the Buyer on or before December 31, 2010. If the option to purchase is not exercised on or before that date, the option to purchase shall automatically cease and terminate, neither party shall have any further rights hereunder, at law or in equity. The Buyer's option to purchase shall be exercised in Buyer's sole discretion by the timely delivery of notice to Mile High of Buyer's intent to exercise such option, and shall be memorialized by written amendment to this Agreement.

3. Mile High and Buyer shall schedule a closing within 60 days of the date hereof. Unless otherwise agreed, closing shall occur at the office of Mile High set forth below. The full Purchase Price shall be paid in cash or certified funds at closing.

4. The Proposed Activity for which the Credits are to be applied is generally described as follows: Quail Creek Improvements, Huron St. to Osage St.

5. All notices to the parties pursuant to this Agreement shall be personally delivered or sent by certified mail, return receipt requested, to the following addresses:

If to Mile High:

Mile High Wetlands Group, LLC  
Attn: Lauranne P. Rink  
80 South 27<sup>th</sup> Avenue  
Brighton, CO 80601

If to Buyer:

Address for giving notice:

4800 West 92nd Avenue  
Westminster, Colorado 80031

Notice given by personal delivery shall be effective upon the date of delivery. Notice sent by certified mail shall be effective on the third business day following the date of mailing. The parties may change the address to which notice must be sent under this Agreement by written notice to the other party.

6. This Agreement shall inure to the benefit of and be binding upon the parties and their respective successors, representatives and permitted assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement to become effective as of the day and year first written above.

Mile High Wetlands Group, LLC

By: \_\_\_\_\_  
Lauranne P. Rink  
Its: Manager

CITY OF WESTMINSTER

By: \_\_\_\_\_  
J. Brent McFall  
City Manager

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

(Seal)

Approved as to legal form:

Eugene Mei  
City Attorney

I certify that either an appropriation has been made by the City Council or that sufficient funds have otherwise been made available for the payment of this Agreement.

\_\_\_\_\_  
City Manager

Account No. \_\_\_\_\_



## Agenda Item 8 E

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2008



**SUBJECT:** Second Reading of Councillor's Bill No. 31 re Annexation of the Wadsworth Boulevard/ 98<sup>th</sup> Avenue Right-of-Way

**Prepared By:** Walter Patrick, Planner I

**Recommended City Council Action**

Pass Councillor's Bill No. 31 on second reading annexing portions of the Wadsworth Boulevard/98<sup>th</sup> Avenue right-of-way and adjacent City owned property.

**Summary Statement**

- In the area where Wadsworth Boulevard intersects with 98<sup>th</sup> Avenue, there is a portion of right-of-way and a small area of City owned land that has not been annexed into the City. The size of this area is approximately 1.5 acres. This proposed annexation is to facilitate the widening of Wadsworth Boulevard and the construction of the Wadsworth Boulevard Bridge and Dry Creek Trail.
- The unincorporated area has been entirely contained within the boundaries of the City for more than three years and the required notice pursuant to C.R.S. 31-12-108(2) has been published.
- This Councillor's Bill was approved on first reading by City Council on August 11, 2008.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

- Annexation Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 31

SERIES OF 2008

INTRODUCED BY COUNCILLORS  
**Briggs - Kaiser**

**A BILL**

**FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF  
CONTIGUOUS UNINCORPORATED TERRITORY IN THE SOUTH HALF OF 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 exists an unincorporated parcel of land that is entirely contained within the boundaries of the City of Westminster, and said parcel has been entirely surrounded for a period of time not less than three years; and

WHEREAS, City Council has heretofore adopted Resolution No. 42 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 in the south half of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the south quarter corner of said section 14 from whence the center of section 14 bears north 00°46'37" east and on which the following bearings are based;

Thence north 00°46'37" east, along the east line of the southwest quarter of said section 14, a distance of 835.58 feet to the point of beginning;

Thence north 89°13'23" west a distance of 40.00 feet to a point on the west right-of-way line of Wadsworth Boulevard;

Thence north 00°46'37" east, along said west right-of-way line, a distance of 188.16 feet to a point;

Thence north 43°41'28" west a distance of 20.74 feet to a point of non-tangent curvature, said point lies on the south right-of-way line of west 98th avenue;

Thence along said south right-of-way line being the arc of a non-tangent curve to the left having a central angle of 01°46'51", a radius of 15.00 feet and an arc length of 0.47 feet (chord bears north 88°19'57" west, 0.47 feet) to a point;

Thence south 89°20'37" west, continuing along said south right-of-way line, a distance of 1.87 feet to a point;

Thence north 00°39'23" west a distance of 60.00 feet to a point on the north right-of-way line of west 98<sup>th</sup> avenue;

Thence north 00°46'37" east a distance of 61.84 feet to a point;

Thence north 12°06'09" east a distance of 93.50 feet to a point;

Thence north 00°46'37" east a distance of 167.41 feet to a point;

Thence north 89°13'23" west a distance of 78.81 feet to a point;

Thence north 11°47'11" east a distance of 159.77 feet to a point on the south line of the former Lange Property Annexation to the City of Westminster recorded at reception No. F1444645 in the records of the Jefferson County Clerk and Recorders;

Thence north 89°37'14" east, along said south line, a distance of 118.33 feet to a point on the west line of the Amended Annexation Plat recorded at Reception No. 78088169 of said Jefferson County Records;

Thence south 00°46'37" west, along said west line, a distance of 743.05 feet to a point;

Thence north 89°13'23" west a distance of 30.00 feet to the point of beginning.

Consisting of approximately 65,096 square feet or 1.494 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 11th day of August, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 25th day of August, 2008.

ATTEST:

\_\_\_\_\_  
Mayor

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

APPROVED AS TO LEGAL FORM:

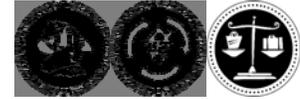
\_\_\_\_\_  
City Attorney's Office



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2008



**SUBJECT:** Second Reading of Councillor’s Bill No. 32 re Spacing Requirements for Liquor Licensed Establishments

**Prepared By:** John Carpenter, Director of Community Development  
Lee Birk, Chief of Police  
Marty McCullough, City Attorney

**Recommended City Council Action**

Adopt Councillor’s Bill No. 32 on second reading amending the Westminster Municipal Code to eliminate spacing requirements for liquor licensed establishments.

**Summary Statement**

- City Code currently provides that no “liquor store” is permitted within 100 feet of any residential developments. Under state law, no liquor license of any type may be considered for any establishment located within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary. However, the same law that creates the 500-foot spacing requirement between liquor licensed establishments and schools provides that this 500-foot limit may be eliminated or reduced by City ordinance for any class of license, or for any type of school or campus.
- The City has previously eliminated the 500-foot spacing requirement between hotel-restaurant licenses and pre-kindergarten schools such as daycare operations, child care facilities, nursery schools, Sunday schools, and similar operations.
- Staff believes that whatever rationale may have existed in the past for these spacing limitations no longer exists and the evolution of the modern principles of new urbanism design warrant a fresh review of these limitations.
- The City of Arvada eliminated the 500-foot limit for all classes of licenses in 2006.
- Councillor’s Bill No. 32 was passed on first reading on August 11, 2008.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **32**

SERIES OF 2008

INTRODUCED BY COUNCILLORS  
**Dittman - Major**

**A BILL  
FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE  
CONCERNING ELIMINATING DISTANCE LIMITS FOR LIQUOR ESTABLISHMENTS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-4-6, subsection (G), W.M.C., is hereby AMENDED to read as follows:

**11-4-6: SPECIAL REGULATIONS:**

**(G) ADJACENT LAND USE RESTRICTIONS.**

1. In the R3 and R4 Districts, no single structure containing more than two units shall be located immediately adjacent to an existing one-family dwelling.
2. No manufacturing is permitted in conjunction with sales in B1, C1, and C2 Districts.
3. No wall of any drive-in business, ~~liquor store~~, automobile wash facility, or automobile service station is permitted within 100 feet of any residential district boundary.

Section 2. Sections 5-14-13 and 5-14-14, W.M.C., are hereby AMENDED as follows:

**5-14-13: ~~DISTANCE REQUIREMENT FOR HOTEL RESTAURANT LICENSES: (2229)~~**

~~(A) The Special Permit and License Board is hereby authorized to eliminate or reduce the distance restriction imposed by Sec 12-47-313 (d)(I), C.R.S. for hotel restaurant licenses when requested to do so by a licensee or applicant.~~

~~(B) The Board shall conduct a public hearing after notice, which hearing shall be conducted concurrently with the hearing for license application. Additionally, the school board or the school principal of each school within 500 feet of the proposed location shall be notified and requested to give the views of the school in writing.~~

~~(C) Before eliminating the restriction or reducing the distance, the Board shall consider the following:~~

- ~~1. The distance of the school from the proposed location.~~
- ~~2. The type of school or the grade levels being taught.~~
- ~~3. The written opinions from the Board or principal of schools within 500 feet if any opinions have been submitted.~~
- ~~4. The hours of operation of the proposed establishment~~
- ~~5. The type of food and entertainment at the proposed establishment.~~
- ~~6. Customary pedestrian and vehicular traffic from the schools to or near the proposed location.~~
- ~~7. The opinions of the adult inhabitants of the neighborhood concerning the elimination or reduction of distance requirements for the particular establishment.~~

**~~5-14-14: DISTANCE RESTRICTION ELIMINATED FOR CERTAIN SCHOOLS:~~** (2395 3325)

~~(A) — The distance restriction imposed by Section 12-47-313(1)(d), C.R.S., for ~~hotel-restaurant~~ THE CLASSES OF licenses AUTHORIZED PURSUANT TO SECTION 12-47-401, C.R.S., is hereby eliminated. ~~for institutions or facilities which serve children preceding their entrance to the first grade in public, private or parochial schools. Such institutions or facilities include, but are not limited to, those described or known as day schools, preschools, child care centers, day care centers, day nurseries, nursery schools, kindergartens, play groups, day camps, summer camps, learning centers, child development centers, religious training programs such as Sunday schools or vacation bible schools and centers for developmentally disabled children.~~~~

~~(B) — This Section 14 is separate and distinct, and shall not affect the provisions of Section 5-14-13 relating to a school which is part of a public, private or parochial school system of at least six grades and which serves children at or beyond their entrance into the first grade.~~

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 11<sup>th</sup> day of August, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 25th day of August, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney's Office



## Agenda Item 9 A

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2008



**SUBJECT:** Resolution No. 43 re Appointments to Boards and Commissions

**Prepared By:** Linda Yeager, City Clerk

**Recommended City Council Action**

Adopt Resolution No. 43 to fill vacancies on the Election Commission, the Open Space Advisory Board, and the Special Permit and License Board.

**Summary Statement**

- City Council action is requested to appoint citizens to fill vacancies in alternate and regular memberships on three Boards and Commissions. The vacancies are the result of resignations received in recent months.
- Having interviewed interested applicants, City Council's action is requested to appoint three individuals to fill existing vacancies on the Election Commission, the Open Space Advisory Board, and the Special Permit and License Board and to name existing alternates to regular membership on the latter two Boards.
- Interviewees who are not being appointed to serve immediately will be included in a pool of eligible applicants to fill vacancies that might arise during the remainder of 2008.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Does City Council want to fill vacancies on Boards and Commissions so a full complement of members can fulfill the duties established for each Board or Commission?

**Alternative**

None identified

**Background Information**

Since May of this year, three appointees to Boards and Commissions have resigned, creating vacancies on the Election Commission, the Open Space Advisory Board, and the Special Permit and License Board. The specifics on each of these vacancies are as follows.

Jeremy James was appointed a regular member of the Election Commission in May and with regret had to resign when his employment was relocated out-of-state. The attached resolution names Paul Gannon to fill Mr. James' unexpired term that will expire on December 31, 2009.

Sandra Goodwin, a member of the Open Space Advisory Board since 2002, has resigned because she has moved from the City. To fill Ms. Goodwin's unexpired term the attached resolution names JoAnn Price, currently the alternate member, to regular membership and Sarada Krishnan as the alternate member. Both terms of appointment also will expire December 31, 2009.

Frank Jaime, who was appointed to the Special Permit and License Board in 1998, resigned in recent months. To fill this vacancy the attached resolution names Martha Brundage, the current alternate member, to regular membership and Janel Chin as the alternate member. Both terms of office will expire December 31, 2009.

The duties of each of the City's Boards and Commissions support Council's strategic goals in many ways. The Open Space Advisory Board supports the goals of vibrant neighborhoods and commercial areas and of beautiful City. The Special Permit and License Board supports Council's goals of a safe and secure community through objective hearings and fair penalties on Liquor Code violations and of financial sustainability through timely hearings and decisions concerning the issuance of new liquor licenses.

Interested citizens who were interviewed but not appointed to a Board or Commission now will be listed in a pool of eligible applicants to fill vacancies that might occur during the remainder of 2008.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **43**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

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**CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS**

WHEREAS, Members of three City Boards and Commissions have submitted resignations, creating vacancies in the offices they had filled; and

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

WHEREAS, City Council interviewed citizens who had applied for appointment to Boards and Commissions of interest to them personally.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint the following individuals to regular membership on the City of Westminster Board or Commission with terms of office to expire as listed.

<b>BOARD/COMMISSION</b>	<b>APPOINTEE</b>	<b>TERM EXPIRES</b>
Election Commission	Paul Gannon	December 31, 2009
Open Space Advisory Board	JoAnn Price	December 31, 2009
Special Permit & License Board	Martha Brundage	December 31, 2009

The following individuals are appointed to alternate memberships as listed.

<b>BOARD/COMMISSION</b>	<b>APPOINTEE</b>	<b>TERM EXPIRES</b>
Open Space Advisory Board	Sarada Krishnan	December 31, 2009
Special Permit & License Board	Janel Chin	December 31, 2009

PASSED AND ADOPTED this 25<sup>th</sup> day of August, 2008.

ATTEST:

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Mayor

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City Clerk



## Agenda Item 10 A&B

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 25, 2008



**SUBJECT:** Public Hearing and Resolution No. 44 re Application to Designate the Penguin Building (7265-7269 Lowell Boulevard) as a Local Historic Landmark

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

#### Recommended City Council Action

1. Hold a public hearing on the application to designate the Penguin Building a local historic landmark.
2. Adopt Resolution No. 44 designating the Penguin Building, 7265-7269 Lowell Boulevard, as a local historic landmark pursuant to Section 11-13-7 of the Westminster Municipal Code.

#### Summary Statement

- An application has been submitted by Mary Lou Nielsen to designate the Penguin Building as a local historic landmark.
- The Penguin Building is located at 7265-7269 Lowell Boulevard. It was built in 1951, is 57 years old, exemplifies the economic and social heritage of the community, and represents an association with notable persons in the history of Westminster.
- The Historic Landmark Board recommends that the Penguin Building be designated as a local historic landmark.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

## **Policy Issue**

Should the Penguin Building located at 7265-7269 Lowell Boulevard and owned by Mary Lou Nielsen, be designated a local historic landmark?

## **Alternatives**

1. Do not designate the site as a local historic landmark.
2. Modify the list of architectural features that should be designated as contributing to the historic significance of the building.

Staff does not recommend holding off on the designation of the Penguin Building as a local historic landmark. The building is one of the few significant examples of early commercial construction in Westminster and conveys a sense of history of the time in which it was built.

## **Background Information**

The Penguin Building was built in 1951 and was a significant commercial building, housing not only the Penguin Pharmacy, but also the post office, law offices and “above-the-shop” residences. It is an example of the style of mixed retail and residential use that modern downtowns are now imitating. It was nominated by Mary Lou Nielsen, who has owned the building (with her husband) since it was built. It was nominated because it exemplifies the economic and social heritage of the community and represents an association with notable persons in the history of Westminster. W.M.C. section 11-13-5(A)(10,11). The Historic Landmark Board found that the Penguin Building is historically significant and recommended that it be designated a local historic landmark.

## **Architectural Description:**

The Penguin Building is two stories with commercial space on the ground level and four residential units and a meeting space on the second floor. It was constructed in 1951 for Raymond and Mary Lou Nielsen by a builder named Mr. Summers. Mrs. Nielsen’s father, Ira Welt, and Mr. Nielsen also helped with the construction. The front façade masonry was completed by Mr. Parriott. A concrete block structure with blond brick front veneer, the 60-foot-wide façade features a stepped parapet and contrasting colored brick decorative features on the parapet. The roof behind the façade slopes to the back of the building and is not visible from the public street. The façade includes five casement windows on the second floor elevation, with two windows narrower in width than the other three. The ground floor elevation includes three doors with transom lights above each and four large windows. All windows have sloped brick sills. The sides of the building are not visible from the public street except for some of the windows into the second floor residential areas.

The nomination does not include the garage/storage building behind the Penguin Building.

## **Historical Significance**

The historical significance of the building is explained in detail in the attached Historic Landmark Application. The Penguin Building was built in 1951 by Raymond and Mary Lou Nielsen to house their pharmacy. It remains in the ownership of Mary Lou Nielsen today, Raymond having passed away in 1999.

The Penguin Pharmacy opened in the new Penguin Building on Lowell Boulevard on October 13, 1951. At that time, it joined a growing commercial district between 72<sup>nd</sup> and 73<sup>rd</sup> on Lowell Boulevard that included the Westminster Hardware Store, the Harris Park Creamery, the Post Office, Drs. Reynolds and Platt's offices, the Westminster Variety Store, and Rheba's Beauty Bar. The Post Office remained in the north half of the building until it moved to its current Meade Street location in 1960. The second floor of the Penguin Building housed law and dental offices and the Republican Party headquarters. The rear two apartments have always been residential.

### **Compliance with Westminster Municipal Code**

The Westminster Municipal Code requires an application to include the following content:

1. Description of the characteristics of the proposed historic landmark that justify its designation pursuant to this chapter,
2. A description of the particular features that should be preserved, and
3. A legal description of the location and boundaries of the historic property.

In compliance with Westminster Municipal Code, the application provides the name, location, legal description, and owner of the proposed landmark. It further provides a statement of significance with information to support the following criteria for designation:

- It exemplifies the economic and social heritage of the community, and
- Represents an association with notable persons in the history of Westminster.

Notice of the August 25, 2008, public hearing was published in the Westminster Window on August 21, 2008. The property was posted by City Staff on August 21, 2008. The application was referred to the Westminster Historical Society on August 4, 2008, as required by the Westminster Municipal Code.

Section 11-13-7(A)(3) requires the Director of Community Development to review an application in the following respects: (a) its relationship to the comprehensive plan; (b) the effect of the designation on the surrounding neighborhood; (c) the criteria set forth in this chapter; and (d) such other planning considerations as may be relevant to the proposed designation.

The site is zoned commercial. The landmark designation should be beneficial to the neighborhood because designation will help the neighborhood understand the history of the area and will protect the defining architectural characteristics of the building, thereby supporting the historic character of the neighborhood. The application appears to meet the criteria set forth in the ordinance.

### **City Council Findings**

The City Council needs to consider the following issues:

1. Does the building meet the ordinance requirements for historical significance justifying its designation as a local historic landmark?
2. What features of the building should be preserved in order to maintain its historical integrity?
3. The Council's decision must also include the name, location and legal description of the designated landmark.

**Recommendations by the Historic Landmark Board**

The Historic Landmark Board recommends to the Westminster City Council that the Penguin Building be designated as a local historic landmark pursuant to Section 11-13-7 of the Westminster Municipal Code. The architectural features that they recommend be preserved are described in their attached resolution. These features have been included in the proposed City Council resolution, also attached.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

Proposed Resolution  
Historic Landmark Board Resolution 2008-004  
Historic Landmark Application

RESOLUTION

RESOLUTION NO. 44

INTRODUCED BY COUNCILLORS

SERIES OF 2008

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**A RESOLUTION  
TO DESIGNATE THE PENGUIN BUILDING, 7265-7269 LOWELL BOULEVARD,  
AS A LOCAL HISTORIC LANDMARK**

WHEREAS, the Penguin Building, 7265-7269 Lowell Boulevard, is historically significant because

1. It represents a style associated with the Westminster area and is at least 50 years old,
2. It exemplifies the economic and social heritage of the City, since it was an anchor building in the mid-20<sup>th</sup> century commercial district of Westminster,
3. It represents an association with notable persons in the history of Westminster, Raymond and Mary Lou Nielsen, who established the first pharmacy in Westminster and was closely involved in establishing the first ambulance service and bringing physicians to the community to improve health care for its residents.

WHEREAS, the owner of the Penguin Building, Mary Lou Nielsen, has nominated the building as a local historic landmark, and

WHEREAS, the Historic Landmark Board adopted its Resolution 2008-004 in which the Board found that the Penguin Building is historically significant and designated the architectural features that the Board recommended should be preserved,

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The Penguin Building is hereby designated as a local historic landmark pursuant to Section 11-13-7 of the Westminster Municipal Code.
2. Description of features that should be preserved:

The Penguin Building is a two-story concrete block structure with blond brick front veneer. The 60-foot-wide façade features a stepped parapet and contrasting colored brick decorative features on the parapet. The roof behind the façade slopes to the back of the building and is not visible from the public street. The façade includes five casement windows on the second floor elevation, with two windows narrower in width than the other three. The ground floor elevation includes three doors with transom lights above each and four large windows. All windows have sloped brick sills. The sides of the building are not visible from the public street except for some of the windows into the second floor residential areas.

3. The legal description and location of the property are:

**Address or location:** 7265-7269 Lowell Boulevard  
Westminster, Colorado

**Legal description:** The south 61 feet of the north 210 feet of the East one-half of Block 43, Harris Park Subdivision, except the west eight feet for the alley, and excluding Lowell Boulevard, City of Westminster, Adams County, Colorado

**UTM coordinates:** NAD 27: east 497,080.303 north 4,408,526.635 meters  
NAD 83: east 497,034.437 north 4,408,735.006 meters

PASSED AND ADOPTED this 25<sup>th</sup> day of August, 2008.

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Nancy McNally, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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City Clerk

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City Attorney

RESOLUTION

RESOLUTION NO. 2008-004

INTRODUCED BY BOARD MEMBER

SERIES OF 2008



WHEREAS, the Penguin Building is historically significant because:

1. The Penguin Building represents a style associated with the Westminster area and is at least 50 years old,
2. The Penguin Building is historically significant because it exemplifies the economic and social heritage of the City, since it was an anchor building in the mid-20<sup>th</sup> century commercial district of Westminster,
3. It represents an association with notable persons in the history of Westminster, Raymond and Mary Lou Nielsen, who established the first pharmacy in Westminster and were closely involved in establishing the first ambulance service and bringing physicians to the community to improve health care for its residents.

WHEREAS, the City Staff has caused the historical significance of the property to be documented and the owner has applied to this Board for a recommendation as to whether the property should be designated as a historic landmark,

NOW, THEREFORE, the Historic Landmark Board of the City of Westminster resolves that:

1. The Board recommends to the Westminster City Council that the Penguin Building be designated as a local historic landmark pursuant to Section 11-13-7 of the Westminster Municipal Code.
2. Description of features that should be preserved:

The Penguin Building is a two-story concrete block structure with blond brick front veneer. The 60-foot-wide façade features a stepped parapet and contrasting colored brick decorative features on the parapet. The roof behind the façade slopes to the back of the building and is not visible from the public street. The façade includes five casement windows on the second floor elevation, with two windows narrower in width than the other three. The ground floor elevation includes three doors with transom lights above each and four large windows. All windows have sloped brick sills. The sides of the building are not visible from the public street except for some of the windows into the second floor residential areas.

3. The legal description and location of the property are:

**Address or location:** 7265-7269 Lowell Boulevard  
Westminster, Colorado

**Legal description:** The south 61 feet of the north 210 feet of the East one-half of Block 43, Harris Park Subdivision, except the west eight feet for the alley, and excluding Lowell Boulevard, City of Westminster, Adams County, Colorado

**UTM coordinates:** NAD 27: east 497,080.303 north 4,408,526.635 meters  
NAD 83: east 497,034.437 north 4,408,735.006 meters

PASSED AND ADOPTED this 13<sup>th</sup> day of August, 2008.

  
Chan

ATTEST:

  
Nancy Benson

# City of Westminster

## Historic Landmark Application

**Name of Building:** Penguin Building

**Location:** 7265-7269 Lowell Boulevard  
Westminster CO 80030

**Legal description:** The south 61 feet of the north 210 feet of the East one-half of Block 43, Harris Park Subdivision, except the west eight feet for the alley, and excluding Lowell Boulevard, City of Westminster, Adams County, Colorado



**State of Colorado Resource No.:** None

**UTM coordinates:**

NAD 27: east 497,080.303 north 4,408,526.635 meters  
NAD 83: east 497,034.437 north 4,408,735.006 meters

**Nominated by:** Mary Lou Nielsen

**Property owner:** Mary Lou Nielsen

**Criteria for designation pursuant to W.M.C. section 11-13-5:**

10. Exemplifies cultural, political, economic or social heritage of the community.
11. Represents an association with a notable person or the work of a notable person.

**Architectural Description:**

The Penguin Building is two stories with commercial space on the ground level and four residential units and a meeting space on the second floor. It was constructed in 1951 for Raymond and Mary Lou Nielsen by a builder named Mr. Summers. Mrs. Nielsen's father, Ira Welt, and Mr. Nielsen also helped with the construction. The front façade masonry was completed by Mr. Parriott. A concrete block structure with blond brick front veneer, the 60-foot-wide façade features a stepped parapet and contrasting colored brick decorative features on the parapet. The roof behind the façade slopes to the back of the building and is not visible from the public street. The façade includes five casement windows on the second floor elevation, with two windows narrower in width than the other three. The ground floor elevation includes three doors with transoms above each and four large windows. All windows have sloped brick sills. The sides of the building are not visible from the public street except for some of the windows into the second floor residential areas.

The nomination does not include the garage/storage building behind the Penguin Building.

## **Summary**

The Penguin Building is historically significant because it exemplifies the economic and social heritage of the City, since it was an anchor building in the mid-20<sup>th</sup> century commercial district of Westminster, and it represents an association with notable persons in the history of Westminster, Raymond and Mary Lou Nielsen, who established the first pharmacy in Westminster and were closely involved in establishing the first ambulance service and bringing physicians to the community to improve health care for its residents.

## **Historical Significance**

The Penguin Building was built in 1951 by Raymond and Mary Lou Nielsen to house their pharmacy. It remains in the ownership of Mary Lou Nielsen today, Raymond having passed away in 1999.

The business was named the Penguin Pharmacy because, according to Mary Lou, the Penguin was their “love bird.” During World War II, Raymond was working in Hudson’s Drug Store in Golden and Mary Lou was working as a chief price clerk for the Ration Board. Mary Lou was in Hudson’s and saw men’s cologne bottles in the shape of penguins. As a prank, she turned the heads on the bottles backward three days in a row. A grouchy pharmacist (Raymond) caught her on the third day and “yelled” at her. He then inquired further about her identity and started dating her.

The Niensens moved to Westminster in 1947 as newlyweds. Raymond had just been discharged from the Army where he was awarded the Silver Star and worked as a medic in Okinawa and in the South Pacific. He received “mustering-out” pay and Mary Lou received a severance payment from her job, which they used to buy 3965 West 73<sup>rd</sup> Avenue, christening it the Penguin Pharmacy. Raymond was a pharmacist and they operated their drug store from 8am to 10pm, seven days a week.

The Niensens added onto the rear of this building and lived there. Raymond was also the unofficial town “physician”. Both people and animals were brought to him for medical care. He recruited two Denver doctors (Drs. Chambers and Ashman) to come to Westminster two days a week to see patients. The Niensens added on to the west side to create a doctor’s office. Dr. Chambers eventually bought Roy Barnes’ ranch north of Westminster (current Shaw Heights area).

Ray Nielsen played a central role in starting ambulance service for Westminster. A calf was donated for the purpose of raising money to buy an ambulance. The Niensens kept the calf in their backyard on 73<sup>rd</sup> Avenue, fattened it, and auctioned it off. The cash was used to buy an ambulance for the town. Ray, Carl Jacobsen and Lola Eggman were among the charter members of the District 50 ambulance service. Ambulance driving

and first aid was carried out by volunteers. The ambulance took patients to St. Anthony's Central Hospital in Denver.

The Penguin Pharmacy opened in the new Penguin Building on Lowell Boulevard on October 13, 1951. Mary Lou's sister Norma, also a Westminster resident and business owner, was one of the "soda jerks" who served up refreshments to the teen crowd that gathered at the soda fountain. The 1600 square foot pharmacy was open from 8am to 10pm and, according to the Westminster Journal ads, it featured nationally advertised brands, such as Russell Stover's candies, American Greeting cards, a complete gift line, film, cameras and film developing, a cosmetic bar, school supplies, and money orders, and Public Service gas bills could be paid there. The building suffered a fire in 1957 that started in a second-floor law office and caused considerable smoke damage.

At that time, it joined a growing commercial district between 72<sup>nd</sup> and 73<sup>rd</sup> on Lowell Boulevard that included the Westminster Hardware Store, the Harris Park Creamery, the Post Office, Drs. Reynolds and Platt's offices, the Westminster Variety Store, and Rheba's Beauty Bar. The Post Office remained in the north half of the building until it moved to its current Meade Street location in 1960. The second floor of the Penguin Building housed law and dental offices and the Republican Party headquarters. The rear two apartments have always been residential. After the post office moved out, the Penguin Building was used as a dance studio, a pottery studio, a pool hall, and new and used store, a restaurant and is currently a martial arts studio. The first floor has raised wood floors suitable for dance and martial arts, large windows and 14-foot ceilings. The second floor ceilings are 10 to 12-feet high.

Behind the Penguin Building is a garage that was originally a barn moved from Bradburn Boulevard. The oral history is that it had been moved from Moffat, Colorado, to Bradburn and is very old. It has been stuccoed and has garage doors installed in the side. The alterations make it difficult to discern its barn origins. The owner does not wish to include the garage in the landmark nomination.

**Sources:**

Harris Park & Pillar of Fire Neighborhoods, Transportation Resources Survey Report (City of Westminster 2006-07)

Adams County Assessor's Office, Public Records

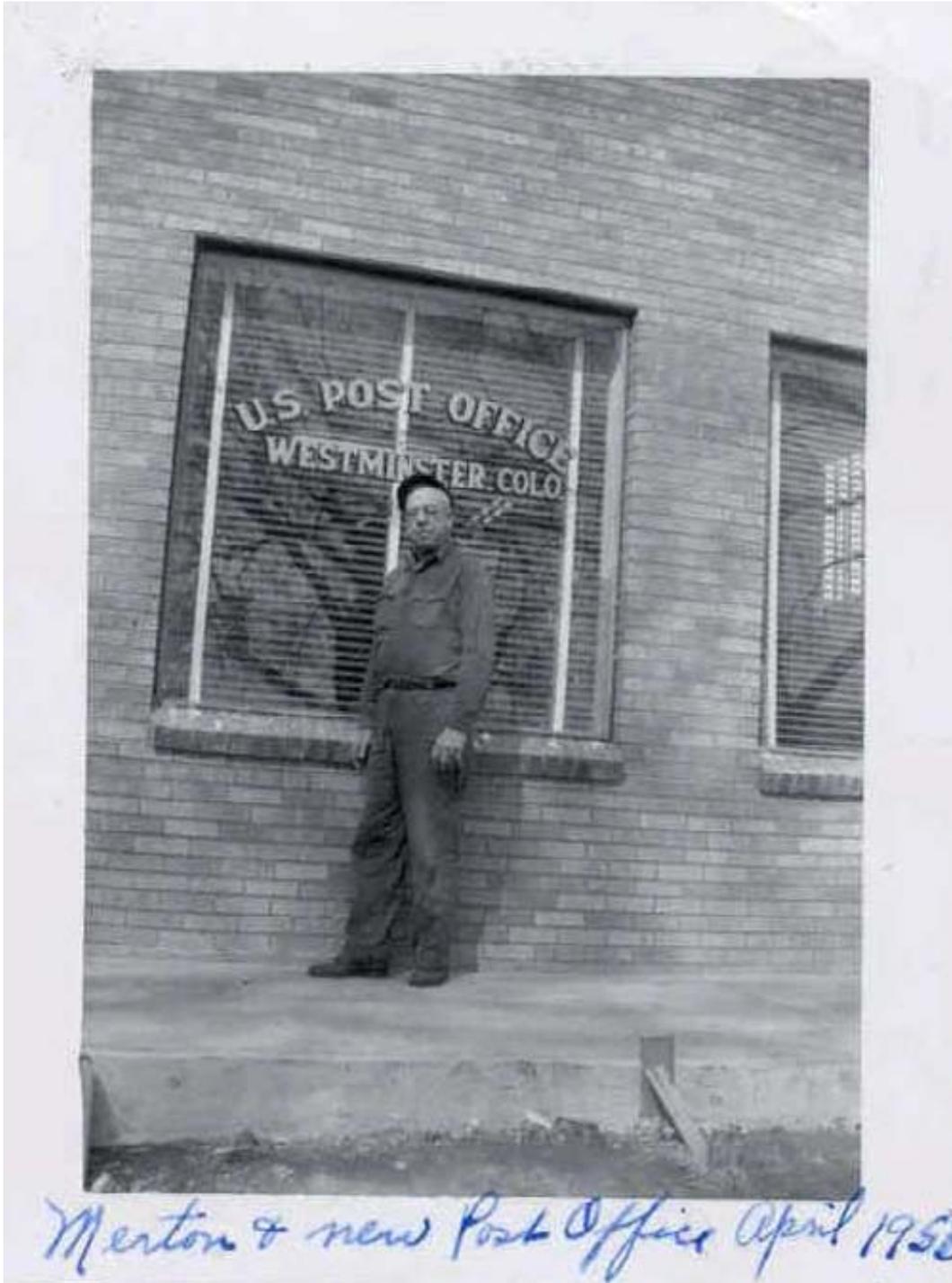
Westminster Historical Society, A Walk Through Westminster History – A Self Guided Tour – Lowell Blvd.

Westminster Journal, October 12, 1951, August 14, 1953, December 5, 1957.

Interview with Mary Lou Nielsen, June 30, 2008, Westminster, Colorado

Interview with Norma Bays, June 30, 2008, Westminster, Colorado

## Appendices



*Merton & new Post Office April 1958*

**Merton Williams in front of the new post office in the north half of the Penguin Building, April 1958**



**Portion of north elevation visible from Lowell Boulevard**



**Portion of south elevation visible from Lowell Boulevard**



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2008



**SUBJECT:** Resolution No. 45 re Carry Forward Balance of 2008 Private Activity Bond Allocation

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

**Recommended City Council Action**

Adopt Resolution No. 45 approving the carry forward of the City of Westminster's 2008 Private Activity Bond (PAB) allocation in the amount of \$4,537,513 for the qualified purposes set forth in the resolution, and authorize the Mayor to execute the documents necessary to preserve this allocation.

**Summary Statement**

- The City's 2008 PAB allocation is \$4,537,513. The allocation is issued by the State of Colorado pursuant to federal legislation, and is required for municipalities wanting to issue bonds for certain "private activities" such as residential mortgage programs, construction of affordable rental housing, and certain industrial projects.
- The City's 2008 PAB allocation has not been assigned to any project, nor has the City received any proposals to utilize the funds to date. If the City's PAB allocation is not carried forward by September 15, 2008, it will revert to the State pool. To maintain flexibility and not lose the allocation, the City may keep the allocation by passing a resolution stating that the allocation will be used for a qualified carry-forward purpose.
- Qualified carry forward purposes include:
  - Qualified single-family mortgage revenue bonds, and mortgage credit certificates;
  - Qualified manufacturing industrial development bonds;
  - Qualified residential rental multifamily housing bonds;
  - Student loans;
  - Certain types of exempt facility bonds; and
  - Qualified redevelopment bonds.
- The attached Resolution has been reviewed and approved by the City Attorney's Office and is ready for City Council's formal action. This Resolution will formally carry forward \$4,537,513 of the City's 2008 PAB allocation. Staff will then proceed to identify specific recommended project(s) for private activity bond financing prior to February 15, 2009, as required by state law. If a specific designation of the use of the City's PAB allocation is not made by February 15, 2009, the City and the State will lose this allocation.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Should the City carry forward the City's 2008 Private Activity Bond allocation or allow the \$4,537,513 allocation to revert back to the State pool?

**Alternative**

Take no action, and allow the City's allocation to revert to the State pool. This option is not recommended; as it would limit the options that City Council would have for use of the PAB allocation. The action to carry forward the allocation is routinely used and is acceptable to the State of Colorado, acting as the administrative agent for the federal government.

**Background Information**

When cities intend to issue tax-exempt bonds to finance certain eligible "private activities" as allowed by the Internal Revenue Code, they can do so only to the extent they have received a PAB allocation from the federal government. Each year, the City of Westminster receives an allocation of private activity bonds to use towards bond financing of certain eligible "private activities" as defined by federal law. The issuance of low-interest, tax-exempt bonds can save developers and the City from the higher costs of commercial financing that can provide a significant savings to the project. Such bonds can also be used to provide subsidies for certain qualified homebuyers. The PAB financing further allows cities to sponsor community development activities that they deem important.

If the PAB allocation is not specifically designated to a specific project by September 15, 2008, federal law allows the allocation to be carried forward and preserved through February 15<sup>th</sup> of the following year. By February 15, 2009, a specific assignment of the allocation must be made or the City and the State will lose the PAB allocation. To maintain flexibility and to consider competitive projects, it is important that the City act to carry forward this allocation.

In recent years, PAB has been allocated by the City Council for both single-family and multi-family residential purposes. The attached resolution carries forward the allocation so that possible projects can be studied further. No requests have been received for private activity bonds or exempt facilities. Qualified redevelopment bonds are rarely used in Colorado because of limitations that make them infeasible as a source of financing except in very large blighted areas. The City will be receiving its 2009 allocation by the end of this year and will have the opportunity to assist any new proposed projects in 2009.

This action is consistent with City Council actions in past years and is considered routine by the State of Colorado, the administrative agent for the PAB program.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 45

INTRODUCED BY COUNCILLORS

SERIES OF 2008

**A RESOLUTION**

**EXPRESSING THE INTENT OF THE CITY OF WESTMINSTER TO ISSUE OR CAUSE BONDS TO BE ISSUED IN AN APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$4,537,513 FOR QUALIFIED MORTGAGE BONDS, ONE OR MORE QUALIFIED RESIDENTIAL RENTAL PROJECTS, OR ONE OR MORE QUALIFIED REDEVELOPMENT PROJECTS; AND AUTHORIZING THE OFFICERS, EMPLOYEES AND AGENTS OF THE CITY TO PROCEED AND CONTINUE WITH STEPS PRELIMINARY TO THE ISSUANCE OF SUCH BONDS.**

WHEREAS, the City of Westminster (the "City"), is a municipal corporation duly organized and existing as a home-rule municipality under Article XX of the State Constitution (the "Constitution") and laws of the State of Colorado; and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, pursuant to the Private Activity Bond Ceiling Allocation Act, Title 24, Article 32, Part 17, of Colorado Revised Statutes (the "Allocation Act"), the City has been allocated private activity bond "volume cap" for 2008, the amount of which is \$4,537,513; and

WHEREAS, the City intends and proposes to authorize, issue, sell and deliver, bonds in an approximate aggregate principal amount of \$4,537,513, in one or more series, for (1) qualified redevelopment purposes as described in Section 144(c) of the Internal Revenue Code of 1986, as amended (the "Code") OR (2) qualified mortgage bonds as described in section 143 of the code, or (3) qualified residential rental projects as described in Section 142(d) of the Code, together with the costs of funding any reserve funds for the bonds (the "Bonds"), the costs of securing the Bonds and costs incidental to the authorization, issuance and sale of the Bonds (collectively, the "Project").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, IN THE COUNTIES OF ADAMS AND JEFFERSON, STATE OF COLORADO:

Section 1. All action not inconsistent with the provisions of this resolution heretofore taken by the City Council, and the officers, employees and agents of the City, directed toward the Project, and the issuance and sale of the Bonds therefore, is hereby ratified, approved and confirmed.

Section 2. The City intends to issue, or cause to be issued by another qualified issuer, the Bonds in the approximate aggregate principal amount of \$4,537,513 to pay the cost of the Project, upon terms acceptable to the City as set forth in a bond ordinance or resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

Section 3. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by this resolution, including without limiting the generality of the foregoing, the following:

- (i) Carrying forward the City's unused private activity bond volume cap allocation for 2008 pursuant to Section 146(f) of the Code;

- (ii) Notifying the Colorado Department of Local Affairs prior to September 15, 2008, of the City's desire to treat its initial 2008 allocation of private activity bond volume cap as an allocation to the Project;
- (iii) Obtaining, if necessary, an additional share of the allocation for 2008 allotted to the State of Colorado pursuant to Section 146 of the Internal Revenue Code of 1986, as amended (the "Code");
- (iv) Assigning, if necessary, the City's 2008 allocation of private activity bond volume cap to another qualified issuer.

Section 4. The cost of financing the Project will be paid out of the proceeds of the Bonds or other available moneys of the City.

Section 5. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 6. If any section, paragraph, clause or provision of this resolution or the question shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution or the question.

Section 7. All acts, orders and resolutions, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 8. This resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED this 25th day of August, 2008.

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney's Office

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

I, Linda Yeager, the City Clerk of the City of Westminster, Colorado do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the City Council (the "Council") of the City at a meeting of the Council held on August 25, 2008.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of August 25, 2008, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye: None

Those Voting Nay: None

Those Absent: None

Those Abstaining: None

3. The members of the Council were present at such meeting and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Mayor, sealed with the City seal, attested by the Clerk and recorded in the minutes of the Council.

5. There are no bylaws, rules or regulations of the Council, which might prohibit the adoption of said Resolution.

6. Notice of the meeting of August 25, 2008, in the form attached hereto as Exhibit A was posted at the City Hall, Westminster, Colorado, not less than 24 hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of said City affixed this 26<sup>th</sup> day of August, 2008.

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City Clerk

(SEAL)



## Agenda Item 10 D

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2008



**SUBJECT:** Resolution No. 46 re Right-of-Way Acquisition for McKay Lake Outfall Drainage Improvements

**Prepared By:** Stephen C. Baumann, Assistant City Engineer

**Recommended City Council Action**

Adopt Resolution No. 46 authorizing City Staff to proceed with the acquisition of rights-of-way and easements necessary for the McKay Lake Outfall Drainage Improvements project, including the use of eminent domain in Thornton and Adams County, if necessary; and authorize a total of \$810,000 for the expenses to acquire the necessary property interests, including title work, negotiation services and real property appraisals.

**Summary**

- The final design of the McKay Lake Outfall Drainage Improvements project is underway. The project will provide the drainage channel and structures needed to confine a significant shallow floodplain now present in Westminster and Thornton between Huron Street and Washington Street from 136<sup>th</sup> Avenue to 144<sup>th</sup> Avenue. The project is jointly sponsored by the two cities under an intergovernmental agreement (IGA) approved by City Council in October 2006.
- The project necessitates acquisition of certain property rights from at least eight ownerships in Thornton and Adams County. The IGA makes Westminster responsible for the activities needed to secure the right-of-way and includes the services of appraisers, title companies, acquisition agents and the cost of the easements/rights-of-way themselves.
- The attached Resolution will allow City Staff to pursue the activities needed to acquire the necessary rights-of-way and easements for the project. Staff expects that the acquisitions can be accomplished through negotiation, but is requesting authority to use the City's power of eminent domain if negotiations with the property owners do not result in timely possession of the parcels necessary to start construction.

**Expenditure Required:** \$810,000

**Source of Funds:** General Capital Improvement Fund  
- McKay Lake Outfall Drainage Improvements Account

**Policy Issue**

Should the City proceed with right-of-way acquisitions for the McKay Lake Outfall project?

**Alternative**

The City Council could decide to not proceed with these acquisitions at this time. Staff does not recommend this action as this would create significant delays and modifications of the McKay Lake Outfall project.

**Background Information**

This \$8 million project will construct a drainage channel and the appurtenant structures needed to confine a wide-spreading, shallow floodplain that affects approximately 130 acres in the area from Huron Street to Washington Street between 136<sup>th</sup> Avenue and 144<sup>th</sup> Avenue. The improvements will extend to Big Dry Creek just east of Washington Street in unincorporated Adams County. The project is being jointly sponsored by the cities of Westminster and Thornton under the terms of an intergovernmental agreement (IGA) approved by City Council in October of 2006. The IGA sets up a cost-sharing method for the project and gives overall project management responsibility to Westminster.

There are at least eight ownerships from which rights-of-way must be acquired to make the improvements, most of which are east of I-25 in Thornton and unincorporated Adams County. Appraisals will be prepared to value the property rights being acquired with negotiations and acquisition offers to follow. The project sponsors intend to secure these rights-of-way so that the construction project can be underway in the first part of 2009. The owners of properties located west of I-25 are expected to dedicate the needed rights-of-way as part of the development approval process.

Public awareness of the project and Staff's contact with the property owners has been through open-houses and individual meetings, and there are indications that most of the acquisitions can be accomplished through negotiations. However, if the negotiations are not successful, the City must be prepared to pursue condemnation proceedings under the City's eminent domain authority. The attached resolution spells out the need and purpose of the project and gives City Staff the authority to proceed with the activities necessary to determine the value of the rights-of-way, negotiate for their acquisition and/or use eminent domain to condemn the necessary property rights.

Approval is sought for the expenditure of up to \$810,000 to secure the rights-of-way needed for the project. This figure is an estimated amount and includes costs of title commitments and insurance, real estate appraisals as required by statute, and the services of a land acquisition agent to negotiate and close the purchases. Contracts for many of these activities will be less than \$50,000 and will be approved administratively as noted in the resolution. Some allowance is also given for the cost of one or more condemnation actions that would likely require the services of outside counsel.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **46**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

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**A RESOLUTION  
AUTHORIZING RIGHT-OF-WAY ACQUISITION FOR  
MCKAY LAKE OUTFALL DRAINAGE IMPROVEMENTS**

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to acquire certain property rights from owners of land in Westminster, Thornton and Adams County to accommodate the construction of the McKay Lake Outfall Drainage Improvements in the project area shown on the attached Exhibit A; and

WHEREAS, the City will determine the fair market value of the property rights being acquired in each of the parcels; and

WHEREAS, the City will make an earnest good faith offer to purchase the needed rights-of-way from each of the subject parcels; and

WHEREAS, a delay in the acquisition of these rights-of-way could result in a delay of the McKay Lake Outfall Improvements project, thus creating a hardship on the general population of the City of Westminster, the City of Thornton, and Adams County, and those wishing to utilize the proposed improvements; and

WHEREAS, legal counsel for the City of Westminster has advised that the City may exercise its right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described or depicted in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to keep the McKay Lake Outfall Improvements project on the desired schedule.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The City Manager is hereby authorized to establish minimum just compensation for acquisition of the property interests necessary to build the McKay Lake Outfall Drainage Improvements in the project area shown in Exhibit A, attached hereto and incorporated herein by reference.

2. City Staff is authorized to proceed with negotiations to acquire the necessary property interests for the project, including remainders pursuant to W.M.C section 15-1-11, on the basis of the appraised value, or such higher value as is considered just and necessary to facilitate the acquisition and avoid the necessity and costs of condemnation.

3. The City Manager is hereby authorized to acquire such property interests consistent with applicable law, including the execution of all documents necessary to complete these purchases.

4. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the property interests in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceedings required to obtain property interests should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request a grant of immediate possession of the necessary property interests.

5. The City Manager shall be further authorized to incur or approve reasonable costs associated with acquiring the properties in question, including, without limitations, contracts for acquisition services, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The cost shall be charged to the McKay Lake Outfall Drainage Improvements Account in the General Capital Improvement Fund.

6. The public interest is best served by waiving bidding requirements and allowing the City Manager to negotiate contracts with title companies, land acquisition agents and outside legal counsel for services needed to secure the rights-of-way for the project.

7. The City Engineer is hereby authorized to call for amendment of the legal descriptions of the property interests to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of the project.

PASSED AND ADOPTED this 25th day of August, 2008.

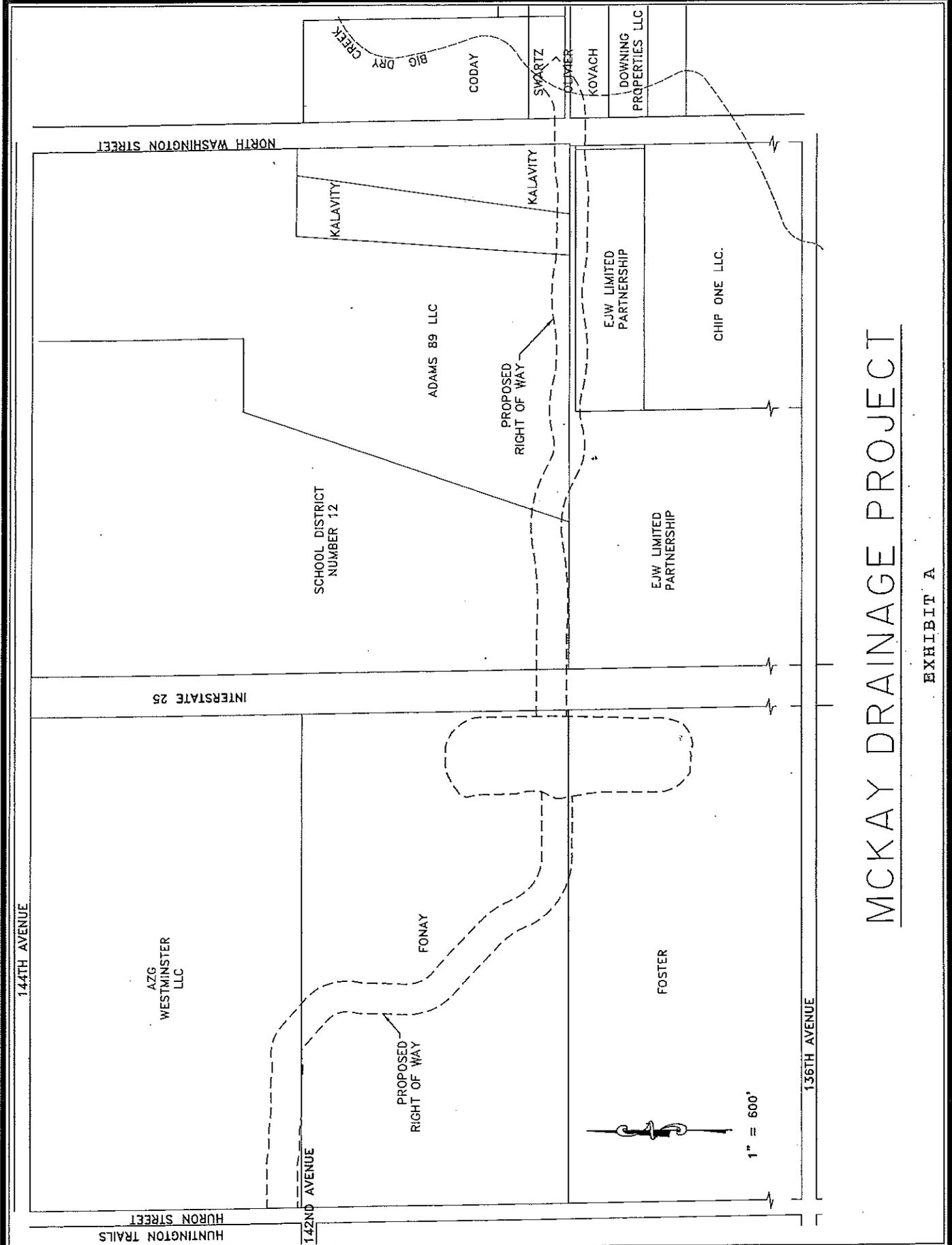
\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney's Office



# MCKAY DRAINAGE PROJECT

EXHIBIT A



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 25, 2008



**SUBJECT:** Councillor's Bill No. 33 re 2008 2<sup>nd</sup> Quarter Budget Supplemental Appropriation

**Prepared By:** Gary Newcomb, Accountant

**Recommended City Council Action**

Pass Councillor's Bill No. 33 on first reading providing for supplementary appropriations to the 2008 budget of the General, Water, Storm Drainage, and General Capital Improvement Funds.

**Summary Statement**

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2008 2<sup>nd</sup> quarter supplemental appropriation.
- General Fund amendments:
  - \$5,798 Interest Earnings
  - \$1,476 Reimbursement
  - \$6,000 Sale of Asset
  - \$108,000 Sale of Commodity
  - \$6,000 Foundation Grants
  - \$9,748 State Grants
  - \$18,877 Federal Grants
  - \$2,210 Program Revenues
- Water Fund amendments:
  - \$50,000 State Grant
  - \$1,157,901 Sale of Asset
- Storm Drainage Fund amendments:
  - \$4,000 Program Revenues
- General Capital Improvement Fund amendments:
  - \$26,617 Interest Earnings
  - \$15,488 State Grant
  - \$41,407 Open Space Grant

**Expenditure Required:** \$1,453,522

**Source of Funds:** The funding sources for these expenditures include interest earnings, reimbursements, sale proceeds, program revenues, and grants.

**Policy Issue**

Does City Council support amending the appropriations for the 2008 budget of the General, Water, Storm Drainage, and General Capital Improvement Funds?

**Alternative**

The alternative would be not to amend the 2008 budget appropriations for the General, Water, Storm Drainage, and General Capital Improvement Funds and utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred expenses and covered them in their current budget in anticipation of appropriation of the funds. In addition, certain revenues are earmarked for specific purposes.

**Background Information**

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

**GENERAL FUND BUDGET AMENDMENTS**

Interest was received throughout the first half of 2008 on Certificate of Participation (COPS) funds from the 1998 Ice Center COPS, 1999 Westminster Blvd. COPS, 2001 Public Safety COPS, 1998 Capital Facilities COPS, 2007 Refunding COPS, and 2005 144<sup>th</sup> Interchange COPS in the amount of \$3,690, \$55, \$448, \$305, \$745, and \$555 respectively. Issuance restrictions require the interest earnings to be appropriated for use on the respective projects or debt service.

The Finance Department received \$1,476 from the Colorado Government Finance Officers Association (CGFOA) to reimburse the Finance Director, serving as President of CGFOA, for attending a financial conference. The funds are requested to be appropriated to career development.

The City of Westminster received \$20,000 from Resolute Investments to extend the closing date on the sale of the former RTD Park-n-Ride site. \$6,000 of this amount is requested to be appropriated for mowing services and weed control provided at the site.

On April 28, 2008 Council approved the sale of deicing salt to the City and County of Broomfield and the City of Thornton in the amounts of \$48,000 and \$60,000 respectively. The sale was necessary to eliminate the salt stockpile while renovating the Municipal Service Center. The funds are requested to be appropriated to the snow removal materials account to repurchase deicing salt this fall.

The Police Department received a \$2,000 grant from the Wal-Mart Foundation. The funds are to be appropriated for the purchase of a replacement K-9 for the Police Department Patrol Division, K-9 Unit.

The Police Department participates in the Nationwide "Click It or Ticket" campaign. A grant from the State of Colorado, Department of Transportation (CDOT) in the amount of \$4,200 was received as reimbursement of overtime for enforcement officers to issue summonses in a zero tolerance approach to seat-belt and graduated driver's license enforcement.

The Police Department participated in the Federal Law Enforcement Assistance Fund (LEAF) grant program sponsored by the State of Colorado. A grant in the amount of \$3,848 was received as reimbursement for overtime of enforcement officers while working on DUI enforcement.

The Police Department received \$1,700 from Jefferson County for a VALE grant award. The funding reimburses overtime salaries incurred while providing training for the Police Department's Victim Advocates.

The Police Department received a grant of \$1,700 from the North Metro Task Force, High Intensity Drug Trafficking Area (HIDTA) investigations. This reimbursement award was for overtime incurred by the Westminster Police Department's task force members while working on Federal HIDTA cases.

The Fire Department received a grant from the Wal-Mart Foundation in the amount of \$4,000 as part of the grand opening of the store at 72<sup>nd</sup> and Sheridan. The funds will be used to purchase a CO Rad-57 pulse oximeter, used to read blood carbon monoxide levels.

The Fire Department received six Public Education Home Safety Grants from the Homeland Security – Federal Emergency Management Agency (FEMA). Grant awards of \$3,011, \$2,101, \$1,470, \$208 were used to reimburse purchases made for items to implement the Home Safety Program and awards of \$6,586 and \$3,801 were used to reimburse overtime for Fire Department staff to provide Home Safety Checks.

The Fire Department received \$2,210 in class registration fees for conducting CPR training classes. Funds from the registration fees were used to purchase EMS supplies used during the class.

### **WATER FUND BUDGET AMENDMENTS**

The City of Westminster was awarded a Source Water Protection Pilot Grant from the State of Colorado, Department of Public Health and Environment in the amount of \$50,000. The funds are to be appropriated for consultant services to develop a Source Water Protection Plan for Standley Lake Watershed.

\$1,157,901 was received as proceeds from the sale of the Signal Reservoir in April 2008. The funds are being appropriated to the Utility CIP Reserve Fund.

### **STORM DRAINAGE FUND BUDGET AMENDMENTS**

The City received \$4,000 from the sale of reusable grocery bags. The intent of this program is to reduce maintenance costs incurred in removing plastic grocery bags from the storm drainage system. The funds are requested to be used to purchase additional reusable bags to be sold.

### **GENERAL CAPITAL IMPROVEMENT FUND BUDGET AMENDMENTS**

Interest in the amount of \$26,617 was received throughout the first half of 2008 on Certificate of Participation (COPS) funds from the 2005 COPS. Issuance restrictions require the interest earnings to be appropriated for use on the respective projects or debt service.

The City of Westminster received \$15,488 as a State of Colorado, Department of Local Affairs (DOLA) waste tire program grant. This program uses 100% Colorado waste tire product for poured in place safety surfacing for playgrounds. The City of Westminster used 40,000 pounds of waste tire product. The funds are requested to be appropriated to the Park Renovation Program CIP.

In January of 2008, Jefferson County Open Space awarded the City of Westminster a grant for \$41,407 for permanent restroom facilities at Heritage Golf Course. This award will be used toward the design and construction of those new facilities.

One expenditure item for \$200,000 for the General Capital Improvement Fund and Parks, Open Space, and Trails (POST) Fund does not change with the proposed supplemental appropriation, but is shown for informational purposes. On December 17, 2007 Council authorized the reimbursement to the POST fund from the General Capital Improvement fund for road and other rights-of-way granted over City of Westminster open space property prior to July 1, 2004. The reimbursement of \$860,000 is to occur over a

five year period beginning in 2007. The initial recording of the transaction was to record a sale of asset when in accordance with generally accepted accounting principals (GAAP) the transaction should be recorded as a transfer between funds. The 2008 budget must be amended to reflect this change in recording the transaction.

These appropriations will amend General Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Federal Grants	1000.40610.0000	\$46,000	\$18,877	\$64,877
State Grants	1000.40620.0000	2,280	9,748	12,028
General	1000.43060.0000	360,501	115,476	475,977
Off Duty Fire Services	1000.41340.0013	0	2,210	2,210
98 Ice Center Interest	1000.42530.0777	0	3,690	3,690
99 COPS Interest	1000.42530.0276	0	55	55
01 COPS Interest	1000.42530.0215	0	448	448
99 Cap Facilities Interest	1000.42530.0209	0	305	305
07 COPS Interest	1000.42530.0277	0	745	745
05 COPS Interest	1000.42530.0274	0	555	555
Sale of Assets	1000.43040.0000	30,000	<u>6,000</u>	36,000
Total Change to Revenues			<u>\$158,109</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Professional Services	10050550.65100.0000	\$48,550	\$6,000	\$54,550
Supplies EMS	10025260.70200.0546	4,620	2,210	6,830
Supplies Fire Prevention	10025260.70200.0547	5,500	6,790	12,290
98 Ice Centre Lease Pmt	10010900.67700.0077	1,035,033	3,690	1,038,723
99 COPS Lease Pmt	10010900.67700.0276	364,500	55	364,555
01 COPS Lease Pmt	10010900.67700.0215	0	448	448
99 Cap Fac Lease Pmt	10010900.67700.0209	1,093,253	305	1,093,558
07 COPS Lease Pmt	10010900.67700.0277	1,371,338	745	1,372,083
05 COPS Lease Pmt	10010900.67700.0274	1,374,250	555	1,374,805
Career Development	10015050.61800.0000	5,250	1,476	6,726
Snow Removal Materials	10035450.72000.0000	320,000	108,000	428,000
Other Equip – Patrol Svcs	10020500.76000.0349	23,350	2,000	25,350
Salaries – OT Traffic	10020500.60400.0348	72,280	4,200	76,480
Salaries – OT Patrol	10020500.60400.0349	299,741	3,848	303,589
Career Dev – Inv Section	10020300.61800.0344	22,000	1,700	23,700
Salaries OT – Inv Section	10020300.60400.0344	240,500	1,700	242,200
Other Equipment	10025260.76000.0000	163,300	4,000	167,300
Salaries OT	10025260.60400.0000	177,212	<u>10,387</u>	187,599
Total Change to Expenses			<u>\$158,109</u>	

These appropriations will amend Water Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
State Grants	2000.40620.0000	\$0	\$50,000	\$50,000
Sale of Assets	2000.43040.0000	0	1,157,901	1,157,901
Total Change to Revenues			<u>\$1,207,901</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Prof Svcs – Water Quality	20010900.79800.0205	\$124,700	\$50,000	\$174,700
Transfers Utility Reserve	20010900.79800.0205	1,554,259	1,157,901	2,712,160
Total Change to Expenses			<u>\$1,207,901</u>	

These appropriations will amend Storm Drainage Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
General	2500.43060.0000	\$0	\$4,000	\$4,000
Total Change to Revenues			<u>\$4,000</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Prof Svcs – Enviro Svcs	25012050.65100.0552	\$91,860	\$4,000	\$95,860
Total Change to Expenses			<u>\$4,000</u>	

These appropriations will amend General Capital Improvement Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
State Grants	7500.40620.0000	\$0	\$15,488	\$15,488
OS Grant Jeffco	7501.40630.0020	250,000	41,407	291,407
05 COPS	7500.42530.0274	0	26,617	26,617
Total Change to Revenues			<u>\$83,512</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Park Renovation Prog	80375050305.80400.8888	\$842,458	\$15,488	\$857,946
05 COPS Interchange	80575030713.80400.8888	16,076,507	26,617	16,103,124
Golf Course Improvements	80675050045.80400.8888	238,885	41,407	280,292
Total Change to Expenses			<u>\$83,512</u>	

The following appropriations for the General Capital Improvement Fund do not change with the appropriation; however, the expense accounts changed are show below for informational purposes:

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers Open Space	75010900.79800.0540	\$0	<u>\$100,000</u>	\$100,000
OS Land Purchase Reimb	80775030742.80400.8888	100,000	<u>(100,000)</u>	0
Total Change to Expenses			<u>\$0</u>	

The following appropriations for the Parks, Open Space, and Trails (POST) Fund do not change with the appropriation; however, the expense accounts changed are show below for informational purposes:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer from GCIF	5400.45000.0750	\$0	<u>\$100,000</u>	\$100,000
Sale of Asset	5400.45000.0750	150,000	<u>(100,000)</u>	50,000
Total Change to Revenues			<u>\$0</u>	

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

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **33**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AMENDING THE 2008 BUDGETS OF THE GENERAL, WATER,  
STORM DRAINAGE, AND GENERAL CAPITAL IMPROVEMENT FUNDS AND  
AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2008 ESTIMATED  
REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2008 appropriation for the General, Water, Storm Drainage, and General Capital Improvement Funds, initially appropriated by Ordinance No. 3316 are hereby increased in aggregate by \$1,453,522. This appropriation is due to the receipt of interest earnings, reimbursements, sale proceeds, program revenues, and grants.

Section 2. The \$1,453,522 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10E dated August 25, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$158,109
Water Fund	1,207,901
Storm Drainage Fund	4,000
General Capital Improvement Fund	<u>83,512</u>
Total	<u>\$1,453,522</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25<sup>TH</sup> day of August, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>TH</sup> day of September, 2008.

ATTEST:

\_\_\_\_\_  
Mayor

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