

September 22, 1997
7:00 PM

Notice to Readers: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Excellence in Design and Development Awards Presentation
 - B. Proclamation re Mobile Tool
5. **Citizen Communication (5 minutes or Less in Length)**
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. Westminster Boulevard Medians Landscape Improvements
 - B. 92nd Avenue Architectural Design Contract
 - C. CB No. 59 re Westminster Blvd Appropriation (Dixon-Merkel)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. Councillor's Bill No. 60 re Foney Annexation Parcel 1
 - B. Councillor's Bill No. 61 re Foney Annexation Parcel 2
 - C. Councillor's Bill No. 63 re NTA Business Assistance Agreement
 - D. Resolution No. 49 re Urban Renewal Amendment
 - E. Safeway Business Assistance Agreement
 - F. Resolution No. 50 re Big Dry Creek Open Space Acquisition
 - G. Councillor's Bill No. 64 re Park Centre Easement Vacation
 - H. Councillor's Bill No. 65 re Silo North Easement Vacation
 - I. Resolution No. 51 re Support of Adams County Open Space Ballot Issue
 - J. Northwest Regional Water Supply Study Intergovernmental Agreement
 - K. Employment Contract with William Christopher, City Manager
 - L. Colorado Rapids Training Facility Lease Agreement
 - M. Resolution No. 52 re Support of Guide the Ride Ballot Issue
 - N. Public Hearing re Dry Creek Animal Hospital Annexation/Zoning
 - O. Resolution No. 53 re Annexation Findings re Dry Creek Animal Hospital
 - P. Councillor's Bill No. 62 re Dry Creek Animal Hospital Annexation
 - Q. Councillor's Bill No. 66 re Dry Creek Animal Hospital Zoning
 - R. Comprehensive Land Use Plan amendment re Dry Creek Animal Hospital
 - S. Preliminary Development Plan re Dry Creek Animal Hospital
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. Financial Report for August, 1997
 - B. City Council
 - C. Request for Executive Session

1. Promenade East

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 22, 1997 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Dixon to accept the minutes of the meeting of September 8, 1997 with no additions or corrections. Councillor Allen requested to abstain as he was not present at the meeting. The motion carried with 6 aye votes and Councillor Allen abstaining.

PRESENTATIONS:

Mayor Heil reported that she had recently accepted a Plaque from the Hyland Hills Foundation in recognition of the City's sponsorship of the 5th Annual Golf Benefit; a Certificate of Appreciation for the Crown Pointe Academy and a symbolic check in the amount of \$96,395 representing volunteer hours from the Retired Teachers Association.

Mayor Heil presented the 1996 Award for Excellence in Design and Development to the developers and architects of the selected award-winning projects. Shannon Sweeney, City Planner, gave a brief slide presentation of the award winning projects. Jim Sullivan of Sullivan Hayes Companies, informed Council that he had also received Landscaping and Maintenance Awards for the Westminster City Center Marketplace.

Mayor Heil presented a proclamation to representatives of Mobile Tool International, Rich Holston, Ike Wright and Brent Whalen, to recognize and congratulate Mobile Tool International for receiving the 1997 Clean Air Partners of the Year award.

The Mayor recognized Standley Lake High School students that were in attendance at the meeting.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Westminster Boulevard Medians Landscape Improvements - Authorize the City Manager to execute a contract with T-2 Construction, Inc. in the amount of \$121,800 for the construction of Westminster Boulevard Landscaping, authorize a project contingency of \$10,000 and charge expense to the appropriate project account in the General Capital Improvement Fund; 92nd Avenue Project Architectural Design Contract - Authorize the City Manager to execute an Architectural Services Contract with Downing, Thorpe & James, Inc. in the amount of \$39,500, authorize a design contingency of \$10,000 and charge the expense to the appropriate project account in the General Capital Improvement Fund; and Councillor's Bill No. 59 re Westminster Boulevard 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.

A motion was made by Allen and seconded by Dixon to adopt the consent agenda items as presented. The motion carried unanimously.

COUNCILLOR'S BILL NO. 60 - FONEY ANNEXATION - PARCEL ONE:

A motion was made by Merkel and seconded by Scott to pass Councillor's Bill No. 60 on first reading annexing Fonay Area 1 to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 61 - FONEY ANNEXATION - PARCEL TWO:

A motion was made by Merkel and seconded by Scott to pass Councillor's Bill No. 61 on first reading annexing Fonay Area 2 to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 63 - NTA BUSINESS ASSISTANCE AGREEMENT:

A motion was made by Dixon and seconded by Merkel to pass Councillor's Bill No. 63 on first reading which authorizes the execution and implementation of the Assistance Agreement with NTA Leasing Company, Inc. for the construction of the new office and manufacturing facility. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 49 - URBAN RENEWAL AMENDMENT RE GASOLINE STATIONS:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 49 approving the amendment to the Urban Renewal Plan regarding gasoline service stations as a permitted use and incorporating the amendment into the 1997 Amended Urban Renewal Plan. These amendments to the Urban Renewal Plan will not substantially change the current Urban Renewal Plan, as amended in 1997, in land area, design, building requirements, timing or procedure, and therefore, are not subject to the procedural requirements of Section 31-25-107, C.R.S. Upon roll call vote, the motion carried unanimously.

SAFEWAY BUSINESS ASSISTANCE AGREEMENT:

A motion was made by Dixon and seconded by Merkel to authorize the City Manager to sign the Business Assistance Agreement with Safeway, which will allow Safeway to become the anchor tenant at the redeveloped Westminster Plaza. Katy Press, Real Estate Manager for Safeway, was present to address Council. The motion carried unanimously.

RESOLUTION NO. 50 - BIG DRY CREEK OPEN SPACE ACQUISITIONS:

A motion was made by Scott and seconded by Dixon to adopt Resolution No. 50 authorizing the City Manager and City Attorney to proceed with the acquisition of key portions of Big Dry Creek, Walnut Creek and Hylands Creek for open space, trail, storm drainage and utility purposes, including through eminent domain, if necessary. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 64 - PARK CENTRE EASEMENT VACATION:

A motion was made by Scott and seconded by Dixon to pass Councillor's Bill No. 64 on first reading to vacate existing utility, drainage and private access easements within the Park Centre Subdivision. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 65 - SILO NORTH EASEMENT VACATIONS:

A motion was made by Scott and seconded by Dixon to pass Councillor's Bill No. 65 on first reading to vacate various existing utility, drainage, waterline, firelane and access lane easements located in the Silo North Subdivision. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 51 - SUPPORT OF ADAMS COUNTY OPEN SPACE BALLOT ISSUE:

A motion was made by Merkel and seconded by Allen to adopt Resolution No. 51 which formally states the City of Westminster's support for an Adams County Parks and Open Space Sales Tax to support parks and open space throughout the County, as proposed for the November 4, 1997 ballot. Upon roll call vote, the motion carried unanimously.

NORTHWEST REGIONAL WATER SUPPLY STUDY INTERGOVERNMENTAL AGREEMENT:

A motion was made by Dixon and seconded by Merkel to authorize the City Manager to execute the IGA between the Cities of Westminster, Arvada, Broomfield, the Consolidated Mutual Water Company, the Denver Water Department, and the Colorado Department of Natural Resources concerning exploration of cooperative water supply opportunities. The motion carried unanimously.

REVISED EMPLOYMENT CONTRACT WITH WILLIAM CHRISTOPHER, CITY MANAGER:

A motion was made by Allen and seconded by Scott to approve an employment agreement with William Christopher serving in the position of City Manager for calendar years 1998 and 1999 and authorize the appropriate City Officials to execute said agreement. The motion carried unanimously.

COLORADO RAPIDS TRAINING FACILITY AGREEMENT:

A motion was made by Merkel and seconded by Dixon to authorize the City Manager, subject to City Attorney review and concurrence, to sign a lease agreement between the City of Westminster and the Colorado Rapids professional soccer team (Anschutz soccer) to construct a new training facility for the team, which will be part of the new recreation/fitness center at the City Park complex. The terms of this lease are outlined in the "Agreement in Principle" dated September 18. Dan Counce, General Manager of the Colorado Rapids, and Dean Linke, Vice President of Marketing, were present to address Council. The motion carried unanimously.

RESOLUTION NO. 52 - SUPPORT FOR THE RTD GUIDE THE RIDE BALLOT ISSUE:

A motion was made by Allen and seconded by Smith to Table Resolution No. 52 endorsing the Regional Transportation District Guide the Ride funding until the October 13, 1997 City Council meeting. The motion carried unanimously.

PUBLIC HEARING ON DRY CREEK ANIMAL HOSPITAL ANNEXATION/REZONING:

At 7:52 P.M. the meeting was opened to a public hearing on the Stroberg annexation/rezoning request for Dry Creek Animal Hospital, located at 10101 Brentwood Way. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Dr. George Stroberg, 10101 Brentwood Way, was present to address Council. No one spoke in opposition. At 8:10 P.M. the public hearing was declared closed.

RESOLUTION NO. 53 - DRY CREEK ANIMAL HOSPITAL ANNEXATION FINDINGS:

A motion was made by Scott and seconded by Smith to adopt Resolution No. 53 making certain findings of fact required by Section 31-12-110, C.R.S. for the proposed Dry Creek Animal Hospital. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 62 - DRY CREEK ANIMAL HOSPITAL ANNEXATION:

A motion was made by Scott and seconded by Smith to pass Councillor's Bill No. 62 on first reading annexing the Stroberg property. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 66 - DRY CREEK ANIMAL HOSPITAL ZONING:

A motion was made by Scott and seconded by Smith to pass Councillor's Bill No. 66 on first reading zoning the Stroberg property Planned Unit Development. Upon roll call vote, the motion carried unanimously.

COMPREHENSIVE LAND USE PLAN AMENDMENT RE DRY CREEK ANIMAL HOSPITAL:

A motion was made by Scott and seconded by Smith to direct Staff to initiate an amendment to the Westminster Comprehensive Land Use Plan consistent with the adopted Northeast Comprehensive Development Plan to add the Stroberg property site. The motion carried unanimously.

DRY CREEK ANIMAL HOSPITAL PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Scott and seconded by Smith to approve the Preliminary Development Plan as submitted for the Dry Creek Animal Hospital. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for August 1997.

Mayor Heil stated there would be an Executive Session to discuss Promenade East and an annexation item.

ADJOURNMENT:

The meeting was adjourned at 8:12 P.M.

ATTEST:

Mayor

City Clerk

Date: September 22, 1997
Subject: "Excellence in Design and Development" Awards Presentations
Prepared by: Shannon Sweeney, Planner II

Introduction

City Council action is requested to present the 1996 "Award for Excellence in Design and Development" to the developers and architects of the selected award-winning projects.

Summary

The eleventh annual "Award for Excellence in Design and Development" is a program to formally recognize outstanding architectural design and development taking place in Westminster.

Over 265 projects were completed in 1996 and eligible for award consideration, and the judging committee chose the following six projects:

Project: 1st Bank at Westminster City Center Marketplace
Address: 9410 Sheridan Blvd.
Category: Office
Developer: Sullivan Hayes Companies, Jim Sullivan
1st Bank Holding Company of Colorado, Stanford Lee
Architect: Davis Partnership P.C., Architects, Craig Dunham
Comments: *Building on this pad site coordinates best with the architecture and materials of the main center
*Building is well-sited on the lot (angled on the site)
*Well-designed entry area
*Architectural details coordinate well with the main center

Project: Westminster City Center Marketplace
Address: 9230-9440 Sheridan Blvd.
Category: Commercial
Developer: Sullivan Hayes Companies, Jim Sullivan
Architect: Humphries Poli Architects, P.C., Joe Poli
Comments: *Good coordination of design and building materials throughout the center
*Outstanding treatment of the rear of the center, not just the front
*Excellent attention to details:
 *Nice incorporation of small, pedestrian areas
 *Beautiful fountains and tile work
 *Exterior lighting fixtures coordinate well with the design
 *Varied artwork adds a distinctive look to the center
 *Wrought iron railings add interest to the design
*"Ruin" area along canal and pedestrian pathway adds a unique flair to the center

Project: Green Acres
Address: 11261 and 11241 Winona Ct., and 4623 W. 113th Ave.
Category: Single-Family Detached (Category 3)
Developer: Watt Homes, Dawn Duhamel
Architect: Watt Homes, Chris Hoopes
Comments:
*Unique, appealing designs
*Models are well-designed even though smaller in size
*Models well-proportioned (garage does not completely dominate the elevation)
*Inviting entry area with usable front porch area
*Wide trim adds interest to the design

Project: Legacy Ridge, Filing No. 5, "Aspen" Model
Address: 2472 W. 107th Dr.
Category: Single-Family Detached (Category 3)
Developer: Charter Investment Corporation, John Baxter
Architect: Downing, Thorpe, & James, Steve James
Comments:
*Well-designed ranch model
*Good proportion of house to garage
*Wide trim adds interest to the design
*Roof line of garage minimizes its dominance on the streetscape
*Masonry on the garage continues to the entry area of the model

Project: Legacy Ridge, Filing No. 1, custom home
Address: 10952 Legacy Ridge Wy.
Category: Single-Family Detached (Custom)
Developer: Bruchez Farms Development, Art Bruchez and Paula Wilson
Architect: Scott Turnipseed AIA
Comments:
*Good overall composition (simple, sophisticated design)
*Nice entry area (not imposing as in other custom homes) with large, usable front porch
*Well-proportioned front columns (not oversized)
*Garage doors do not dominate the front elevation (third car garage is setback with no masonry)
*Good color palette

Project: Observatory Heights, custom home
Address: 8150 Bradburn Dr.
Category: Single-Family Detached (Custom)
Developer: Joseph and Patricia Slattery
Architect: Patricia Slattery and Paul Judish
Comments:
*Unique, creative design
*Building well-sited on the lot to maximize the outstanding view of the mountains
*Good mix of building materials (wood logs in combination with stucco)
*Nice, large, rear patio area consistent with design and materials used on the house

City Staff is prepared to present slides of the Excellence in Design and Development award-winning projects. Attached for further information is a list of projects which received design awards in previous years, as well as a list identifying the names of the architects and developers to receive 1996 "Excellence in Design and Development" awards.

Staff Recommendation

View slides of the projects selected to receive the 1996 "Award for Excellence in Design and Development" and present the awards to the developer and architect of each winning project.

Background Information

Every year the City recognizes the developers and architects of new projects which reflect the type of design and development the City encourages. To qualify for design award consideration, projects must be completed (issued Certificates of Occupancy) during that design award year. Each spring, after most projects have been fully landscaped, Planning Division Staff photographs all eligible projects and invites a team of outside architects familiar with the City to view the slides and choose the design award recipients. Staff then orders the awards and schedules the City Council presentation once the award order is received.

Due to the high rate of 1996 building activity, Staff photographed over 265 slides of new non-residential projects, housing models, and custom homes. Because of the large number of slides this year, a Community Development Department subcommittee was established to view all of the slides and nominate projects for the judging committee to consider. This process helped narrow the scope for the judges.

This year, architects Harvey Hine, Joe Poli, and George Smith aided City Staff in choosing a total of six award recipients in various non-residential and residential categories. Please note that the judges are not required to choose a project in each and every category and may select more than one project in any of the categories. The judges viewed slides and made site visits of projects they wished to see in the field. After discussion of the merits and weaknesses, they selected the projects which represent outstanding design in development in Westminster during 1996.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachments

PREVIOUS RECIPIENTS OF EXCELLENCE IN DESIGN & DEVELOPMENT AWARDS

CATEGORIES

O OFFICE
C COMMERCIAL
RE REMODEL/REDEVELOPMENT
M MISCELLANEOUS

MF MULTI-FAMILY
SFA SINGLE-FAMILY ATTACHED
SFD SINGLE-FAMILY DETACHED

Projects completed in 1986

SFD NorthPark
MF Ironwood at the Ranch
C Towne Center at Brookhill
O Centre Court
RE Della Villa

Projects completed in 1987

SFD Hyland Greens East
C Metro Auto, Inc.: Olds/Volvo
RE Westminster Presbyterian Church
M Cascade Village Clubhouse

Projects completed in 1988

MF Cascade Village
C Star Wash
RE Jalepenos
M Adams, Lukas Elementary Schools

Projects completed in 1989

SFD NorthPark
C Lamps Plus
C Soup Exchange
RE Westminster Flowers
RE Westminster Square
M Adventure Golf

Projects completed in 1990

SFD NorthPark
SFD Greenlawn Ranch
RE Hyland Hills Golf Course Clubh.

Projects completed in 1991

SFD NorthPark
SFD The Ranch
RE Wagon Road Park-n-Ride

Projects completed in 1992

SFD Arrowhead, Model 1140
SFD Greenlawn Ranch, Model 1304
SFD Hyland Meadows, Model 1347
SFD NorthPark, Model 1304
SFA NorthPark Filing 4
RE Arby's

Projects completed in 1993

C Montgomery Ward
RE Olive Garden Restaurant
MF Calavera Pointe
SFA Brittany Terrace
SFD Sunstream, Model 125A

Projects completed in 1994

O Lifecare International
C Diamond Shamrock-Westglenn
C GoldenBanks
C Wal-Mart
RE Perkins Restaurant
MF Calavera Pointe
SFA Village at Horizon Pointe
SFD Hyland Greens East, Custom
SFD The Ranch, Custom
SFD The Ranch, Custom

Projects completed in 1995

O Hidden Lake Medical Office
C KinderCare Learning Center
M Remington West Clubhouse
RE Adams County Animal Hospital
SFA Village at Horizon Pointe
SFD NorthPark, Model 408
SFD Home Farm, Plan 306
SFD Legacy Ridge, Plan 4
SFD Legacy Ridge, Model 2670-B
SFD Legacy Ridge, Custom
SFD Sunset Ridge, Custom

Projects completed in 1996

O 1st Bank
C Westminster City Center
Marketplace
SFD Green Acres, Models 1327,
1440, and 1618
SFD Legacy Ridge, Aspen Model
SFD Legacy Ridge, Custom
SFD Observatory Heights, Custom

1996 AWARD FOR EXCELLENCE IN DESIGN AND DEVELOPMENT

Developers and Architects

Office Category

I. 1st Bank at Westminster City Center Marketplace:

Developer - Sullivan Hayes Companies; Jim Sullivan

Developer - 1st Bank Holding Company of Colorado; Stanford Lee

Architect - Davis Partnership P.C., Architects; Gary Adams,

Kevin Scott

Commercial Category

I. Westminster City Center Marketplace:

Developer - Sullivan Hayes Companies; Jim Sullivan

Architect - Humphries Poli Architects, P.C.; Joe Poli

Single-Family Detached Residential Categories

I. Green Acres, (Models 1327, 1440, and 1618):

Developer and Architect - Watt Homes; Dawn Duhamel, Jerry Kliment

II. Legacy Ridge, Filing No. 5, ("Aspen" Model):

Developer - Charter Investment Corporation; John Baxter

Architect - Downing, Thorpe, & James; Steve James

III. Legacy Ridge, Filing No. 1, (Custom):

Developer - Bruchez Farms Development; Art Bruchez

Architect - Scott Turnipseed AIA

IV. Observatory Heights, (Custom):

Developer - Joseph and Patricia Slattery

Architect - Patricia Slattery and Paul Judish

Date: September 22, 1997
Subject: Proclamation re Mobile Tool International
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to present a proclamation to recognize and congratulate Mobile Tool International for receiving the 1997 Clean Air Partners of the Year award.

Summary

Mobile Tool International, located at 5600 West 88th Avenue, was the recipient of the 1997 Clean Air Partners of the Year award given by the Regional Air Quality Council.

The 1997 Clean Air Partners Award was presented by the Colorado Department of Public Health and Environment and the Corporate Alliance for Better Air, which is a business group of the Regional Air Quality Council.

Staff Recommendation

Mayor present Proclamation to recognize and congratulate Mobile Tool International.

Background Information

The City is quite proud of Mobile Tool International's accomplishments and the recognition they have recently enjoyed. Since 1990, Mobile Tool International has eliminated the use of Chlorodated Fleuro Carbons (CFC's) in all production processes, reduced solvent waste and slashed electricity consumption through voluntary employee efforts.

Staff has prepared the attached Proclamation to formally congratulate them and recognize this significant achievement.

Rich Holston, Environmental Health and Safety Manager; Chief Financial Officer, Ike Wright and Vice President of Manufacturing, Brent Whalen will be present at Monday night's Council meeting to accept this Proclamation.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachment

WHEREAS, Mobile Tool International located their business in the City of Westminster 26 years ago, at 5600 West 88th Avenue; and

WHEREAS, Mobile Tool International is the manufacturer of aerial man lifts, air driers and other telecommunications support equipment; and

WHEREAS, Mobile Tool International is an employee owned business with over 350 employees at their Westminster location; and

WHEREAS, Mobile Tool International through an aggressive pollution prevention program that began in the early 1990's is on target to reduce air emissions from its manufacturing processes by 50% and slashing gas and electricity use; and

WHEREAS, Mobile Tool International has recently been recognized by winning the prestigious 1997 Clean Air Partners of the Year award for large organizations by the Regional Air Quality Council; and

WHEREAS, The 1997 Clean Air Partners Award was presented by the Colorado Department of Public Health and Environment and the Corporate Alliance for Better Air, a business group of the Regional Air Quality Council; and

WHEREAS, The City of Westminster wishes to publicly recognize the significant contributions that Mobile Tool International has made to the community and their leadership in the reduction of air emissions from its manufacturing processes.

NOW, THEREFORE, I, Nancy Heil, Mayor of the City of Westminster, on behalf of the entire City Council, do hereby proclaim Monday, September 22, 1997 as

MOBILE TOOL INTERNATIONAL DAY

in the City of Westminster in recognition of their leadership in the reduction of air emissions from its manufacturing processes and thereby making the air better for all Westminster residents.

Signed this 22nd day of September, 1997.

Nancy M. Heil, Mayor

Date: September 22, 1997

Subject: Westminster Boulevard Medians Landscape Improvements

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to award the construction contract for the Westminster Boulevard Medians - Landscape Improvements Project (see attached map) to T-2 Construction, Inc. in the amount of \$121,800 and authorize a project contingency in the amount of \$10,000. Funds are available for this expense in the appropriate project accounts in the General Capital Improvement Fund.

Summary

Construction of the Westminster Boulevard Landscaping project is scheduled to begin in early October, pending Council's approval of this construction contract. Landscape improvements to Westminster Boulevard will begin at 104th Avenue and extend to the northern limits of the Promenade project.

Nine contractors submitted bids on this project with the low bid of \$121,800 being submitted by T-2 Construction, Inc. It is recommended that City Council award the contract to T-2 Construction, Inc.

Staff Recommendation

Authorize the City Manager to execute a contract with T-2 Construction, Inc. in the amount of \$121,800 for the construction of Westminster Boulevard Landscaping; authorize a project contingency of \$10,000, and charge the expense to the appropriate project account in the General Capital Improvement Fund.

Background Information

On August 28, 1995, Council authorized the final roadway design of Westminster Boulevard. On April 14, 1997, Council authorized the award of the construction contract for Westminster Boulevard roadway construction. The construction plans for the median landscaping have been advertised for bid and construction is anticipated to begin in early October, 1997, and completed in the spring of 1998.

The Westminster Boulevard Landscaping project includes the construction of median landscaping for Westminster Boulevard and 104th Avenue adjacent to the Westminster Promenade. The purpose of this project is to landscape the medians in Westminster Boulevard and 104th Avenue.

The construction package for this project was advertised in The Daily Journal for two weeks and bids were opened on September 11.

Nine contractors submitted bids, and the bids results are as follows:

<u>Bidder</u>	<u>Amount of Bid</u>
T-2 Construction, Inc.	\$121,800
Western States Reclamation	152,111
Richdale Construction	153,000
Land Ethics, Ltd.	Incomplete
Valley Crest	160,785
Arrow J	163,475
Randall & Blake	190,360
Hamon Contractors	218,172
Farley L. S.	242,370
Engineer's Estimate	\$204,695

The City has reviewed the results of the bidding procedure and recommends that the low bidder, T-2 Construction, Inc. be awarded the contract for construction in the amount of \$121,800. Both City Staff and the design consultant are familiar with T-2 Construction, Inc. and believe that this company is very capable of performing this type of project.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachment

Date: September 22, 1997

Subject: 92nd Avenue Project Architectural Design Contract

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Architectural Services Contract with Downing, Thorpe & James, Inc. in the amount of \$39,500 and authorize a project contingency in the amount of \$10,000. The purpose of this work is to enhance the design of the widened 92nd Avenue to create an attractive and unique image for the City of Westminster. Funds for this expense are available in the appropriate project account in the General Capital Improvement Fund.

Summary

- > Improvements to 92nd Avenue between Marshall Street and Yates Street was identified as one of the top priorities in the U.S. 36/Sheridan Boulevard/92nd Avenue Prioritization Study prepared by Felsburg, Holt & Ullevig in 1996. On August 12, 1996, Council authorized hiring JR Engineering to design the street and structure improvements to 92nd Avenue.
- > Under the contract being proposed, Downing, Thorpe & James, Inc. (DTJ) will work with JR Engineering on the 92nd Avenue bridge over U.S. 36. DTJ's effort would be directed towards incorporating architectural enhancements into the design of the bridge, such as bridge rails, stone work and lighting. DTJ would also prepare three renderings representing three different architectural themes for Council's selection of one alternative to use.
- > The proposal from DTJ is comprehensive and covers the necessary services for a fee of \$39,500. Staff is recommending their proposal be accepted without soliciting proposals from others firms based primarily on their experience with the City and their strong familiarity with the City's architectural theme. DTJ was the design firm that worked on Legacy Ridge Golf Course and specifically the stonework on the underpasses for Legacy Ridge Parkway. They also worked on the recently completed 96th Street bridge over U.S. 36 in Broomfield which serves the Interlocken development.

Staff Recommendation

Authorize the City Manager to execute an Architectural Services Contract with Downing, Thorpe & James, Inc. in the amount of \$39,500; authorize a design contingency of \$10,000; and charge the expense to the appropriate project account in the General Capital Improvement Fund.

Background Information

The 92nd Avenue project will be the second project to be constructed with the bond money that voters approved in November 1996. This project includes widening 92nd Avenue from Marshall Street (Price/Costco entrance) to Yates Street to three through lanes in each direction, double left-turn lanes at all major intersections, landscape improvements and the widening of the bridge over U.S. 36.

In conjunction with this bridge widening, architectural enhancements such as rock walls, special bridge railing and lighting will be included to further the strong sense of Westminster's identity for drivers using U.S. 36 in the City. The architectural theme established for the 92nd Avenue bridge is also expected to be used on the future Sheridan Boulevard Bridge Reconstruction, the Harlan Street Flyover Bridge, the Federal Boulevard Bridge reconstruction and any other bridge crossing U.S. 36 within the City.

City Staff solicited a proposal from Downing, Thorpe & James, Inc. (DTJ) based on their excellent work on the Legacy Ridge Golf Course. DTJ designed all of the rock walls and entry signage for this project. DTJ also worked on the recently completed 96th Street bridge over U.S. 36 between Westminster and Boulder. That project required extensive coordination with the Colorado Department of Transportation to achieve a certain architectural "look." The 92nd Avenue bridge widening will require a similar effort, therefore, Staff believes that DTJ is the logical and preferred choice to perform this design. The design fee of \$39,500 is very reasonable for this type of work and Staff is recommending approval of this request. Funds are available in the 92nd Avenue Project Account for this purpose. The design effort would begin immediately.

Respectfully submitted,

William D. Walenczak
City Manager

Attachment

Date: September 22, 1997
Subject: Fonay Property Annexation
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested for the purpose of taking action on the attached Councillor's Bills on the annexation of City owned land located along the south side of 144th Avenue, east of McKay Lake (see attached vicinity map).

Summary

The City recently purchased 17.5 acres of land along the south side of 144th Avenue in order to protect one of the drainage channels for McKay Lake. The land will also provide a buffer between 144th Avenue and any new development which occurs south of that arterial street.

Because the property is owned by the City, Staff has followed the annexation procedures delineated in Section 31-12-106(3) C.R.S., which permits a municipality to annex such property by ordinance without notice and public hearing. The property is currently designated as a Flood Corridor on the Comprehensive Land Use Plan and will be zoned consistent with this designation in accordance with State Statutes.

Staff Recommendation

1. Pass on first reading Councillor's Bill No. annexing Fonay Area 1 to the City of Westminster.
2. Pass on first reading Councillor's Bill No. annexing Fonay Area 2 to the City of Westminster.

Background Information

The property has been divided into two sequential annexations in order to meet the statutorily mandated contiguity requirements. Both portions were purchased from the Fonay family. The right-of-way for 144th Avenue will be added in a separate annexation to avoid interjurisdictional confusion with Adams County over who should respond in emergency situations. It has not been added as part of this annexation in order to facilitate bringing the City owned property to City Council in a timely fashion.

The land in question is one of two drainage ways for McKay Lake. The second is located to the south of the lake. City Council has previously approved the expenditure of funds for the aquisition of both drainage ways in order to protect them from any future development in the area. The acquisition of the land needed to protect the southern drainage is still currently under negotiation with another property owner.

Respectfully submitted,

William D. Walenczak
Acting City Manager Attachments

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED CITY-OWNED TERRITORY IN THE NORTH HALF OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, C.R.S. section 31-12-106(3) provides that when a municipality is the sole owner of property that it desires to annex, and said area is eligible for annexation as set forth in section C.R.S. 31-12-104(1)(a) and section C.R.S. 31-12-105, the governing body may by ordinance annex that area to the municipality without notice and hearing; and

WHEREAS, City Council finds that the property proposed to be annexed, as more fully described below, is eligible for annexation as set forth in section 31-12-104(1)(a) and section 31-12-105, C.R.S. in that not less than one-sixth (1/6) of the perimeter of the property proposed to be annexed is contiguous with the existing limits of the City of Westminster; and

WHEREAS, the property proposed to be annexed is not within any of the limitations set forth in section 31-12-105, C.R.S.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the contiguous unincorporated territory situate, lying and being in the County of Adams, State of Colorado, is hereby annexed to the City of Westminster, State of Colorado:

A tract of land located in the North half of Section 21, Township 1 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado being more particularly described as follows:

Considering the North line of the Northeast quarter of said Section 21 as bearing North 89°50'40" West from a 1" axle at the Northeast corner of said Section 21 to a 2" iron bar at the North quarter corner of said Section 21 and with all bearings contained herein relative thereto:

Commencing at the Northeast corner of said Section 21; thence along the East line of said Northeast Quarter, South 00°42'47" East, 65.01 feet; thence departing said East line, North 89°50'40" West, 30.00 feet to a point on the West right-of-way line of Huron Street, said point also being the POINT OF BEGINNING; thence along said West right-of-way line, South 00°42'47" East, 79.01 feet; thence departing said West right-of-way line, North 89°50'40" West, 2574.36 feet to a point on the West line of the Northeast Quarter of said Section 21; thence, South 89°57'11" West, 244.64 feet to a curve concave to the Southeast having a central angle of 90°30'45", A radius of 60.50 feet and the chord of which bears South 44°41'48" West, 85.94 feet; thence along the arc of said curve 95.57 feet; thence, South 00°33'34" East, 524.64 feet to a curve concave to the Northwest having a central angel of 55°24'13", a radius of 139.50 feet and the chord of which bears South 27°08'32" West, 129.70 feet;

thence along the arc of said curve 134.89 feet more or less to a point on a non-tangent line, said line being the East line of that certain parcel of land described in Book 205 and Page 85, also being the West line of that parcel of land described in Book 3258, Page 420 on file with the Adams County Clerk and Recorders Office; thence along said Line, North 29°23'52" West, 79.94 feet to a point on a non-tangent curve concave to the Northwest having a central angle of 47°47'09", a radius of 60.50 feet and the chord of which bears North 23°20'01" East, 49.01 feet; thence departing said Line and along the arc of said non-tangent curve 50.46 feet; thence, North 00°33'34" West, 524.64 feet to a curve concave to the Southeast having a central angle of 90°30'45", a radius of 139.50 and the chord of which bears North 44°41'48" East, 198.16 feet; thence along the arc of said curve 220.37 feet; thence, North 89°57'11" East, 244.14 feet to a point on the West line of the Northeast quarter of said Section 21; thence, South 89°50'40" East, 2573.94 feet to the Point of Beginning.

The above described tract of land contains 6.518 acres and is subject to all easements and rights-of-way now on record or existing.

AND

A tract of land located in the North Half of Section 21, Township 1 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 21 as bearing North 89°50'40" West from a 1" axle at the Northeast corner of said Section 21 to a 2" iron bar at the North Quarter corner of said Section 21 and with all bearings contained herein relative thereto:

Commencing at the Northeast corner of said Section 21; thence along the East line of said Northeast Quarter, South 00°42'47" Est, 65.01 feet; thence departing said East line, North 89°50'40" West 30.00 feet to a point on the West right-of-way line of Huron Street, said point also being the POINT OF BEGINNING; thence, North 89°50'40" West, 2573.94 feet to a point on the West line of the Northeast Quarter of said Section 21; thence, South 89°57'11" West, 244.14 feet; thence, North 00°02'49" West, 35.00 feet to a point on the South right-of-way line of West 144th Avenue; thence, along said South right-of-way line, North 89°57'11" East, 243.92 feet to a point on the West line of the Northeast Quarter of said Section 21; thence continuing along said South right-of-way line, South 89°50'40" East, 2573.75 feet to a point on the West right-of-way line of Huron Street; thence along said West right-of-way line, South 00°42'47" East, 35.00 feet to the Point of Beginning.

The above described tract of land contains 2.264 acres and is subject to all easements and rights-of-way now on record or existing.

AND

A tract of land located in the Northwest Quarter of Section 21, Township 1 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 21 as bearing North 89°50'40" West from a 1" axle at the Northeast corner of said Section 21 to a 2" iron bar at the North Quarter corner of said Section 21 and with all bearings contained herein relative thereto:

Commencing at the North Quarter corner of said Section 21; thence along the West line of the Northeast Quarter of said Section 21, South 00°24'21" East, 30.00 feet to a point on the South right-of-way line of West 144th Avenue; thence along said South right-of-way line, South 89°57'11" West, 243.92 feet to the POINT OF BEGINNING; thence departing said South right-of-way line, South 00°02'49" East, 35.00 feet to a point on a non-tangent curve concave to the Southeast having a central angle of 90°30'45", a radius of 139.50 feet and the chord of which bears South 44°41'48" West, 198.16 feet; thence along the arc of said curve 220.37 feet; thence, South 00°33'34" East, 524.64 feet to a curve concave to the Northwest having a central angle of 47°47'09", a radius of 60.50 feet and the chord of which bears South 23°20'01" West, 49.01 feet; thence along the arc of said curve 50.46 feet more or less to a point on a non-tangent Line, said Line being the East line of that certain parcel of land described at Book 205 and Page 85, also being the West line of that certain parcel of land described at Book 3258 and Page 420 on file with the Adams County Clerk and Records Office; thence along said Line, North 29°23'52" West, 855.12 feet to a point on the South right-of-way line of West 144th Avenue; thence departing said Line and along said South right-of-way line, North 89°57'11" East, 573.39 feet to the Point of Beginning.

The above described tract of land contains 4.073 acres and is subject to all easements and rights-of-way now on record or existing.

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 22nd day of September, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of October, 1997.

ATTEST:

Mayor

City Clerk

Fonay Parcel No. 1

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED CITY-OWNED TERRITORY IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO

WHEREAS, C.R.S. section 31-12-106(3) provides that when a municipality is the sole owner of property that it desires to annex, and said area is eligible for annexation as set forth in section C.R.S. 31-12-104(1)(a) and section C.R.S. 31-12-105, the governing body may by ordinance annex that area to the municipality without notice and hearing; and

WHEREAS, City Council finds that the property proposed to be annexed, as more fully described below, is eligible for annexation as set forth in section 31-12-104(1)(a) and section 31-12-105, C.R.S. in that not less than one-sixth (1/6) of the perimeter of the property proposed to be annexed is contiguous with the existing limits of the City of Westminster; and

WHEREAS, the property proposed to be annexed is not within any of the limitations set forth in section 31-12-105, C.R.S.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the contiguous unincorporated territory situate, lying and being in the County of Adams, State of Colorado, is hereby annexed to the City of Westminster, State of Colorado:

A tract of land located in the northwest quarter of section 21, Township 2 South, Range 68 West of the Sixth Principal Meridian, County of Adams, State of Colorado being more particularly described as follow:

Considering the north line of the northeast quarter of Section 21 as bearing N89°50'40"W from A 1-inch axle at the northeast corner of said Section 21, to a 2-inch iron bar at the north quarter corner of said Section 21 and with all bearings contained herein relative thereto:

Commencing at the north quarter corner of said Section; Thence along the west line of the northeast quarter of said Section 21, S00°24'21"E, 30.00 feet to a point on the south right-of-way line of West 1144th Avenue; Thence along said south right-of-way line, S89°47'11"W, 243.92 feet to the Point of Beginning; Thence departing said south right-of-way line, S00°02'49"E, 34.00 feet to a point on a non-tangent curve concave to the southeast having a central angle of 90°30'45", a radius of 139.50 feet and the chord of which bears S44°41'48"W, 198.16 feet; Thence along the arc of said curve 220.37 feet; Thence S00°33'34"E, 524.64 feet to a point on curve concave to the northwest having a central angle of 47°47'09", a radius of 60.50 feet and the chord of which bears S23°20'01"W, 49.01 feet;

Thence along the arc of said curve 50.46 feet more or less to a point on a non-tangent line, said line being the east line of that certain parcel of land described in Book 205, Page 84, also being the west line of that certain parcel of land described in Book 3258, Page 420 on file with the Adams County Clerk and Recorder's Office; Thence along said line, N29o23'52"W, 855.12 feet to a point on the south right-of-way line of West 144th Avenue; Thence departing said line and along said south right-of-way line, N89o57'11"E, 573.39 feet to the Point of Beginning.

The above-described tract of land contains 4.073 acres and is subject to all easements and rights-of-way now on record or existing.

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 22th day of September, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of October, 1997.

ATTEST:

Mayor

City Clerk

Fonay Parcel No. 2

Date: September 22, 1997
Subject: Councillor's Bill No. re NTA Leasing Company Business Assistance Package
Prepared by: Susan Grafton, Economic Development Manager

Introduction

City Council action is requested on the attached Councillor's Bill to approve a business assistance package for NTA Leasing Company to build a new facility in Westminster.

Summary

NTA Leasing Company has decided to build a new 60,000 square foot office and manufacturing facility in Park Centre on 124th Avenue just east of Data Ray. This new facility will house two wholly-owned subsidiaries known as Genesee Wester, Inc. and Key Products, Inc. This assistance package is proposed to aid in the relocation of the two companies to the new facility.

Staff Recommendation

Pass Councillor's Bill No. on first reading which authorizes the execution and implementation of the Assistance Agreement with NTA Leasing Company, Inc. for the construction of the new office and manufacturing facility.

Background Information

City Staff has been meeting and communicating regularly with representatives from the Genesee Group (a.k.a., NTA Leasing, a Texas partnership) of Broomfield, Colorado since August 1996. The Genesee Group has decided to construct a 60,000 square foot manufacturing facility in Park Centre that will house two wholly owned subsidiaries known as Genesee Wester, Inc., and Key Products, Inc.

Genesee Wester, Inc. has been providing high quality, high volume Class A metal forming products since 1946. The company produces brackets, geometric metal shapes, and ultra-thin metals for small stampings.

Key Products, Inc. was incorporated in Colorado in 1988 and is a designer and manufacturer of custom binders and accessories. The company produces computer-related items such as binders/slipcase sets, angle/slipcase sets, disk holders as well as custom binders, pad holders, tabs and other such items.

NTA Leasing will be constructing their new facility just east of Data Ray on the south side of 124th Avenue in Park Centre. This new facility is anticipated to be completed by late spring 1998. The new combined manufacturing facility is estimated to cost \$2,250,000 and will employ as many as 65 employees. The annual payroll will be between \$1.15 to \$1.3 million. A 3% to 5% annual growth rate is projected by their representatives.

In January, City Council approved a resolution supporting NTA Leasing's application to the State of Colorado for Private Activity Bond financing for the acquisition of land and construction of a manufacturing facility. The State approved the application, so financing is in place for the project.

It is anticipated that NTA Leasing's two companies will generate over \$100,000 of revenue directly to the City in the first five years of operation. This is based on the \$2.25 million construction cost and an average annual equipment purchase of \$200,000 to \$350,000. The following is a brief projection of revenue to the City:

Estimated Revenue

Building Permit Fees	\$10,774
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Construction Use Tax	25,106
Equipment Use Tax (5 year projection) (approximately \$10,500 per year)	52,500
Property Tax (5 year projection) (average \$4,200 per year)	20,467
	<hr/>
Total Revenue (5 year projection)	\$108,847

Based on the 5 year revenue projection, Staff recommends the following assistance package:

<u>Proposed Assistance</u>	<u>Approximate Value</u>
<u>Business Moving Assistance</u>	\$5,000
To help defray moving expenses the company will incur when moving into the new facility, the City will provide \$5,000 to the Genesee Group at the time the Certificate of Occupancy is issued.	
<u>Employee Training Funds</u>	\$15,000
The City will provide \$5,000 per year for 3 years for customized training for new employees at the Westminster facility.	
<u>Permits and Fees</u>	\$26,000
50% of the building permits, building use tax, and plan check fees applicable to the project, excluding utility tap fees, will be waived. Total fees are estimated to be approximately \$52,000.	
<u>Total Assistance</u>	<u>\$46,000</u>

Staff anticipates that funding for moving and training assistance can be absorbed in the 1998 Economic Development budget. If necessary, Staff will request a Supplemental Appropriation for the \$10,000 needed in 1998. Training assistance funds will be noted in the 1999 and 2000 budgets.

The total assistance being offered is less than 50% of the revenue projected from the project in the first 5 years of operation. Although this is a small company, it will contribute to the diversification of the City's economy by providing additional primary jobs.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachments

ASSISTANCE AGREEMENT
FOR THE CONSTRUCTION OF NTA LEASING COMPANY'S NEW
OFFICE & MANUFACTURING FACILITY IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 1997, between the CITY OF WESTMINSTER (the "City"), and NTA Leasing Company, INC. (NTA).

WHEREAS, the City wishes to provide certain assistance to NTA Leasing Company to aid in the construction of their new office and manufacturing facility within the City on property on 124th Avenue in Park Centre; and

WHEREAS, the proposed facility will employ approximately 65 employees with an annual payroll of approximately \$1.3 million; and

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 securing the location of this economic development project within the City.

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

1. The City shall waive the payment of 50% of the building and related permit fees, not including tap fees, required under W.M.C. Section 11-10-3(E), which will result from the construction of a 60,000 square foot building to be completed no later than December 31, 1998. The value of the permit fee waiver is estimated to be \$8,000.

2. The City shall waive the payment of 50% of the building Use Taxes on the construction materials, which are to be used in the construction of the 60,000 square foot building, required under W.M.C. sections 4-2-9 and 4-2-3. The value of the waiver is estimated to be \$18,000.

3. The City shall provide to NTA at the time the Certificate of Occupancy is issued, \$5,000 to help defray moving expenses incurred by NTA.

4. The City shall provide up to \$15,000, with a maximum of \$5,000 per calendar year for three years, to NTA for expenses actually incurred in training new employees which NTA hires for their Westminster facility. NTA shall provide documentation, as required by the City, of how the funds were used each year.

5. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if NTA has not completed construction and moved into its new building by December 31, 1998.

6. In the event NTA ceases business operations within the City within three (3) years after the new operations commence, then in such event NTA shall pay to the City the total amount of fees and taxes which were due and payable by NTA to the City but were waived by the City, as well as reimburse the City for all funds provided to NTA pursuant to this Agreement.

7. This instrument shall constitute the entire agreement between the City and NTA 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.

8. 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.

9. 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.

10. 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.

NTA LEASING COMPANY

CITY OF WESTMINSTER

By _____
Jack Cachette
President

William Christopher
City Manager

ATTEST:

ATTEST:

Title

Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH NTA LEASING COMPANY

WHEREAS, the successful attraction 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 incentives for high quality development to locate in the City; and

WHEREAS, NTA Leasing Company has indicated an interest in building a new 60,000 square foot building in the City of Westminster on 124th Avenue in Park Centre; and

WHEREAS, NTA Leasing Company will employ approximately 65 at this new facility with an annual payroll of approximately \$1.3 million; and

WHEREAS, a proposed Assistance Agreement between the City and NTA Leasing Company 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 members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with NTA Leasing Company 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 22nd day of September, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of October, 1997.

ATTEST:

Mayor

City Clerk

Date: September 22, 1997

Subject: Resolution No. re Urban Renewal Amendment Regulating Gasoline Service Stations

Prepared by: Tony Chacon, So. Westminster Revitalization Projects Coordinator

Introduction

City Council action is requested to adopt the attached Resolution authorizing an Urban Renewal Plan amendment permitting the development of new gasoline service stations under certain conditions within the City's Urban Renewal Area (see attached map for the boundaries of the Urban Renewal Area).

Summary

During staff deliberations regarding redevelopment of the Westminster Plaza, a review of the Urban Renewal Plan raised questions regarding restrictions on the development of gasoline service stations. Research into the matter indicated that the original intent of restricting the use was to inhibit the proliferation of "gas pumps" along arterial corridors, improve the aesthetic quality along the same corridors, and eliminate the visible storage and repair of motor vehicles.

The amendment, as proposed, is designed to meet and strengthen the intent of the original restrictions, while at the same time encouraging new tax generating development that will provide quality service to the community. The amendment will also assist in accelerating the visual enhancement of property along the corridors.

Staff is recommending the Urban Renewal Plan be amended as follows:

Section V, Subsection F, No.2:

"The following land uses are permitted for ~~existing structures~~ in Sub-areas A, B, C, D, E, F, G, H, and I: "

Section V, Subsection F, No.2.

After the use "Furniture/Equipment Rental for Home Use Only" insert: "GASOLINE SALES (NOT INCLUDING BULK SALES) PERMITTED ONLY AS A COMPONENT OF AN INTEGRATED COMMERCIAL PROJECT OF 5 ACRES OR MORE, AS APPROVED ON AN OFFICIAL DEVELOPMENT PLAN.

Section V, Subsection F, No.3:

"In addition to the uses in Subparagraph 2, above, the following uses are permitted for existing structures in Sub-areas C, G, and I only:

Automotive Repair Shop
Automotive Wash Facility
~~Gasoline Service Station~~ "

Staff Recommendation

Adopt Resolution No. approving the amendment to the Urban Renewal Plan regarding gasoline service stations as a permitted use and incorporating the amendment into the 1997 Amended Urban Renewal Plan. These amendments to the Urban Renewal Plan will not substantially change the current Urban Renewal Plan, as amended in 1997, in land area, design, building requirements, timing or procedure, and therefore, are not subject to the procedural requirements of Section 31-25-107, C.R.S.

Background Information

City staff have been working closely with Safeway, Inc. and Hunt Properties, Inc. to redevelop the existing Plaza at Westminster (Westminster Plaza). Discussions indicated a desire, on the part of the developer, to build a new commercial center that meets the "quality" requirements of the City relative to tenant mix, and architectural and aesthetic quality, while at the same time making the redevelopment financially viable to the developer.

Accordingly, the developer submitted preliminary development plans that included a convenience gas station as part of the proposal. According to the developer a convenience gas station is a substantial money producer that would compliment the rest of the commercial center proposed to be built. The developer has indicated the convenience gas station would be architecturally integrated with the adjoining center, and that extensive streetscape treatment would be applied along the street frontage.

Upon comparing the preliminary development plan with uses permitted on the Urban Renewal Plan, staff determined there is a potential conflict with the proposed convenience gas station use.

The Urban Renewal Plan presently permits a Gasoline Service Station in the area the developer proposes to build a new facility. However, the use is only permitted in "existing buildings. This provision directly conflicts with the City's active interest in redeveloping all existing buildings along 72nd Avenue.

Such a restriction also has significant implications relative to generating tax increment income to repay bonds to be issued for the redevelopment of the Plaza. A consultant hired by the City to evaluate the tax generating potential of the proposed development indicates that a convenience gas station would generate substantial revenues to retire the bonds.

While convenience gas stations have been determined to have financial merit, staff agreed that an equally important element is the aesthetic appeal of the type of use. Accordingly, the amendment to permit such uses was premised on a desire to hold fast to the original intent of the Plan and improve the physical and aesthetic quality of the arterial corridors.

Staff believes the proposed amendment provides a necessary balance between financial considerations and improving the aesthetic quality of gas station development. While the amendment proposes to expand the allowances for the construction of gas stations, the attached conditions will substantially limit the number of gasoline service stations and improve the "quality" of such facilities throughout South Westminster.

Under Colorado law, the City's Urban Renewal Plan may have requirements that are different than the standard City-wide code requirements. This is the case with land use restrictions which are applicable only in the City's Urban Renewal Area. The attached resolution will amend the Urban Renewal Plan outlining the permitted land uses within the District.

Staff believes that this amendment to the Urban Renewal Plan would not compromise the general intent of restricting gasoline service stations. The modification will work to stimulate new "quality" development along the corridor, possibly replacing some existing delapidated gas stations and poorly maintained. The amendment, further, strengthens the City's ability to ensure convenience gas stations do not dominate South Westminster's landscape by requiring them to be built in a manner complimentary to and in conjunction with a larger commercial development.

This amendment would be incorporated into the 1997 Amended Urban Renewal Plan, which was adopted by Council on January 13, 1997. Staff will then codify the Urban Renewal Plan for distribution to the public.

Respectfully Submitted,

William D. Walenczak
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. ____

INTRODUCED BY COUNCILLORS

SERIES OF 1997

AUTHORIZING AN AMENDMENT TO THE URBAN RENEWAL PLAN TO PERMIT THE DEVELOPMENT OF GASOLINE SERVICE STATIONS IN ALL SUB-AREAS WITH CONDITIONS.

WHEREAS, the City of Westminster City Council has previously adopted the Westminster Urban Renewal Plan (the "Plan") for the Westminster Urban Renewal Area; and

WHEREAS, the Urban Renewal Plan contains specific language limiting Gasoline Service Stations to existing buildings within specific sub-areas of the Urban Renewal Area; and

WHEREAS, City Staff has proposed modifications to expand opportunities to construct new Gasoline Service Stations and regulate the design of such facilities within the Urban Renewal Area; and

WHEREAS, these modifications maintain the intent of the existing code with regard to permitted uses in the Urban Renewal Area.

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

1. The 1997 Amended Urban Renewal Plan for the City of Westminster is amended as follows:

Section V, Subsection F, No. 2: "The following land uses are permitted for existing structures in Sub-areas A, B, C, D, E, F, G, H, and I: ..."

Section V, Subsection F, No. 2: After the permitted use "Furniture/Equipment Rental for Home Use Only" insert GASOLINE SALES (NOT INCLUDING BULK SALES) PERMITTED ONLY AS A COMPONENT OF AN INTEGRATED COMMERCIAL PROJECT OF 5 ACRES OR MORE, AS APPROVED ON AN OFFICIAL DEVELOPMENT PLAN (ODP).

Section V, Subsection F, No.3: "In addition to the uses in Subparagraph 2, above, the following uses are permitted for existing structures in Sub-areas C, G, and I only:

Automotive Repair Shop
Automotive Wash Facility
~~Gasoline Service Station~~ "

2. The proposed modifications to the Westminster Urban Renewal Plan as set forth in this resolution will not substantially change the current Urban Renewal Plan, and therefore, the approval of these amendments is not subject to the procedural requirements of section 31-25-107, C.R.S.

3. Colorado state law expressly authorizes municipalities to cooperate with urban renewal authorities in the planning and implementation of urban renewal projects, and to adopt special building and zoning regulations to facilitate such projects.

4. The proposed Urban Renewal Plan amendments will not compromise the general intent of Chapter 5 (Land Use Regulations and Building Requirements), Section F (Permitted Land Uses), of the Urban Renewal Plan.

5. The Westminster Urban Renewal Plan, as amended pursuant to this resolution, shall hereinafter be deemed controlling with respect to all property within the Urban Renewal Area.

Passed and adopted this 22nd day of September, 1997.

ATTEST:

Mayor

City Clerk

Date: September 22, 1997

Subject: Safeway Business Assistance Agreement

Prepared by: Vicky Bunsen, Assistant City Attorney
John Carpenter, Director of Community Development

Introduction

City Council action is requested to approve a business assistance agreement with Safeway in connection with the redevelopment of the Westminster Plaza Shopping Center.

Summary

City Council is requested to authorize the City Manager to execute a business assistance agreement for Safeway, which is expected to be the anchor tenant in the Plaza redevelopment. The agreement would permit a sales tax rebate to be paid annually, if necessary, not to exceed \$275,000 per year, for twenty years, if certain defined sales fall below current projections. If no rebate is paid for three consecutive years, the agreement would terminate.

Staff Recommendation

Authorize the City Manager to sign the business assistance agreement with Safeway which will allow Safeway to become the anchor tenant at the redeveloped Westminster Plaza.

Background Information

Safeway Stores agreed to become the anchor tenant at the Westminster Plaza on the condition that a business assistance agreement be provided by the City. The agreement that has been negotiated includes the following key points:

- The developer will build a 55,000 square foot facility for Safeway that will employ 112 to 120 people and generate approximately \$507,000 annually in sales and use tax.
- If necessary, the City will pay to Safeway an annual sales tax rebate equal to 5% of the amount that actual sales fall below the projected annual sales for the Plaza store and the 84th Avenue and Federal Boulevard Safeway stores combined, which rebate shall not exceed \$275,000 annually.
- The rebate guarantee will be in place for 20 years, unless no rebate is paid for three consecutive years, in which case, the City's rebate obligation will cease.
- The rebate is subordinate to the City's and WEDA's bond obligations.

The sales projections are based on a combination of both the Plaza store and the existing store at 84th Avenue and Federal Boulevard for two reasons.

First, the 84th Avenue store revenues are expected to decline somewhat due to the opening of the Plaza store. Second, the 84th Avenue store may be impacted somewhat by the opening of the new King Soopers at 104th Avenue and Federal Boulevard. The City does not want this influence to enter into the rebate calculation. Therefore, the 84th Avenue store sales projections were decreased to account for this impact.

While Safeway insisted on this "safety net" to ensure that the City was assuming part of Safeway's risk in entering into this redevelopment project, the sales projections are quite reasonable. Staff believes that it is highly unlikely that the rebate will need to be paid very far into the twenty-year term of the agreement, if at all.

Alternatives

Alternatives to authorizing the City to enter into this agreement with Safeway would be to not authorize it or to authorize a different amount of rebate to be paid. It is anticipated that Safeway would refuse to be the anchor tenant at the redeveloped Plaza if the City were to choose one of these alternatives.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachment: Business Assistance Agreement

Date: September 22, 1997

Subject: Resolution No. re Big Dry Creek Open Space Acquisitions

Prepared by: Lynn Wodell, Open Space Acquisition Agent
Dave Downing, City Engineer

Introduction

City Council action is requested to adopt the attached Resolution authorizing the acquisition of several properties to preserve key portions of the Big Dry Creek, Walnut Creek and Hylands Creek corridors for open space, trail, storm drainage and utility purposes (see attached map). Funds for these acquisitions are available in the Open Space Fund.

Summary

The several properties which the City proposes to purchase total approximately 55 acres, and are owned by the Hawn and Hewit interests. All but one parcel are located along Big Dry Creek, one includes the confluence of both Walnut and Big Dry Creeks and thus would allow connecting two City-wide trails in the future, and the last parcel would connect the Hylands Creek trail and open space area to Big Dry Creek and to City Park.

These properties are very important toward meeting the City's trails and open space objectives (as well as those of Jefferson County, Adams County and the State of Colorado). The acquisitions would allow the City to complete a key portion of the Big Dry Creek trail between Church Ranch Home Place and City Park, including a trail crossing under U.S. 36 in a safe, existing "cattle crossing". With additional trail improvements being designed at Wadsworth Parkway and at the Burlington Northern Railroad, the Big Dry Creek trail could soon connect many additional residents from the west side of the City into the trails system, and on to City Park, Front Range Community College, the new library, and many other facilities. Residents of Westcliff, Trendwood, Eagles' Landing Apartments and this general area can see City Park, but "can't get there from here". Some trespassing has been observed, by pedestrians and mountain bikers. The proposed acquisitions would eliminate conflict with trespassing on private lands.

The proposed acquisitions would primarily preserve the floodplain area of the creeks. Only small areas outside the floodplain would be acquired, which are necessary for trail construction above frequent high water level, and away from key wildlife habitats. These small areas outside the floodplain would also allow for continued streambed meandering and bank erosion, would provide a safety buffer for adjacent development, and would straighten property lines to avoid paying damages while leaving small, undevelopable areas along the meandering creeks.

Preserving the floodplain areas would allow the existing streams, wetlands, large trees, native grass stands and wildlife to continue in these locations, as the City builds out. A biological inventory of the natural condition of these properties ranked their value very high in comparison to other areas within the City, and the biologists strongly encouraged preservation.

The Big Dry Creek corridor has been, and remains, a high priority for preservation from the Open Space Advisory Board recommendations and from previous City Council review.

The proposed acquisitions would enhance water quality by slowing runoff and by preserving wetlands and flood storage areas, would contain Northglenn's raw water line and Westminster's sanitary sewer utility lines, allowing access for maintenance when necessary, and would keep development out of the floodplain areas, avoiding insurance and flooding issues. Acquisition of these parcels would preserve views along the creek and toward the mountains from U.S. 36, from Church Ranch Boulevard and 104th Avenue, and from Sheridan Boulevard. The lands would also act as buffers between varying land uses.

The proposed acquisitions along Big Dry and Walnut Creeks both west and east of US 36, and the proposed acquisition along Hylands Creek would provide all the benefits described above. In these locations, the City presently has a utility easement, but no land ownership, and no trail.

The proposed acquisition just east of Sheridan Boulevard would widen the existing City-owned open space along Big Dry Creek. A narrow strip of land was purchased for open space as part of the Westminster Golf Course Community (Legacy Ridge) negotiations several years ago, to allow the existing crushed rock trail connection to be constructed. The developer satisfied Public Land Dedication requirements for adjacent Residential lands by dedicating the golf course lands, so additional dedication along the creek is not likely. The proposed acquisition at this location would widen the existing trail corridor to include the floodplain and natural areas along the creek, resulting in a much improved wildlife and trail corridor. This acquisition would also allow for a second sanitary sewer trunkline to be installed in the near future. With voter approval of a longer open space program and the increased funding available, the Open Space Advisory Board recommends widening the Big Dry Creek corridor at this location, as proposed.

In 1996, City Council accepted the recommendations of the Open Space Advisory Board, and directed Staff to begin work to acquire these particular properties and other key lands during the next five years. With the current rapid development of the Promenade, the Ice Centre, announcement of the Westin Hotel and interest in an upscale shopping mall in this area, land values may rise quickly. For the reasons described above, Staff believes that it is imperative that the City take action now to preserve these lands.

The attached Resolution authorizes the City Manager and City Attorney to continue appropriate efforts necessary to acquire these properties, including proceeding with condemnation of one or more of the properties, if negotiations are not productive.

Alternatives to the Proposed Action

1. Do not acquire the proposed properties. This alternative would not provide for completion of the Big Dry Creek trail and open space corridor, a nine mile long corridor through the center of the City, connecting Standley Lake, City Park, Front Range Community College and the new library, and eventually connecting to the South Platte River and Barr Lake State Park. A gap in this corridor would block pedestrian and bicycle access for many residents, with U.S. 36 dividing the community. It might result in filling of the floodplain areas, loss of enjoyment of the creek, large trees, and wildlife, fragmentation of wildlife habitat, increased flooding, higher costs to maintain utilities, and loss of key views from adjacent roadways.

2. Do not purchase the proposed properties at this time, but wait for future development to take place, and attempt to acquire some of these lands through dedication. While a possible lower cost approach is always a consideration, development of the adjoining properties may not take place for years, thereby delaying the completion of the trail, the enjoyment by the community, and risking the other impacts mentioned above. The land use in some areas would not necessarily provide public land dedication, and waiting might not yield the desired results. If future land use does include the requirement for dedication, the City may elect to receive cash-in-lieu of dedication, recovering some of the acquisition costs. Staff and the Open Space Advisory Board have discussed this option, and recommend acquiring these lands now, so that preservation is guaranteed, and so that residents can begin to enjoy the benefits in the near future.

In light of the many benefits of preserving these proposed open space lands, and the increasing land values and development pressures in these areas, the Open Space Advisory Board and Staff do not recommend either of the alternatives.

Staff Recommendation

Adopt Resolution No. _____ authorizing the City Manager and City Attorney to proceed with the acquisition of key portions of Big Dry Creek, Walnut Creek and Hylands Creek for open space, trail, storm drainage and utility purposes, including through eminent domain, if necessary.

Background Information

In April 1996, City Council accepted the Open Space Advisory Board's recommendations for open space priorities for 1996-2000, including the acquisition of these properties along Big Dry Creek and its tributaries. These acquisitions are critical for the completion of the Big Dry Creek trail and open space corridor, in an area of the City that is developing quickly.

The lands proposed for purchase fit the criteria for the selection of Open Space properties very well, as follows:

AESTHETICS: These properties lie along and include Big Dry Creek and key tributary streams. Acquisition would protect the natural view corridor, which is readily enjoyed from US 36, from Church Ranch Boulevard and 104th Avenue, from Sheridan Boulevard, and along trails on each property. Natural features include the creeks, wetlands, trees and a variety of native plants and wildlife species.

PROTECTION AND PRESERVATION: These acquisitions would protect the environmentally sensitive features of the creeks, wetlands, trees, plants and animals and avoid encroachment into the floodplains.

LOCATION: The properties along Big Dry Creek, with connections from Walnut Creek and Hylands Creek, would provide key linkages in a central natural corridor intended to connect many parks, schools, and open spaces throughout the City. These lands are near the center of Westminster, and highly visible to a large population. Acquisition would provide open space enjoyment to residents, hotel guests, and employees in the area. City Park, trails and open space are key elements of the Promenade and related development.

USE POTENTIAL: A continuous trail and open space corridor along Big Dry Creek would link Standley Lake, the Butterfly Pavillion, the Promenade and new Ice Centre, City Park, Front Range Community College, the new library, and many other parks, open spaces and trails. These lands would provide opportunities for nature study, photography or solitude. The proposed acquisition would also protect the watersheds, would minimize need for expensive storm drainage improvements by generally maintaining the channel in a natural condition with room to meander, and would avoid floodplain encroachment. A substantial portion of this corridor is intended for wildlife habitats and movements.

NEED FOR IMMEDIATE ACTION and ACQUISITION CONSIDERATIONS: The effort to acquire these properties has accelerated due to the recent announcements of many development projects, interest in an upscale mall in the area, and the impact that these activities and announcements may have on land values. Since most of the property being proposed for acquisition is in the floodplain, there will be very little impact on the future development opportunities of the adjacent properties, including a possible upscale shopping mall.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. _____

INTRODUCED BY COUNCILLORS

SERIES OF 1997

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to obtain the several parcels of land shown on the attached map to preserve key portions of the Big Dry Creek, Walnut Creek and Hylands Creek corridors for open space, trail, storm drainage and utility purposes; and

WHEREAS, the City desires to enter into negotiations and make an earnest good faith offer of purchase for each of the subject parcels; and

WHEREAS, a municipal public purpose exists to acquire the properties; and

WHEREAS, legal counsel for the City of Westminster deems it to be in the best interest of the City to acquire the property by the City's right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to reserve those lands necessary for open space, trail, storm drainage and utility purposes.

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

1. The City Manager is hereby authorized to establish the minimum just compensation to be offered to acquire the properties.
2. City Staff is authorized to enter into negotiations to acquire the parcels and interests identified on the attached map on the basis of the appraised value, or such other amounts as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation.
3. The City Manager is hereby authorized to acquire such parcels consistent with applicable law, including the execution of all documents necessary to complete the purchase.
4. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the properties in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the properties should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request immediate possession of the necessary property interests.
5. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The costs shall be charged to the Open Space Account as appropriate.

6. The City Manager is hereby authorized to establish the legal description of the parcels to be acquired, consistent with the attached map, and to amend the legal descriptions of the parcels to be acquired, and the nature of the interests to be acquired, if necessary.

PASSED AND ADOPTED this 22nd day of September, 1997.

Mayor

ATTEST;

City Clerk

Date: September 22, 1997
Subject: Councillor's Bill No. re Park Centre Easement Vacation
Prepared by: Richard Borchardt, Civil Engineer

Introduction

City Council action is requested on the attached Councilor's Bill to vacate existing utility, drainage and private access easements located in Park Centre Subdivision.

Summary

The existing easements were originally dedicated by the plat for Park Centre. The amended Official Development Plan (ODP) for Park Centre Genesee Wester/Key Industries has changed the lot configuration, access, drainage, and utility layout of the site. The owner has requested that the City vacate easements, based upon the change in lot configuration and layout in the amended ODP. The attached vicinity map shows the location of the effected part of the Park Centre Subdivision.

City Staff is in agreement with the owner's request that the existing easements be vacated. The City Charter mandates that Council must approve vacations via ordinance. The attached ordinance vacates the existing easements.

Staff Recommendation

Pass Councilor's Bill No. on the first reading vacating the described easements within the Park Centre Subdivision.

Background Information

The existing easements were dedicated with the Replat of Park Centre in May, 1982. The amended ODP for Park Centre Genesee Wester/Key Industries has changed the lot configuration, access, drainage, and utility layout of the site. These changes have made the existing easements obsolete. The need for future easements will be reviewed at time of Official Development Plan for the remaining undeveloped lots. Public Service, US West, and TCI concur with the vacation of the existing easements.

Respectfully Submitted,

William D. Walenczak
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING UTILITY EASEMENTS WITHIN THE PARK CENTRE SUBDIVISION P.U.D.

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, a certain drainage, utility and access easement located within Park Centre Subdivision was previously dedicated to the public.

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the easement parcel described in Section 2 hereof and depicted on the attached Exhibit A.

Section 2. Drainage, utility and access easements in the Park Centre Subdivision.

EASEMENT DESCRIPTION

A utility, drainage and private access easement as shown, granted and conveyed on the plat of the Park Centre 1st Replat as recorded in File 14, Map 868, Reception No. B383379 of the records of the Clerk and Recorder's Office of Adams County, Colorado. Said easement being located within Lots 1, 2 and 3, Block 10, the Park Centre 1st Replat, being replatted a the Final Plat of a Replat of Lot , Lot 2 and the Second Replat of Lot 3, Block 10, of the Park Centre First Replat as recorded in File 17, Map 253, Reception no. B1256906, and within Lot 6, 7, 8 and 9, Block 10 and Lots 3 and 4, Block 11, said the Park Centre Subdivision 1st Replat; located in the east one-half of Section 33, Township 1 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, County of Adams, State of Colorado, more particularly described as follows:

Beginning at the northeast corner of said Lot 6, Block 10, the Park Centre 1st Replat; thence S89°45'20"E along the southerly right-of-way line of West 124th Avenue, 40.00 feet to a point of non-tangent curve; thence along the arc of a curve concave southeasterly having a radius of 25.00 feet, a central angle of 90°00'00", an arc distance of 39.27 feet, the chord of said arc bears S45°14'40"W, 35.36 feet; thence S00°14'40"W, 482.92 feet to a point of tangent curve; thence along the arc of a curve to the left having a radius of 50.00 feet, a central angle of 90°00'00", an arc distance of 78.54 feet to a point of tangent; thence S89°45'20"E, 807.39 feet to a point of tangent curve; thence along the arc of a curve to the left having a radius of 25.00 feet, a central angle of 90°00'00", an arc distance of 39.27 feet to a point of tangent; thence N00°14'40"E, 507.92 feet to a point of tangent; thence along the arc of a curve to the left having a radius of 25.00 feet, a central angle of 90°00'00", an arc distance of 39.27 feet to a point on said southerly right-of-way line of West 124th Avenue; thence S89°45'20"E along said southerly right-of-way line 80.00 feet to a point of non-tangent; thence along the arc of a curve concave southeasterly having a radius of 25.00 feet, a central angle of 90°00'00", an arc distance of 39.27 feet, the chord of said arc bears S45°14'40"W, 35.36 feet; thence S00°14'40"W, 704.97 feet to a point on the south line of said Lot 3, Block 11, the Park Centre 1st Replat; thence N89°45'20"W, 30.00 feet; thence N00°14'40"E, 117.05 feet to a point of tangent curve; thence along the arc of a curve to the left having a radius of 25.00 feet, a central angle of 90°00'00", an arc distance of 39.27 feet to a point of tangent; thence N89°45'20"W, 887.39 feet; thence N00°14'40"E, 562.92 feet to a point of tangent curve; thence along the arc of a curve to the left having a radius of 25.00 feet, a central angle of 90°00'00", an arc distance of 39.27 feet to a point on said southerly right-of-way line of West 124th Avenue; thence S89°45'20"E along said southerly right-of-way line, 40.00 feet to the True Point of Beginning.

Excepting therefrom a portion of said utility, drainage and private access easement, more particularly described as follows:

Commencing at the northeast corner of said Lot 6, Block 10, the Park Centre 1st Replat; thence S00°14'40"W along the easterly line of said Lot 6, a distance of 557.92 feet to the True Point of Beginning; thence N89°45'20"W, 15.00 feet;

thence S00°14'40"W, 30.00 feet; thence S89°45'20"E, 115.00 feet to a point on the easterly line of said Lot 3, Block 10, a replat of Lot 1, Lot 2 and the Second Replat of Lot 3, Block 10, of the Park Centre First Replat; thence N00°14'40"E along said easterly line, 15.00 feet to the northeast corner of Lot 3; thence N89°45'20"W along the northernmost line of said Lot 3, a distance of 35.00 feet; thence N00°14'40"E, 15.00 feet; thence N89°45'20"W, 65.00 feet to the True Point of Beginning.

Said parcel containing 64,275 square feet or 1.476 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 22nd day of September, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of October, 1997.

ATTEST:

Mayor

City Clerk

Date: September 22, 1997
Subject: Councillor's Bill No. re Silo North Easement Vacations
Prepared by: Richard G. Borchardt, Civil Engineer

Introduction

City Council action is requested on the attached Councillor's Bill to vacate various existing utility, drainage, waterline, firelane and access lane easements located in Silo North PUD.

Summary

The third amended Official Development Plan (ODP) for Silo North PUD includes a new building for the Covenant Village Assisted Living Facility. The ODP shows existing utilities, access lanes, and drainage facilities being relocated for the new building. New easements have already been dedicated by the plat of the Silo North PUD. The attached vicinity map shows the affected portion of the Silo North Subdivision and the new building.

City Staff is in agreement with the owner's request that the existing easements be vacated. The City Charter mandates that Council must approve vacations via ordinance. The attached ordinance vacates the existing easements.

Staff Recommendation

Pass Councillor's Bill No. on first reading vacating the described easements within the Silo North Subdivision.

Background Information

The existing easements were originally dedicated by separate document and by plat when the adjacent properties developed and during the installation of the City's raw water lines. The approved ODP for the Covenant Retirement Village site showed several utilities, access lanes, and drainage facilities to be relocated as part of the development of the site. The plat for the site has dedicated new easements for the re-aligned utilities, access lanes, and drainage facilities. The dedication of the new easements allows and necessitates that the existing easements be vacated. The owner has requested the existing easements be vacated since construction is under way on the relocation of the utilities, new drives, and the new drainage facilities.

Respectfully Submitted,

William D. Walenczak
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING EASEMENTS WITHIN THE SILO NORTH P.U.D.

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, certain easements located within Silo North Subdivision was previously dedicated to the public.

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the easement parcels described in Section 2 hereof and depicted on the attached Exhibit A.

Section 2. Seven easements located in the Silo North P.U.D.

EASEMENT DESCRIPTION

Easement located in a portion of the southwest quarter and the northwest quarter of Section 23, Township 2 South, Range 68 West of the Sixth Principal Meridian in the City of Westminster, County of Jefferson, State of Colorado, being more particularly described as follows:

A 20.00-foot utility easement recorded at Reception No. 900834, commencing at the center of Section 23, monumented by a 3-1/4-inch brass cap, P.L.S. No. 23047; thence along the north line of the southwest quarter of Section 23, S89°13'26"W, a distance of 883.94 feet to a point on the westerly right-of-way line of Highway 121; thence along said right-of-way line S32°58'30"E, a distance of 57.52 feet to the True Point of Beginning; thence continuing along said right-of-way line S32°58'30"E, a distance of 20.00 feet; thence departing said right-of-way line S57°01'30"W, a distance of 188.00 feet; thence N32°58'30"W, a distance of 20.00 feet; thence N57°01'30"E, a distance of 188.00 feet to a point on State Highway 121 right-of-way line and the Point of Beginning.

EASEMENT DESCRIPTION

Easement located in a portion of the southwest quarter and the northwest quarter of Section 23, 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:

A 25.00-foot utility easement recorded at Book 2595, Page 78 commencing at the center of Section 23, as monumented by a 3-1/4-inch brass cap, P.L.S. No. 23047; thence S89°13'26"W along the north line of the southwest quarter of Section 23, a distance of 883.94 feet to a point on the westerly right-of-way line of State Highway 121 and the True Point of Beginning; thence continuing along said north line of the southwest quarter S89°13'26"W, a distance of 422.55 feet; thence departing said Section line S03°38'27"E, a distance of 25.03 feet; thence N89°13'26"E, a distance of 437.02 feet to a point on the westerly right-of-way line of State Highway 121; thence along said right-of-way line N32°58'30"W, a distance of 29.54 feet to the True Point of Beginning.

EASEMENT DESCRIPTION

Easement located in a portion of the southwest quarter and the northwest quarter of Section 23, 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:

A 50.00-foot utility easement recorded at Reception No. 84107785, commencing at the center of Section 23, as monumented by a 3-1/4-inch brass cap, P.L.S. No. 23047; thence along the north line of southwest quarter of Section

23, S89°13'29"W, a distance of 883.94 feet to a point on the westerly right-of-way line of State Highway 121 and the True Point of Beginning; thence continuing along the north line of the southwest quarter of Section 23, S89°13'26"W, a distance of 402.48; thence departing said section line S03°38'27"E, a distance of 50.06 feet; thence N89°13'26"E, a distance of 431.46 feet to a point on the westerly right-of-way line of Highway 121; thence along said right-of-way line N32°58'30"W, a distance of 59.09 feet to the True Point of Beginning.

EASEMENT DESCRIPTION

Easement located in a portion of the southwest quarter and the northwest quarter of Section 23, 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:

A 30.00-foot drainage and utility easement commencing at the center of Section 23, as monumented by a 3-1/4-inch brass cap, P.L.S. 23047; thence S89°13'26"W along the north line of the southwest quarter of Section 23, a distance of 883.94 feet to the True Point of Beginning; thence S89°13'26"W along the north line of the southwest quarter, Section 23, a distance of 422.55 feet; thence departing said section line S03°38'27"E, a distance of 30.03 feet; thence S89°13'26"E, a distance of 439.94 feet to a point on the westerly right-of-way line of Highway 121; thence along the westerly right-of-way line of said Highway 121, N32°58'30"W, a distance of 35.45 feet to the True Point of Beginning.

EASEMENT DESCRIPTION

Easement located in a portion of the southwest quarter and the northwest quarter of Section 23, 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:

A 20.00-foot water line easement recorded at Book 1658, Page 159, commencing at the center of Section 23, as monumented by a 3-1/4-inch brass cap, P.L.S. No. 23047; thence along the north line of the southwest quarter of Section 23, S89°13'29"W, a distance of 883.94 feet to a point on the westerly right-of-way line of State Highway 121 and the True Point of Beginning; thence continuing along the north line of the southwest quarter of Section 23, S89°13'26"W, a distance of 439.39 feet; thence departing said section line N00°19'35"E, a distance of 20.00 feet; thence N89°13'26"E, a distance of 426.42 feet to a point on the westerly right-of-way line of Highway 121; thence along said right-of-way line S32°57'08"E, a distance of 23.63 feet to the True Point of Beginning.

EASEMENT DESCRIPTION

Easement located in a portion of the southwest quarter and the northwest quarter of Section 23, 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:

A portion of a 24.00-foot fire lane and access/utility easement as recorded on a final plat, Silo Commercial Center Filing No. 1, at Reception No. 900834, Book 104, Page 12; commencing at the center of Section 23, as monumented by a 3-1/4-inch brass cap, P.L.S. No. 23047; thence S89°13'26"W along the north line of the southwest quarter of Section 23, a distance of 1068.30 feet to the True Point of Beginning; thence departing said section line S00°46'34"E, a distance of 37.56 feet; thence S32°58'30"E, a distance of 143.97 feet to a point on the north property line of Lot 1, Block 1; thence S57°01'30"W, a distance of 24.00 feet; thence N32°58'30"W, a distance of 150.89 feet; thence N00°46'34"W, a distance of 44.48 feet to a point on the north line of southwest quarter of Section 23; thence along said section line N89°13'26"E, a distance of 24.00 to the True Point of Beginning.

EASEMENT DESCRIPTION

Easement located in a portion of the southwest quarter and the northwest quarter of Section 23, 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:

A portion of a 30.00-foot drainage and utility easement located in Lot 2, Block 1, as recorded on a final plat, Silo Crossing Commercial Center Filing No. 1, Reception No. 900834, Book 104, Page 12, commencing at the center of

Section 23, as monumented by a 3-1/4-inch brass cap, P.L.S. No. 23047; thence S89°13'26"W, along the north line of the southwest quarter of Section 23, a distance of 883.94 feet to a point on the westerly right-of-way line of State Highway 121 and the northwest corner of Lot 2, Block 1 to the True Point of Beginning; thence S32°58'30"E along the westerly right-of-way line of Highway 121, a distance of 77.52 feet; thence departing said right-of-way line S57°01'30"W, a distance of 30.00 feet; thence N32°58'30"W, a distance of 96.41 feet to a point on the north line of the southwest quarter of Section 23; thence along said section line N89°13'26"E, a distance of 35.45 feet to the True Point of Beginning.

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 22nd day of September, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of October, 1997.

ATTEST:

Mayor

City Clerk

Date: September 22, 1997

Subject: Resolution No. re Adams County Parks and Open Space Tax Proposal

Prepared by: Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested to adopt the attached Resolution stating City Council's support of the Adams County Parks and Open Space Sales Tax Proposal which will appear on this November's ballot.

Summary

A citizen-based group known as "Support Parks and Open Space" (SPOS) was formed in late 1995, to promote some sort of regular funding for park, trail and open space projects in Adams County. This group worked throughout 1996 and early 1997 to survey County residents, and to build support for a dedicated funding mechanism for parks, trails and open space at the County level. SPOS worked with Adams County cities, the Adams County Open Space and Trails Foundation, and others to gather input, and to develop draft ballot language for a proposed sales tax initiative.

Recently the citizen group presented their updated citizen survey and recommendations to the Adams County Board of Commissioners. Following discussion and revision of certain details, the Commissioners have agreed to place the ballot proposition on the November 1997 ballot. The attached Resolution expresses the City of Westminster's support for the proposed initiative which would authorize a dedicated 1/5 cent sales tax for fifteen years to support parks and open space acquisition and development in Adams County.

The proposed ballot language differs slightly from the detailed recommendations offered by City Council in Resolution No. 30, dated June 9, 1997. However, the creation of a regular funding mechanism for park, open space and trails projects in Adams County could provide many benefits for Adams County and Westminster residents. If the initiative is approved by the voters, a significant portion of the sales tax collected would be returned to the City of Westminster to augment the City's efforts in preserving Open Space, and in developing parks and trails. If approved, Adams County would have matching funds with which to pursue grants from Great Outdoors Colorado, the State Trails Program and other potential partners. The City and Adams County could jointly acquire and/or develop trails, parks and open space, both within Westminster, and at key unincorporated Adams County locations, such as Clear Creek, the South Platte River and other important connections from Westminster's system to regional facilities.

Westminster has enjoyed this sort of coordination and benefits from Jefferson County's Open Space sales tax and program for the past twenty-five years. An Adams County Parks and Open Space program could improve the quality of life of many residents of Westminster and of other parts of Adams County. A letter from the SPOS group, which describes some of their reasoning in supporting this initiative, is attached for reference.

Staff Recommendation

Adopt Resolution No. _____ which formally states the City of Westminster's support for an Adams County Parks and Open Space Sales Tax to support parks and open space throughout the County, as proposed for the November 4, 1997 ballot.

Background Information

"Support Parks and Open Space" (SPOS) was formed in late 1995, to support increased and more regular funding for open space, trails and related projects in Adams County. The group considered many funding alternatives, but soon settled on a proposed sales tax that would be imposed on a Countywide basis, to raise revenue specifically to preserve key lands and to make certain improvements.

Many in the original SPOS group primarily favored preserving areas such as the South Platte River basin, areas about to develop around Barr Lake, the old aggregate lakes in southwest Adams County which were designated for industrial development, and other areas to preserve farming, wildlife and passive open space. Others argued that a broader definition of parks and open space would better serve the diverse interests of different groups and locations, and perhaps draw more voter support. SPOS went "on the road" to solicit ideas and recommendations from the cities throughout Adams County, and from other groups of interested citizens.

SPOS first considered placing the initiative on the ballot in November 1996, but after discussion with the Adams County Board of Commissioners, the cities and other groups, SPOS delayed the proposal in order to continue to gather additional input and to build further support. At the same time, the Commissioners authorized County Staff to work with consultants to develop a draft Adams County Open Space Plan, and a similar, more specific plan for improvements along the South Platte River. Westminster City Councillors and Staff have participated in these planning processes. The draft plans have developed ideas for the types of open space, trails and parks improvements which could be made at the County level, if regular funding was approved.

City Council discussed this proposition at several Study Sessions in May and June of this year. On June 9, City Council adopted Resolution No. 30, which expressed support for a sales tax to support parks and open space throughout Adams County. The Resolution also expressed City Council's recommendations regarding details of the proposed sales tax. Many of these recommendations are written into the final ballot language.

The proponents of this proposition believe that a dedicated revenue source is needed to acquire Open Space and park lands as well as funding certain improvements to achieve an enhanced quality of life for residents throughout Adams County. Preserving Open Space is a key priority, given the pressures of growth. The tax would be collected by the State of Colorado and then distributed based on the point of sale methodology.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

"SUPPORT PARKS AND OPEN SPACE (ADAMS COUNTY)"

WHEREAS, a citizens group known as "Support Parks and Open Space" (in Adams County), together with the Adams County Board of Commissioners and the County Staff, have been working for the past several years to develop preliminary plans and to determine the level of Adams County residents' support for a Sales Tax proposition earmarking tax revenue to preserve lands for open space, trails and parks, and to support development of such projects, and

WHEREAS, at the present time, Adams County on a Countywide basis does not have an Open Space/Parks tax such as the Jefferson County Open Space Tax, and

WHEREAS, the citizens group believes there is a need and support for such a regular revenue stream to purchase land for Open Space, parks and trails for the enhancement of the quality of life of citizens throughout Adams County, and

WHEREAS, the citizens group has requested that the City of Westminster express its support of the proposal, which would be tied to a 15-year life so that bonds could be issued, and

WHEREAS, the proposal calls for point of sale distribution of the Sales Tax, with the tax to be collected by the State of Colorado and redistributed, and

WHEREAS, the Westminster City Council has reviewed the proposal and believes that this ballot proposal, if approved, would provide various benefits to residents of Westminster and of Adams County;

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

The Westminster City Council expresses its support for this initiative, and urges Westminster voters who reside in Adams County to vote YES on Issues 1B and 1C, supporting a 1/5 cent sales tax for fifteen years to support parks and open space in Adams County, and authorizing the County to sell bonds to accelerate the preservation and development efforts.

Passed and adopted this 22nd day of September, 1997.

ATTEST:

Mayor

City Clerk

Date: September 22, 1997
Subject: Northwest Regional Water Supply Study
Prepared by: Mike Happe, Water Resources Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Intergovernmental Agreement regarding a cooperative water supply study looking at options for the water suppliers in the northwest quadrant of the Denver Metropolitan area.

Summary

The Metropolitan Water Supply Investigation (MWSI) was initiated in 1994, by Governor Romer in an effort to study cooperative efforts to develop water supply along the Front Range of Colorado. The Colorado Department of Natural Resources retained Hydrosphere Resources Consultants, Inc., to carry out the investigation in conjunction with most of the water supply entities along the Front Range, including the Denver Water Department. The primary objective of the study was to identify and explore opportunities for cooperative water supply projects and the use of existing water supply systems to meet the water supply needs of growing cities in the Denver Metropolitan area.

As a result of the MWSI project, the Cities of Westminster, Broomfield, and Arvada, the Consolidated Mutual Water Company, the Denver Water Department, and the Colorado Division of Natural Resources (the Participants) have met to discuss a Northwest region water supply study to look at projects and alternatives specific to the Northwest area water supply entities. The participants have developed a proposed regional study that would build on the work previously performed by Hydrosphere Resource Consultants. Each entity would contract directly with Hydrosphere for a portion of the study. The breakdown of costs is as follows:

City of Westminster	\$5,000
City of Arvada	\$5,000
City of Broomfield	\$5,000
Consolidated Mutual	\$5,000
Denver Water Department	\$5,000
State Natural Resources Dept.	<u>\$10,000</u>
Total	\$35,000

The Intergovernmental Agreement between the participants would establish the relationship, purpose, and framework under which this project would be pursued. Funds for this study are available in the Water Resources budget.

Staff Recommendation

Authorize the City Manager to execute the Intergovernmental Agreement between the Cities of Westminster, Arvada, Broomfield, the Consolidated Mutual Water Company, the Denver Water Department, and the Colorado Department of Natural Resources concerning exploration of cooperative water supply opportunities.

Background Information

After the veto of the Two Forks Reservoir proposal by the United States Environmental Protection Agency, the Colorado General Assembly approved an appropriation of \$450,000 from the Colorado Water Conservation Board to explore opportunities for cooperative water supply projects and use of existing water supply systems to meet water supply needs of Front Range water supply entities. The Governor then issued an Executive Order initiating the Metropolitan Water Supply Investigation and establishing the Front Range Water Forum.

The investigation has been performed and a number of alternatives have been identified for potential cooperation. One alternative that is chiefly of interest to water suppliers in the northwest part of the Denver Metropolitan area is a new reservoir located in Leyden Gulch, west of Highway 93. This reservoir would tie into Denver's Moffat Tunnel system. The proposed study that is the subject of the Intergovernmental Agreement would analyze this alternative along with a number of other possible cooperative water supply alternatives among the Participants.

Hydrosphere Resources Consultants, Inc., would be utilized in this study, since they already have an extensive data base developed for the Metropolitan Water Supply Investigation project.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Date: September 22, 1997

Subject: Revised Employment Contract with William Christopher

Prepared by: Bill Christopher, City Manager

Introduction

City Council review and consideration is requested pertaining to the attached revised employment agreement with William Christopher serving in the capacity of City Manager.

Summary

At the time City Council appointed William Christopher as City Manager in June, 1978, an employment agreement was formally approved by the Council to reflect the terms and conditions of his employment. Each year, the employment contract is reviewed and revised based on the results of the Council's performance evaluation of the City Manager. This year's evaluation was completed on September 8 including updated compensation terms. A revised employment contract has been prepared to reflect the adjustments.

Staff Recommendation

Approve an employment agreement with William Christopher serving in the position of City Manager for calendar years 1998 and 1999 and authorize the appropriate City Officials to execute said agreement.

Background Information

The initial employment agreement with William Christopher, serving as City Manager, has been subsequently reviewed annually (except in 1988) to reflect compensation adjustments as well as any other changes in the provisions of the agreement as warranted. The existing contract is scheduled to expire December 31, 1997. City Council and the City Manager have discussed a new two year contract which would extend the employment agreement to December 31, 1999. The only change in the revised agreement compared to the existing agreement is as follows:

- > The increased compensation (\$4,100 - a 4.0% increase) is to be reflected in the base salary. The annual salary will become \$106,600 with \$7,500 taken as deferred compensation.

All other provisions of the contract remain the same as per the existing employment agreement between the City Council and the City Manager.

City Council was previously provided a salary survey of other area city manager's compensation packages. The average salary of the ten Cities surveyed indicated an annual compensation of \$111,692 which would include any deferred compensation for 1997. This compares to the current annual salary and deferred compensation for the Westminster City Manager in the amount of \$110,000.

The revised contract that was discussed at the September 8 Executive Session reflects a compensation increase of 4.0% for 1998. The salary for 1998 would be \$106,600 and the deferred compensation would be \$7,500.

I am extremely pleased to have the opportunity to continue the working relationship with City Council. I believe there have been many meaningful achievements this year and produced numerous enhancements for the community. I look forward to the numerous challenges and opportunities which the new year most certainly will hold. Westminster continues to be a great City to have the opportunity to manage.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachment

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 1998, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "CITY" as party of the first part, and WILLIAM M. CHRISTOPHER, hereinafter called "EMPLOYEE", as party of the second part, both of whom understand as follows:

WHEREAS, the CITY desires to continue employing the services of WILLIAM M. CHRISTOPHER, as City Manager of the City of Westminster as provided by City Charter, Chapter IV, Section 7; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and to set working conditions of said EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE, and (4) provide a just means for terminating EMPLOYEE'S services at such time as he may be unable to fully discharge his duties due to age or disability or when CITY may desire to otherwise terminate his employ; and

WHEREAS, EMPLOYEE previously accepted employment as City Manager of said CITY.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION 1. DUTIES:

CITY hereby agrees to continue the employment of WILLIAM M. CHRISTOPHER as City Manager of CITY to perform the duties and functions specified in Section 4.8 of the City Charter and such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

SECTION 2. TERMS:

A. EMPLOYEE agrees to remain in the exclusive employ of CITY and WILLIAM M. CHRISTOPHER will serve as City Manager for calendar years 1998 and 1999. Further, EMPLOYEE agrees neither to seek, to accept, nor to become employed by any other employer until said termination date, unless said termination date is effected as hereinafter provided.

The term "employed" shall not be construed to include occasional teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in Section 3, Paragraph A and B of this agreement.

C. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth below.

D. This contract shall be considered for renewal annually, no later than October 31 of each year to address extending the contract, salary, and other changes negotiated between the parties, unless written notice is given to the EMPLOYEE that such contract will not be renewed, and such written notice is forwarded to EMPLOYEE ninety (90) days prior to the end of October. Each renewal of the contract shall be for a specified time. If this contract is not renewed, or terminated, as set forth in the contract, and the contract expires, EMPLOYEE shall continue to work under the terms of the last executed contract until a new contract is executed or EMPLOYEE is terminated after receiving four (4) months' written notice of termination.

SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAY:

A. In the event City Council decides to exercise its right to terminate EMPLOYEE before expiration of the aforementioned term of employment and during such time that EMPLOYEE is willing and able to perform the duties of City Manager, then and in that event, the CITY agrees to give EMPLOYEE four (4) months' written notice or to pay EMPLOYEE a lump sum cash payment equal to his base salary for the ensuing four (4) months, provided however, that in the event the EMPLOYEE is terminated because of his conviction of any illegal act, then, and in that event, CITY has no obligation to give notice or pay the aggregate severance sum designated in this paragraph.

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across the board reduction for all City employees, or in the event the CITY refuses, following written notice to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a formal suggestion by the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction, such refusal to comply or such resignation, within the meaning and content of the four (4) months' severance pay provisions herein.

C. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY four (4) months' notice in advance in writing.

D. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in paragraphs (A) and (C) of this Section 3, and Section 2(D).

SECTION 4. SALARY:

The CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual base salary of \$106,600 and \$7,500 in deferred compensation effective January 1, 1998, payable in installments at the same time as other employees of the CITY are paid.

CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31st of each year. Salary evaluation each year shall be at the discretion of the CITY.

SECTION 5. HOURS OF WORK:

A. It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.

B. EMPLOYEE shall not spend more than ten (10) hours per week in teaching, consulting, or other non-City connected business without the expressed prior approval of the Council. Provided, that such consulting or other non-City connected business does not constitute a conflict of any nature with EMPLOYEE'S work as City Manager. City Council shall be the sole judge of such conflicts whose determination shall be final.

SECTION 6. TRANSPORTATION:

EMPLOYEE'S duties require that he shall have the exclusive use at all times during his employment with the CITY of an automobile provided to him by the EMPLOYEE. EMPLOYEE shall be responsible for paying of liability, property, maintenance, repair and regular replacement of said automobile. A monthly car allowance of \$450 shall be paid to EMPLOYEE to assist in compensating for these costs.

SECTION 7. DUES AND SUBSCRIPTIONS:

CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

SECTION 8. PROFESSIONAL DEVELOPMENT:

CITY hereby agrees to budget and to pay the travel and subsistence expenses of EMPLOYEE for professional and official travel, meetings and occasions adequate to continue the professional development of EMPLOYEE and to adequately pursue necessary official and other functions for CITY, including but not limited to the International City/County Management Association, the Colorado Municipal League, and such other national, regional, state and local governmental groups and committees thereof which EMPLOYEE serves as a member.

SECTION 9. GENERAL EXPENSES:

CITY recognizes that certain expenses of a non-personal, job affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 10. FRINGE BENEFITS:

EMPLOYEE will be allowed all benefits as are extended to all other Department Head level employees, except that when such benefits are in conflict with this contract, said contract shall control.

SECTION 11. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City Charter or any other law.

B. All provisions of the City Charter and Code, and regulations and rules of the City relating to vacation and sick leave, retirement and pension system contributions, holidays, longevity pay, and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to EMPLOYEE as they would to other employees of CITY in addition to said benefits enumerated specifically for the benefit of EMPLOYEE, except as herein provided.

SECTION 12. GENERAL PROVISIONS:

A. The text herein shall constitute the entire agreement between the parties.

B. This agreement shall be binding upon and to the benefit of the heirs at law and executors of EMPLOYEE.

C. This agreement becomes effective on January 1, 1998, and shall be in effect through calendar years 1998 and 1999.

D. If any provision, or any portion hereof contained in this agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. Nothing in this agreement shall be construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20.

F. The parties agree that this contract is entered into and shall be governed by the laws of the State of Colorado.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has signed and executed this agreement.

Approved by Westminster City Council on this 22nd day of September, 1997.

Mayor

ATTEST:

City Clerk

William M. Christopher

APPROVED AS TO FORM:

City Attorney

Date: September 22, 1997

Subject: Colorado Rapids Training Facility Agreement

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

Introduction

City Council action is requested to authorize the City Manager to sign a lease agreement, subject to City Attorney approval, with Anschutz Soccer, Inc. (Colorado Rapids Professional Soccer team) to construct a soccer training facility for exclusive use by the Colorado Rapids professional soccer team. The terms of said lease are outlined in the attached "Agreement in Principle."

Summary

City Staff and representatives of the Colorado Rapids professional soccer team have negotiated a unique public/private partnership for City Council consideration. The Rapids president, Mr. Bob Sanderman, has reviewed and signed the "Agreement in Principle," which was drafted by the negotiating team. The significant points of the agreement include:

- > The training facility shall be attached to the new companion fitness facility that the City is constructing.
- > The term of the lease shall be for 10 years with a 10 year renewal.
- > The Rapids shall pay a quarterly lease payment to the City equal to the cost of financing the construction of the training facility at a 7% interest rate over 20 years.
- > If for some reason, the team is moved to another location, sold, or goes bankrupt, the Rapids shall pay the City the remaining amount of lease payments equal to the initial 10 year period of the lease.
- > The team will continue to use the City Park soccer fields for their training sessions, which will be scheduled as such as to allow the City's recreational and competitive soccer teams to use the fields. Special field maintenance requests shall be paid for by the Rapids.
- > The Rapids shall pay the cost of maintaining their center, which includes maintenance, janitorial, and utility costs.
- > The Rapids will continue to provide the City with a corporate marketing package, which includes advertising the City training site at games, in media publications, game programs, and offering discount tickets to Westminster residents.

Both Rapids management and City Staff are excited about the prospect of building a permanent home for the Colorado Rapids in the City of Westminster. The Rapids have been training at City Park now for two years and the partnership between the City of Westminster and the Rapids has been very successful. Staff, therefore, is recommending approval of the lease agreement.

Staff Recommendation

Authorize the City Manager, subject to City Attorney review and concurrence, to sign a lease agreement between the City of Westminster and the Colorado Rapids professional soccer team (Anschutz soccer) to construct a new training facility for the team, which will be part of the new recreation/fitness center at the City Park complex. The terms of this lease are outlined in the "Agreement in Principle" dated September 18.

Background Information

On March 5, 1996, City Council approved a letter of agreement with Anschutz soccer, Inc. to allow the Colorado Rapids professional soccer team to train at City Park. That agreement was renewed again in 1997 and extended through 1998 if necessary.

Since that time, the relationship between the City of Westminster and the Rapids has been outstanding. Westminster has become known in the state of Colorado and around the soccer world as the "Home of the Colorado Rapids." The players and coaches of the Rapids organization have appeared at numerous City functions and have conducted clinics for the City's youth and competitive soccer teams. People from around the metro area visit the Rapids training sessions at City Park Recreation Center on a frequent basis. The City in turn allows the Rapids the opportunity to utilize City Park Recreation Center as well as the soccer fields.

The construction of this new training facility will permanently "cement" the partnership between the City and the Rapids. One of the City Council goals from three years ago was to establish a relationship between the City and the Rapids whereby the City of Westminster would become the team's permanent training home. With the recommended signing of this training center lease agreement, the goal will be successfully accomplished. Along with City Council's recent approval of the design and budget of the new companion facility at City Park, the addition of the Rapids training facility is the last piece of the puzzle that will allow the project to move forward.

City Staff will plan to come back to City Council in the near future with a specific recommendation on how to finance the construction of the Rapids training center component of the building. The current approved budget for the new companion facility is \$5.6 million, which does not include the cost of the Rapids facility. City Staff will recommend a separate finance package for the Rapids training center based on lease payments from the Rapids, financed over a 20 year period.

Staff is excited over the positive benefits this unique public/private partnership will create for the City and the youth of the community. The Rapids' improved performance over a year ago is a clear sign that the Rapids plan to stay in Colorado for many years to come.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachment

Staff Report Attachment
Item 10-

To: Mayor and City Councillors

Subject: Colorado Rapids Facility Lease

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

Summary

Item 10-__ (lease agreement attachment) on the Monday Council agenda has not been included with City Council's packet. The reason for this is that City Staff and representatives of Anschutz Soccer, Inc. were busy finalizing last minute details of the lease agreement. Staff anticipates having a signed lease from Anschutz Soccer, Inc. before the weekend, and will therefore deliver the signed document to City Councillors for review before Monday's Council meeting.

Date: September 22, 1997

Subject: Resolution No. re RTD Guide the Ride Program

Prepared by: John Carpenter, Director of Community Development

Summary

City Council is requested to approve a resolution endorsing the Regional Transportation District's "Guide the Ride" transit funding program which is being submitted to voters in the fall 1997 election. This program includes several projects of benefit to Westminster residents and would provide alternative transportation choices to the single occupant vehicle.

Staff Recommendation

Adopt Resolution No. endorsing the Regional Transportation District Guide the Ride funding proposal which has been placed on the fall 1997 election.

Background Information

The Regional Transportation District (RTD) has developed a comprehensive 20-year program to improve transit services within the Denver Metropolitan area. The program includes a number of capital improvement projects such as commuter rail, high occupancy vehicle (HOV) lanes, Park-n-Rides, as well as purchase of buses for increased bus routes to support intra-suburban travel.

The Guide the Ride plan would be funded by increasing the RTD sales tax from .4% to 1.0% and from the issuance of bonds. This funding package must be approved by the voters this fall for the plan to proceed. The Plan is expected to be completed in the year 2015, although this time frame may vary depending upon the actual sales tax collection revenues and the actual cost of construction and land acquisition. RTD will also seek other federal and state funds to finance the transit enhancements.

Rapid Transit

Some of the proposed projects more directly benefiting Westminster include the following: A Major Investment Study is underway to determine the most desirable ways to provide transit service to the north (I-25) and northwest (US 36) corridors. These alternates include high occupancy vehicle (HOV) lanes, light rail transit, and commuter rail, among others. Guide the Ride funds would be used to construct the preferred alternative.

Alternative Service Program

RTD designed the Alternative Service Program to provide small bus service that is flexible and addresses many mobility needs that traditional "fixed route" transit services do not serve well. It is designed to be carried out rapidly if the Guide The Ride plan is approved by voters and will provide a variety of alternative community-based services. The following improvements would directly benefit Westminster residents:

- 1) Thornton/Westminster: A new Route 104 would provide cross-town service between the Thornton Recreation Center at 112th Avenue and Colorado Boulevard and approximately 100th Avenue and Wadsworth Parkway, with stops along 104th Avenue, including Northglenn Mall, the Westminster Recreation Center, the Butterfly Pavilion, and the Westminster Promenade.

In addition, a new, summer-only "Fun Bus" would provide access to area recreation centers, parks, and entertainment. Service would be provided by reservation only, with door-to-door service from home to the desired facility. Service hours will be 9:00 A.M. to 4:00 P.M. weekdays only, during the summer.

- 2) Westminster Center: A shuttle service would operate in the vicinity of the Westminster Mall providing service during normal business hours. The shuttle would operate from the Westminster Center park-n-Ride to the Westminster Mall, Brookhill Shopping Center, Wadsworth Boulevard, 104th Avenue, the Westminster Promenade, the Butterfly Pavilion, and Sheridan Boulevard and back to the park-n-Ride. Service would be provided every 15 minutes weekdays and Saturdays from 9:00 A.M. to 9:00 P.M.
- 3) Arvada/Northglenn/Westminster/Federal Heights: Three new routes would provide access between the Westminster Center, Wagon Road, Broomfield, and Boyd's Crossing park-n-Rides. The route between Wagon Road and Westminster Center park-n-Rides would run on 92nd Avenue, Lowell Boulevard, NorthPark Avenue, 100th Avenue, Ura Lane, 104th Avenue, Melody Drive, and Huron Street. This would provide service between Northglenn Mall and Westminster Mall.

park-n-Ride

Several new park-n-Ride facilities, or expansions to existing facilities would result from the Guide The Ride. The existing Westminster park-n-Ride would be expanded from 673 parking spaces to over 1,100 parking spaces. A new park-n-Ride will be constructed at 104th Avenue and US 36. Finally, a new park-n-Ride would be constructed in conjunction with the location and construction of a new interchange north of 120th Avenue. The location of this interchange will be the subject of an interchange feasibility study which was started in the summer of 1997.

Bus Redeployment

With the construction of the various rapid transit corridors, much of RTD's current Express and Regional bus service would be replaced with light rail or commuter rail or made more efficient through the construction and extension of Bus/HOV lanes. The bus miles and hours saved because of these improvements would be redeployed to increase service to various areas within RTD. The result is increased geographic coverage, improved service on many routes, and extended hours of service in some areas.

Staff believes that significant benefits would accrue to Westminster citizens and benefits from the Guide the Ride program include the following:

- 1) The program would greatly increase transit capacity helping to attract existing motorists to use transit, thus helping to reduce traffic congestion.

- 2) The expanded Westminster park-n-Ride and new park-n-Rides at US 36/104th Avenue and on north I-25 would help to increase transit ridership and reduce traffic congestion on I-25 and US 36.
- 3) The Plan provides funding which otherwise does not exist to fund commuter rail for the Westminster Rail.
- 4) Based upon experiences in other metropolitan areas, commuter rail stations help to attract economic development opportunities. Such a station in Westminster would likely create similar economic development opportunities.
- 5) The potential rail routes along US 36 and the Burlington Northern Railroad both pass by several areas of Westminster economic activity, including south Westminster, Westminster Mall, and the Westminster Promenade.
- 6) Guide the Ride was assumed to be a "given" in the Jefferson County Transportation Plan. If it is not approved, additional road construction will need to occur to provide the needed vehicular capacity.
- 7) The new intra-suburban bus routes will provide enhanced transit access to Westminster residents for "cross town" trips.

In summary, Guide the Ride would provide many benefits to the City of Westminster.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

SUPPORTING THE RTD GUIDE THE RIDE BALLOT ISSUE

WHEREAS, the City of Westminster supports the implementation of measures which decrease traffic congestion, improve mobility, improve air quality and provide alternatives to the single occupancy vehicle; and

WHEREAS, the Regional Transportation District (RTD), representing citizens of the six county Denver-metropolitan area, has requested the authority to increase the RTD sales tax share from 0.6 percent to 1.0 percent, which is projected to raise approximately \$90 million in additional revenue annually; and

WHEREAS, the additional revenue will support the District's Guide the Ride Plan which proposes more than \$4 billion in regional transportation improvements; and

WHEREAS, the Plan contains elements that will benefit the citizens of Westminster, including a Major Investment Study in the U.S. 36 corridor, an expansion of the Westminster Center Park-n-Ride, a new park-n-ride at West 104th Avenue and U.S. 36 and programs for better utilization of bus service; and

WHEREAS, the elements of the Guide the Ride Plan are intended to benefit Westminster' citizens in the form of reduced traffic congestion, increased opportunities for transit alternatives to the passenger car and improved mobility both in the City and the region;

NOW, THEREFORE, be it resolved that the City of Westminster supports legislation authorizing the RTD Board of Directors to place a sales tax initiative on the November 1997 Ballot, allowing citizens of the District to vote on the measure. IT IS FURTHER RESOLVED that the City of Westminster supports the objectives and program elements of RTD's Guide the Ride Plan and the use of the additional sales tax revenue to implement the Plan elements.

Passed and adopted this 22nd day of September, 1997.

ATTEST:

Mayor

City Clerk

Date: September 22, 1997
Subject: Dry Creek Animal Hospital Annexation, Zoning and PDP
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested for the purpose of holding a public hearing and taking action on the request by Dr. George Stroberg for annexation, zoning and a Preliminary Development Plan (PDP) on a parcel to be used as an animal hospital and kennel (see attached vicinity map).

Summary

Applicant/Property Owner: George Stroberg/Alice Dike

Location: 10101 Brentwood Way

Size of site: 3.4 Acres

Description of Proposed Use: Animal hospital with attached indoor kennels

Major Issues - The property is subject to the terms of the Northeast Comprehensive Development Plan. The lot proposed for annexation is designated in the Northeast Comprehensive plan as a residential area. However, the plan also allows all lots in the area to be developed under the existing county zoning which in this case is Agricultural (A-1). Animal hospitals are permitted under the A-1 district in Jefferson County.

Planning Commission Recommendation

At their September 9 meeting, the Westminster Planning Commission voted unanimously to recommend to City Council the approval of the annexation, amendment to the Comprehensive Land Use Plan and the PDP for the Dry Creek Animal Hospital. There was no testimony in favor or opposed to the application presented.

Staff Recommendation

1. Hold a public hearing on the Stroberg annexation/zoning request.
2. Adopt Resolution No. making certain findings of fact required by Section 31-12-110, C.R.S.
3. Pass Councillor's Bill No. on first reading, annexing this property to the City of Westminster
4. Pass Councillor's Bill No. on first reading zoning this property Planned Unit Development.
5. Direct Staff to initiate an amendment to the Westminster Comprehensive Land Use Plan consistent with the adopted Northeast Comprehensive Development Plan to add the subject site.

6. Approve the Preliminary Development Plan as submitted.

Background Information

Discussion of Major Issues Under the Northeast Comprehensive Development Plan that was jointly adopted by the City and Jefferson County, land uses which are permitted under current County zoning are permitted to continue upon annexation. In this case the Agricultural zone permits veterinary clinics and kennels.

The new hospital will have only indoor kennels curtailing most of the noise problems normally associated with this use. Dr. Stroberg's current clinic located at the southwest corner of Church Ranch Boulevard and Wadsworth Boulevard will be closed when the new one is opened. The new clinic will be opened within two years. An Official Development Plan (ODP) will be required prior to construction.

Comprehensive Land Use Plan

Upon approval of the annexation, the land use of the property will be as approved in the Northeast Comprehensive Development Plan. Following annexation, Staff will prepare the necessary map revisions to the Westminster Comprehensive Land Use Plan.

Access and Circulation Primary access to the site will be from Church Ranch Boulevard. A single public access will be provided to the site and will line up with the entrance to the Cleo Wallace Center on the opposite site of the street. A secondary access will be provided from Brentwood Way and will only be used by employees in order to minimize traffic on that roadway.

Site Design Design of the site will be reviewed at the time of ODP submittal. The design will conform to the requirements of the Northeast Comprehensive Plan and to any applicable design guidelines of the City.

Signage Signage will conform to the City Sign Code.

Service Commitment Category Service commitments will be allocated from Category C. The exact number will be calculated at the time of ODP approval.

Public Comments A neighborhood meeting was held on July 30th and ten area residents attended. There was general approval of the project and most felt that it would be a significant improvement over the current clinic which is located near the southwest corner of Church Ranch Boulevard and Wadsworth Boulevard (Old Wadsworth Boulevard).

Surrounding Zoning To the east, west and south the property is bordered by unincorporated lands which are zoned A-1 in the County. To the north is the Cleo Parker Center zoned PUD in the City.

Surrounding Uses The property is bordered on the north by the Cleo Wallace Center for troubled youth; to the west is vacant property proposed for mixed-use development; and to the south and east are rural residential uses.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO

INTRODUCED BY COUNCILLORS

SERIES OF 1997

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN A PART OF TRACT 72A, 72B, AND 74 MANDALAY GARDENS, SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

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

WHEREAS, City Council has previously adopted Resolution No. 40 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

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

2. The City Council further finds:

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

3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 22nd day of September, 1997.

ATTEST:

Mayor

City Clerk

Dry Creek Animal Hospital

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PART OF TRACT 72A, 72B, AND 74 MANDALAY GARDENS, SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 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 Sections 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. 40 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:

Part of Tract 72A, 72B, and 74 Mandalay Gardens, described as follows: Beginning at a point on the Westerly line of Tract 72B, from whence the W1/4 corner of Section 14, T2S, R69W, bears S0°17'E a distance of 713.0 feet the true point of beginning, thence S83°17'E a distance of 127.1 feet along the centerline of the meandering ditch, thence S72°08'E a distance of 88.8 feet, thence S87°36'E a distance of 295.5 feet, thence N74°43'E a distance of 101.5 feet, along the centerline of the meandering ditch to the intersection of the ditch centerline and the Easterly line of Tract 74 extended, thence N 40°52'E a distance of 194.1 feet, thence N0°20'W a distance of 163.0 feet on the Easterly line of Tract 72A, thence S89°08'W a distance of 731.37 feet to the Westerly line of Tract 72B, thence S 0°17'E a distance of 271.0 feet, to the true point of beginning and that portion of vacated land as shown on the recorded plat; lying within the above description, except for that portion conveyed to the City of Westminster in deeds recorded September 12, 1995 at Reception No. F0114237 and F0114238, County of Jefferson, State of Colorado. Said parcel contains 5.0059 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 22nd day of September, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of October, 1997.

ATTEST:

Mayor

City Clerk

Dry Creek Animal Hospital

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PORTION A PART OF TRACT 72A, 72B, AND 74 MANDALAY GARDENS, SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M. COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-1 to City of Westminster PUD - Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code section 11-2-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 2 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 sections 11-2-1, 12-2-1, 12-2-2, and 12-8-7.

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 hereto from Jefferson County A-1 to City of Westminster PUD--Planned Unit Development.

Part of Tract 72A, 72B, and 74 Mandalay Gardens, described as follows: Beginning at a point on the Westerly line of Tract 72B, from whence the W1/4 corner of Section 14, T2S, R69W, bears S0°17'E a distance of 713.0 feet the true point of beginning, thence S83°17'E a distance of 127.1 feet along the centerline of the meandering ditch, thence S72°08'E a distance of 88.8 feet, thence S87°36'E a distance of 295.5 feet, thence N74°43'E a distance of 101.5 feet, along the centerline of the meandering ditch to the intersection of the ditch centerline and the Easterly line of Tract 74 extended, thence N 40°52'E a distance of 194.1 feet, thence N0°20'W a distance of 163.0 feet on the Easterly line of Tract 72A, thence S89°08'W a distance of 731.37 feet to the Westerly line of Tract 72B, thence S 0°17'E a distance of 271.0 feet, to the true point of beginning and that portion of vacated land as shown on the recorded plat; lying within the above description, except for that portion conveyed to the City of Westminster in deeds recorded September 12, 1995 at Reception No. F0114237 and F0114238, County of Jefferson, State of Colorado. Said parcel contains 5.0059 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 22nd day of September, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of October, 1997.

ATTEST:

Mayor

City Clerk

Dry Creek Animal Hospital

Date: September 22, 1997
Subject: Financial Report for August 1997
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1997 transactions through August, 1997.

Summary

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs Appropriations
3. Sales Tax Detail

General Fund revenues represent 70% of the total budget estimate while General Fund expenditures and encumbrances represent 64% of the 1997 appropriation.

Utility Fund revenues represent 59% of the total budget estimate.

Utility Fund expenditures and encumbrances represent 68% of the 1997 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment. Of the total budget increase of \$15.1 million between 1996 and 1997, \$13.2 million is due to the Reclaimed Water Project of 1997 and the bonded loan through Colorado Water Power Authority. Appropriations rose from \$21.962 million to \$25.562 million due to the carryover of \$3.6 million, which was subsequently loaned to WEDA.

The Sales and Use Tax Fund revenues represent 69% of the total budget estimate, while expenditures and encumbrances in that fund represent 69% of the 1997 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 6% from the same period last year and increased 6% year-to-date.

The Open Space Fund revenues represent 89% of the total budget estimate while expenditures and encumbrances in that fund represent 18% of the 1997 appropriation. In March, the City issued \$23,350,000 in bonds; \$12,000,000 was allocated for open space land purchases which will be spent later in 1997 - 1998.

The Golf Course Fund operating revenues represent 65% of the total budget estimate while operating expenditures and encumbrances in that fund represent 70% of the 1997 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures. In March, a portion of the 1992 Sales & Use Tax Revenue bonds were refunded. A portion of those bonds were used to finance construction of Legacy Ridge. The large revenue and expense is the golf course's portion of bond proceeds which were, in turn, expensed to the escrow agent for refunding.

Theoretically, 67% of revenues and expenditures should be realized after eight months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background Information

Section 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher
City Manager

Attachments