



WESTMINSTER  
COLORADO

SEPTEMBER 8, 2003  
7:00 P.M.

**CITY COUNCIL AGENDA**

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

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

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

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

8. Consent Agenda
  - A. Award for Construction of the 74<sup>th</sup> Avenue Waterline
  - B. CB 39 re Chambers Annexation (Dittman-Atchison)
  - C. CB 40 re Chambers Zoning (Dixion-Atchison)
  - D. CB 41 re Hazlewood Annexation (Atchison-Dixion)
  - E. CB 42 re Hazlewood CLUP Amendment (Atchison-Dixion)
  - F. CB 43 re Hazlewood Zoning (Atchison-Dixion)
  - G. CB 45 re 105<sup>th</sup> Dr/Antero Vacation (McNally-Dixion)
  - H. CB 46 re RTD Park-N-Ride Vacation (Hicks-Atchison)
  - I. CB 47 re 2003 Supplemental Appropriation (Atchison-Hicks)
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Public Meeting on 2004 City Budget
  - B. Public Hearing re Church Ranch Metropolitan District Creation
  - C. Resolution No. 37 re Church Ranch Metropolitan District Creation
  - D. Councillor's Bill No. 48 re Brookhill Center Business Assistance Package
  - E. Councillor's Bill No. 49 re creating the Mandalay Town Center General Improvement District.
  - F. Resolution No. 38 re Carry Forward Balance of 2003 Private Activity Bond Allocation
  - G. Resolution No. 39 re Public Safety Sales and Use Tax Ballot Language
  - H. Resolution No. 40 re Compliance Hearing for the Alpine Vista Property Annexation
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
  - A. City Council
  - B. Executive Session
    1. Attorney-Client Consultation
13. Adjournment

## **GENERAL PUBLIC HEARING PROCEDURES ON NON-LAND USE MATTERS:**

Persons 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, may do so whether in favor or opposed. No specified order of those in favor or in opposition will be used. (Amended Res 45, 2000)

The presiding officer shall conduct the hearing in such manner as to provide for freedom of speech and expression of opinion of all persons speaking, subject only to the limits of courtesy and respect to other persons and their opinion as long as the subject is related to the public hearing notwithstanding the presiding officer has the authority to limit debate to a reasonable length of time to be equal for both positions.

Any person speaking may be questioned by members of Council or by the City Administration.

The presiding officer shall rule upon all disputed matters of procedure, unless, on motion duly made, he is overruled by a majority vote of Council members present. (Res. 39, 1984, 84, 1997)

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, SEPTEMBER 8, 2003 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by Councillor Dixon to approve the minutes of the meeting of August 25, 2003 with no corrections or additions. The motion carried unanimously.

CITIZEN COMMUNICATION

Rick Mayo, 5130 W 69<sup>th</sup> Place, addressed Council regarding development proposed for the south side of Hidden Lake. Since this discussion was longer than 5 minutes, discussion continued at the end of the meeting.

Jeff Parsley, representing Lester Colody, and the Holly Park development litigation, addressed Council.

CITY OFFICIALS COMMENTS

Brent McFall, City Manager, commented on the Employee Appreciation week events and thanked Council for showing their appreciation to employees.

Marty McCullough, City Attorney, introduced the new Lead Prosecuting Attorney, Ron Clark.

CITY COUNCIL COMMENTS

Councillor Dittman addressed Jeff Parsley, attorney regarding the Holly Park development litigation.

Councillor Dixon commented on the Ice Centre show, the Doubletree new restaurant, and the Mary Ciancio Dinner.

Councillor Hicks addressed Jeff Parsley, attorney regarding the Holly Park development litigation.

Mayor Moss addressed Jeff Parsley, attorney regarding the Holly Park development litigation.

Mayor Pro-Tem Atchison addressed Jeff Parsley, attorney regarding the Holly Park development litigation.

CONSENT AGENDA

The following items were considered as part of the consent agenda: Award for Construction of the 74<sup>th</sup> Avenue Waterline with E-Z Excavating for \$349,740; CB 39 re Chambers Annexation; CB 40 re Chambers Zoning; CB 41 re Hazlewood Annexation; CB 42 re Hazlewood CLUP Amendment; CB 43 re Hazlewood Zoning; CB 45 re 105<sup>th</sup> Dr/Antero Vacation; CB 46 re RTD Park-N-Ride Vacation; and CB 47 re 2003 Supplemental Appropriation.

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

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

PUBLIC MEETING RE 2004 ADOPTED CITY BUDGET

At 7:42 p.m. the public meeting was opened for citizen input on the 2004 Adopted City Budget. Brent McFall, City Manager, gave a PowerPoint presentation. A petition was submitted by 82 residents for a sound wall and cedar fence on 72<sup>nd</sup> Avenue, on the north side from Pierce to Depew, and on the south side from Harlan to Depew. Dale Emme, 3699 W 76<sup>th</sup> Avenue, addressed Council regarding a funding request for Yellow Ribbon for \$5,000, and invited Council to the Walk for Life on September 21. Heather and Hunter Brown, 14467 Jason Dr, addressed Council on adding a playground to the Cheyenne Ridge Park. The public meeting was declared closed at 8:17 P.M.

PUBLIC HEARING RE CHURCH RANCH METROPOLITAN DISTRICT CREATION

At 8:18 p.m. the public hearing was opened for the Church Ranch Metropolitan District Creation. John Carpenter, Director of Community Development, entered the following information into the record: a copy of the Agenda Memorandum, and other related items. Charlie McKay, property owner, addressed Council. No one spoke in opposition. The public hearing was declared closed at 8:28 P.M.

RESOLUTION NO. 37 RE CHURCH RANCH METROPOLITAN DISTRICT CREATION

Councillor Hicks moved, seconded by Dixon, to adopt Resolution No. 37 approving the Church Ranch Metropolitan District Service Plan. Upon roll call vote, the motion carried with Councillor McNally and Mayor Moss abstaining.

COUNCILLOR'S BILL NO. 48 RE BROOKHILL CENTER BUSINESS ASSISTANCE PACKAGE

Councillor Dittman moved, seconded by Kauffman, to pass Councillor's Bill No. 48 on first reading authorizing the City Manager to execute the amendment to the business assistance package between the City of Westminster and Brookhill Center, Incorporated in substantially the same form as attached. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 3051 RE CREATING THE MANDALAY TOWN CENTER GID

Councillor Dixon moved, seconded by Hicks to pass Councillor's Bill No. 49 as an emergency ordinance, creating the City of Westminster Mandalay Town Center General Improvement District. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 38 RE CARRY FORWARD BALANCE OF 2003 PRIVATE ACTIVITY BONDS

Councillor Dittman moved, seconded by Dixon, to adopt Resolution No. 38 approving the carry forward of the City of Westminster's 2003 Private Activity Bond (PAB) allocation in the amount of \$3,858,938 for the qualified purposes set forth in the resolution, and authorize the Mayor to execute the documents necessary to carry forward this allocation. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 39 RE PUBLIC SAFETY SALES AND USE TAX BALLOT LANGUAGE

Mayor Pro-Tem Atchison moved, seconded by McNally, to adopt Resolution No. 39 regarding the adoption of election ballot language for a six tenths of one percent increase in the City's sales and use tax rate to enhance the safety and security of Westminster residents and businesses. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 40 RE COMPLIANCE HEARING FOR THE APLINE VISTA ANNEXATION

Councillor Hicks moved, seconded by McNally, to adopt Resolution No. 40 accepting the annexation petition submitted by Chad Pinson as Manager of AV Development, LLC, and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of October 27, 2003, for the annexation hearing. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session item to discuss two attorney-client matters.

CITIZEN COMMUNICATION

Rick Mayo, 5130 W 69<sup>th</sup> Place, continued his discussion regarding development proposed for the south side of Hidden Lake.

ADJOURNMENT:

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

ATTEST:

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 8, 2003



**SUBJECT:** Award for Construction of the 74<sup>th</sup> Avenue Waterline

**Prepared By:** Diane M. Phillips, Capital Improvement Coordinator  
Richard A. Clark, Utilities Operations Manager

**Recommended City Council Action**

Authorize the City Manager to execute a contract with E-Z Excavating in the amount of \$317,945 for construction of the 74<sup>th</sup> Avenue Waterline and authorize a 10% contingency, in a separate account, of \$31,795 for a total project budget of \$349,740. Authorize the transfer funds as required from Watermain Maintenance/Replacements/ Additions account to 74<sup>th</sup> Avenue Waterline capital project account.

**Summary Statement**

- The existing waterline in 74<sup>th</sup> Avenue between Federal Boulevard and Irving Street has required numerous repairs and cannot provide adequate fire flows, making replacement a priority.
- Merrick & Company has completed the design of this line and funds have been budgeted for this project.
- Formal bids were opened on August 22, 2003 and six bids were received.
- The lowest bid was received from E-Z Excavating and it is recommended that the City contract with this firm for the construction of this waterline.

**Expenditure Required:** \$ 349,740

**Source of Funds:** Utility Fund Capital Improvements Budget  
Utility Fund Wastewater Operations Budget

**Policy Issue**

Should the City award a contract to E-Z Excavating to build the 74<sup>th</sup> Avenue waterline.

**Alternative**

The City could delay the construction of the line; however, a number of water breaks could occur and high water demand and fire flow supply would be compromised. In addition, construction costs will likely increase.

**Background Information**

The existing 8-inch waterline in 74<sup>th</sup> Avenue is aging and needs to be replaced with a 12-inch line that would provide adequate increased peak hour and fire flow supply to the Skyline Village area of the City. After the need to replace this line was identified and budgeted for in the 2003 CIP Budget, the scope of the project was expanded to include extending water service to the new 74<sup>th</sup> Avenue and Irving Street Library project location and lengthening the project to include a Colorado Department of Transportation required bore under Federal Boulevard. Additionally, a 400-foot length of sanitary sewer in 74<sup>th</sup> Avenue will be replaced under the same contract, to take advantage of this competitive pricing.

The original cost estimate for this project was \$350,000, to be funded with \$145,000 from the 2003 CIP 74<sup>th</sup> Avenue Waterline Account, \$155,000 from the 2003 CIP Waterline Maintenance/Replacements/Additions account and \$50,000 from the Utility Operating Fund (Sewer Replacement). Including the previously awarded engineering costs and the contingency amounts; the actual total project cost is \$402,740. The sewer replacement portion of the project totals only \$30,000. Therefore, a total of \$227,740 will have to be drawn from the CIP Waterline Maintenance/Replacements/Additions account. This account has a balance of approximately \$1.3 Million.

Six construction firms submitted bids, which are listed below.

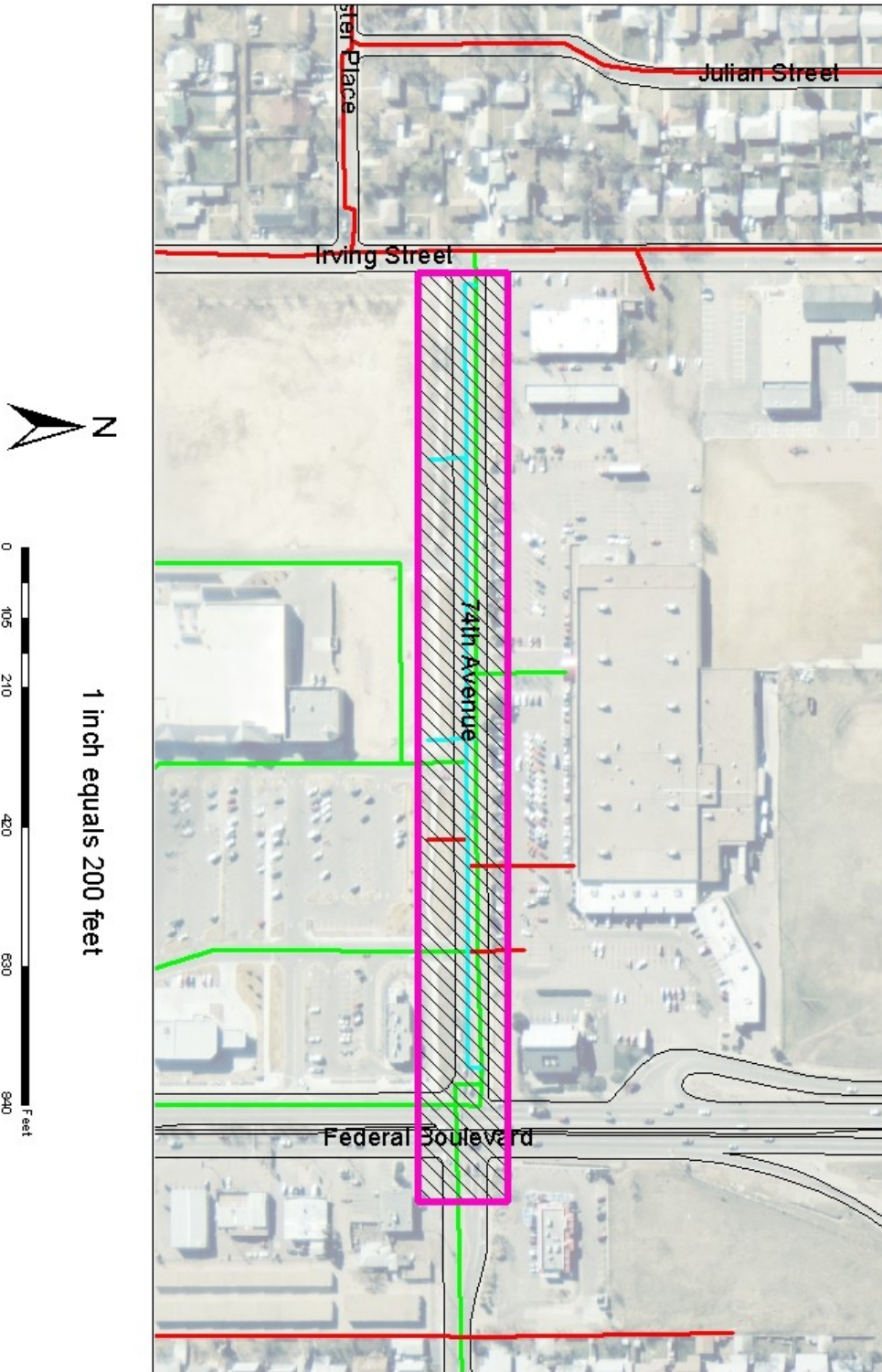
E-Z Excavating	\$317,945
Wycon Construction	\$332,037
Asphalt Specialties	\$337,777
Concrete Works	\$358,107
Farner Enterprises	\$457,924
AISA Civil	\$579,723
Engineers' Estimate	\$382,404

E-Z Excavating provided the lowest bid and has been recommended by the project engineers, Merrick & Company.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



WESTMINSTER  
74th Avenue Project





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 8, 2003



**SUBJECT:** Second Reading of Councillor's Bill No. 39 and 40 re Annexation and Rezoning of Chambers Preserve

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

**Recommended City Council Action:**

1. Pass on second reading Councillor's Bill No. 39 annexing the Chambers Preserve property to the City of Westminster.
2. Pass on second reading Councillor's Bill No. 40 rezoning the Chambers Preserve property from Jefferson County A-2 to O-1.

**Summary Statement:**

- The Chambers Preserve property is a 15.1-acre parcel located south of the 104<sup>th</sup> Avenue alignment and east of Dover Street. The property is owned by the Nature Conservancy and is unimproved.
- As a Conservancy property, no development is permitted by deed restriction, and the City has designated this parcel part as open space with the permission of the Conservancy.
- The Conservancy has petitioned for annexation in order to have City emergency services available to the property. Staff believes this is a reasonable request that will not place any significant burden on City services.
- The property is designated as Northeast Comprehensive Development Plan in the City's Comprehensive Land Use Plan (CLUP). No amendment to the CLUP is required.
- These requests were approved on first reading by City Council on August 25, 2003.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **39**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

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

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land, a part of Tracts 42A and 42B, Mandalay Gardens recorded at Reception Number 194693 in Book 15 at Page 36 of the records of the Jefferson County Clerk and Recorder and recorded in the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the northwest corner of said Section 14, the true point of beginning; thence along the north line of said Section N89°59'04"E, 1349.11 feet to a point on the west line of Tract 43 of said Mandalay Gardens, a point on the east line of the northwest quarter of the northwest quarter of said section; thence along said east line S00°35'15"E, 508.96 feet to a point on the south line of Barber Drive; thence along said south line S79°37'16"W, 62.70 feet; thence continuing along said south line N82°11'44"W, 655.15 feet; thence S78°20'16"W, 94.69 feet to a point on the Corporate Limits of the City of Westminster as shown on the "Annexation Plat – Wallace Village," recorded at Rec. # 84050557 of the

Records of the Jefferson County Clerk and Recorder; thence along said Corporate Limits S78°20'16"W, 552.77 feet; thence along said Corporate Limits S89°32'41"W, 4.21 feet (Record 2.92 feet); thence continuing along said Corporate Limits N00°32'12"W, 561.84 feet to the true point of beginning;

Said parcel contains 657772 square feet or 15.1004 acres more or less.

Total perimeter = 3789.4 feet

City of Westminster contiguity = 1118.9 feet/29.5%

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 25th day of August, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **40**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

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

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster O-1. A parcel of land located in Section 14, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land, a part of Tracts 42A and 42B, Mandalay Gardens recorded at Reception Number 194693 in Book 15 at Page 36 of the records of the Jefferson County Clerk and Recorder and recorded in the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the northwest corner of said Section 14, the true point of beginning; thence along the north line of said Section N89°59'04"E, 1349.11 feet to a point on the west line of Tract 43 of said Mandalay Gardens, a point on the east line of the northwest quarter of the northwest quarter of said section; thence along said east line S00°35'15"E, 508.96 feet to a point on the south line of Barber Drive; thence along said south line S79°37'16"W, 62.70 feet; thence continuing along said south line N82°11'44"W, 655.15 feet; thence S78°20'16"W, 94.69 feet to a point on the Corporate Limits of the City

of Westminster as shown on the "Annexation Plat – Wallace Village," recorded at Rec. # 84050557 of the Records of the Jefferson County Clerk and Recorder; thence along said Corporate Limits S78°20'16"W, 552.77 feet; thence along said Corporate Limits S89°32'41"W, 4.21 feet (Record 2.92 feet); thence continuing along said Corporate Limits N00°32'12"W, 561.84 feet to the true point of beginning;

Said parcel contains 657772 square feet or 15.1004 acres more or less.

Total perimeter = 3789.4 feet

City of Westminster contiguity = 1118.9 feet/29.5%

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 25<sup>th</sup> day of August, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 8, 2003



**SUBJECT:** Second Reading of Councillor's Bill No. 41 and 43 re the Annexation and Rezoning of the Hazlewood Property and Councillor's Bill No. 42 re the addition of the Hazlewood Property to the Westminster Comprehensive Land Use Plan

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

**Recommended City Council Action:**

1. Pass Councillor's Bill No. 41 on second reading annexing the Hazlewood property to the City of Westminster.
2. Pass Councillor's Bill No. 42 on second reading adding the Hazlewood property to the Westminster Comprehensive Land Use Plan with a designation of Single-Family Detached Residential – Very Low Density.
3. Pass Councillor's Bill No. 43 on second reading rezoning the Hazlewood property from Adams County A-1 to City of Westminster O-1.

**Summary Statement:**

- The Hazlewood property is a 2.5-acre parcel located at 14781 Huron Street that is at the southwest corner of 148<sup>th</sup> Avenue and Huron Street. The property is owned by the Hazlewood family and is improved with a single-family residence.
- The Hazelwood's have requested annexation for the purpose of allowing connection to the City's water and sewer system at some time in the future. No other development is proposed at this time.
- This parcel is part of the Robin Hill Subdivision that is a completely surrounded enclave in Adams County. All necessary services are currently available to serve this property.
- Staff is recommending that the property be added to the Comprehensive Land Use Plan (CLUP) as Single-Family Detached Residential – Very Low Density. This category is consistent with the adjacent Quail Hill subdivision and the existing land use.
- These requests were approved on first reading by City Council on August 25, 2003.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **41**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

Lot 1, Robin Hill Farm and 20' of right-of-way for Huron Street as dedicated in said Robin Hill Farm. More particularly described as follows:

Commencing at the northeast corner of the southeast one-quarter of Section 16, Township 1 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado; thence South 89°56'18" West, on the north line of said southeast one-quarter, a distance of 30.00 feet; thence south 00°08'42" East on the west line of Huron Street, a distance of 120.00 feet to the point of beginning; thence continuing south 00°08'42" East, a distance of 150.00 feet;

Thence south 89°56'18" West on the south line of said Robin Hill Farm, a distance of 726.00 feet to the southwest corner of said Lot 1;

Thence north 00°08'42" West, on the east line of Lot 12, Quail Hill Subdivision, also being the west line of said Lot 1, Robin Hill Farm, a distance of 150.00 to the northwest corner of said Lot 1;

Thence north 89°56'18" East, on the south line of West 148<sup>th</sup> Avenue, also being the north line of Robin Hill Farm, a distance of 726.00 feet to the point of beginning. Containing 108,900 square feet or 2.5 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of August, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **42**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Hazlewood annexation property, legally described as follows:

Lot 1, Robin Hill Farm and 20' of right-of-way for Huron Street as dedicated in said Robin Hill Farm. More particularly described as follows:

Commencing at the northeast corner of the southeast one-quarter of Section 16, Township 1 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado; thence South 89°56'18" West, on the north line of said southeast one-quarter, a distance of 30.00 feet; thence south 00°08'42" East on the west line of Huron Street, a distance of 120.00 feet to the point of beginning; thence continuing south 00°08'42" East, a distance of 150.00 feet;

Thence south 89°56'18" West on the south line of said Robin Hill Farm, a distance of 726.00 feet to the southwest corner of said Lot 1;

Thence north 00°08'42" West, on the east line of Lot 12, Quail Hill Subdivision, also being the west line of said Lot 1, Robin Hill Farm, a distance of 150.00 to the northwest corner of said Lot 1;

Thence north 89°56'18" East, on the south line of West 148<sup>th</sup> Avenue, also being the north line of Robin Hill Farm, a distance of 726.00 feet to the point of beginning. Containing 108,900 square feet or 2.5 acres more or less.

The Hazlewood annexation property shall be changed from Unincorporated Adams County, to Single Family Detached Residential-Very Low Density, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25<sup>th</sup> of August, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **43**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Adams County A-1 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

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

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County A-1 to City of Westminster O-1. A parcel of land located in Section 16, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Lot 1, Robin Hill Farm and 20' of right-of-way for Huron Street as dedicated in said Robin Hill Farm. More particularly described as follows:

Commencing at the northeast corner of the southeast one-quarter of Section 16, Township 1 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado; thence South 89°56'18" West, on the north line of said southeast one-quarter, a distance of 30.00 feet; thence south 00°08'42" East on the west line of Huron Street, a distance of 120.00 feet to the point of beginning; thence continuing south 00°08'42" East, a distance of 150.00 feet;

Thence south 89°56'18" West on the south line of said Robin Hill Farm, a distance of 726.00 feet to the southwest corner of said Lot 1;

Thence north 00°08'42" West, on the east line of Lot 12, Quail Hill Subdivision, also being the west line of said Lot 1, Robin Hill Farm, a distance of 150.00 to the northwest corner of said Lot 1;

Thence north 89°56'18" East, on the south line of West 148<sup>th</sup> Avenue, also being the north line of Robin Hill Farm, a distance of 726.00 feet to the point of beginning. Containing 108,900 square feet or 2.5 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25<sup>th</sup> day of August, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 8, 2003



**SUBJECT:** Second Reading of Councillor's Bill No. 45 re Vacation of 105<sup>th</sup> Drive/Antero Right-of-Way for Hyland Hills Parks & Recreation District's Valley View Park

**Prepared By:** David R. Downing, City Engineer

**Recommended City Council Action:**

Pass Councillor's Bill No. 45 on second reading, vacating a portion of 105<sup>th</sup> Drive/Antero Street Right-of-Way for Hyland Hills Park & Recreation District's Valley View Park

**Summary Statement**

- City Council action is requested to pass the attached Councillors Bill on second reading which vacates a portion of street right-way located within the Valley View Estates Subdivision and the Meadowlark Subdivision.
- This Councillor's Bill was passed on first reading on August 25, 2003.

**Expenditure Required:** N/A

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **45**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY WITHIN VALLEY VIEW ESTATES SUBDIVISION AND MEADOWLARK SUBDIVISION.

WHEREAS, a certain public right-of-way for 105<sup>th</sup> Drive/Antero Street was dedicated by the subdivision plat for Valley View Estates Subdivision at Book 7, Page 121 in the County of Adams and by the subdivision plat for Meadowlark Subdivision at File 14, Map 368 in the County of Adams; and

WHEREAS, this public right-of-way is no longer needed by the City of Westminster; and

WHEREAS, the vacation is necessary to accommodate the construction of Valley View Park by the Hyland Hills Park & Recreation District.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the right-of-way in Sections 2 and 3 hereof.

Section 2. Legal Description of Right-of-Way:

See attached legal description

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED THIS 25TH DAY OF AUGUST, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED THIS 8TH DAY OF SEPTEMBER, 2003.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 8, 2003



**SUBJECT:** Second Reading of Councillor's Bill No. 46 re Vacation of Easement within the Regional Transportation District's Westminster Center Park-N-Ride

**Prepared By:** Mikele Wright, Senior Civil Engineer

**Recommended City Council Action:**

Pass Councillor's Bill No. 46 on second reading, vacating a portion of a certain easement located within the Regional Transportation District's Westminster Center Park-N-Ride.

**Summary Statement**

- City Council action is requested to pass the attached Councillors Bill on second reading which vacates a portion of a certain easement located within the Second Amended Official Development Plan for Sheridan Park North Filing No. 1 (see attached maps).
- This Councillor's Bill was passed on first reading on August 25, 2003

**Expenditure Required:** N/A

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **46**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE VACATING A PORTION OF A SANITARY EASEMENT WITHIN RTD'S WESTMINSTER CENTER PARK-N-RIDE.

WHEREAS, a certain easement was dedicated by separate agreement at Book 2269, Page 64 in the County of Adams; and

WHEREAS, this portion of sanitary sewer easement is not necessary for maintaining the City of Westminster's sanitary sewer lines; and

WHEREAS, the vacation is necessary since the sanitary sewer line has been relocated and a new easement was dedicated to the City of Westminster by plat.

THE CITY OF WESTMINSTER ORDAINS:

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

Section 2. Legal Description of Utility Easement:

See attached legal description for Easement A

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25<sup>th</sup> day of August, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 8, 2003



**SUBJECT:** Second Reading of Councillor's Bill No. 47 re 2003 Second Quarter Budget Supplemental Appropriation

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

**Recommended City Council Action:**

Pass Councillor's Bill No. 47 on second reading providing for supplementary appropriations to the 2003 budget of the General Fund, General Capital Improvement Fund and Utility Fund.

**Summary Statement**

- City Council action is requested to pass the attached Councillors Bill on second reading, which authorizes a supplemental appropriation to the 2003 budget of the General, General Capital Improvement and Utility Funds.
- This Councillor's Bill was passed on first reading on August 25, 2003.
- General Fund amendments total \$62,515.
- General Capital Improvement Fund amendments total \$1,276.
- Utility Fund amendments total \$5,000.

**Expenditure Required:** \$68,791

**Source of Funds:** The funding sources for these expenditures include reimbursements, training class fees, a donation, earnest money forfeiture and interest earnings received by the City.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **47**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$62,515 which, when added to the fund balance as of the City Council action on August 25, 2003 will equal \$70,914,863. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of forfeited earnest money, training revenue, reimbursements and donations received by the City.

Section 2. The \$62,515 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Contributions			
1000.43100.0000	\$5,000	\$48,802	\$53,802
Training			
1000.41360.0000	10,000	8,500	18,500
General – Miscellaneous			
1000.43060.0000	184,221	<u>5,213</u>	189,434
Total Change to Revenues		<u>\$62,515</u>	
EXPENSES			
PD – Investigations overtime			
10020300.60400.0000	\$549,404	\$4,233	\$553,637
PD – Training			
10020050.61800.0612	9,500	8,500	18,000
PD Patrol Overtime			
10020500.60400.0000	377,071	980	378,051
CD – Special Promotions			
10030340.67600.0000	19,600	33,369	52,969
Central Charges – Prof Svcs Litigation			
10010900.65100.0258	35,000	<u>15,433</u>	50,433
Total Change to Expenditures		<u>\$62,515</u>	

Section 3. The 2003 appropriation for the Wastewater Portion of the Utility Fund, initially appropriated by Ordinance No. 2977 in the amount of \$12,387,808 is hereby increased by \$5,000 which, when added to the fund balance as of the City Council action on August 25, 2003 will equal \$14,376,379. The actual amount in the Wastewater Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a reimbursement for contractor damages.

Section 4. The \$5,000 increase in the Wastewater Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
General - Miscellaneous			
2100.43060.0000	\$4,498	<u>\$5,000</u>	\$9,498
Total Change to Revenues		<u>\$5,000</u>	
<b>EXPENSES</b>			
Professional Services			
20015240.67800.0000	\$477,574	<u>\$5,000</u>	\$482,574
Total Change to Expenses		<u>\$5,000</u>	

Section 5. The 2003 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$1,276 which, when added to the fund balance as of the City Council action on August 25, 2003 will equal \$11,993,615. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of interest earnings and a donation.

Section 6. The \$1,276 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Interest – 2001 COP’s			
7500.42520.0215	\$1,933	\$276	\$2,209
General Miscellaneous			
7501.43060.0000	0	<u>1,000</u>	1,000
Total Change to Revenues		<u>\$1,276</u>	
<b>EXPENSES</b>			
Public Safety Building-COPS			
80175020127.80400.8888	\$15,594,995	\$276	\$15,595,271
Irving Street Library			
80175050020.80400.8888	3,747,966	<u>1,000</u>	3,748,966
Total Change to Expenditures		<u>\$1,276</u>	

Section 7. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 9. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 25th day of August, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 8, 2003



**SUBJECT:** Public Meeting on Adopted 2004 City Budget

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

**Recommended City Council Action**

Hold a public meeting on the adopted 2004 City Budget and receive citizen comments.

**Summary Statement**

The 2004 Budget was adopted in October 2002 with the official adoption of the two-year budget by City Council. However, City Council requested that the public still be provided an opportunity to receive a financial update and make requests prior to moving into the second year of a two-year adopted budget. At Monday night's meeting, Staff will present a brief update on the City's finances and an overview of the 2004 Adopted Budget to be followed by any citizen comments and/or requests.

Public meetings regarding the 2003 and 2004 Budget were held on June 10 and July 8, 2002. A public hearing on the 2003 and 2004 Budget was held on September 9, 2002.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Listen to citizen requests, comments and suggestions on the 2004 budget.

**Alternative**

No alternatives identified for this item.

**Background Information**

The City Council is required by the City Charter to adopt the annual budget no later than the fourth Monday in October. However, this requirement does not apply for the 2004 Budget since City Council officially adopted both the 2003 and 2004 Budgets in October 2002. Per City Council direction, a financial update/budget review is to be conducted in September 2003 to review any recommended modifications to the 2004 budget, review any new citizen requests, and address any miscellaneous financial issues that Staff or Council wishes to raise.

City Council is scheduled to hold a public meeting to receive input on the 2004 City Budget at the Monday, September 8, City Council meeting. Staff will make a brief presentation at Monday night's City Council meeting on the 2004 Adopted Budget and the City's current financial status. This public meeting is intended to receive citizen requests, comments and suggestions for 2004.

In April 2002, City Council identified the goals for 2003 and 2004. The City Council Goals are listed below:

- Financially Sound City Government
- Balanced, Sustainable Local Economy
- Revitalized Aging Neighborhoods and Commercial Areas
- Beautiful City – Attractive Developments, Green Spaces and Vistas
- Safe and Secure Community

The direction provided by City Council through these goals assisted City Staff when they prepared the 2003 and 2004 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain existing service levels and citizen or neighborhood input.

In November of 2000, Westminster voters approved a City Charter amendment that will allow the City Council to adopt a formal two-year budget. Staff has been preparing a two-year budget for the last several years; however, previously City Council could only officially adopt the first year of the two-year budget. In February 2002, City Council concurred with Staff to pursue an officially adopted two-year budget with the development of the 2003/2004 Budget.

The 2003/2004 Adopted Budget document has been available to the public in the City Clerk's Office since January 1, 2003. Monday's public meeting was advertised in the *Westminster Window*, *Westsider*, and *City Edition*; on cable Channel 8 and the City's website; and at various public meetings. Public meetings regarding the 2003 and 2004 Budget were held on June 10 and July 8, 2002. A public hearing was held on September 9, 2002.

Any proposed amendments that result from City Council's Budget Review on September 29 will be presented to City Council for final consideration at the October 13 City Council meeting.

Staff will make a brief presentation at Monday night's City Council meeting on the 2004 Adopted Budget and provide an update on the City's current financial status.

Respectfully submitted,

J. Brent McFall  
City Manager



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

City Council Meeting  
September 8, 2003



**SUBJECT:** Public Hearing and Action on Church Ranch Metropolitan District Creation

**Prepared By:** Mary Ann Parrot, Finance Director  
John Carpenter, Community Development Director

**Recommended City Council Action:**

- Conduct a Public Hearing on the Formation of the Church Ranch Metropolitan District
- Adopt Resolution No. 37 approving the Church Ranch Metropolitan District Service Plan

**Summary Statement**

- Church Ranch Development Company is proposing to form a Metro Special District (MSD), to replace the 104<sup>th</sup> Special Improvement District (SID). The MSD would be wholly comprised of commercial properties.
- The Church Ranch Development Company has constructed public improvements within the boundaries of the MSD (Phase I Improvements), the cost of which are proposed to be reimbursed to the developer through issuance of general obligation debt issued by the MSD. The funds reimbursed to the Development Company, with the exception of any funds reimbursed for right-of-way, will be solely reinvested in the Church Ranch development.
- Future public improvements would be included in a Phase II, and would be financed through issuance of general obligation debt by the MSD. These public improvements are projected for 2008.
- The MSD would have a 50-mill levy cap, to include both operating and debt service mill levies. This complies with past City Council actions that established a 50-mill levy cap for commercial districts. The proposed mill levy is 27 mills, including both operating and debt service mill levies. The MSD is limited to \$14.5 million in total debt.
- Several items have been resolved as follows:
  - Dedication of Rights-of-Way: Staff and the developer have agreed on the dedication of right of way including ROW along Church Ranch Boulevard for Church Ranch widening needed for the Mandalay Town Center project, and a small piece of right-of-way for Reed Street within the Town Center project itself. The side agreement should be completed and received by Staff prior to Monday night’s meeting.
  - Mandalay Irrigation Co. Shares: The developer has discussed his need to continue to use shares of water for the Mandalay Irrigation Company and related water tap issues. Staff and Mr. Charles McKay have agreed in the side agreement or to allow this use to continue and to address the water tap issue.
  - Agreement has also been reached on the alignment of 108<sup>th</sup> and Simms Street as it relates to development activity on the west side of Simms Street that Mr. McKay has an interest in.
  - Maintenance: Maintenance of the ponds and other MSD assets will be to the standards expected by the City. This will be achieved through a proposed IGA between the MSD the local Architectural Review Committee. The proposed agreement would include a requirement to adhere to City maintenance standards. Final agreement is provided for in the service plan.

**Expenditure Required:** \$0

**Source of Funds:** N/A

### **Policy Issues**

1. Does City Council desire to approve the formation of a commercial Metropolitan Special District at Church Ranch Business Park to finance reimbursement to the developers of infrastructure improvements?
2. Does City Council desire to approve the Service Plan with a mill levy cap of 50 mills for the commercial district, including both debt service and operating mill levies?

### **Alternatives**

1. Reject the formation and Service Plan of the MSD. This is not recommended for several reasons. The current tenants are familiar with and have accepted the Special Improvement District assessment currently in place. The proposed payments for the MSD are similar to the SID assessment payments. The background section of this report includes a comparison of the two payment streams. The City and Mr. McKay will sign a separate agreement regarding the dedication of Right-of-Way to improve Church Ranch Blvd., a small but necessary part of the Mandalay Town Center project, as well as the dedication of Right-of-Way for Reed Street improvements in Mandalay Town Center project.
2. Approve the Service Plan conditionally. Assuming City Council has additional conditions, this is a possible alternative. It is not recommended, as it may delay the Mandalay Town Center project that is dependent upon the widening of Church Ranch Boulevard and the City gaining necessary rights-of-way that are granted in connection with approval of the Service Plan of Church Ranch MSD.

### **Background Information**

The Church Ranch Land Company has participated with the City in developing the Church Ranch Business Park and surrounding areas over the last fifteen years. One of the vehicles to accomplish development has been the operation of the 104<sup>th</sup> Avenue Special Improvement District (SID), established in 1987. The SID financed the construction of 104<sup>th</sup> Avenue between Sheridan Blvd and Wadsworth Blvd, as well as an interchange at US 36. The SID made repayment of construction debt through an annual assessment of each property owner, based on each parcel's net square footage. 2003 is the final year of the 104<sup>th</sup> Avenue SID. The proposed Church Ranch Metropolitan District will continue the goals of the SID by enhancing the environment in the Church Ranch development and surrounding areas for the enjoyment of its own constituents as well as for the general public. The public improvements proposed in the MSD Service Plan will increase the value and quality not only of the Church Ranch area, but also of the nearby Mandalay Town Center Project.

The MSD is being proposed in conjunction with the developer dedicating the necessary right-of-way on Church Ranch Boulevard to the City at no cost. The dedication of the right-of-way will have to be by separate letter agreement due to a provision in State Statute.

#### Real Estate Absorption and Build-Out Projections

The Church Ranch Development is approximately 50% built-out, and the Service Plan calls for complete build-out within 5 years. The current assessed value is approximately \$11,229,000, with an actual value of \$38,270,665. The Financing Plan anticipates the completion of four new buildings:

- (1) A 3-story office building, at 67,109 SF, to be completed in 2006, coming on line by 2008, for an actual value of approximately \$8,000,000 (at \$119/SF);
- (2) A 4-story office building, at 127,567 SF, to be completed in 2007, coming online by 2008, for a value of approximately \$11,000,000 (at \$86/SF);
- (3) A 1-story office building, at 75,000 SF, to be completed in 2008, coming online by 2010, for a value of approximately \$8,500,000 (at \$113/SF);
- (4) A 240 room full service Marriott Hotel, to be completed in 2007, coming on line by 2009, for a value of approximately \$15,000,000 (at \$62,500/room).

These additions would bring the total actual value to \$81,220,665 and the total assessed value to \$23,553,993 at build-out, by 2010. If build-out does not proceed at this schedule, the MSD Phase II Improvements would be delayed until the assessed value is greater than \$20 million. This helps to ensure that the district's property taxes will be enough to meet the debt service requirements of the additional bonding proposed for 2008.

Public Improvement Details

As per the Service Plan, total Phase I Improvements to be reimbursed to the developer total \$2,918,998 consisting of:

(1) Detention/Retention Pond improvements, land, irrigation pipe, connecting ponds:	\$ 2,088,998
(2) Street Signs for Street and Safety Projections:	\$ 30,000
(3) Television Relay and Translation	\$ 350,000
(4) Organizational Costs of the MSD	\$ 200,000
(5) Church Ranch Blvd ROW	<u>\$ 250,000</u>
Total Phase I Improvements	<u>\$ 2,918,998</u>

The Service Plan proposes total Phase II Improvements of \$3,227,000, the specifics of which will be agreed upon between the MSD and the City closer to the time of construction. The developer is currently projecting issuing an additional \$3.3 in bonds in 2008. The public improvements to be financed at that time are currently under discussion with Staff. The service plan provides for City review and approval of these improvements.

Financing Plan

The Service Plan proposes an initial general obligation bond issuance of \$3,005,000 to reimburse for Phase I Improvements, with annual debt service payments of approximately \$275,000. The Service Plan calls for an initial mill levy of 27 mills, which is comprised of approximately 4 mills for operating and 23 mills for debt service.

On the current assessed value of \$11,228,993 as stated in the Service Plan, using 27 mills, the following outlines the expected annual revenues and expenditures:

Revenues:

- \$303,183 Property Tax Revenues, \$11,228,993 x 27 mills
- 21,000 Specific Ownership Taxes
- \$324,183 Total Revenues

Expenditures:

- \$275,000 Debt Service
- 45,000 Operating expenses and contingency
- \$320,000 Total Expenditures

Net Revenues over Expenditures

- \$ 4,183 Revenues over Expenditures

Specific ownership taxes are the taxes collected on personal property that are distributed among all taxing entities in the county. Operating expenses include accounting, audit, legal, administration and management. The maintenance of the ponds and other MSD assets will be accomplished through an existing Architectural Review Committee that currently assesses for and performs maintenance in the development area.



The tax pages to be included in of the proposed MSD are familiar with and have accepted the SID assessment, which will end this year. Those constituents in total accounted for approximately \$280,000 in SID assessments for 2003. The projected levy for 2004, based on the 2003 assessed valuation (collected in 2004) at 27 mills, would be approximately \$303,000. As the two levies are comparable, the current tenants of the proposed MSD will not be unduly burdened. The MSD will not be able to assess a mill levy until the year 2004 for collection in 2005, and a slightly higher assessed valuation would be expected by that time.

The Service Plan calls for funding of Phase II Improvements with issuance of general obligation bonds of \$3,300,000 in approximately the year 2008. To keep the mill levy at a competitive level, this second phase of improvements is scheduled to coincide with an increase in the assessed valuation, enabling support of more debt at the same or a lower mill levy. The completion of the Phase II Improvements is dependent upon achieving a \$20 million threshold of assessed value in the MSD. This would enable the MSD to likely keep the same mill levy of 27 mills throughout repayment of both proposed bond issues.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 37

INTRODUCED BY COUNCILLORS

SERIES OF 2003

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**A RESOLUTION APPROVING THE SERVICE PLAN FOR CHURCH RANCH METROPOLITAN DISTRICT AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.**

WHEREAS, the City of Westminster, State of Colorado (the "City"), is a political subdivision of the State, a body corporate and politic, and a home-rule city pursuant to Article XX of the State Constitution; and

WHEREAS, pursuant to the provisions of Part 2 of Article 1 of Title 32, C.R.S., as amended, (the "Act"), no special district shall be organized if its boundaries are wholly contained within the boundaries of a municipality, except upon adoption of a resolution of approval by the governing body of the municipality; and

WHEREAS, pursuant to the provisions of the Act, petitioners proposing the organization of Church Ranch Metropolitan District (the "District") have submitted to the City Council of the City a service plan (the "Service Plan") for the District; and

WHEREAS, a Notice of Public Hearing regarding the organization of the District was published in the *Westminster Window* on August 21, 2003; and

WHEREAS, the City Council for the City held a public hearing on September 8, 2003, regarding approval of the organization of the District and approval of the Service Plan for the District; and

WHEREAS, the City Council considered the organization and Service Plan for the proposed District presented at the hearing; and

WHEREAS, it appears to the City Council that the Service Plan for the District and the organization of the District should be approved.

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

Section 1. That the City Council hereby determines that the requirements of the Act, relating to the filing of the Service Plan for the District and organization of the District have been fulfilled.

Section 2. That the City Council hereby finds and determines as follows:

- (a) There is a sufficient existing and projected need for organized service in the area to be served by the District;
- (b) The existing service in the area to be served by the District is not adequate for present and projected needs;
- (c) Adequate service is not now and will not be available in the future to the area through the City or Jefferson County or other existing municipal or quasi-municipal corporations, including existing special districts within a reasonable time or on a comparable basis;
- (d) The District is capable of providing economic and sufficient service to the area within its proposed boundaries;

- (e) The area included in the District has and will have the financial ability to discharge the proposed indebtedness on a reasonable basis;
- (f) The facility and service standards for the proposed District are compatible with the facility and service standards of the City;
- (g) The proposal is in compliance with any duly adopted long-range water quality management plan for the area; and
- (h) The creation of the proposed District will be in the best interests of the area proposed to be served.
- (i) Approval of this Service Plan does not affect or in any way limit the exercise of any of the City's powers with respect to the development of the property in the District or the construction of the improvements by the District.

Section 3. That the Service Plan of the Church Ranch Metropolitan District is hereby approved unconditionally.

Section 4. That a certified copy of this Resolution be filed in the records of the City and submitted to the Petitioners for the purpose of filing in the District Court of Jefferson County.

ADOPTED AND APPROVED this 8th day of September, 2003.

CITY OF WESTMINSTER, COLORADO

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ATTEST

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City Clerk

I, Michele Kelley, the duly appointed and acting City Clerk of the City of Westminster, Colorado, do hereby certify that this is a true and exact copy of the Resolution No. 37, as adopted by the Westminster City Council on September 8, 2003.

The original of this Resolution is on file in the Westminster City Clerk's Office.

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City Clerk

FIN-CD Church Ranch MSD Creation.doc

**CHURCH RANCH METROPOLITAN DISTRICT  
BALLOT QUESTIONS**

**STREET IMPROVEMENTS**

SHALL CHURCH RANCH METROPOLITAN DISTRICT DEBT BE INCREASED \$3,770,000 WITH A REPAYMENT COST OF \$20,735,000 OR SUCH LESSER AMOUNT AS MAY BE NECESSARY, AND SHALL CHURCH RANCH METROPOLITAN DISTRICT TAXES BE INCREASED \$20,735,000 ANNUALLY OR SUCH LESSER AMOUNT AS MAY BE NECESSARY FOR THE PAYMENT OF SUCH DEBT AND ANY REFUNDINGS THEREOF, SUCH DEBT TO BE IN THE FORM OF GENERAL OBLIGATION BONDS, REVENUE BONDS, OR OTHER OBLIGATIONS OF THE DISTRICT, INCLUDING BUT NOT LIMITED TO CONTRACTS, LEASES, AND OTHER AGREEMENTS (THE "BONDS"), ALL FOR THE PURPOSES OF PAYING, LEASING, FINANCING OR REIMBURSING ALL OR ANY PART OF THE COSTS OF DESIGNING, ACQUIRING, CONSTRUCTING, RELOCATING, INSTALLING, COMPLETING AND OTHERWISE PROVIDING, WITHIN AND WITHOUT THE BOUNDARIES OF THE DISTRICT, STREET IMPROVEMENTS INCLUDING BUT NOT LIMITED TO CURBS, GUTTERS, CULVERTS, AND OTHER DRAINAGE FACILITIES, UNDERGROUND CONDUITS, RIGHT-OF-WAY, SIDEWALKS, TRAILS, BIKE PATHS AND PEDESTRIAN WAYS, PEDESTRIAN OVERPASSES, RETAINING WALLS, INTERCHANGES, PARKING AREAS, PARKING FACILITIES, MEDIAN ISLANDS, PAVING, LIGHTING, GRADING, LANDSCAPING, IRRIGATION AND A SYSTEM OF TRAFFIC AND SAFETY CONTROLS AND DEVICES ON STREETS AND HIGHWAYS, INCLUDING BUT NOT LIMITED TO SIGNALIZATION, SIGNAGE AND STRIPING, AREA IDENTIFICATION, DRIVER INFORMATION AND DIRECTIONAL ASSISTANCE SIGNS, ENTRY MONUMENTATION; TOGETHER WITH ALL NECESSARY, INCIDENTAL, AND APPURTENANT FACILITIES, EQUIPMENT, LAND AND EASEMENTS ACQUIRED BY CONDEMNATION OR OTHERWISE, AND EXTENSIONS OF AND IMPROVEMENTS TO SUCH FACILITIES; SUCH BONDS TO BEAR INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 18%, BE REFINANCED AT A NET EFFECTIVE INTEREST RATE NOT IN EXCESS OF THE MAXIMUM NET EFFECTIVE INTEREST RATE WITHOUT ADDITIONAL VOTER APPROVAL, AND MATURE, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, AND BE ISSUED, DATED AND SOLD AT, ABOVE OR BELOW PAR AT SUCH TIME OR TIMES AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT HEREWITH, AS THE BOARD OF DIRECTORS MAY DETERMINE; SHALL AD VALOREM PROPERTY TAXES BE LEVIED IN ANY YEAR, WITHOUT LIMITATION AS TO RATE OR AMOUNT OR ANY OTHER CONDITION, TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS WHEN DUE AND TO FUND ANY RESERVES FOR THE PAYMENT THEREOF; AND SHALL THE PROCEEDS OF THE BONDS, THE REVENUES FROM SUCH TAXES, ANY OTHER REVENUES USED TO PAY THE BONDS AND ANY EARNINGS FROM THE INVESTMENT OF SUCH PROCEEDS AND REVENUES (REGARDLESS OF AMOUNT AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE DISTRICT) CONSTITUTE VOTER-APPROVED REVENUE CHANGES?

**WATER IMPROVEMENTS**

SHALL CHURCH RANCH METROPOLITAN DISTRICT DEBT BE INCREASED \$6,380,000 WITH A REPAYMENT COST OF \$35,090,000 OR SUCH LESSER AMOUNT AS MAY BE NECESSARY, AND SHALL CHURCH RANCH METROPOLITAN DISTRICT TAXES BE INCREASED \$35,090,000 ANNUALLY OR SUCH LESSER AMOUNT AS MAY BE NECESSARY FOR THE PAYMENT OF SUCH

DEBT AND ANY REFUNDINGS THEREOF, SUCH DEBT TO BE IN THE FORM OF GENERAL OBLIGATION BONDS, REVENUE BONDS OR OTHER OBLIGATIONS OF THE DISTRICT, INCLUDING WITHOUT LIMITATION CONTRACTS, LEASES, AND OTHER AGREEMENTS (THE "BONDS"), ALL FOR THE PURPOSES OF PAYING, LEASING, FINANCING, OR REIMBURSING ALL OR ANY PART OF THE COSTS OF DESIGNING, ACQUIRING, CONSTRUCTING, COMPLETING, RELOCATING, INSTALLING, AND OTHERWISE PROVIDING, WITHIN OR WITHOUT THE BOUNDARIES OF THE DISTRICT, A COMPLETE NONPOTABLE WATER SUPPLY, STORAGE, TRANSMISSION, AND DISTRIBUTION SYSTEM, WHICH MAY INCLUDE, BUT SHALL NOT BE LIMITED TO WATER PUMPS, PUMP STATIONS, TRANSMISSION LINES, DISTRIBUTION MAINS AND LATERALS, FIRE HYDRANTS, METERS, TREATMENT FACILITIES, IRRIGATION FACILITIES, STORAGE FACILITIES, DETENTION/RETENTION PONDS, TOGETHER WITH ALL NECESSARY, INCIDENTAL, AND APPURTENANT FACILITIES, EQUIPMENT, LAND AND EASEMENTS ACQUIRED BY CONDEMNATION OR OTHERWISE, AND EXTENSIONS OF AND IMPROVEMENTS TO SUCH FACILITIES; SUCH BONDS TO BEAR INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 18%, BE REFINANCED AT A NET EFFECTIVE INTEREST RATE NOT IN EXCESS OF THE MAXIMUM NET EFFECTIVE INTEREST RATE WITHOUT ADDITIONAL VOTER APPROVAL, AND MATURE, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, AND BE ISSUED, DATED AND SOLD AT, ABOVE OR BELOW PAR AT SUCH TIME OR TIMES AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT HEREWITH, AS THE BOARD OF DIRECTORS MAY DETERMINE; SHALL AD VALOREM PROPERTY TAXES BE LEVIED IN ANY YEAR, WITHOUT LIMITATION AS TO RATE OR AMOUNT OR ANY OTHER CONDITION, TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS WHEN DUE AND TO FUND ANY RESERVES FOR THE PAYMENT THEREOF; AND SHALL THE PROCEEDS OF THE BONDS, THE REVENUES FROM SUCH TAXES, ANY OTHER REVENUES USED TO PAY THE BONDS AND ANY EARNINGS FROM THE INVESTMENT OF SUCH PROCEEDS AND REVENUES (REGARDLESS OF AMOUNT AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE DISTRICT) CONSTITUTE VOTER-APPROVED REVENUE CHANGES?

#### **TELEVISION RELAY AND TRANSLATION IMPROVEMENTS**

SHALL CHURCH RANCH METROPOLITAN DISTRICT DEBT BE INCREASED \$4,350,000 WITH A REPAYMENT COST OF \$23,925,000 OR SUCH LESSER AMOUNT AS MAY BE NECESSARY, AND SHALL CHURCH RANCH METROPOLITAN DISTRICT TAXES BE INCREASED \$23,925,000 ANNUALLY OR SUCH LESSER AMOUNT AS MAY BE NECESSARY FOR THE PAYMENT OF SUCH DEBT AND ANY REFUNDINGS THEREOF, SUCH DEBT TO BE IN THE FORM OF GENERAL OBLIGATION BONDS, REVENUE BONDS OR OTHER OBLIGATIONS OF THE DISTRICT, INCLUDING CONTRACTS, LEASES, AND OTHER AGREEMENTS (THE "BONDS"), ALL FOR THE PURPOSES OF PAYING, LEASING, FINANCING OR REIMBURSING ALL OR ANY PART OF THE COSTS OF DESIGNING, ACQUIRING, CONSTRUCTING, COMPLETING, RELOCATING, INSTALLING AND OTHERWISE PROVIDING, WITHIN OR WITHOUT THE BOUNDARIES OF THE DISTRICT, A COMPLETE TELEVISION RELAY AND TRANSLATION FACILITIES AND PROGRAMS, TOGETHER WITH ALL NECESSARY, INCIDENTAL, AND APPURTENANT FACILITIES, EQUIPMENT, LAND AND EASEMENTS ACQUIRED BY CONDEMNATION OR OTHERWISE, AND EXTENSIONS OF AND IMPROVEMENTS TO SUCH FACILITIES; SUCH BONDS TO BEAR INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 18%, BE REFINANCED AT A NET EFFECTIVE INTEREST RATE NOT IN EXCESS OF THE MAXIMUM NET EFFECTIVE INTEREST RATE WITHOUT ADDITIONAL VOTER

APPROVAL, AND MATURE, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, AND BE ISSUED, DATED AND SOLD AT, ABOVE OR BELOW PAR AT SUCH TIME OR TIMES AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT HEREWITH, AS THE BOARD OF DIRECTORS MAY DETERMINE; SHALL AD VALOREM PROPERTY TAXES BE LEVIED IN ANY YEAR, WITHOUT LIMITATION AS TO RATE OR AMOUNT OR ANY OTHER CONDITION, TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS WHEN DUE AND TO FUND ANY RESERVES FOR THE PAYMENT THEREOF; AND SHALL THE PROCEEDS OF THE BONDS, THE REVENUES FROM SUCH TAXES, ANY OTHER REVENUES USED TO PAY THE BONDS AND ANY EARNINGS FROM THE INVESTMENT OF SUCH PROCEEDS AND REVENUES (REGARDLESS OF AMOUNT AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE DISTRICT) CONSTITUTE VOTER-APPROVED REVENUE CHANGES?

## **REFUNDING**

SHALL CHURCH RANCH METROPOLITAN DISTRICT DEBT BE INCREASED \$14,500,000 WITH A REPAYMENT COST OF \$79,750,000 OR SUCH LESSER AMOUNT AS MAY BE NECESSARY, AND SHALL CHURCH RANCH METROPOLITAN DISTRICT TAXES BE INCREASED \$79,750,000 ANNUALLY OR SUCH LESSER AMOUNT AS MAY BE NECESSARY FOR THE PAYMENT OF SUCH DEBT AND ANY REFUNDINGS THEREOF, SUCH DEBT TO BE IN THE FORM OF GENERAL OBLIGATION BONDS, REVENUE BONDS OR OTHER OBLIGATIONS OF THE DISTRICT, INCLUDING WITHOUT LIMITATION CONTRACTS, LEASES, AND OTHER AGREEMENTS (THE "BONDS"), ALL FOR THE PURPOSE OF REFUNDING, REFINANCING OR DEFEASING ANY OR ALL OF THE DISTRICT'S DEBT OR OTHER OBLIGATIONS AT AN INTEREST RATE THAT IS EQUAL TO, LOWER OR HIGHER THAN THE INTEREST RATE ON THE REFUNDED BONDS, BUT IS NOT IN EXCESS OF THE MAXIMUM NET EFFECTIVE INTEREST RATE OF 18%, SUCH BONDS TO MATURE, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, AND BE ISSUED, DATED AND SOLD AT, ABOVE OR BELOW PAR AT SUCH TIME OR TIMES AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT HEREWITH, AS THE BOARD OF DIRECTORS MAY DETERMINE; SHALL AD VALOREM PROPERTY TAXES BE LEVIED IN ANY YEAR, WITHOUT LIMITATION AS TO RATE OR AMOUNT OR ANY OTHER CONDITION, TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS WHEN DUE AND TO FUND ANY RESERVES FOR THE PAYMENT THEREOF; AND SHALL THE PROCEEDS OF THE BONDS, THE REVENUES FROM SUCH TAXES, ANY OTHER REVENUES USED TO PAY THE BONDS AND ANY EARNINGS FROM THE INVESTMENT OF SUCH PROCEEDS AND REVENUES (REGARDLESS OF AMOUNT AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE DISTRICT) CONSTITUTE VOTER-APPROVED REVENUE CHANGES?

## **OPERATIONS AND MAINTENANCE DEBT**

SHALL CHURCH RANCH METROPOLITAN DISTRICT DEBT BE INCREASED \$500,000 WITH A REPAYMENT COST OF \$2,750,000 OR SUCH LESSER AMOUNT AS MAY BE NECESSARY, AND SHALL CHURCH RANCH METROPOLITAN DISTRICT TAXES BE INCREASED \$2,750,000 ANNUALLY OR SUCH LESSER AMOUNT AS MAY BE NECESSARY FOR THE PAYMENT OF SUCH DEBT AND ANY REFUNDINGS THEREOF, SUCH DEBT OR MULTIPLE FISCAL YEAR OBLIGATION TO CONSIST OF GENERAL OBLIGATION BONDS, REVENUE BONDS OR OTHER OBLIGATIONS OF THE DISTRICT, INCLUDING CONTRACTS AND AGREEMENTS, ISSUED OR INCURRED FOR THE PURPOSE OF PAYING,

REIMBURSING, FINANCING OR REFINANCING ALL OR ANY PART OF THE DISTRICT'S OPERATING EXPENSES, OR ADVANCES OF OPERATING EXPENSES MADE TO THE DISTRICT, SUCH DEBT OR MULTIPLE FISCAL YEAR OBLIGATION TO BEAR INTEREST AT A NET EFFECTIVE INTEREST RATE NOT IN EXCESS OF 18% PER ANNUM, SUCH INTEREST TO ACCRUE UNTIL PAID AND TO COMPOUND ANNUALLY OR SEMIANNUALLY AS MAY BE DETERMINED BY THE BOARD OF DIRECTORS, SUCH DEBT OR MULTIPLE FISCAL YEAR OBLIGATION TO BE INCURRED AT ONE TIME OR FROM TIME TO TIME AND TO MATURE, BE SUBJECT TO REDEMPTION OR PREPAYMENT, WITH OR WITHOUT PREMIUM, AND TO CONTAIN SUCH TERMS, NOT INCONSISTENT HEREWITH AS THE BOARD OF DIRECTORS MAY DETERMINE, TO BE PAID FROM ANY LEGALLY AVAILABLE MONEYS OF THE DISTRICT, INCLUDING THE REVENUES DERIVED FROM INTEREST EARNINGS, THE OPERATION OF ANY OF THE DISTRICT'S FACILITIES OR PROPERTIES AND THE DISTRICT'S PROVISION OF SERVICES; SHALL AD VALOREM PROPERTY TAXES BE LEVIED IN ANY YEAR, WITHOUT LIMITATION AS TO RATE OR AMOUNT, IN AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF, AND INTEREST ON THE DEBT OR MULTIPLE FISCAL YEAR OBLIGATION WHEN DUE, AND SHALL THE PROCEEDS OF THE DEBT OR MULTIPLE FISCAL YEAR OBLIGATION, THE REVENUES FROM SUCH TAXES, ANY OTHER REVENUES USED TO PAY THE DEBT OR MULTIPLE FISCAL YEAR OBLIGATION AND ANY EARNINGS FROM THE INVESTMENT OF SUCH PROCEEDS AND REVENUES (REGARDLESS OF AMOUNT AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE DISTRICT) CONSTITUTE VOTER-APPROVED REVENUE CHANGES?

#### **OPERATIONS AND MAINTENANCE**

SHALL CHURCH RANCH METROPOLITAN DISTRICT TAXES BE INCREASED \$100,000 ANNUALLY OR SUCH LESSER AMOUNT AS NECESSARY TO PAY THE DISTRICT'S ADMINISTRATION, OPERATIONS, MAINTENANCE, LANDSCAPE MAINTENANCE AND OTHER EXPENSES; SHALL AD VALOREM PROPERTY TAXES BE LEVIED IN ANY YEAR, WITHOUT LIMITATION AS TO RATE OR AMOUNT OR ANY OTHER CONDITION TO PAY SUCH EXPENSES AND SHALL THE PROCEEDS OF SUCH TAXES AND ANY INVESTMENT INCOME THEREON BE COLLECTED AND SPENT BY THE DISTRICT IN FISCAL YEAR 2003 AND IN EACH FISCAL YEAR THEREAFTER FOR AS LONG AS THE DISTRICT CONTINUES IN EXISTENCE; SHALL SUCH AUTHORIZATION CONSTITUTE VOTER-APPROVED REVENUE CHANGES AND BE COLLECTED AND SPENT BY THE DISTRICT WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITS IMPOSED ON INCREASES IN PROPERTY TAXATION BY SECTION 29-1-301, C.R.S., OR ANY OTHER LAW WHICH PURPORTS TO LIMIT THE DISTRICT'S REVENUES OR EXPENDITURES, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE DISTRICT?

#### **INTERGOVERNMENTAL AGREEMENTS**

SHALL CHURCH RANCH METROPOLITAN DISTRICT'S DEBT BE INCREASED \$14,500,000 WITH A REPAYMENT COST OF \$79,750,000 OR SUCH LESSER AMOUNT AS MAY BE NECESSARY, AND SHALL CHURCH RANCH METROPOLITAN DISTRICT TAXES BE INCREASED \$79,750,000 ANNUALLY OR SUCH LESSER AMOUNT AS MAY BE NECESSARY FOR THE PAYMENT OF SUCH DEBT AND ANY REFUNDINGS THEREOF, SUCH DEBT TO CONSIST OF INTERGOVERNMENTAL AGREEMENTS OR OTHER CONTRACTS WITHOUT LIMIT AS TO TERM WITH ONE OR MORE PUBLIC ENTITIES (THE



“CONTRACTS”), WHICH CONTRACTS WILL CONSTITUTE MULTIPLE FISCAL YEAR FINANCIAL OBLIGATIONS AND WHICH WILL OBLIGATE THE DISTRICT TO PAY, REIMBURSE OR FINANCE THE COSTS OF FINANCING, DESIGNING, ACQUIRING, CONSTRUCTING, COMPLETING OR OTHERWISE PROVIDING, AND THE COSTS OF OPERATING AND MAINTAINING, CERTAIN WATER, STREET AND SAFETY PROTECTION, AND TELEVISION RELAY AND TRANSLATION IMPROVEMENTS, ALL AS MAY BE PROVIDED IN SUCH CONTRACTS, SUCH CONTRACTS TO BEAR INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 18%, BE REFINANCED AT A NET EFFECTIVE INTEREST RATE NOT IN EXCESS OF THE MAXIMUM NET EFFECTIVE INTEREST RATE WITHOUT ADDITIONAL VOTER APPROVAL AND CONTAIN SUCH TERMS, NOT INCONSISTENT HEREWITH, AS THE BOARD OF DIRECTORS MAY DETERMINE, AND IN CONNECTION THEREWITH (I) TO INCREASE THE DISTRICT’S PROPERTY TAXES IN ANY YEAR, WITHOUT LIMITATION AS TO RATE OR AMOUNT, IN AN AMOUNT SUFFICIENT TO PAY THE OBLIGATIONS OF THE CONTRACTS WHEN DUE, AND (II) TO AUTHORIZE THE COLLECTION AND SPENDING OF THE PROCEEDS OF THE CONTRACTS, THE REVENUES FROM ALL TAXES, FROM REVENUE SHARING AGREEMENTS, ANY OTHER REVENUES USED TO PAY THE CONTRACTS AND ANY EARNINGS FROM THE INVESTMENT OF SUCH PROCEEDS AND REVENUES AS VOTER-APPROVED REVENUE CHANGES, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE DISTRICT?

**DE-BRUCING**

SHALL CHURCH RANCH METROPOLITAN DISTRICT BE AUTHORIZED TO COLLECT, RETAIN, AND SPEND THE FULL AMOUNT OF ALL TAXES, TAP FEES, FACILITY FEES, SERVICE CHARGES, INSPECTION CHARGES, ADMINISTRATIVE CHARGES, GRANTS OR ANY OTHER FEE, RATE, TOLL, PENALTY, OR CHARGE AUTHORIZED BY LAW TO BE IMPOSED OR COLLECTED BY THE DISTRICT AND ANY OTHER REVENUES OR INCOME LAWFULLY RECEIVED BY THE DISTRICT DURING 2003 AND EACH FISCAL YEAR THEREAFTER; SHALL SUCH AUTHORIZATION CONSTITUTE VOTER-APPROVED REVENUE CHANGES AND BE COLLECTED AND SPENT BY THE DISTRICT WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITS IMPOSED ON INCREASES IN PROPERTY TAXATION BY SECTION 29-1-301, C.R.S., OR ANY OTHER LAW WHICH PURPORTS TO LIMIT THE DISTRICT’S REVENUES OR EXPENDITURES, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE DISTRICT?

**WAIVER OF TERM LIMITS:**

SHALL MEMBERS OF THE BOARD OF DIRECTORS OF CHURCH RANCH METROPOLITAN DISTRICT BE AUTHORIZED TO SERVE WITHOUT LIMITATION ON THEIR TERMS OF OFFICE PURSUANT TO THE RIGHT GRANTED TO THE VOTERS OF THE DISTRICT IN ARTICLE XVIII, SECTION 11 OF THE COLORADO CONSTITUTION TO LENGTHEN, SHORTEN, OR ELIMINATE THE LIMITATIONS ON THE TERMS OF OFFICE IMPOSED BY SUCH SECTION?



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 8, 2003



**Subject:** Councillor's Bill No. 48 re Brookhill Center, Incorporated, Business Assistance Package

**Prepared By:** Susan Grafton, Economic Development Manager

**Recommended City Council Action**

Pass Councillor's Bill No. 48 on first reading authorizing the City Manager to execute the amendment to the business assistance package (BAP) between the City of Westminster and Brookhill Center, Incorporated (BCI).

**Summary Statement**

- BCI has worked diligently over the past two years to upgrade the Towne Center at Brookhill and to fill the remaining vacancies. Additional help is needed to fill the final spaces.
- This BAP will not become active until after the current Bed, Bath and Beyond BAP expires, which is expected to occur in November 2003.
- Assistance is based on the City's desire to encourage upgrading of older shopping centers and filling existing vacant retail space.

**Expenditure Required:** \$330,150 (Sales Tax Rebate)

**Source of Funds:** The business assistance package to BCI will be funded through the rebate of sales tax directly generated from the retail stores and shops at the east end of Towne Center at Brookhill.

## **Policy Issue**

Does Council desire to provide assistance to BCI to promote the filling of existing retail space in the City?

## **Alternatives**

Do Nothing: One alternative to offering the above business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City would not be supporting the goal of filling existing vacant retail space.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is what is needed for this project to proceed.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. However, it is staff's opinion that additional assistance is not needed.

## **Background Information**

The City has been working with the owners of the Towne Center at Brookhill, bordered by 88<sup>th</sup> and 92<sup>nd</sup> Avenues, Wadsworth Parkway and Pierce Street (vicinity map attached), for several years to encourage the updating and improvement of the center, as well as to help fill existing vacancies. Agreements were put in place with the previous owner, Jay Gallagher of Gallagher and Associates to attract the Home Depot and the Bed, Bath and Beyond stores. As part of those discussions, the City requested that improvements be made to the shopping center. Subsequently, German American Capital Corporation acquired the shopping center, and the center is now under management by Consolidated Affiliates, LLC out of Maryland. The 2 entities are jointly known as Brookhill Center, Inc (BCI). BCI has been actively working on upgrades to the center since mid 2002. Improvements completed and currently underway include repainting of the entire center (except for Home Depot); repair of exterior structural damage; new pedestrian furnishings including planters, benches, waste receptacles; repavement of the parking area; upgrade to the sprinkler system; upgrading exterior lighting; as well as putting in new signage. BCI expects to have expended over \$2 million once all renovations and improvements have been completed. Any required tenant improvements are in addition to these expenses. Assistance is being requested now to help fill the remaining 60,000 s.f. of vacant space.

The proposed BAP is structured so that the higher the occupancy and the better the tenants in the east end of the Towne Center at Brookhill, the sooner BCI will get funds. The BAP motivates full occupancy of the shopping center by tying the assistance to the incremental revenue generated above and beyond the current sale tax revenue generated by the east end of the shopping center. If there is no additional increment in sale tax receipts, BCI does not get a rebate.

## **Estimated Revenue**

Typically, Staff provides to Council a revenue projection based on revenue from building permits, use tax on construction, sales tax and property tax. For this project, this information is not particularly germane. Building permits and construction use tax will be fairly minimal and there is not a clear idea when new tenant finishes will be occurring. The property tax will not significantly change because the building shell will not be modified and already exists. The only new revenue stream will come in from new sales tax receipts. Based on 100% occupancy, average sales of \$200.00 per square foot and 3% general sales tax, it is projected that the east end of the Towne Center at Brookhill will generate approximately \$220,000 annually in new sales tax (not currently being generated by the center). Over three years, incremental sales tax receipts will equate to approximately \$660,000.

**Business Assistance Package**

BCI has requested that 50% of the sale tax revenue generated from the upgrades to the east end of the Towne Center at Brookhill be rebated to them for three years. And further, the rebate is to be made from the new incremental sales tax receipts, generated following the signing of the agreement. Funding of this assistance will not begin until after the "Bed, Bath and Beyond" BAP has expired, which staff anticipates to occur in November 2003. Waiting for that BAP to expire allows the City to begin reaping the full benefits of the Bed, Bath and Beyond revenue before providing additional assistance to the Shopping Center owner.

As proposed, the total assistance to BCI for upgrading and filling the vacancies for the east end of the Towne Center at Brookhill will be as follows:

Projected Annual Incremental Sales Tax Receipts:	\$220,100
	<u>X 50%</u>
50% of Incremental Receipts:	\$110,050
	<u>X 3 years</u>
<b>Total 3 year Sales Tax rebate</b>	<b>\$330,150</b>

**Conclusion**

This assistance package reflects the City's goal to encourage improvements to existing shopping centers and fill existing vacant space. In a down economy and at a non-prime retail location, BCI has been aggressive and successful in filling the Towne Center at Brookhill. They have been successful because they have offered very moderate lease rates and have underwritten tenant improvements. If leased as anticipated, the City will generate \$880,000 in total new sales tax from the east end of the shopping center over a four year period of time. The City's BAP to BCI of approximately \$330,000 helps the company meet the City's goal of revitalizing existing shopping centers.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **48**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN BROOKHILL CENTER, INCORPORATED (BCI) AND THE CITY OF WESTMINSTER TO AID WITH THE UPGRADING OF THE TOWN CENTER AT BROOKHILL IN WESTMINSTER

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, BCI plans to continue renovation and filling vacancies at the Town Center at Brookhill located at 88<sup>th</sup> Avenue and Wadsworth Parkway in Westminster, and

WHEREAS, the assistance agreement continues to meet the goal of filling vacant retail space in the City; and

WHEREAS, a proposed Assistance Agreement between the City and BCI is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with BCI in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of September 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of September, 2003.

ATTEST:

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Mayor

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City Clerk

**BUSINESS ASSISTANCE AGREEMENT WITH BROOKHILL CENTER, INCORPORATED FOR THE REDEVELOPMENT OF THE TOWNE CENTER AT BROOKHILL SHOPPING CENTER IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2003, between the CITY OF WESTMINSTER (the "City"), and Brookhill Center, Inc. ("BCI")

WHEREAS, the City wishes to provide certain assistance to BCI to aid in the redevelopment of Towne Center at Brookhill Shopping Center within the City located at the northeast corner of 88<sup>th</sup> Avenue and Wadsworth Parkway.

WHEREAS, the Towne Center at Brookhill Shopping Center was originally built in 1985 and is in need of revitalization to stay vibrant and competitive.

WHEREAS, the Towne Center at Brookhill Shopping Center has many major tenants, such as Home Depot, Lamps Plus and Burlington Coat Factory and others that make the center an important tax generator.

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by assisting this economic development project within the City.

In consideration of the mutual promises set forth below, the City and BCI agree as follows:

1. Sales Tax Rebate

The City shall rebate to BCI, 50% of the sales tax increment collected from all stores east between Home Depot and Pierce Street, but excluding Shoe Carnival and Home Depot, which are located in the Towne Center at Brookhill, for the three year period (36 months) following the date of execution of this agreement by the City. This rebate shall commence and become payable upon the completion of the Bed, Bath, and Beyond Business Assistance Agreement (estimated completion date of November 2003). Such rebate shall be payable exclusively from sales tax revenues collected by the City from the stores and shops between Home Depot and Pierce Street, but excluding Home Depot and Shoe Carnival (the east retail) and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax). The rebate shall be paid by the City in quarterly installments from incremental sales tax revenue actually collected and received by the City from the described area. Incremental sales tax is that amount of sales tax receipts collected that are more than those received from the east retail area during the 12 month period prior to the signing of this agreement. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter. Payments will be submitted electronically to BCI's designated financial institution.

2. Exclusion of Existing City Businesses

It is the intent of the City to attract new retailers to the City and not to merely subsidize the relocation of an existing retailer from one location in Westminster to another. Therefore, the rebate calculation set forth in Paragraph 1 will not include sales tax receipts of any business, which has relocated from an existing location in the City to the Towne Center at Brookhill. Special consideration would be given by staff for an business expanding the existing business or adding a new business location in the Towne Center at Brookhill, on a case by base basis.

3. Entire Agreement

This instrument shall constitute the entire agreement between the City and BCI and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter. In the event of sale, staff may assign the business assistance package to BCI's successor.

4. Subordination.

The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

5. Annual Appropriation

Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

6. Governing Law: Venue

This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Jefferson County, Colorado.

Brookhill Center, Inc.

CITY OF WESTMINSTER

By \_\_\_\_\_  
Robert D. Burns, President

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

ATTEST:

ATTEST:

\_\_\_\_\_  
Title

\_\_\_\_\_  
Michele Kelley  
City Clerk



WESTMINSTER  
COLORADO

**Agenda Memorandum**

City Council Meeting  
September 8, 2003



**SUBJECT:** Councillor's Bill No. 49 re Creating the Mandalay Town Center General Improvement District

**Prepared by:** Alan Miller, Special Projects Director  
Mary Ann Parrot, Finance Director

**Recommended City Council Action**

Pass Councillors' Bill No. 49 as an emergency ordinance creating the City of Westminster Mandalay Town Center General Improvement District.

**Summary Statement**

Tonight's action is another step in the year-long effort by the City to accomplish the redevelopment of the Mandalay Town Center. The project currently is on schedule.

During discussions with City Council regarding the Mandalay Town Center redevelopment, Staff addressed the policy issues surrounding the formation of a General Improvement District co-terminus with the Urban Renewal Area. These were covered in the discussions regarding the RFP for redevelopment and as a way to cover some costs without added burden on the tax increment financing. The GID provides for:

- Ability to raise property taxes in this area to facilitate additional public improvements
- Agreement by RED development to the formation of this district
- Ability of this area to remain competitive regarding tax levies

Staff was directed by Council to establish a General Improvement District (GID) to assure that property benefiting from the construction of the development would participate in paying the debt incurred by the WEDA Bond issue. The first step in the creation of a GID is for petitioners to file a Petition for the Organization of a General Improvement District with the City Clerk. The petition must meet all legal requirements as set forth in the appropriate sections of the Colorado Revised Statutes. The required petition to form a GID has been properly filed with the City Clerk by the petitioners (copy attached). The next procedural step requires that the City Council adopt an ordinance creating the GID.

If the GID is created, the Council will become the ex-officio Board of the GID. To comply with deadlines set forth in State law, appropriate ballot questions for the GID debt issue have been prepared and are also being presented for the Board's consideration under separate cover on tonight's agenda, to be considered by City Council sitting as the GID Board, if the action above is approved.

**Expenditure Required:** \$0

**Source of Funds:** N/A



**Policy Issue**

Should City Council move forward with the formation of the Mandalay Town Center General Improvement District?

**Alternatives**

1. Do not form the GID. This is not recommended for the following reasons:
  - a. The GID is a revenue-generating district, which revenues will be used to help defray the debt service on the WEDA bonds.
  - b. The developer's market research shows the GID tax levy can be implemented at 35 mills and the overlapping tax levels will still remain competitive for this type of commercial development.
  - c. The City and RED Development have agreed to this strategy, as reviewed with City Council during several past discussions.
  - d. The GID is a part of the feasibility and covenants with the letter of credit bank and is an integral part of the financing documents, which were approved August 25 by WEDA and City Council. Not approving a GID could constitute an event of default in the transaction.
  
2. Delay the formation of the GID. This is not recommended for the following reasons:
  - a. The release of bond funds from escrow to construct some of the necessary public improvements needed for this development requires the formation of the GID and the adoption of a mill levy of 35 mills.
  - b. These public improvements are planned for construction between November 2003 and November 2004. Delaying the formation of the GID delays the adoption of the mill levy to November 2004 and this is not favorable to the completion of the public improvements and the opening of the Target store in November 2004. The public improvements need to be completed prior to November 2004.

**Background**

The Mandalay Town Center Redevelopment project has been underway for more than a year. Actions to date include the following:

- On December 16, 2002 the City and WEDA approved an annexation and Preliminary Development Agreement with Westfield Development, Inc.
- On December 23, 2002 the City Council approved the annexation of the Mandalay Gardens area to Westminster.
- On March 17, 2003 the City Council approved an Urban Renewal Plan for Mandalay Gardens under the Colorado Urban Renewal law.
- On March 24, 2003 the City Council approved an IGA with WEDA to advance funds to purchase the Sup-Cal property in compliance with the terms of the purchase and sale agreement with Super Properties LLC.
- On April 14, 2003 the WEDA Board of Directors approved the selection of CDC-RED as the preferred developer for Mandalay Gardens.
- On April 14, 2003 the WEDA Board of Directors also approved the advanced funding of up to \$1.0M to reimburse Westfield Development Corporation for work on the project on behalf of WEDA in compliance with the annexation and preliminary development agreement.
- On June 2, 2003 City Council approved an IGA with WEDA to advance funds of \$750,000 to purchase the Mortensen parcel within the Mandalay Gardens area.

- On June 2, 2003 the WEDA Board of Directors approved an IGA with the City of Westminster agreeing to repay the City \$750,000 in funds advanced to WEDA for the purchase of the Mortenson property.
- On June 9, 2003 the City of Westminster entered into an IGA with WEDA to advance funds in the amount of \$11.5 M through the use of short-term cash from the General Capital Improvement Fund for the purchase of 20 parcels of land to further the Mandalay Gardens Town Center project.
- On June 9, 2003 WEDA approved an IGA with the City of Westminster to repay the advanced funds of \$11.5 M for the purchase of 20 parcels of land to further the Mandalay Gardens Town Center project.
- On June 23, the City and WEDA approved a Redevelopment Agreement with RED Development Company that committed the City to participate in the redevelopment agreement by providing a “moral obligation” pledge to replenish the WEDA bond Reserve if it is drawn down and to provide other assistance to the redevelopment.
- On June 25, Target’s Capital Project Review team approved the draft contract with RED Development Inc., for the construction of a Super-Target on the site. This was a unanimous approval and was one of the critical steps in this project.
- Between June 30 and August 5, all properties save one were acquired by WEDA, completing the land acquisition necessary to move forward with the project. The remaining property is under negotiations at the present time.
- During July and August, all property owners vacated their respective properties.
- On August 12, Target Senior Management approved the project and the contract between RED and Target. They expect to execute the Purchase and Sale Agreement for the Target parcel during the week of August 18, 2003.
- On August 15, construction crews commenced property clearing and grading in preparation for the construction to begin on Target in November.
- On August 25, WEDA approved the bond sale of \$38.525 million to finance improvements at the Mandalay Town Center.
- On August 27, the WEDA bonds were sold at a rate of 1.20% for the initial weekly reset.

The balance of the schedule is as follows:

<b>Event</b>	<b>Date</b>
RED Development and Target Store closing on land	September 12, 2003
Target store construction commencing	November 1, 2003
RED Development closing on remaining Mandalay Town Center Redevelopment project	November 14, 2003
Commencing construction of phase 2 Mandalay Gardens Town Center project	November 2003
Opening Target store	November 2004

Staff has evaluated the competitiveness of this additional tax. The results of the other commercial taxing districts in the area are shown in the table below. In addition, RED Development is in favor of this approach and has said their leasing program will not be affected adversely by this tax, as the overall burden is still competitive at 110 to 140 mills total mill levy.

The proposed district would levy a property tax of 35 mills, which would be assessed in addition to the ad valorem property taxes levied by other taxing districts, effective with the first year of partial property assessment, with taxes to be collected the following year. The proceeds would be used to fund public improvements abutting the Mandalay Gardens site. The GID would not issue any bonds.

Deleted: 25 to

For the Mandalay Gardens site, the pre-annexation property tax levy for property taxes payable in 2003 is 85.479 mills. After annexation this levy will decrease to 78.689 because mill levies for Jeffco Law Enforcement and the North Metro Fire Rescue District will no longer apply to this area. If the proposed GID were to impose a levy of 35 mills, the proposed total property tax levy would be about 114 mills on properties in Mandalay Town Center. This would remain competitive with other residential and commercial districts in the area with like mill levies.

The table below displays levies in other districts in the Denver metropolitan area:

District Name (and County)	Total Levy of All Overlapping Taxing Districts for Collection in 2003	Special District Levy Only for Collection in 2003
<b>Residential Districts</b>		
1. Bradburn No 2 (Adams)	139.408	45.000
2. Bradburn No 3 (Adams)	119.408	25.000
3. McKay Landing (Broomfield)	139.451	37.257
Residential Average	118.862	29.312
<b>Commercial Districts</b>		
1. Interlocken Business Park (Broomfield)	104.162	27.240
2. NBC (Jefferson)	114.178	41.000
3. Denver West	130.906	35.000
Commercial Average	108.518	26.683
Source: Clifton Gunderson, LLP (CPA), Annual Survey of Mill Levy Comparisons - 2003		

It is the City's and the developer's joint belief that the area will remain competitive with a total tax burden of 114 mills.

**Deleted:** that falls in the range of 125 to

**Deleted:** The final mill levy is subject to negotiations between the preferred developer and WEDA.¶

Staff will be present at the City Council meeting on Monday, September 8 to answer questions.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3051**

COUNCILLOR'S BILL NO. **49**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

- a. that the Petition is signed by one hundred percent of the owners of taxable real property to be included within the proposed district;
- b. that the Petition contains a request for waiver of all requirements for notice, publication, and a hearing set forth in Sections 31-25-606 and 31-26-607, C.R.S., and of the organizational bond set forth in Section 31-25-605, C.R.S.;
- c. that the Petition is signed by not less than thirty percent or two hundred (whichever is less) of the electors of the proposed district in compliance with '31-25-604(1), C.R.S.;
- d. that the signatures on the Petition are genuine;
- e. that a review of the tax rolls and the last official registration list of Jefferson County, together with other available evidence, shows that the total number of electors of the proposed district is two and the total valuation for assessment of the real and personal property within the proposed district is \$514,727;
- f. that the proposed district is located entirely within the City's boundaries in Jefferson County, Colorado;
- g. that the proposed district will not provide the same improvements or service as those provided by an existing special district within the territory of such existing special district;
- h. that the proposed district's improvements to be acquired, constructed, installed, operated, or maintained:
  - (1) are improvements that the City is authorized to provide under the City's home rule charter (the "Charter"); and
  - (2) do not duplicate or interfere with any municipal improvement already constructed or planned to be constructed within the limits of the proposed district;
- i. that the costs of the improvements will not be excessive as compared with the value of the property in the proposed district;
- j. that the creation of the proposed district and proposed improvements therein will confer a general benefit on the proposed district;
- k. that the organization of the proposed general improvement district will serve a public use and will promote the health, prosperity, security and general welfare of the inhabitants of the City and the proposed district;

- l. that the request for waiver is hereby granted; and
- m. that the proposed general improvement district should be established.

These findings and determinations of the Council are final and conclusive on all parties in interest, whether appearing or not.

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

Section 4. District Boundaries. The District lies within the City of Westminster, County of Jefferson, State of Colorado and its boundaries are attached hereto as Exhibit I.

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

A construction of: public roadways, including road and pedestrian underpasses, site grading, sidewalks, parking improvements, water and sewer lines, landscaping, irrigation, site and traffic lighting, drainage improvements, site amenities such as benches, fountains, required signage, and relocating businesses.

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

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

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

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

Section 10. Declaration of Emergency. In order to create the District pursuant to Section 31-25-607 (3.5), C.R.S. in time to schedule an election on the question of issuing bonds to finance the District's proposed improvements at the general election on November 4, 2003, it is hereby declared that an emergency exists and that this ordinance is immediately necessary for the preservation of the public peace, health, safety and financial well-being of the City.

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

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE on September 8, 2003.

\_\_\_\_\_  
Mayor

ATTESTED:

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

EXHIBIT I

(LEGAL DESCRIPTION FOR PROPOSED DISTRICT)

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

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

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council (the "Council") of the City at a regular meeting of the Council held at the City Hall on September 8, 2003. A quorum of the Council was in attendance at said meeting.

2. The passage of the Ordinance as an emergency was duly moved and seconded and the Ordinance was approved by a vote of 7 members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Ed Moss	X			
Herb Atchison	X			
Chris Dittman	X			
Samantha Dixon	X			
Elmer "Butch" Hicks	X			
Tim Kauffman	X			
Nancy McNally	X			

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

4. That notice of the meeting of September 8, 2003, in the form, attached hereto as Exhibit A, was duly given to the Council members and was posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

5. That the ordinance was published in full within 10 days after its enactment in Westminster Window, a newspaper of general circulation within the City on September 18, 2003. The affidavit of publication is attached hereto as Exhibit B. The Westminster Window is a newspaper which meets the requirements of Section 17.5 of the City's Charter, and I have received the affidavit and such other evidence as I deem necessary from the publisher thereof that said newspaper meets the circulation requirements of said Section 17.5.

6. On September 15, 2003, I transmitted a copy of the Ordinance to the Jefferson County Clerk and Recorder for recording.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 15th day of September, 2003.

(SEAL)

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

EXHIBIT A

(Attach Notice of Meeting )



**EXHIBIT B**

(Attach Affidavit of Publication)



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 8, 2003



**SUBJECT:** Resolution No. 38 re Carry Forward Balance of 2003 Private Activity Bond Allocation

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

**Recommended City Council Action**

Adopt Resolution No. 38 approving the carry forward of the City of Westminster’s 2003 Private Activity Bond (PAB) allocation in the amount of \$3,858,938 for the qualified purposes set forth in the resolution, and authorize the Mayor to execute the documents necessary to carry forward this allocation.

**Summary Statement**

- The City’s 2003 PAB allocation is \$3,858,938. 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 redevelopment projects within a urban renewal area.
- The City’s 2003 PAB allocation has not been assigned to any project, nor has the City received any proposals to utilize the funds to date. However, Staff anticipates that these bonds may be needed for South Westminster redevelopment projects in the near future. If the City’s PAB allocation is not carried forward by September 15, 2003, it will revert to the State pool.
- 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 redevelopment bonds;
  - Qualified residential rental multifamily housing 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 the City’s 2003 PAB allocation of \$3,858,938. Staff will then proceed to identify for Council the specific project(s) for private activity bond financing prior to February 15, 2004, as required by state law. If a specific designation of the use of the City’s PAB allocation is not made by February 15<sup>th</sup> 2004, the City and the State will lose this allocation.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**SUBJECT:** Resolution re Carry Forward Balance of 2002 Private Activity Bond Allocation Page 2

### **Policy Issues**

Whether to carry forward the City's 2003 Private Activity Bond allocation or allow the \$3,858,938 allocation to revert back to the State pool.

### **Alternatives**

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 relative to redevelopment in Westminster. The action to carry forward the allocation is routinely used by other cities and is acceptable to the State of Colorado, acting as the administrative agent for the Federal government.

### **Background Information**

Cities can issue tax-exempt bonds to finance certain eligible "private activities" as allowed by the Internal Revenue Code, if they have received a PAB allocation from the federal government. Each year, the City of Westminster receives an allocation of approximately \$3.7 million to use towards bond financing of certain eligible "private activities" as defined by federal law. The issuance of tax-exempt bonds can save developers and the City higher costs of market rate financing that can provide a significant benefit 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 and redevelopment activities that they deem important.

If the PAB allocation is not specifically designated to a specific project by September 15, 2003 federal law allows the allocation to be carried forward and preserved through February 15<sup>th</sup> of the following year. By February 15, 2004 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 proposed that the City act on the carry forward provision.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

## RESOLUTION

RESOLUTION NO. **38**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

---

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 \$3,858,938 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 2003, the amount of which is \$3,858,938; and

WHEREAS, the City intends and proposes to authorize, issue, sell and deliver, bonds in an approximate aggregate principal amount of \$3,858,938, 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 \$3,858,938 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 2003 pursuant to Section 146(f) of the Code;
- (ii) Notifying the Colorado Department of Local Affairs prior to September 15, 2003 of the City's desire to treat its initial 2003 allocation of private activity bond volume cap as an allocation to the Project;

- (iii) Obtaining, if necessary, an additional share of the allocation for 2003 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 2003 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 September 8, 2003

\_\_\_\_\_  
Mayor

(SEAL)  
Attest:

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

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

I, Michele Kelley, the duly appointed and acting 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 September 8, 2003.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of September 8, 2003, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye:	Mayor Ed Moss Mayor Pro Tem Herb Atchison Councillor Chris Dittman Councillor Sam Dixion Councillor Butch Hicks Councillor Tim Kauffman Councillor Nancy McNally
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Those Voting Nay:	None
Those Absent:	None
Those Abstaining:	None

3. The members of the Council were present at such meetings 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 September 8, 2003 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 of September 8, 2003.

---

City Clerk

(SEAL)



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 8, 2003



**Subject:** Resolution No. 39 re Public Safety Sales and Use Tax Ballot Language

**Prepared by:** Steve Smithers, Assistant City Manager  
Marty McCullough, City Attorney

**Recommended City Council Action:**

Adopt Resolution No. 39 regarding the adoption of election ballot language for a six tenths of one percent increase in the City's sales and use tax rate to enhance the safety and security of Westminster residents and businesses.

**Summary Statement**

- Staff previously shared with City Council the results of the Public Safety Futures Task Force Study that identified the need for additional staffing and equipment to address current and future improvements to public safety response times, crime prevention, firefighting capacity, emergency medical response, and overall ability to respond to life and property threatening situations for citizens of Westminster.
- In order to provide Council with an indication of where the citizens of Westminster stand on increasing taxes to meet the needs identified in the Public Safety Task Force Study, Staff contracted with the polling firm Frederickpolls to conduct a survey of Westminster residents.
- The polling results are attached to this Agenda Memorandum. These results show that 70% of those Westminster residents polled currently support a sales tax increase of up to sixty-six one hundredths of one percent (.66%) to improve public safety in Westminster. The results also show varying degrees of support for other levels of sales and property tax.
- Staff is recommending that Council pursue putting a ballot issue on this November's ballot that would ask Westminster voters to increase the sales tax by six tenths of one percent (.6%). This increase in the sales tax would allow the City to hire 40 new Police staff, 35 new Fire staff, and eight General Fund Staff needed to support the new Public Safety staff. The new sales tax revenue would also fund critical equipment needs including police cars, a seventh fire engine and an additional ambulance.
- The proposed language for the ballot issue is contained in the Background section of this agenda memorandum and in the attached Resolution.

**Expenditure Required:** \$0

**Source of Funds:** N.A.

**Policy Issue**

Should the City place the Public Safety Sales Tax Increase Ballot Issue before the voters on the November, 2003 election ballot? Does the language, as presented in the background section, accomplish what City Council desires to accomplish?

**Alternative**

City Council could choose to delay or not proceed with putting this issue on the ballot. Moving the Public Safety tax forward at this time is critical to address the Public Safety needs addressed in the Police and Fire Task Force Reports shared with Council and the public. In addition, the positive polling information recently collected indicates that the public is supportive of addressing these needs through a sales and use tax increase this November.

**Background Information**

The Public Safety Tax ballot issue was discussed with City Council at two previous study sessions. Council was provided with the detailed findings of the Public Safety Task Force as well as the results of the public polling data, which indicated that 70% of Westminster citizens polled who are most likely to vote in November would support an increase of .66% in the City sales tax rate to enhance Public Safety services. At Council direction, Staff has put together a draft of a Public Safety Tax increase ballot question as follows:

SHALL CITY OF WESTMINSTER TAXES BE INCREASED \$9.9 MILLION ANNUALLY IN THE FIRST FULL YEAR, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR, WHICH REVENUES SHALL BE USED EXCLUSIVELY TO IMPROVE AND ENHANCE THE SAFETY AND SECURITY OF WESTMINSTER RESIDENTS, TO INCLUDE AT A MINIMUM:

- 40 ADDITIONAL POLICE DEPARTMENT PERSONNEL
- 35 ADDITIONAL FIRE DEPARTMENT PERSONNEL
- AN ADDITIONAL FIRE ENGINE AND AN ADDITIONAL AMBULANCE
- APPROPRIATE SUPPORT STAFF AND EQUIPMENT

THROUGH AN INCREASE TO THE CITY'S SALES AND USE TAX RATE OF SIX CENTS ON EACH TEN DOLLAR PURCHASE, OR SIX TENTHS OF ONE PERCENT (0.6%)?

\_\_\_\_\_ FOR                      \_\_\_\_\_ AGAINST

All City ballot language must be voted on for final adoption no later than September 10. The City Attorney's Office has determined that state law requires ballot questions such as this one to be authorized by resolution, rather than ordinance.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



RESOLUTION

RESOLUTION NO. 39

INTRODUCED BY COUNCILLORS

SERIES OF 2003

A RESOLUTION SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF WESTMINSTER AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2003, A BALLOT QUESTION REGARDING A PROPOSED INCREASE IN THE CITY'S SALES AND USE TAX RATE TO ENHANCE THE SAFETY AND SECURITY OF WESTMINSTER RESIDENTS AND BUSINESSES

WHEREAS, the City Council finds that it would be in the public interest to increase the City's sales and use tax rate by six-tenths of one percent to enhance and improve the safety and security of Westminster residents and businesses; and

WHEREAS, a general election will be held on November 4, 2003; and

WHEREAS, Article X, Section 20, of the Colorado Constitution requires advance voter approval of all proposed tax increases by municipalities and other local governments.

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

1. At the general election to be held on November 4, 2003, there shall be submitted to the registered electors of the City the following question:

**SHALL CITY OF WESTMINSTER TAXES BE INCREASED \$9.9 MILLION ANNUALLY IN THE FIRST FULL YEAR, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR, WHICH REVENUES SHALL BE USED EXCLUSIVELY TO IMPROVE AND ENHANCE THE SAFETY AND SECURITY OF WESTMINSTER RESIDENTS, TO INCLUDE AT A MINIMUM:**

- 40 ADDITIONAL POLICE DEPARTMENT PERSONNEL
- 35 ADDITIONAL FIRE DEPARTMENT PERSONNEL
- AN ADDITIONAL FIRE ENGINE AND AN ADDITIONAL AMBULANCE
- APPROPRIATE SUPPORT STAFF AND EQUIPMENT

**THROUGH AN INCREASE TO THE CITY'S SALES AND USE TAX RATE OF SIX CENTS ON EACH TEN DOLLAR PURCHASE, OR SIX TENTHS OF ONE PERCENT (0.6%)?**

\_\_\_\_\_ FOR \_\_\_\_\_ AGAINST

PASSED AND ADOPTED THIS 25<sup>th</sup> DAY OF AUGUST, 2003.

\_\_\_\_\_  
Mayor

ATTEST:

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 8, 2003



**SUBJECT:** Resolution No. 40 re Compliance Hearing for the Alpine Vista Property Annexation

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

**Recommended City Council Action**

Adopt Resolution No. 40 accepting the annexation petition submitted by Chad Pinson as Manager of AV Development, LLC, and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of October 27, 2003, for the annexation hearing.

**Summary Statement**

- The Alpine Vista property is located on the west side of Lowell Boulevard, north of 88<sup>th</sup> Avenue. The land owned by the petitioner includes a 7.5-acre site with an approved a 108-unit townhome project in Adams County, and an existing building along Lowell Boulevard presently occupied by a bar and a liquor store. Staff has also proposed to include in the annexation a 15,625 square foot parcel currently occupied by a small convenience store, and located at the northwest corner of Lowell Boulevard and 88<sup>th</sup> Avenue. The owner of that parcel has not signed the petition for annexation. This property owner will be contacted prior to City Council taking action on the annexation.
- The owner of the Alpine Vista development has agreed to revise aspects of the County approved plan in exchange for annexation and City services. As a result, an improved development will result from the annexation of the parcel.
- This annexation includes the west half of Lowell Boulevard from the south property line of the Flynn Elementary School property to 88<sup>th</sup> Avenue, and the entire right-of-way from 88<sup>th</sup> Avenue to the north line of the Alpine Vista property. The street was added in order to provide the necessary contiguity for the annexation.
- Staff is negotiating an annexation agreement that will specify the changes proposed to the approved plan.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues**

Whether to annex the Alpine Vista property at this time.

**Alternatives**

Make a finding that there is no community of interest with the Alpine Vista property and take no further action. If this course is taken, the property in question will be developed in unincorporated Adams County once Service Commitments are available, and the improvements that are being negotiated between the Staff and the owner will not be made.

**Background**

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

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

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

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

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **40**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

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

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes October 27, 2003, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 8th day of September, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, September 8, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally. Absent none.

The minutes of the August 25, 2003 meetings were approved.

Council approved the following: Award for Construction of the 74<sup>th</sup> Avenue Waterline with E-Z Excavating for \$349,740; CB 39 re Chambers Annexation; CB 40 re Chambers Zoning; CB 41 re Hazlewood Annexation; CB 42 re Hazlewood CLUP Amendment; CB 43 re Hazlewood Zoning; CB 45 re 105<sup>th</sup> Dr/Antero Vacation; CB 46 re RTD Park-N-Ride Vacation; and CB 47 re 2003 Supplemental Appropriation.

At 7:42 P.M. a Public meeting was held on the 2004 Adopted City Budget; At 8:18 p.m. a public hearing was held on the Church Ranch Metropolitan District Creation.

The following Councillor's Bill was adopted on first reading:

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN BROOKHILL CENTER, INCORPORATED (BCI) AND THE CITY OF WESTMINSTER TO AID WITH THE UPGRADING OF THE TOWN CENTER AT BROOKHILL IN WESTMINSTER  
purpose: Business Assistance Package for Brookhill Center

The following Councillor' Bill was passed as an emergency ordinance:

A BILL FOR AN ORDINANCE CREATING THE CITY OF WESTMINSTER MANDALAY TOWN CENTER GENERAL IMPROVEMENT DISTRICT; PROVIDING OTHER DETAILS RELATING THERETO; AND DECLARING AN EMERGENCY purpose: creating the City of Westminster Mandalay Town Center General Improvement District

The following Councillor's Bill was passed on second reading:

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

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY WITHIN VALLEY VIEW ESTATES SUBDIVISION AND MEADOWLARK SUBDIVISION

A BILL FOR AN ORDINANCE VACATING A PORTION OF A SANITARY EASEMENT WITHIN  
RTD'S WESTMINSTER CENTER PARK-N-RIDE

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

The following Resolutions were adopted:

Resolution No. 37 re Church Ranch Metropolitan District Creation

Resolution No. 38 re Carry Forward Balance of 2003 Private Activity Bond Allocation

Resolution No. 39 re Public Safety Sales and Use Tax Ballot Language

Resolution No. 40 re Compliance Hearing for the Alpine Vista Property Annexation

At 8:45 P.M. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on September 18, 2003

BY AUTHORITY

ORDINANCE NO. **3043**

COUNCILOR'S BILL NO. **39**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**Dittman-Atchison**

A BILL

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

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land, a part of Tracts 42A and 42B, Mandalay Gardens recorded at Reception Number 194693 in Book 15 at Page 36 of the records of the Jefferson County Clerk and Recorder and recorded in the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the northwest corner of said Section 14, the true point of beginning; thence along the north line of said Section N89°59'04"E, 1349.11 feet to a point on the west line of Tract 43 of said Mandalay Gardens, a point on the east line of the northwest quarter of the northwest quarter of said section; thence along said east line S00°35'15"E, 508.96 feet to a point on the south line of Barber Drive; thence along said south line S79°37'16"W, 62.70 feet; thence continuing along said south line N82°11'44"W, 655.15 feet; thence S78°20'16"W, 94.69 feet to a point on the Corporate Limits of the City of Westminster as shown on the "Annexation Plat – Wallace Village," recorded at Rec. # 84050557 of the Records of the Jefferson County Clerk and Recorder; thence along said Corporate Limits S78°20'16"W, 552.77 feet; thence along said Corporate Limits S89°32'41"W, 4.21 feet (Record 2.92 feet); thence continuing along said Corporate Limits N00°32'12"W, 561.84 feet to the true point of beginning;

Said parcel contains 657772 square feet or 15.1004 acres more or less.

Total perimeter = 3789.4 feet

City of Westminster contiguity = 1118.9 feet/29.5%

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 25th day of August, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2003.



ORDINANCE NO. **3044**

COUNCILOR'S BILL NO. **40**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**Dittman-Atchison**

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

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

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster O-1. A parcel of land located in Section 14, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land, a part of Tracts 42A and 42B, Mandalay Gardens recorded at Reception Number 194693 in Book 15 at Page 36 of the records of the Jefferson County Clerk and Recorder and recorded in the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the northwest corner of said Section 14, the true point of beginning; thence along the north line of said Section N89°59'04"E, 1349.11 feet to a point on the west line of Tract 43 of said Mandalay Gardens, a point on the east line of the northwest quarter of the northwest quarter of said section; thence along said east line S00°35'15"E, 508.96 feet to a point on the south line of Barber Drive; thence along said south line S79°37'16"W, 62.70 feet; thence continuing along said south line N82°11'44"W, 655.15 feet; thence S78°20'16"W, 94.69 feet to a point on the Corporate Limits of the City of Westminster as shown on the "Annexation Plat – Wallace Village," recorded at Rec. # 84050557 of the Records of the Jefferson County Clerk and Recorder; thence along said Corporate Limits S78°20'16"W, 552.77 feet; thence along said Corporate Limits S89°32'41"W, 4.21 feet (Record 2.92 feet); thence continuing along said Corporate Limits N00°32'12"W, 561.84 feet to the true point of beginning;

Said parcel contains 657772 square feet or 15.1004 acres more or less.

Total perimeter = 3789.4 feet

City of Westminster contiguity = 1118.9 feet/29.5%

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 25<sup>th</sup> day of August, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of September, 2003.

ORDINANCE NO. **3045**

COUNCILOR'S BILL NO. **41**

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Atchison-Dixon**

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

Lot 1, Robin Hill Farm and 20' of right-of-way for Huron Street as dedicated in said Robin Hill Farm. More particularly described as follows:

Commencing at the northeast corner of the southeast one-quarter of Section 16, Township 1 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado; thence South 89°56'18" West, on the north line of said southeast one-quarter, a distance of 30.00 feet; thence south 00°08'42" East on the west line of Huron Street, a distance of 120.00 feet to the point of beginning; thence continuing south 00°08'42" East, a distance of 150.00 feet;

Thence south 89°56'18" West on the south line of said Robin Hill Farm, a distance of 726.00 feet to the southwest corner of said Lot 1;

Thence north 00°08'42" West, on the east line of Lot 12, Quail Hill Subdivision, also being the west line of said Lot 1, Robin Hill Farm, a distance of 150.00 to the northwest corner of said Lot 1;

Thence north 89°56'18" East, on the south line of West 148<sup>th</sup> Avenue, also being the north line of Robin Hill Farm, a distance of 726.00 feet to the point of beginning. Containing 108,900 square feet or 2.5 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of August, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2003.

ORDINANCE NO. **3046**

COUNCILOR'S BILL NO. **42**

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Atchison-Dixon**

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Hazlewood annexation property, legally described as follows:

Lot 1, Robin Hill Farm and 20' of right-of-way for Huron Street as dedicated in said Robin Hill Farm. More particularly described as follows:

Commencing at the northeast corner of the southeast one-quarter of Section 16, Township 1 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado; thence South 89°56'18" West, on the north line of said southeast one-quarter, a distance of 30.00 feet; thence south 00°08'42" East on the west line of Huron Street, a distance of 120.00 feet to the point of beginning; thence continuing south 00°08'42" East, a distance of 150.00 feet;

Thence south 89°56'18" West on the south line of said Robin Hill Farm, a distance of 726.00 feet to the southwest corner of said Lot 1;

Thence north 00°08'42" West, on the east line of Lot 12, Quail Hill Subdivision, also being the west line of said Lot 1, Robin Hill Farm, a distance of 150.00 to the northwest corner of said Lot 1;

Thence north 89°56'18" East, on the south line of West 148<sup>th</sup> Avenue, also being the north line of Robin Hill Farm, a distance of 726.00 feet to the point of beginning. Containing 108,900 square feet or 2.5 acres more or less.

The Hazlewood annexation property shall be changed from Unincorporated Adams County, to Single Family Detached Residential-Very Low Density, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25<sup>th</sup> of August, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of September, 2003.

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Adams County A-1 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

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

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County A-1 to City of Westminster O-1. A parcel of land located in Section 16, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Lot 1, Robin Hill Farm and 20' of right-of-way for Huron Street as dedicated in said Robin Hill Farm. More particularly described as follows:

Commencing at the northeast corner of the southeast one-quarter of Section 16, Township 1 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado; thence South 89°56'18" West, on the north line of said southeast one-quarter, a distance of 30.00 feet; thence south 00°08'42" East on the west line of Huron Street, a distance of 120.00 feet to the point of beginning; thence continuing south 00°08'42" East, a distance of 150.00 feet;

Thence south 89°56'18" West on the south line of said Robin Hill Farm, a distance of 726.00 feet to the southwest corner of said Lot 1;

Thence north 00°08'42" West, on the east line of Lot 12, Quail Hill Subdivision, also being the west line of said Lot 1, Robin Hill Farm, a distance of 150.00 to the northwest corner of said Lot 1;

Thence north 89°56'18" East, on the south line of West 148<sup>th</sup> Avenue, also being the north line of Robin Hill Farm, a distance of 726.00 feet to the point of beginning. Containing 108,900 square feet or 2.5 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25<sup>th</sup> day of August, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of September, 2003.



ORDINANCE NO. **3048**

COUNCILLOR'S BILL NO. **45**

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**McNally-Dixon**

A BILL

FOR AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY WITHIN VALLEY VIEW ESTATES SUBDIVISION AND MEADOWLARK SUBDIVISION.

WHEREAS, a certain public right-of-way for 105<sup>th</sup> Drive/Antero Street was dedicated by the subdivision plat for Valley View Estates Subdivision at Book 7, Page 121 in the County of Adams and by the subdivision plat for Meadowlark Subdivision at File 14, Map 368 in the County of Adams; and

WHEREAS, this public right-of-way is no longer needed by the City of Westminster; and

WHEREAS, the vacation is necessary to accommodate the construction of Valley View Park by the Hyland Hills Park & Recreation District.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the right-of-way in Sections 2 and 3 hereof.

Section 2. Legal Description of Right-of-Way:

See attached legal description

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED THIS 25TH DAY OF AUGUST, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED THIS 8TH DAY OF SEPTEMBER, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

ORDINANCE NO. **3049**

COUNCILLOR'S BILL NO. **46**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**Hicks-Atchsion**

A BILL

FOR AN ORDINANCE VACATING A PORTION OF A SANITARY EASEMENT WITHIN RTD'S WESTMINSTER CENTER PARK-N-RIDE.

WHEREAS, a certain easement was dedicated by separate agreement at Book 2269, Page 64 in the County of Adams; and

WHEREAS, this portion of sanitary sewer easement is not necessary for maintaining the City of Westminster's sanitary sewer lines; and

WHEREAS, the vacation is necessary since the sanitary sewer line has been relocated and a new easement was dedicated to the City of Westminster by plat.

THE CITY OF WESTMINSTER ORDAINS:

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

Section 2. Legal Description of Utility Easement:

See attached legal description for Easement A

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25<sup>th</sup> day of August, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2003.

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**Atchison-McNally**

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$62,515 which, when added to the fund balance as of the City Council action on August 25, 2003 will equal \$70,914,863. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of forfeited earnest money, training revenue, reimbursements and donations received by the City.

Section 2. The \$62,515 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Contributions 1000.43100.0000	\$5,000	\$48,802	\$53,802
Training 1000.41360.0000	10,000	8,500	18,500
General – Miscellaneous 1000.43060.0000	184,221	<u>5,213</u>	189,434
Total Change to Revenues		<u>\$62,515</u>	
<b>EXPENSES</b>			
PD – Investigations overtime 10020300.60400.0000	\$549,404	\$4,233	\$553,637
PD – Training 10020050.61800.0612	9,500	8,500	18,000
PD Patrol Overtime 10020500.60400.0000	377,071	980	378,051
CD – Special Promotions 10030340.67600.0000	19,600	33,369	52,969
Central Charges – Prof Svcs Litigation 10010900.65100.0258	35,000	<u>15,433</u>	50,433
Total Change to Expenditures		<u>\$62,515</u>	

Section 3. The 2003 appropriation for the Wastewater Portion of the Utility Fund, initially appropriated by Ordinance No. 2977 in the amount of \$12,387,808 is hereby increased by \$5,000 which, when added to the fund balance as of the City Council action on August 25, 2003 will equal \$14,376,379. The actual amount in the Wastewater Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a reimbursement for contractor damages.

Section 4. The \$5,000 increase in the Wastewater Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
General – Miscellaneous 2100.43060.0000	\$4,498	<u>\$5,000</u>	\$9,498
Total Change to Revenues		<u>\$5,000</u>	
<b>EXPENSES</b>			
Professional Services 20015240.67800.0000	\$477,574	<u>\$5,000</u>	\$482,574
Total Change to Expenses		<u>\$5,000</u>	

Section 5. The 2003 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$1,276 which, when added to the fund balance as of the City Council action on August 25, 2003 will equal \$11,993,615. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of interest earnings and a donation.

Section 6. The \$1,276 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Interest – 2001 COP’s 7500.42520.0215	\$1,933	\$276	\$2,209
General Miscellaneous 7501.43060.0000	0	<u>1,000</u>	1,000
Total Change to Revenues		<u>\$1,276</u>	
<b>EXPENSES</b>			
Public Safety Building-COPS 80175020127.80400.8888	\$15,594,995	\$276	\$15,595,271
Irving Street Library 80175050020.80400.88883,747,966		<u>1,000</u>	3,748,966
Total Change to Expenditures		<u>\$1,276</u>	

Section 7. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 9. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 25th day of August, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2003.