



## CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) 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. Report of City Officials
  - A. City Manager's Report
5. City Council Comments
6. Presentations
7. Citizen Communication (5 minutes or less)

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any 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. August 2004 Financial Report
  - B. Quarterly Insurance Reports: January-June 2004
  - C. IGA with Northglenn re Architectural Enhancements on 120<sup>th</sup> Ave Bridge Replacement over I-25
  - D. Authorization re Purchase of Unified Messaging System
  - E. Retail and Legal Services Contracts
  - F. Change Order for the City Hall HVAC/Remodel Project
  - G. CB 61 re Annexation of Big Dry Creek Open Space (Hicks-Dixon)
  - H. CB 62 re CLUP Amendment for Big Dry Creek Open Space (Hicks-Dixon)
  - I. CB 63 re Zoning for Big Dry Creek Open Space (Hicks-Dixon)
  - J. CB 64 re Development Review Fee Amendments (Dittman-Davia)
  - K. CB 65 re Synchroness, Inc. Business Assistance Package Addendum (Kauffman-Dixon)
  - L. CB 66 re 2004 2nd Quarter Budget Supplemental Appropriation (Davia-Price)
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Councillor's Bill No. 68 re CPS Distributors, Inc. Business Assistance Package
  - B. Councillor's Bill No. 69 re Westminster Skate Park Supplemental Appropriation/Construction Contract
  - C. Councillor's Bill No. 70 re 2004 Local Law Enforcement Block Grant (LLEBG) Funds
  - D. Resolution No. 58 re Easement Acquisition for England Waterline
  - E. Resolution No. 59 re Ranch Subdivision Filing 2 SID – Preliminary Order/Scheduling Public Hearing
  - F. Resolution No. 60 re Ranch Subdivision Filing 6 SID – Preliminary Order/Scheduling Public Hearing
  - G. Councillor's Bill No. 71 re Compensation Package for Public Works and Utilities Director
  - H. Public Hearing re Issuance of Building Permits within Holly Park Urban Renewal Area
11. Old Business and Passage of Ordinances on Second Reading
  - A. CB 67 re Issuance of Building Permits within Holly Park Urban Renewal Area (Dixon-Kauffman)
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
  - A. City Council
  - B. Executive Session
    1. South Westminster TOD Project Plan
    2. 73<sup>rd</sup>/Lowell Phase II Development Agreement
    3. Personnel Matter and Attorney/Client Consultation
13. Adjournment

## **GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS**

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, SEPTEMBER 27, 2004 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro-Tem Kauffman and Councillors Dittman, Dixon, and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Michele Kelley, City Clerk, were also present. Absent was Councillor Hicks.

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by Dixon to approve the minutes of the meeting of September 13, 2004. The motion carried unanimously.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the Shops at Walnut Creek, 1<sup>st</sup> Phase will open on October 5, and the 2<sup>nd</sup> Phase projected to open next year.

CONSENT AGENDA

The following items were considered as part of the consent agenda: August 2004 Financial Report; Quarterly Insurance Reports for January-June 2004; IGA with City of Northglenn for the Architectural Enhancements on 120<sup>th</sup> Ave Bridge Replacement over I-25; Authorization re Purchase of Unified Messaging System with Hi Country Wire and Telephone for \$129,286; Retail and Legal Services Contracts for \$550,000; Change Order for the City Hall HVAC Remodel Project with Adams Mendel Allison Construction for \$27,527; CB 61 re Annexation of Big Dry Creek Open Space; CB 62 re CLUP Amendment for Big Dry Creek Open Space; CB 63 re Zoning for Big Dry Creek Open Space; CB 64 re Development Review Fee Amendments; CB 65 re Synchroness BAP; and CB 66 re 2004 2<sup>nd</sup> Quarter Budget Supplemental Appropriation.

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

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

COUNCILLOR'S BILL NO. 68 RE CPS DISTRIBUTORS BUSINESS ASSISTANCE PACKAGE

Councillor Kauffman moved, seconded by Dittman to pass Councillor's Bill No. 68 on first reading authorizing the City Manager to execute a Business Assistance Package with CPS Distributors Inc. in the amount of \$14,605. The BAP includes \$4,632 in permit fee rebates, \$8,623 in construction use tax rebates, and \$1,350 in equipment use tax rebates at move-in. Al Bergold, owner of CPS Distributors, addressed Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 69 WESTMINSTER SKATE PARK SUPP.APPROPRIATION

Councillor Dittman moved, seconded by Dixon to pass Councillor's Bill No. 69 on first reading authorizing a supplemental appropriation in the amount of \$170,000 reflecting the City's receipt of a Great Outdoors Colorado (GOCO) Grant for \$50,000 and a Jefferson County Open Space Joint Venture Grant for \$120,000 for the Westminster Skate Park. Authorize the transfer of \$99,900 from the Carroll Butts Park CIP account into the skatepark CIP account. Upon roll call vote, the motion carried unanimously.

CONSTRUCTION CONTRACT FOR WESTMINSTER SKATE PARK

Councillor Dittman moved, seconded by Price to authorize the City Manager to execute a contract with American Civil Constructors in the amount of \$359,000 for construction of the skate park at City Park, and authorize a \$35,900 contingency amount. Charge the total project expense of \$394,900 to the Skate Park Capital Improvement Project account. The motion carried unanimously.

COUNCILLOR'S BILL NO. 70 RE 2004 LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS

Councillor Davia moved, seconded by Dixon to pass Councillor's Bill No. 70 on first reading appropriating \$13,225 from the Local Law Enforcement Block Grants Program to the Police Department's Patrol Special Operations and Logistics division budget. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 58 RE EASEMENT ACQUISITION FOR ENGLAND WATERLINE

Councillor Price moved, seconded by Dixon to adopt Resolution No. 58 authorizing City Staff to proceed with the acquisition of easements necessary for the England Waterline project, including the use of eminent domain, if necessary; and authorize up to \$120,000 for acquisition costs and all related expenses, which shall be charged to the Utility Fund Capital Improvement Project Account for the England Waterline, as appropriate. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 59 RE RANCH SUBDIVISION 2 SPECIAL IMPROVEMENT DISTRICT NO. 1

Councillor Dixon moved, seconded by Dittman, to adopt Resolution No. 59 making and entering a preliminary order for the construction of certain improvements pursuant to a petition to create a special improvement district within the City, to be designated The Ranch Subdivision Special Improvement District No. 1 and adopting preliminary plans and specifications therefore, and ordering publication and mailing of a notice of hearing on October 25, 2004 to the owners of the property to be assessed for improvements in said district. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 60 RE RANCH SUBDIVISION 6 SPECIAL IMPROVEMENT DISTRICT NO. 2

Councillor Dixon moved, seconded by Dittman, to adopt Resolution No. 60 making and entering a preliminary order for the construction of certain improvements pursuant to a petition to create a special improvement district within the City, to be designated The Ranch Subdivision Special Improvement District No. 2 and adopting preliminary plans and specifications therefore, and ordering publication and mailing of a notice of hearing on October 25, 2004 to the owners of the property to be assessed for improvements in said district. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 71 COMPENSATION PACKAGE FOR PUBLIC WORKS DIRECTOR

Councillor Davia moved, seconded by Price, to pass Councillor's Bill No. 71 as an emergency ordinance providing an exception to Section 1-24-4 of the Westminster Municipal Code related to the General Leave accrual rate for City employees and amending the City's Pay Plan to provide for a 10.25% deferred compensation contribution for the new Public Works and Utilities Director. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ISSUANCE OF BUILDING PERMITS IN HOLLY PARK URBAN RENEWAL

At 7:15 p.m. the public hearing was opened on the Issuance of Building Permits within the Holly Park Urban Renewal Area. A copy of the Agenda Memorandum and other related items were entered into the record. Wayne Schroeder, representing Lester Colodny and Westminster Park Corporation addressed Council and submitted two letters. Tom MacDonald, representing Wells Fargo Bank, addressed Council. The public hearing was declared closed at 7:25 p.m.

COUNCILLOR'S BILL NO. 67 RE BUILDING PERMITS IN HOLLY PARK URBAN RENWAL

Councillor Dittman moved, seconded by Dixon, to pass Councillor's Bill No. 67 on second reading temporarily suspending the processing and issuance of building permits within the HollyPark Urban Renewal Area until such time as (a) the Westminster Economic Development Authority ("WEDA" or "Authority") has completed its review of redevelopment proposals received in response to its Request for Proposals ("RFP") dated August 6, 2004, and has accepted a proposal, (b) WEDA has rejected all such proposals, or (c) 180 days has passed following the adoption of this ordinance on second reading, whichever occurs first. Upon roll call vote, the motion carried unanimously with Councillor Davia abstaining.

EXECUTIVE SESSION

Mayor McNally stated there would be an executive session to discuss South Westminster TOD Project Plan, 73<sup>rd</sup>/Lowell Phase II Development Agreement, and Personnel Matter and Attorney/Client Consultation.

ADJOURNMENT:

The meeting was adjourned at 7:26 P.M.

ATTEST:

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Agenda Item 8 A**

City Council Meeting  
September 27, 2004



**SUBJECT:** Financial Report for August 2004

**Prepared By:** Mary Ann Parrot, Finance Director

**Recommended City Council Action**

Accept the Financial Report for August 2004 as presented.

**Summary Statement**

City Council is requested to review and accept the attached monthly financial statement and monthly revenue report. The Shopping Center Report is also attached to this monthly financial report.

- Across all shopping centers, total sales & use tax receipts are up 3% over the one-month period of August 2004. In July the adjusted figure was up 4.0%.
- The Westminster Mall is down 9% for August, compared to August of last year. Last month this figure was down 7%. Year-to-date the Mall is down 5%; last month this figure was the same - down 5%.
- Public Safety Tax receipts for the month of August were \$823,179; last month this figure was \$874,529.

Key features of the monthly financial report for August are as follows:

- At the end of August, eight months of the year have passed, or 66.7% of the calendar year.
- Allowing for a correction of \$341,642 due to a data entry error, the table attached shows the Sales and Use Tax Fund revenues are currently \$2,030,313 over pro-rated budget for the year. The August figures reflect the sales in July, tax receipts received in August. This is due, in part, to receipt of PST taxes, but is also due to excess revenues as Business Assistance Packages are retired, as well as a general upturn in the economy.
- Without the new PST, Sales Tax Returns (returns only and adjusted for early and late returns) are up for August 2004 compared to August 2003 by 2.2%, an increase of \$62,997 over August 2003. Retired business assistance packages accounted for \$25,081 of this increase.
- Looking at year-to-date figures without the PST, analysis shows the following:
  - For the eight months ending in August, Sales Tax Returns (only) are 5.1% ahead of 2003 year-to-date, or an increase of \$1,312,122. For the eight months ending in August the fund is 3.2% ahead of 2003 year-to-date. Last month this figure was 3.4%.
- For the month of August, the entire fund is 1.1% ahead of August 2003. Last month this figure was 5.0%. The reasons for this difference are as follows:
  - Sales Tax Returns (only) are up \$62,977 for August compared to July's increase of \$202,110.
  - Use taxes are down \$103,626 from August 2003. Last month use taxes showed a decrease of \$53 from July 2003. Use tax flows are volatile and reflect purchases of large-ticket items.
- The General Fund revenue is currently 101.5% of pro-rated budget for eight months.

## **Policy Issues**

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

## **Alternatives**

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

## **Background Information**

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%. If a fund is on schedule for the year regarding revenues and/or expenditures, the percentage will be 100% of pro-rated budget figures.

### General Fund

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

At the end of August, the General Fund is in the following position regarding both revenues and expenditures:

- Revenues are over pro-rated budget by \$788,865, (101.5% of pro-rated budget). This is due to excess revenues on a pro-rated basis in Property Taxes, Licenses and Permits, Fines, Other Services, and Miscellaneous.
- Expenditures are under budget by \$7.24 million (87% of pro-rated budget), due to under-spending in several departments. Spending does not occur evenly throughout the year in many departments, particularly with regard to insurances in Central Charges and spending on contract services in several other departments. Public Safety Tax expenditures to date are largely reflected in the Police and Fire Department operating budgets, which are 87% and 82% of pro-rated budgets, respectively. Of 75 public safety personnel scheduled for hiring, 20 have been hired in the fire department and 27 police personnel have been hired. Orders have been placed for the seventh engine and two new ambulances in the Fire Department. It is anticipated that all of the Public Safety hiring and major equipment purchases will be complete by mid-2005.

### Sales and Use Tax Funds (Sales & Use Tax Fund and Open Space Sales & Use Tax Fund)

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Project Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. The Public Safety Tax was approved by the voters in the November 2003 election, and is a 0.6% sales and use tax to be used to fund public safety-related expenses. At the end of August, the position of these funds is as follows:

- Sales & Use Tax Fund revenues are over pro-rated budget by \$2,030,312 (105.5% of pro-rated budget). These numbers include \$823,179 of PST receipts and \$25,081 in income due to retired business assistance packages.
- Sales & Use Tax Fund expenditures are even with pro-rated budget because of the transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund.

- Open Space Sales & Use Tax Fund revenues are over pro-rated budget by \$36,358 (100.6% of pro-rated budget). Last month, this figure was significantly larger, due to the sale of land to the Academy of Charter School. The revenues were recorded, but the budget had not been changed. This month the change in the budget was recorded after City Council approved a supplemental budget appropriation and this is the reason for the budget to actual figures looking more in line with expectations compared to last month's report.
- Open Space Sales & Use Tax Fund expenditures are under pro-rated budget by \$1.68 million (66% of pro-rated budget) due to the increase in budgeted expenses without a corresponding increase in pro-rated expenses. These variances will occur throughout the year, as land purchases are unevenly distributed throughout the year.

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

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects. At the end of August, the enterprise is in a positive position.

- Combined Water & Wastewater revenues are under pro-rated budget by \$983,662 (96% of budget):
  - Water revenues under pro-rated budget by \$220,850 (98.8% of pro-rated budget), reversing the position from last month, due primarily to a wet July and reduced water consumption. Water revenues from rates and charges are under pro-rated budget by \$1,640,338 (88% of pro-rated budget), which is a wider variance than last month's under budget figure of \$1,153,924, again a reflection of a rainy July and reduced consumption.
  - Wastewater revenues under pro-rated budget by \$762,812 (90% of pro-rated budget), due in part to revenues for monthly rates and charges being lower during this quarter than historical averages and due in part to the reversal of the unrealized gain in interest income.
  - Storm water Drainage revenues slightly over pro-rated budget by \$11,144 (102% of pro-rated budget).
- Combined Water & Wastewater expenses are under budget by \$4,520,043 (76% of budget):
  - Water expenses under pro-rated budget by \$3,102,024 (78% of budget) due to lower contracted service costs than budgeted year to date.
  - Wastewater expenses under pro-rated budget by \$1,418,019 (73% of budget) for the same reason – lower contracted service costs.
  - Storm Drainage expenses under pro-rated budget by \$47,576 (70% of budget).

Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City's two municipal golf courses. The enterprise as a whole is in net negative position on a pro-rated basis, with net income currently \$412,849 under pro-rated budget for the year. City Council will be considering measures in the 2005 budget to allow the golf courses to work out of the current negative position over the coming years.

- Legacy – Revenues are under pro-rated budget by \$311,259 (81% of pro-rated budget).
- Legacy – Operating expenses are under pro-rated budget by \$119,283 (90% of pro-rated budget).
- Heritage – Revenues are under pro-rated budget by \$403,334 (75% of pro-rated budget).
- Heritage – Operating expenses are under pro-rated budget by \$182,461 (86% of pro-rated budget).

Staff will attend the September 27<sup>th</sup> City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



**City of Westminster  
Financial Report  
For the Eight Months Ending August 31, 2004**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-Rated	% Pro-Rated Budget
<b>Revenues</b>						
Taxes	4,402,309	4,199,766	(1)	4,269,303	69,537	102%
Licenses & Permits	1,725,000	1,268,750	(2)	1,674,351	405,601	132%
Intergovernmental Revenue	5,060,801	3,166,646	(3)	3,119,098	(47,547)	98%
Charges for Services						
Recreation Services	5,139,500	3,498,835	(4)	3,287,803	(211,032)	94%
Other Services	5,453,500	3,300,550	(4)	3,723,704	423,154	113%
Fines	1,876,500	1,219,725	(5)	1,287,951	68,226	106%
Interest Income	400,000	266,667		99,684	(166,982)	37%
Misc	292,866	195,244	(6)	396,829	201,585	203%
Leases	775,000	387,500	(7)	387,500	0	100%
Refunds	(75,000)	(50,000)	(8)	(3,775)	46,225	8%
Interfund Transfers	53,318,198	35,545,465	(9)	35,545,565	100	100%
Other Financing Sources	1,429,973	1,429,973	(12)	1,429,973	0	100%
Sub-total Revenues	<u>79,798,647</u>	<u>54,429,121</u>		<u>55,217,986</u>	<u>788,865</u>	<u>101%</u>
Carryover	6,631,645	0	(10)	0	0	
Revenues	<u>86,430,292</u>	<u>54,429,121</u>		<u>55,217,986</u>	<u>788,865</u>	<u>101%</u>
<b>Expenditures</b>						
City Council	188,260	125,507		125,608	101	100%
City Attorney's Office	902,887	601,925		525,487	(76,438)	87%
City Manager's Office	1,035,082	690,055		616,172	(73,883)	89%
Central Charges	26,891,778	17,927,852		16,179,536	(1,748,316)	90%
General Services	4,843,706	3,229,137		2,780,782	(448,355)	86%
Finance	1,563,473	1,042,315		928,161	(114,154)	89%
Police	17,576,387	11,717,591		10,155,961	(1,561,630)	87%
Fire Emergency Services	9,484,289	6,322,859		5,193,345	(1,129,514)	82%
Community Development	4,412,245	2,941,497		2,684,301	(257,196)	91%
Public Works & Utilities	6,909,037	4,606,025		3,519,079	(1,086,946)	76%
Parks Recreation & Libraries	12,623,148	8,415,432		7,671,963	(743,469)	91%
Total Expenditures	<u>86,430,292</u>	<u>57,620,195</u>	(11)	<u>50,380,394</u>	<u>(7,239,801)</u>	<u>87%</u>
Revenue Over(Under) Expend	<u>0</u>	<u>(3,191,074)</u>		<u>4,837,592</u>	<u>8,028,666</u>	

- (1) Property Taxes at 98%-101% in August; Admissions Taxes average 73%  
Qwest at 61% by this time of year.
- (2) Licenses 61%, Comm'l Permits 67%, Res'l Permits 80%.
- (3) Cig Tax 50%, HUTF 57%, AutoOwnr 58%, Veh Regis 58%,  
Road & Bridge(Adco) 96%, Road & Bridge(Jeffco) 90%.
- (4) Recreation 73% (except Ice Ctr-qtrly), PubSvc 63%, COMCAST 49%, CAM & EMS billings 60%, all others 60%.
- (5) Fines historically at 57%
- (6) Miscellaneous, General Reimbursements, Contributions, and Westminster Faire Receipts. Generally 8/12
- (7) Timing delays of lease payments can occur; billed 1st Qtr, received 2nd Qtr - recorded during 1st Qtr with no delay.
- (8) Refund payments generally apply to recreation charges in general.
- (9) Transfers from Sales Tax Fund, Sheridan Crossing GID, Water, and Waste Water.
- (10) Carryover from Year 2003 is always budgeted for the next year; included here to render correct balanced budget perspective.  
Carryover (Actual) represents use of prior year fund balance, as budgeted.
- (11) Expenditures are based on even 8/12 per month or 8.33% per month.
- (12) Lease proceeds



## Agenda Item 8 B

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
September 27, 2004



**SUBJECT:** Quarterly Insurance Reports: January - June 2004

**Prepared By:** Martee Erichson, Risk Management Officer

#### **Recommended City Council Action:**

This report requires no action at this time.

#### **Summary Statement:**

- The attached report provides detailed information on each claim including the City's claim number, date of loss, claimant's name and address, a summary of the claim, and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. The listing of the claims in this report is provided in accordance with Westminster Municipal Code 1-30-3.
- In accordance with Code provisions, the Risk Management Officer acting as the City Manager's designee has the authority to settle claims of less than \$30,000. However, under the City's contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjustor and settlement of claims proceed with the concurrence of both CIRSA and the Risk Management Officer. The City retains the authority to reject any settlement recommended by CIRSA, but does so at the risk of waiving its insurance coverage for such claims.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issues**

None identified.

**Alternatives**

None identified.

**Background Information**

Information on the status of each claim received during the first two quarters of 2004 is provided on the attached spreadsheet.

For the first half of the year, Staff has noted the following summary information:

- Only seven of the 22 claims reported in the first half of 2004 remain open at this time.
- Total claims for the quarter and year-to-date breakdown by department as follows:

	1st Qtr 2004			2nd Qtr 2004			YTD
Department	Total Claims	Open	Closed	Total Claims	Open	Closed	Total
CAO	1	1	0	0	0	0	1
CD	1	0	1	0	0	0	1
Fire	2	0	2	1	1	0	3
Police	2	2	0	3	3	0	5
PR&L	1	0	1	2	0	2	3
PWU - Streets	3	0	3	1	0	1	4
PWU - Utilities	0	0	0	5	0	5	5
<b>TOTAL</b>	<b>10</b>	<b>3</b>	<b>7</b>	<b>12</b>	<b>4</b>	<b>8</b>	<b>22</b>

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

Claim	Date	Dept	Claimant	Address	Description	Reserves	Payments	Status *	Notes
2004-011	21-Jan-04	CD	Brian Connelly	6755 Columbine Dr, Arvada CO	Claimant states he was stopped in the right turn lane on 78th Place at Sheridan, slightly behind a City vehicle, waiting for the driver of a City vehicle in front of him who he thought was going to turn left. The City vehicle, driven by a CD employee, turned right and turned into the claimant's vehicle. City employee stated that he was making a right turn and the claimant came up from behind and squeezed into the right turn lane. City driver was cited by police for "Right Turn Improper Position"	\$1,621.47	\$1,621.47	C	
2004-027	24-Jan-04	FIRE	Courtney Vanzee	10957 York St, Northglenn CO	Claimant alleges negligence on the part of the Fire Department when her vehicle window shattered as firefighters attempted to free the claimant's child from the locked vehicle.	\$0.00	\$0.00	C	Claim denied based on Colorado Governmental Immunity Act.
2004-161	18-Feb-04	PRL	Xcel	PO Box 840, Denver CO	While auguring a hole to allow the relocation of the Wolff Run ball field's foul pole, a Parks employee cut an Xcel underground power line	\$1,491.06	\$1,491.06	C	
2004-091	4-Mar-04	PWU - ST	Sonia Widener	7478 Pomona Dr, Arvada CO	Claimant alleges debris from an uncovered City dump truck that she was following, pitted the windshield of her car.	\$448.17	\$448.17	C	
2004-077	5-Mar-04	PWU - ST	Caroline Jackson	12530 Vrain St, Broomfield CO	Claimant alleges damage to her car tire when she drove through a pothole on 114th.	\$0.00	\$0.00	C	Claim denied under the Colorado Governmental Immunity Act.
2004-159	15-Mar-04	CAO	Wells Fargo Bank	4643 S Ulster St, Ste 1400, Denver, CO	Claimant alleges unjust condemnation by the City of the Hollypark Condominium Project at 96th Ave and Federal Blvd.	\$15,100.00	\$0	O	CIRSA investigating Costs have been incurred for legal fees
2004-200	26-Mar-04	FIRE	Holly Hepp	10720 Eliot Circle #204 Westminster CO	Claimant's neighbor had called 911 and was not able to respond to the door. Firefighters cut claimant's window screen for entrance thinking they were entering the injured caller's unit.	\$50.00	\$50.00	C	
2004-140	3-Apr-04	PD	Dave & Rita Burkart (and minor son Aaron Brock)	3161 Mowry Place, Westminster CO	Claimants allege excessive force by City Police Officers and violation of their civil rights.	\$0.00	\$0.00	O	CIRSA investigating
2004-175	26-Apr-04	PRL	Evelyn Chavez	13441 Sheridan Blvd, Broomfield CO	Claimant alleges damages and injury when she tripped on a section of raised sidewalk within the City.	\$0.00	\$0.00	C	Claim denied based on Colorado Governmental Immunity Act.
2004-193	30-Apr-04	PWU - ST	James Kirkham	2885 W 128th Ave #1043, Denver CO	Claimant alleges a cardboard sign flew out of the back of a City truck and broke his windshield.	\$154.04	\$154.04	C	
2004-350	7-May-04	PWU - UTIL	QWEST	c/o Claims Management Resources, 2915 N Classen Suite 400, Oklahoma City OK	QWEST claims damage to their manhole and attendant equipment due to City's failure to maintain the water main in a serviceable condition.	\$0.00	\$0.00	C	Claim denied based on Colorado Governmental Immunity Act.
2004-216	10-May-04	PWU - UTIL	Glen Stocking/Candlelight Ridge Apts	5440 Ward Rd Suite 110, Arvada CO	Claimant alleges that a broken City water line and City's staff failure to properly locate the claimant's water line, caused damage to his rental property.	\$908.53	\$908.53	C	

Claim	Date	Dept	Claimant	Address	Description	Reserves	Payments	Status *	Notes
2004-214	27-May-04	PRL	Rod Yorke	1490 W 121st Ave #201, Westminster CO	Claimant alleges that while his vehicle was parked at the Ranch Park, a City employee operating a grass edger threw up a rock that broke a window in the claimant's car.	\$167.88	\$167.88	C	
2004-215	31-May-04	PWU-UTIL	Molly Olds	8402 W 91st Ave, Westminster CO	Claimant alleges she incurred injuries when she fell in a large hole while walking through City Open Space land.	\$0.00	\$0.00	C	Claim denied and claimant was referred to the contractor that drilled the hole.
2004-223	11-Jun-04	PWU-UTIL	Rene Hurtado	9401 Newton St, Westminster CO	Claimant alleges water damage to his home and sprinkler system as a result of a broken City water main.	\$1,282.00	\$1,282.00	C	
2004-418	23-Jun-04	PD	Shane Douglas Burden	8530 Essex Drive, Thornton CO	Claimant alleges abuse of authority, police brutality and intimidation resulting in injuries due to actions of Westminster Police Officers	\$0.00	\$0.00	O	CIRSA investigating
2004-421	30-Jun-04	FIRE	Jill E. Flippin	10016 N Alcott St, Denver CO	Claimant alleges that she suffered injuries as a result of improper treatment by City paramedics	\$0.00	\$0.00	O	CIRSA investigating
<b>SUB TOTAL</b>						<b>\$21,223.15</b>	<b>\$15,608.72</b>		
<b>CLAIMS SUBMITTED IN FIRST HALF OF 2004 WITH OCCURRENCE DATES PRIOR TO 2004</b>									
2003-716	30-Sep-03	PD	Iordan Karimov	9101 Federal Blvd Unit #206, Westminster CO	Claimant alleges he suffered injuries and damages during an arrest by the North Metro Drug Task Force.	\$100.00	\$0.00	O	CIRSA investigating
2003-720	18-Nov-03	PWU-UTIL	Allen Chu	11737 Tennyson Way, Westminster CO	Claimant alleges he suffered injuries and damages when he was involved in an automobile accident near 120th & Federal, which he states was caused by water on the road due to a broken City water line.	\$0.00	\$0.00	C	Claim denied based on Colorado Governmental Immunity Act.
2003-702	9-Aug-03	PD	Scott Lindsay	8424 N Everett Way #A, Arvada CO	Claimant alleges that he suffered injuries and damages during a traffic stop when a Westminster Police officer subjected him to excessive force and violation of his constitutional rights	\$100.00	\$0.00	O	CIRSA investigating
2003-703	22-Sep-03	PD	Nicolas Medrano	4054 W Kentucky Ave, Denver CO	Claimant alleges police officer negligence in the shooting death of his son, Sergio Alejandro Medrano, in Denver by former Westminster Police Officer Karl Scherck	\$20,000.00	\$0	O	CIRSA investigating Costs have been incurred for legal fees
2003-715	15-Dec-03	PWU-ST	Carl Ruby	3378 W 93rd Ave, Westminster CO	Claimant alleges the improper narrowness of the intersection at 73rd & Meade caused him to hit the curb resulting in damage to two tires on his vehicle.	\$126.08	\$126.08	C	
<b>SUB TOTAL</b>						<b>\$20,326.08</b>	<b>\$6,568.96</b>	<b>*O = Open</b>	
<b>GRAND TOTAL</b>						<b>\$41,549.23</b>	<b>\$22,177.68</b>	<b>*C = Closed</b>	



WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
September 27, 2004



**SUBJECT:** Intergovernmental Agreement with the City of Northglenn for the Architectural Enhancements on the 120<sup>th</sup> Avenue Bridge Replacement over I-25

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

**Recommended City Council Action**

City Council action is requested to authorize the Mayor to execute the attached Intergovernmental Agreement (IGA) with the City of Northglenn regarding architectural enhancements to the 120<sup>th</sup> Avenue Bridge replacement over I-25.

**Summary Statement**

- The Colorado Department of Transportation (CDOT) will be replacing the 120<sup>th</sup> Avenue Bridge over I-25. The Cities of Northglenn and Westminster along with the Regional Transportation District (RTD) will be entering into an Intergovernmental Agreement (IGA) with CDOT regarding an auxiliary lane eastbound from Delaware Court to I-25 and architectural enhancements for the new bridge and surrounding construction area.
- The proposed IGA with CDOT, which Council will be requested to approve in the near future divides financial responsibility in the following manner: 1) 120<sup>th</sup> Avenue auxiliary eastbound lane: 50% RTD (\$99,500); 25% City of Northglenn (\$49,750); 25% City of Westminster (\$49,750). 2) Architectural enhancements: 100% City of Westminster (\$280,187.73). The attached IGA with Northglenn that is the subject of this agenda memo would require Northglenn to reimburse Westminster \$102,730.68 towards the cost of these architectural enhancements.

**Expenditure Required:** \$0

**Source of Funds:** N/A

## **Policy Issues**

Should the City execute an Intergovernmental Agreement (IGA) with the City of Northglenn for architectural enhancements to the 120<sup>th</sup> Avenue Bridge replacement over I-25?

## **Alternatives**

City Council could decide not to execute this IGA with the City of Northglenn. This alternative is not recommended because the IGA establishes the mechanism for Northglenn to reimburse Westminster for actual construction costs paid by CDOT. For this reason, Staff recommends the approval of the IGA with the City of Northglenn.

## **Background Information**

The replacement of the 120<sup>th</sup> Avenue Bridge over I-25 has been needed for some years. With recent structural damage to the bridge, CDOT will begin bridge reconstruction in the fall of 2004. As part of the project and in keeping with the City of Westminster's desire to create a quality environment for its residents and patrons, various enhancements to the standard bridge are being proposed. These enhancements, however, need to be funded by the local agencies per CDOT rules. Therefore, in recent discussions with CDOT, RTD, and the Cities of Northglenn, Thornton and Westminster; Northglenn and Westminster determined it was in the best interest of their City's to enhance the architectural components of the bridge and surrounding areas.

- The architectural enhancements can be generally described as follows:
  1. Ornamental pedestrian railing on the bridge structure and on retaining walls located in the northwest, southwest and southeast corners of the on/off ramps along 120<sup>th</sup> Avenue.
  2. Decorative retaining walls located in the southwest and southeast corners of the on/off ramps along 120<sup>th</sup> Avenue.
  3. Two-foot widening of the six-foot pedestrian sidewalk (8-foot versus CDOT's standard 6-foot sidewalks).
  4. Decorative light standards and conduit on the bridge.
  5. Irrigation sleeving for future landscaping of the infields located on the west side of I-25 between the on/off ramps and I-25.
- Northglenn will financially participate in portions of the architectural enhancements. Westminster, however, is responsible to reimburse CDOT for all the architectural enhancements with later reimbursements from Northglenn. As such, the attached IGA establishes the specific amounts identified in the cost estimate prepared by CDOT dated September 1, 2004. In total, Westminster will reimburse CDOT an estimated amount of \$280,187.73 of which Northglenn will reimburse Westminster an estimated amount of \$102,730.68.
- Northglenn Staff has recently approved the attached IGA and will be presenting it to their Council in the near future. If approved by Council tonight, Westminster will have the necessary agreements in place to sign the IGA with CDOT since the IGA with CDOT requires the Northglenn/Westminster IGA to be approved before they will execute their IGA with the Cities and RTD.

If Council approves this IGA, the City of Westminster will have in place the agreements necessary to be reimbursed from the City of Northglenn for costs paid on their behalf.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 27, 2004



**SUBJECT:** Authorization re Purchase of Unified Messaging System

**Prepared By:** Gary Casner, Senior Telecommunications Administrator

**Recommended City Council Action**

Based on this report and recommendation by the City Manager, determine that the public interest will be best served by a negotiated contract with a single vendor. Award the bid of a Unified Messaging System from Hi Country Wire and Telephone in the amount of \$115,286 and two servers from Dell in the amount of \$14,000 and charge the expense to the appropriate 2004 Capital Project budget account.

**Summary Statement**

City Council previously allocated funds in the 2004 Capital Projects budget account for the purchase of a replacement voice mail system. This Unified Messaging System replaces the voice mail system and interacts with the City's central mail system.

**Expenditure Required:** \$129,286

**Source of Funds:** Capital Improvement Fund



**Policy Issues**

Should the City continue its practice of replacing outdated equipment?

**Alternatives**

Keep the current voice mail system. This alternative is not recommended by Staff as the current system is fifteen years old and is no longer capable of handling all the functions demanded of it.

**Background Information**

In 1989, The City purchased the current voice mail system. The current voice mail system has over 900 mailboxes and acts as an auto attendant for all incoming calls to the majority of City facilities. Voice mail systems have evolved since 1989 to the point where they now interact with individual user's computers. This will allow City Council and Staff to get voice messages on their computers in either voice or text. It allows for important email messages to be accessed through the telephone. An additional advantage of Unified Messaging is that users can manage all messages from their familiar email inbox. The Unified Messaging System also features the ability to recognize voice commands rather than pushing buttons on the phone to access different layers in the system, which will improve access to the City by the public.

Formal bids for this purchase were not obtained for the following reasons:

- The Unified Messaging System has to be compatible with Microsoft Windows, Avaya telephone switches and be able to work in an advanced network linked by fiber optic cable.
- A Formal quote was obtained for a similar system offered by Avaya, but was \$70,000 more than the system being recommended by City Staff.
- The manufacturer of the Unified Messaging System, Applied Voice and Speech Technologies, Inc (AVST) is the leader in this field and partners with Microsoft with this technology.
- Hi Country Wire and Telephone recommended the AVST System. Hi Country sells both the Avaya and AVST systems, but has recommended the AVST system because it will work best for the City's networked system. Hi Country uses an AVST system in their building and is the Colorado distributor for AVST.
- The Unified Messaging System from AVST meets all City requirements and is within the amount previously allocated by City Council for this expense.
- The City was able to negotiate a \$57,280 discount on the purchase of the AVST System in exchange for agreeing to serve as a demonstration site for Hi Country.
- The servers for the system are being purchased from Dell through the Western States Contracting Alliance, a co-operative purchasing agreement that provides the City with extra cost savings.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 27, 2004



**SUBJECT:** Retail and Legal Services Contracts

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

**Recommended City Council Action**

- Authorize the City Manager to negotiate, implement, and fund agreements with the Laramie Company up to a maximum of \$445,000, to continue to provide real estate and retail consulting services as needed, as well as to pay any past invoices not previously authorized.
- Authorize the City Manager to enter into individual agreements with Malcolm Murray of Gorsuch, Kirgis, LLP for a maximum of \$63,000; Randy J. Feuerstein of Dufford and Brown for a maximum of \$30,000; and Kristen D. Bear of White, Bear and Ankele for a maximum of \$12,000; for special legal counsel services for work related to the Forest City project on the 215 acre parcel at 144<sup>th</sup> Avenue and Huron Street; as well as to pay past invoices not previously authorized.

**Summary Statement**

- Staff has been working since early 2002 to promote development along I-25 north of 120<sup>th</sup> Avenue. Specialists have been used to provide the expertise needed for the project.
- Council authorized Staff in May 2002 to hire certain consultants to assist with the project.
- Because of Staff error, expenditures were made outside of the May 13, 2002 authorization provided by City Council for the North I-25 retail development efforts.
- Approval of expenditures incurred for real estate, retail development, and legal services over the past 18 month is now requested.
- Establishment of a new contract with the Laramie Company will provide for the continuation of a focused team, as well as the real estate and project expertise needed.
- The legal services of Mr. Murray have been and will continue to be needed for negotiating and preparing some of the more complex agreements expected as part of the North I-25 retail development efforts.
- Mr. Feuerstein's legal services have been and will continue to be needed for the handling of issues concerning the oil and gas wells on the City's property at 144<sup>th</sup> Avenue and Huron Street.
- Ms. Bear's legal services have been needed to help in the set up of a Metro District for the North I-25 Project. The payment for her services will be taken over by Forest City in September and all previous payments will be reimbursed by Forest City.
- Funds are already available in the General Capital Improvements Fund, will be provided for from the proceeds of the land sale or will be reimbursed by Forest City.

**Expenditure Required:** The aggregate amount estimated for project expenses, including real estate commission, legal fees and consulting fees is \$550,000

**Source of Funds:** General Capital Improvement Fund, proceeds from land sale and reimbursements from Forest City.

**Policy Issues**

Should Council approve the continued funding of this retail effort?

**Alternatives**

- Do not fund the Consulting Services. Failure to fund the contracts will result in the loss of consulting services that have been key in attracting projects to Westminster.
- Find another source of funds for the project. A portion of the fees will be paid from the proceeds of land sale and Forest City is reimbursing the City for some costs.

**Background Information**

The Laramie Company, has been assisting Staff since early 2002. Council authorized the City Manager in May 2002 to “negotiate and contract with John Mullins of J.M. Mullins and Associates to provide retail consulting services as well as to implement and fund such contracts.” Under that contract Mr. Mullins, along with The Laramie Company, agreed to help the City with the promotion of certain areas in the City that had potential to attract regional retailers and most particularly developing the North I-25 project. Mr. Mullins and The Laramie Company have the regional retail experience, nationally respected analytical skills, municipal financing and process orientation, as well as the real estate and developments expertise.

Subsequent to Council’s approval in May 2002, staff subdivided the Laramie Company out of the John Mullins & Associates contract to more clearly track expenditures. Because of this action, there is question internally about whether staff has the appropriate authorization from Council to pay bills previously incurred. To be sure that it is clear that Council authorized the payment of past expenditures, Council is being asked to approve all past invoices for The Laramie Company, which totals \$334,861.51 and have been paid since 2002. Please note that the amount shown not only covers the individual consulting fees but also fees for specialized consultants hired by the Laramie Company to generate detailed demographic, market data, and site information for the City. Actions also undertaken by the consultants include coordination of meetings with key retailers and developers, promotion of the City’s retail development opportunities, assistance with negotiating the development agreements, and real estate representation. The Laramie Company will continue to work with the City through the end of 2004. Therefore, the agreement being negotiated provides for all past payment since 2002 and payments through the end of 2004. Council is requested to authorize the City Manager to negotiate an agreement, with a cap of \$445,000 with the Laramie Company, which will cover all past payments as well as pending payments through the end of December 2004.

The City Charter requires City Council approval of all outside legal counsel agreements. Legal services have been needed on the North I-25 project as special issues have arisen. Mr. Murray has assisted the City on all recent WEDA projects and is currently providing assistance on the preparation of the formal Development Agreement and other related documents. Mr. Feurenstien is providing very specialized legal services concerning the oil and gas wells on the City’s property and is truly expediting the City’s understanding of the issues around the wells and ways to resolve those issues. With Metro Special Districts, typically the Developer hires the attorney for establishment of the district. In this case, because of negotiations and uncertainties about how the city wanted to handle the District, Ms. Bear was brought on by the City to specifically help with the establishment of a Metro Special District on the 144<sup>th</sup> Avenue and Huron property. All of Ms. Bear’s expenses will be reimbursed by Forest City. City Council previously approved similar specialized legal consulting with Mr. Dee Wisor of Sherman and Howard for public finance and tax law issues.

**SUBJECT:**

Retail and Legal Services Contracts

Page 3

Approximately \$27,350 has been spent to date on legal services as follows, Gorsuch Kirgis - \$15,350; Dufford and Brown - \$6,169.36; and White, Bear and Ankle - \$5,829.74; and, an additional \$15,158 in billings are currently pending. Money is set aside in the General Fund CIP account to cover legal services related to the North I-25 project, therefore there is adequate funding for these services. Council is requested to authorize the City Manager to contract as needed for specialized legal services for the North I-25 project up to the following maximums: Gorsuch & Kirgis, \$63,000; Dufford & Brown, \$30,000; and White Bear & Ankele, \$12,000.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 27, 2004



**SUBJECT:** Change Order for the City Hall HVAC Remodel Project

**Prepared By:** Jerry Cinkosky, Facilities Manager  
Barbara Opie, Assistant to the City Manager

**Recommended City Council Action**

Authorize the City Manager to execute a change order with Adams Mendel Allison (AMA) Construction Inc. in the amount of \$27,527 for additional unanticipated work needed to repair the heating, ventilation, air conditioning (HVAC) system in City Hall, and charge the expense to the appropriate General Capital Improvement Fund City Hall HVAC Project.

**Summary Statement**

- The City Hall Space Re-allocation project and the City Hall HVAC improvement project were determined to be best implemented through a coordinated project effort. The decision was made to coordinate the projects with the same Construction Manager/General Contractor to minimize the disruption within City Hall.
- City Council approved the selection of AMA in October 2003 for the Construction Manager/General Contractor for the City Hall Space Re-allocation and HVAC projects.
- City Council approved the guaranteed maximum (GMP) construction cost in January 2004. Included with the GMP was a 15% contingency for this project due to the complicated nature of building rehabilitation projects and the complexity of the HVAC upgrades to City Hall.
- Construction is substantially complete and the final components of the project require Council authorization for use of the contingency funds to complete the project. As anticipated with a remodel project, many unexpected challenges were encountered. Per the City Code (15-1-7), when the amount of the cumulative change orders exceeds ten percent (10%) of the original contract, City Council authorization is required. To date, the cumulative total of change orders for the contract with AMA Construction is \$86,584 (8%). Staff is requesting Council authorization to expend \$27,527 necessary to complete the project, which will place the project just above the 10% mark. As noted, the total contingency for this project was 15%, and therefore funds are available within the project budget for these additional expenses.

**Expenditure Required:** \$27,527

**Source of Funds:** General Capital Improvement Fund  
City Hall HVAC Project and City Hall Space Re-Allocation Project

**Policy Issue**

Should City Council authorize the City Manager to execute a change order with Adams Mendel Allison (AMA) Construction Inc. in the amount of \$27,527 for the additional work needed to repair the HVAC system in City Hall, that was not anticipated in the original scope of the project?

**Alternative**

City Council could choose not to authorize the City Manager to execute a change order with AMA Construction for the additional work needed to repair the HVAC system in City Hall. This is not recommended, as this additional work is necessary to get the HVAC system operating properly throughout the building.

**Background Information**

In October 2003, Staff received authorization from City Council to proceed with Adams Mendel Allison Construction (AMA) as the Construction Manager/General Contractor (CM/GC) to develop the construction drawings and finalize an implementation timetable for the joint project. The City Hall Space Re-allocation project and the City Hall HVAC improvement project were determined to be best implemented through a coordinated project effort to minimize the disruption within City Hall.

The joint project team selected the CM/GC at that phase of the joint project to partner in developing the construction drawings and work through the details associated with the demolition and construction phases.

City Council authorized a guaranteed maximum price (GMP) for construction with AMA in January 2004. The contract with AMA was authorized at \$849,753 for City Hall HVAC improvements with a project contingency of \$127,463 (15% contingency) and at \$252,953 for the City Hall Space Re-Allocation with a project contingency of \$37,975 (15% contingency); the total contract with AMA is \$1,102,706 with a total project contingency of \$165,438.

To date, a total of \$86,584 (8%) for change orders has been utilized for the entire project (HVAC and remodel combined). The change orders have included the addition of the Building Division remodel associated with the public safety tax implementation, replacement of existing wire for the HVAC communications system with shielded wire, and unanticipated items necessary to bring the building up to Code. As the project is concluding and the HVAC upgrades have become operational, additional problems associated with the HVAC and final components of the City Hall remodel project have arisen. These additional expenditures will place the project at the 10% total change order threshold that requires City Council authorization.

City Council is requested to approve this change order in the amount of \$27,527 to complete the heat exchanger upgrades and repairs. This work was identified once the original HVAC upgrades were activated. A heat exchanger is large metal container that houses cooling plates necessary to cool the amount of water needed to create cooling within the facility. This is a key component in order to adequately operate the system. This work was not part of the original project as it was expected that the existing heat exchangers were adequate to handle the enhancements to the HVAC system; however, it was found that the increased size of the heat pumps installed within the system required greater amounts of cooling by the exchangers. The heat exchanger replacements (136 original plates) and additions (50 additional plates) total \$25,827. The electrical work associated with these replacements and additions is estimated at \$1,700. This work is critical to provide cooling, especially for the southeast facing portions, of City Hall.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 27, 2004



**SUBJECT:** Second Reading on Councillor Bills No. 61, 62, and 63 re the Big Dry Creek Open Space Annexation, Comprehensive Land Use Plan Amendment and Zoning

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

**Recommended Planning Commission Action:**

1. Pass Councillor's Bill No. 61 on second reading annexing the Big Dry Creek Open Space property and adjacent railroad and Colorado Department of Transportation right-of-way to the City.
2. Pass Councillor's Bill No. 62 on second reading amending the Comprehensive Land Use Plan for the Big Dry Creek open space property, changing the designation from Northeast Comprehensive Development Plan to Public Open Space. This action is based on the finding that the amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan, the proposed amendment is compatible with existing and planned surrounding land uses, and the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
3. Pass Councillor's Bill No. 63 on second reading rezoning the Big Dry Creek Open Space property from Jefferson County A-2 to City of Westminster O-1, based on the findings that the standards listed in Section 11-5-3 of the Westminster Municipal Code have been satisfied.

**Summary Statement:**

- These requests were approved on first reading by City Council on September 13, 2004.
- The City purchased two parcels of land located on the east side of Wadsworth Parkway for the purpose of extending the Big Dry Creek trail to 99<sup>th</sup> Avenue. Both parcels are currently located in unincorporated Jefferson County. The policy of the City has been to have City owned parcels located within the City boundaries in order to provide better services to those lands.
- The proposed annexation also includes portions of adjacent rights-of-way of the Burlington Northern Santa Fe Railroad and Wadsworth Parkway. A small unincorporated portion of Wadsworth Parkway is included at the request of the City's Police Department in order to avoid the confusion of multiple jurisdictional responsibilities for that area. The City Council has recently approved several similar annexations to address the same problem.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

BY AUTHORITY

ORDINANCE NO. **3149**

COUNCILLOR'S BILL NO. **61**

SERIES OF 2004

INTRODUCED BY COUNCILLORS  
**Hicks - Dixon**

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14 AND 15, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster an application 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 application and accompanying maps are in substantial compliance with Section 31-12-101, et.seq., Colorado Revised Statutes, as amended; and

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

WHEREAS, City Council has heretofore adopted Resolution No. 53 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land in the southwest quarter of Section 14 and in the southeast quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, in the County of Jefferson, in the State of Colorado, more particularly described as follows;

Beginning at the southwest quarter corner of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 2586.26 feet on which all bearings hereon are based, the true point of beginning;

Thence along the east line of said Section 15, along the east line of that parcel annexed to the City of Westminster as recorded in Book 37 at Page 19, File 489530 of the records of the Jefferson County Clerk and Recorder, N00°31'29"W, 486.80 feet to a point on a non-tangent curve to the right on the west line of the Colorado & Southern Railroad; thence along said east line along said curve with a central angle of 56°23'07", a radius of 2006.00 feet, an arc length of 1974.13 feet, long chord bears N00°31'29"W, 1895.42 feet to a point on the west line of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 204.03 feet; thence continuing along said east line along said curve with a central angle of 06°49'02", a radius of 2006.00 feet, an arc length of 238.68 feet, long chord bears N31°04'36"E, 238.54 feet to a point on the north line of said section from whence the west quarter corner of said section bears



S89°52'19"W, 125.00 feet; thence N89°52'19"E, 167.50 feet to a point on the east line of said railroad, on the west line of Wadsworth Acres as recorded at Reception Number 62919166 of said records; thence along said west line S35°37'56"W, 167.02 feet; thence continuing along said west line S28°44'31"W, 225.20 feet to the northwesterly corner of Lot 23 of said acres; thence along the northerly line of said Lot S62°59'29"E, 201.30 feet to a point on a non-tangent curve left; thence along the easterly line of said lot along said curve with a central angle of 54°36'51", a radius of 134.60 feet, an arc length of 128.30 feet, long chord bears S00°17'54"E, 123.50 feet; thence along the southerly line of said lot S73°54'54"W, 271.84 feet to a point on the east line of said Section 15 on the east line of that parcel described at Reception Number F1046849 of said records; thence along said east line and the following five courses; 1) S00°54'37"E, 23.75 feet; 2) S44°14'02"W, 32.45 feet; 3) S09°22'11"W, 108.38 feet; 4) S22°21'45"E, 20.57 feet; 5) S06°43'31"W, 71.46 feet to a point on the north line of Big Dry Creek; thence along said north line S67°08'27"E, 46.50 feet to a point on the west line of said Section 14 on the west line of said acres; thence along said west line S00°31'29"E, 51.57 feet to a point on the south line of Big Dry Creek; thence continuing along said west line S00°31'29"E, 796.29 feet to a point on the east line of the Colorado & Southern Railroad; thence along said east line, continuing along said west line along the following six courses 1) S19°28'47"E, 75.99 feet; 2) S29°36'47"E, 203.67 feet; 3) S36°23'47"E, 210.07 feet; 4) S42°09'47"E, 238.77 feet; 5) S42°27'47"E, 217.67 feet; 6) S45°27'47"E, 131.78 feet to a point on the south line of said Section 14 at the northwest corner of that land annexed to the City of Westminster and recorded at Reception Number 83078140 of said records; thence S89°29'12"W, 283.10 feet to a point on the west line of said railroad on the east line of Colorado State Highway 121 (Wadsworth Boulevard) at the northeast corner of that land annexed to the City of Westminster and recorded at Reception Number 630745 of said records; thence along the north line of said annexation S89°29'12"W, 360.90 feet to the point of beginning;

Total perimeter 6734 feet – contiguous perimeter 3061 feet – 45% contiguity.

Said property contains 638902 square feet or 14.6672 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 13th day of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

Big Dry Creek Open Space Annexation

BY AUTHORITY

ORDINANCE NO. **3150**

COUNCILLOR'S BILL NO. **62**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Hicks - Dixon**

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

A parcel of land in the southwest quarter of Section 14 and in the southeast quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, in the County of Jefferson, in the State of Colorado, more particularly described as follows;

Beginning at the southwest quarter corner of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 2586.26 feet on which all bearings hereon are based, the true point of beginning;

Thence along the east line of said Section 15, along the east line of that parcel annexed to the City of Westminster as recorded in Book 37 at Page 19, File 489530 of the records of the Jefferson County Clerk and Recorder, N00°31'29"W, 486.80 feet to a point on a non-tangent curve to the right on the west line of the Colorado & Southern Railroad; thence along said east line along said curve with a central angle of 56°23'07", a radius of 2006.00 feet, an arc length of 1974.13 feet, long chord bears N00°31'29"W, 1895.42 feet to a point on the west line of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 204.03 feet; thence continuing along said east line along said curve with a central angle of 06°49'02", a radius of 2006.00 feet, an arc length of 238.68 feet, long chord bears N31°04'36"E, 238.54 feet to a point on the north line of said section from whence the west quarter corner of said section bears S89°52'19"W, 125.00 feet; thence N89°52'19"E, 167.50 feet to a point on the east line of said railroad, on the west line of Wadsworth Acres as recorded at Reception Number 62919166 of said records; thence along said west line S35°37'56"W, 167.02 feet; thence continuing along said west line S28°44'31"W, 225.20 feet to the northwesterly corner of Lot 23 of said acres; thence along the northerly line of said Lot S62°59'29"E, 201.30 feet to a point on a non-tangent curve left; thence along the easterly line of said lot along said curve with a central angle of 54°36'51", a radius of 134.60 feet, an arc length of 128.30 feet, long chord bears S00°17'54"E, 123.50 feet; thence along the southerly line of said lot S73°54'54"W, 271.84 feet to a point on the east line of said Section 15 on the east line of that parcel described at Reception Number F1046849 of said records; thence along said east line and the following five courses; 1) S00°54'37"E, 23.75 feet; 2)

S44°14'02"W; 32.45 feet; 3) S09°22'11"W, 108.38 feet; 4) S22°21'45"E, 20.57 feet; 5) S06°43'31"W, 71.46 feet to a point on the north line of Big Dry Creek; thence along said north line S67°08'27"E, 46.50 feet to a point on the west line of said Section 14 on the west line of said acres; thence along said west line S00°31'29"E, 51.57 feet to a point on the south line of Big Dry Creek; thence continuing along said west line S00°31'29"E, 796.29 feet to a point on the east line of the Colorado & Southern Railroad; thence along said east line, continuing along said west line along the following six courses 1) S19°28'47"E, 75.99 feet; 2) S29°36'47"E, 203.67 feet; 3) S36°23'47"E, 210.07 feet; 4) S42°09'47"E, 238.77 feet; 5) S42°27'47"E, 217.67 feet; 6) S45°27'47"E, 131.78 feet to a point on the south line of said Section 14 at the northwest corner of that land annexed to the City of Westminster and recorded at Reception Number 83078140 of said records; thence S89°29'12"W, 283.10 feet to a point on the west line of said railroad on the east line of Colorado State Highway 121 (Wadsworth Boulevard) at the northeast corner of that land annexed to the City of Westminster and recorded at Reception Number 630745 of said records; thence along the north line of said annexation S89°29'12"W, 360.90 feet to the point of beginning;

Total perimeter 6734 feet – contiguous perimeter 3061 feet – 45% contiguity.

Said property contains 638902 square feet or 14.6672 acres more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to Public Open Space, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13<sup>th</sup> of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of September, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO. **3151**

COUNCILLOR'S BILL NO. **63**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Hicks - Dixon**

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14 AND 15, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

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

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

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster O-1. A parcel of land located in Sections 14 and 15, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land in the southwest quarter of Section 14 and in the southeast quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, in the County of Jefferson, in the State of Colorado, more particularly described as follows;

Beginning at the southwest quarter corner of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 2586.26 feet on which all bearings hereon are based, the true point of beginning;

Thence along the east line of said Section 15, along the east line of that parcel annexed to the City of Westminster as recorded in Book 37 at Page 19, File 489530 of the records of the Jefferson County Clerk and Recorder, N00°31'29"W, 486.80 feet to a point on a non-tangent curve to the right on the west line of the Colorado & Southern Railroad; thence along said east line along said curve with a central angle of 56°23'07", a radius of 2006.00 feet, an arc length of 1974.13 feet, long chord bears N00°31'29"W, 1895.42 feet to a point on the west line of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 204.03 feet; thence continuing along said east line along said curve with a central angle of 06°49'02", a radius of 2006.00 feet, an arc length of 238.68 feet, long chord bears N31°04'36"E, 238.54 feet to a point on the north line of said section from whence the west quarter corner of said section bears S89°52'19"W, 125.00 feet; thence N89°52'19"E, 167.50 feet to a point on the east line of said railroad, on the

west line of Wadsworth Acres as recorded at Reception Number 62919166 of said records; thence along said west line S35°37'56"W, 167.02 feet; thence continuing along said west line S28°44'31"W, 225.20 feet to the northwesterly corner of Lot 23 of said acres; thence along the northerly line of said Lot S62°59'29"E, 201.30 feet to a point on a non-tangent curve left; thence along the easterly line of said lot along said curve with a central angle of 54°36'51", a radius of 134.60 feet, an arc length of 128.30 feet, long chord bears S00°17'54"E, 123.50 feet; thence along the southerly line of said lot S73°54'54"W, 271.84 feet to a point on the east line of said Section 15 on the east line of that parcel described at Reception Number F1046849 of said records; thence along said east line and the following five courses; 1) S00°54'37"E, 23.75 feet; 2) S44°14'02"W; 32.45 feet; 3) S09°22'11"W, 108.38 feet; 4) S22°21'45"E, 20.57 feet; 5) S06°43'31"W, 71.46 feet to a point on the north line of Big Dry Creek; thence along said north line S67°08'27"E, 46.50 feet to a point on the west line of said Section 14 on the west line of said acres; thence along said west line S00°31'29"E, 51.57 feet to a point on the south line of Big Dry Creek; thence continuing along said west line S00°31'29"E, 796.29 feet to a point on the east line of the Colorado & Southern Railroad; thence along said east line, continuing along said west line along the following six courses 1) S19°28'47"E, 75.99 feet; 2) S29°36'47"E, 203.67 feet; 3) S36°23'47"E, 210.07 feet; 4) S42°09'47"E, 238.77 feet; 5) S42°27'47"E, 217.67 feet; 6) S45°27'47"E, 131.78 feet to a point on the south line of said Section 14 at the northwest corner of that land annexed to the City of Westminster and recorded at Reception Number 83078140 of said records; thence S89°29'12"W, 283.10 feet to a point on the west line of said railroad on the east line of Colorado State Highway 121 (Wadsworth Boulevard) at the northeast corner of that land annexed to the City of Westminster and recorded at Reception Number 630745 of said records; thence along the north line of said annexation S89°29'12"W, 360.90 feet to the point of beginning;

Total perimeter 6734 feet – contiguous perimeter 3061 feet – 45% contiguity.

Said property contains 638902 square feet or 14.6672 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 13<sup>th</sup> day of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of September, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

Big Dry Creek Open Space Zoning



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 27, 2004



**SUBJECT:** Second Reading on Councillor's Bill No. 64 re Development Review Fee Amendments

**Prepared By:** John Shary, Planning Technician

**Recommended City Council Action:**

Pass Councillor's Bill No. 64 on second reading amending Section 11-1-6 and repealing Section 2-6-5 of the Westminster Municipal Code regarding development review fees.

**Summary Statement:**

- This request was approved on first reading by City Council on September 13, 2004.
- City staff is recommending changes to certain fees charged to developers as part of the development review process. The following changes are proposed.
  - 1) Addition of a Development Proposal Sign Posting Fee of \$50 for any development proposal or rezoning request in review.
  - 2) Increase of the Board of Adjustments and Appeals fee from \$25 plus advertising fee (\$50 on average) to \$250 and move the fee from a separate section of the Code to the Development Review Fee Schedule. (This requires repeal of Section 2-6-5 of the Westminster Municipal Code.)
  - 3) Deletion of the Conditional Use fee from the Development Review Fee Schedule.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3152**

COUNCILLOR'S BILL NO. **64**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Dittman - Davia**

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING LAND USE AND DEVELOPMENT REVIEW FEES

THE CITY OF WESTMINSTER ORDAINS:

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

**11-1-6: LAND USE AND DEVELOPMENT REVIEW FEE SCHEDULE:** An applicant for any of the following land use or development reviews shall pay in advance the corresponding fee or fees:

**(A) Review Fees:**

PDP or amendment – Concept Review	\$350 (x) sq. rt. of acres (\$350 min.)
PDP or amendment – Technical Review	\$350 (x) sq. rt. of acres (\$350 min.)
ODP or amendment – Concept Review	\$400 (x) sq. rt. of acres (\$400 min.)
ODP or amendment – Technical Review	\$400 (x) sq. rt. of acres (\$400 min.)
Combined PDP/ODP (including amendments)	
Concept Review	\$550 (x) sq. rt. of acres (\$550 min.)
Technical Review	\$550 (x) sq. rt. of acres (\$550 min.)
Rezoning	\$500
Annexation	\$300
Comprehensive Land Use Plan Amendments	\$500
Minor Administrative Amendment	\$250
Public Hearing	\$350
ODP Waiver	\$250
Special Use Permit	\$450
Temporary Use Permit	\$100
BOARD OF ADJUSTMENT AND APPEALS	\$250
Construction Drawing Reviews	\$750 + \$75 times the sq. rt. of acres (\$1125 max)
Minor Replat (Lot Line Adjustment)	\$300
Vacations (R.O.W. and Easements)	\$300
Land Disturbance Permits	\$250
R.O.W./Street Cut Permit	\$ 50
DEVELOPMENT SIGN POSTING FEE	\$ 50

Section 2. Section 2-6-5, Westminster Municipal Code, is hereby REPEALED in its entirety as follows:

**BOARD OF ADJUSTMENT AND APPEALS**

~~**2-6-5: FEES:** The following fees shall be paid to the Clerk with every application for a hearing before the Board:~~

~~(A) A sum of twenty five dollars (\$25) with each application for a variance, appeal or Zoning Map determination.~~

~~(B) The City Clerk shall certify the cost of advertising said hearing which cost shall be paid by the applicant at or before the public hearing.~~

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 13<sup>th</sup> day of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

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Mayor

ATTEST:

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City Clerk





## Agenda Item 8 K

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 27<sup>th</sup>, 2004



**SUBJECT:** Second Reading on Councillor's Bill No. 65 re Synchroness, Inc. Business Assistance Package Addendum

**Prepared By:** Becky Johnson, Economic Development Program Coordinator

### **Recommended City Council Action**

Pass Councillor's Bill No. 65 on second reading, authorizing the City Manager to execute a Business Assistance Package (BAP) Addendum with Synchroness, Inc. for the purpose of clarifying sales and use tax rebates on equipment purchases.

### **Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading that authorizes the execution of the attached business assistance package addendum with Synchroness, Inc.
- This addendum allows for the rebate of sales tax in addition to use tax rebate on furniture, fixtures, and equipment.
- Changes to the BAP text (See Exhibit A), which will allow for the Sales Tax rebates are in **Bold**.
- The intent of the original BAP was to provide a rebate to the company of the use tax paid when purchasing furniture and fixtures at move-in and for the first four years of operation. Synchroness, Inc. choose to "Shop Westminster," therefore paying sales tax instead of use tax. Since the agreement was written to apply only to use tax, the company could not receive the intended rebate.
- The addendum will allow Synchroness Inc. to receive sales tax rebates from purchases of furniture and fixtures as intended per the original agreement.
- The total dollar amount of the rebate does not change from the original agreement.
- Councillor's Bill No. 65 was passed on first reading on September 13, 2004.

**Expenditure Required:** No change to the current amount of the original BAP (\$6,375 for furniture and fixtures).

**Source of Funds:** The business assistance package with Synchroness, Inc. will be funded through the rebate of permit fees, construction use tax, and equipment sales and use tax generated directly from the relocation of Synchroness Inc. to Walnut Creek Business Park, located at 108<sup>th</sup> Avenue and Wadsworth Parkway.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3153**

COUNCILLOR'S BILL NO. **65**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Kauffman - Dixon**

A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE ADDENDUM WITH SYNCRONESS INC. TO AID IN THE RETENTION AND EXPANSION OF SYNCRONESS INC. TO WALNUT CREEK BUSINESS PARK IN WESTMINSTER

WHEREAS, the Addendum will provide sales and use tax rebates for purchase of furniture and fixtures,

WHEREAS, a proposed Business Assistance Package Addendum between the City and Syncroness, Inc. is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into a Business Assistance Package Addendum with Syncroness, Inc. 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 13th day of September 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Exhibit A**

**ADDENDUM TO THE AGREEMENT BETWEEN THE  
CITY OF WESTMINSTER AND SYNCRONESS INC.  
FOR A BUSINESS ASSISTANCE PACKAGE DATED APRIL 26, 2004.**

The City of Westminster (hereinafter referred to as "Westminster") and Synchroness, Inc. agree to amend the Business Assistance Package described above as follows:

Amend Paragraph 3 to read:

3. **Sales and Use Tax Rebate- Furniture and Fixtures.** For a period of 6 months prior to Synchroness, Inc. obtaining the Certificate of Occupancy for the new Westminster facility, and for the first four years of operation, the City will rebate 50% of the **Westminster** General **Sales and Use Tax** (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishing and equipment purchased to furnish the new facility ( $\$25,000$  new equipment at move-in  $\times 3\% = \$750$  Use Tax  $\times 50\% = \$375$  +  $\$100,000$  new equipment per year  $\times 3\% = \$3,000$   $\times 50\% = \$1,500$  per year for 4 years =  $\$6,000$  for a total of  $\$6,375$  ). The rebate shall not exceed  $\$6,375$ .

All other terms and conditions of this Agreement shall remain in effect.

This Addendum is dated September 27, 2004.

**CITY OF WESTMINSTER**

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

ATTEST:

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

**SYNCRONESS, INC.**

By \_\_\_\_\_  
Mark Henault  
President

ATTEST:

\_\_\_\_\_

Adopted by Ordinance **3153**  
Amending Ordinance 3115





## Agenda Item 8 L

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum



City Council Meeting  
September 27, 2004

**SUBJECT:** Second Reading of Councillor's Bill No. 66 re 2004 2nd Quarter Budget Supplemental Appropriation

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

#### **Recommended City Council Action:**

Pass Councillor's Bill No. 66 on second reading providing for a supplemental appropriation to the 2004 budget of the General, General Capital Improvement and Debt Service Funds.

#### **Summary Statement**

City Council action is requested to pass the attached Councillor's Bill on second reading, which authorizes a supplemental appropriation to the 2004 budget of the General, General Capital Improvement and Debt Service Funds.

General Fund amendments total \$148,082.

General Capital Improvement Fund amendments total \$369,555.

Debt Service Fund amendments total \$558,000.

This Councillor's Bill was passed on first reading September 13, 2004.

**Expenditure Required:** \$ 1,075,637

**Source of Funds:** The funding sources for these expenditures include 2003 carryover, reimbursements, lease proceeds and donations.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3154**

COUNCILLOR'S BILL NO. **66**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Davia - Price**

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$148,082 which, when added to the fund balance as of the City Council action on September 14, 2004 will equal \$86,591,599. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of reimbursements, library donations, and lease proceeds.

Section 2. The \$148,082 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES	Account Number	Current Budget	Amendment	Revised Budget
Description				
Federal Grants	1000.40610.0000	\$43,911	\$4,103	\$48,014
General Misc	1000.43060.0000	156,366	125	156,491
Other Financing Use	1000.46000.0000	1,429,973	<u>143,854</u>	1,573,827
Total Change to Revenues			<u>\$148,082</u>	

EXPENSES	Account Number	Current Budget	Amendment	Revised Budget
Description				
Overtime	10020300.60400.0344	\$12,911	\$4,103	\$17,014
Library Matrils	10050620.71600.0000	302,500	125	302,625
Other Financing Use	10010900.78800.0000	1,466,776	<u>143,854</u>	1,610,630
Total Change to Expenses			<u>\$148,082</u>	

Section 3. The 2004 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$369,555 which, when added to the fund balance as of the City Council action on September 13, 2004 will equal \$17,976,552. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is from 2003 carryover to set-up a separate capital project for the Holly Park Development.

Section 4. The \$369,555 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES	Account Number	Current Budget	Amendment	Revised Budget
Description				
Carryover	7501.40020.0000	\$0	<u>\$369,555</u>	\$369,555
Total Change to Revenue			<u>\$369,555</u>	

EXPENSES	Account Number	2004 Adopted	Amendment	2004 Revised
Description				
Holly Park - LOC	80475030619.80400.8888	\$0	\$506,000	\$506,000
Capital Projects Reserve	80175050186.80400.8888	844,912	<u>(136,445)</u>	708,467
Total Change to Expenses			<u>\$369,555</u>	

Section 5. The 2004 appropriation for the Debt Service Fund initially appropriated by Ordinance No. 2977 in the amount of \$7,603,664 is hereby increased by \$558,000 which, when added to the fund balance as of the City Council action on September 13, 2004 will equal \$8,161,664. The actual amount in the Debt Service Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the appropriation of 2003 carryover.

Section 6. The \$558,000 increase in the Debt Service Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES	Account Number	Current Budget	Amendment	Revised Budget
Description				
Carryover	8000.40020.0000	\$74,171	<u>\$558,000</u>	\$632,171
Total Changes to Revenue			<u>\$558,000</u>	

EXPENSES	Account Number	Current Budget	Amendment	Revised Budget
Description				
Interest	80010900.78400.0058	\$0	<u>\$558,000</u>	\$558,000
Total Change to Expenses			<u>\$558,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 13th day of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 27, 2004



**SUBJECT:** Councillor's Bill No. 68 re CPS Distributors, Inc. Business Assistance Package

**Prepared By:** Becky Johnson, Economic Development Program Coordinator

**Recommended City Council Action**

Pass Councillor's Bill No. 68 on first reading, authorizing the City Manager to execute a Business Assistance Package (BAP) with CPS Distributors Inc. in the amount of \$14,605. The BAP includes \$4,632 in permit fee rebates, \$8,623 in construction use tax rebates, and \$1,350 in equipment use tax rebates at move-in.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill that authorizes the execution of the attached business assistance package with CPS Distributors Inc.
- CPS Distributors, Inc. (Colorado Pump & Supply) is the largest wholesale distributor of professional pump and irrigation supplies in the Rocky Mountain Region.
- CPS Distributors, Inc is relocating from unincorporated Adams County to Park Centre Business Park (map attached) and will be constructing a new 45,000 square feet office/warehouse building.
- CPS Distributors, Inc. will employ 38 people at move-in, with average salaries of \$64,200.
- Assistance is based upon the attraction of primary jobs to Westminster.
- The City is also working with ACED (Adam County Economic Development) on an incentive package from the County, based upon the retention of a primary employer in the County.

**Expenditure Required:** \$14,605 (Rebates of Permit Fees and Use Tax)

**Source of Funds:** The business assistance package with CPS Distributors, Inc. will be funded through the rebate of permit fees, construction use tax, and equipment use tax directly generated from the construction of the new facility in Westminster.



**Policy Issue**

Does Council desire to provide assistance to CPS Distributors, Inc. for the attraction of new primary jobs to the City?

**Alternatives**

Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City's value of attracting primary jobs would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is considered modest.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. As noted above, Staff has recommended an assistance package that is 21% of the total 5-year projected revenue. There is room for additional funding. However, it is staff's opinion that additional assistance is not needed.

**Background Information**

CPS Distributors, Inc. is currently based at 4275 Forest Street in unincorporated Adams County. This company provides wholesale distribution of professional pump and irrigation supplies to contractors in Colorado and Wyoming.

CPS Distributors, Inc. plans to construct a 45,000 square foot office warehouse building at 122<sup>nd</sup> Avenue, west of Huron Street in Park Centre Business Park. The company anticipates beginning construction during the 4<sup>th</sup> quarter of 2004. The company will employ 38 people at move-in with an estimated average salary of \$64,200 per year. In five years the company anticipates growth to 45 employees with an annual payroll of approximately \$3.2 million.

It is anticipated that CPS Distributors, Inc. will generate over \$66,475 of new revenue directly to the City in the first five years of operation. Based on a 5-year projection of direct City tax and fee revenue, staff recommends the following business assistance package:

<b>Proposed Assistance</b>	<b>Approximate Value</b>
<u>Building Permit-Fee Rebate</u> 30% of the building related fees (excluding water & sewer tap fees) will be rebated (\$15,440 x 30% = \$4,632)	\$4,632
<u>Building Use Tax Rebate</u> 30% of the General Use Tax (excludes the City's .25% open space tax and .6% public safety tax) on construction materials for this project will be rebated (\$1,916,250 x 50% = \$958,125 x 3% = \$28,743.75 x 30% = \$8,623.13)	\$8,623
<u>Rebates on Use Tax on Furniture and Fixtures at move-in</u> For a period of 3 months before and 3 months after obtaining the Certificate of Occupancy for the new Westminster facility, the City will rebate 30% of the General Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishing and equipment purchased to furnish the new facility (\$150,000 new equipment at move-in x 3% = \$4,500 Use Tax x 30% = \$1,350)	\$ 1,350
<b>Total Proposed Assistance Package Not To Exceed</b>	<b>\$14,605</b>

As Council will note, the assistance being proposed is 21% (\$14,605 total assistance divided by \$66,475 Projected Revenue = 21%) of the total general use tax and fee revenue projected from the project in the first 5 years of operation. The City will be made whole on this investment by the Certificate of Occupancy issuance.

This assistance package is based upon the City's goal to attract primary jobs. In addition, this company will construct a new facility in the City that will continue to enhance the Park Centre Business Park area.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**Exhibit A**

**BUSINESS ASSISTANCE PACKAGE FOR  
CPS DISTRIBUTORS INC. IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, between the CITY OF WESTMINSTER (the "City"), and CPS Distributors Inc.

WHEREAS, the City wishes to provide certain assistance to CPS Distributors Inc. to aid in the attracting of new primary jobs to the City; and

WHEREAS, CPS Distributors Inc. plans to construct 45,000 square feet in Park Centre Business Park; 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 CPS Distributors Inc. agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to CPS Distributors Inc. 30% of the building related permit fees, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, collected from CPS Distributors Inc. in connection with the construction of 45,000 square feet of space in Park Centre Business Park, with a projected move-in date of second quarter 2005. The permit fee rebate shall not exceed \$4,632.

2. Use Tax Rebate- Construction. The City shall rebate to CPS Distributors Inc. 30% of the Building Use Tax on the construction materials, collected from CPS Distributors Inc. in connection with the tenant finish of the 45,000 square foot facility in Park Centre Business Park in Westminster, required under W.M.C. sections 4-2-9 and 4-2-3, to CPS Distributors Inc. The rebate shall not exceed \$8,623.

3. Use Tax Rebate- Furniture and Fixtures. For purchases of items, for the new offices, and warehouse made 3 months prior and 3 months after CPS Distributors Inc. obtains the Certificate of Occupancy for the new facility, the City will rebate 30% of the General Use Tax remitted to the City of Westminster by CPS Distributors Inc. on the use tax return for the new facility. The total rebate pursuant to this paragraph shall not exceed \$1,350 (the "Rebate"). Such Rebate shall be payable exclusively from those revenues actually collected by the City from CPS Distributors Inc. and attributable to the imposition against CPS Distributors Inc., of the City's 3.0% general use tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax).

4. Payments of Rebates. Rebates will be paid to CPS Distributors Inc. by the City in quarterly installments from revenue actually collected and received by the City from CPS Distributors Inc. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically. Payments will begin with the calendar quarter during which the Certificate of Occupancy is issued.

5. Entire Agreement. This instrument shall constitute the entire agreement between the City and CPS Distributors Inc. 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.

6. Termination. This Business Assistance Package shall terminate and become void and of no force or effect upon the City if CPS Distributors Inc. has not moved into the new facility in Park Centre Business Park by December 31, 2005 or should CPS Distributors Inc. not comply with the City regulations or code.

7. Business Termination. In the event CPS Distributors Inc. ceases business operations within the City within three (3) years after the new operations commence, then CPS Distributors Inc. shall pay to the City the total amount of fees and taxes that were due and payable by CPS Distributors Inc. to the City but were rebated by the City, as well as reimburse the City for any funds provided to CPS Distributors Inc. pursuant to this Agreement.

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

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

**CPS DISTRIBUTORS INC.**

**CITY OF WESTMINSTER**

\_\_\_\_\_  
Donald L. Champlin  
Chief Executive Officer

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

ATTEST:

ATTEST:

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

**Adopted by Ordinance No. 3157**

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **68**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH CPS DISTRIBUTORS INC. TO AID IN THE ATTRACTING OF THIS COMPANY TO PARK CENTRE BUSINESS PARK IN WESTMINSTER

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 assistance for high quality development to locate in the City; and

WHEREAS, CPS Distributors Inc. plans to construct a 45,000 square feet office/warehouse in Park Centre Business Park, in Westminster, and

WHEREAS, a proposed Business Assistance Package between the City and CPS Distributors Inc. is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into a Business Assistance Package with CPS Distributors Inc. 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 27th day of September 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of October 2004.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 27, 2004



**SUBJECT:** Councillor's Bill No. 69 re Westminster Skate Park Supplemental Appropriation and Construction Contract

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

**Recommended City Council Action:**

- Pass Councillor's Bill No. 69 on first reading authorizing a supplemental appropriation in the amount of \$170,000 reflecting the City's receipt of a Great Outdoors Colorado (GOCO) Grant for \$50,000 and a Jefferson County Open Space Joint Venture Grant for \$120,000 for the Westminster Skate Park. Authorize the transfer of \$99,900 from the Carroll Butts Park CIP account into the skatepark CIP account.
- Authorize the City Manager to execute a contract with American Civil Constructors (ACC) in the amount of \$359,000 for construction of the skate park at City Park, and authorize a \$35,900 contingency amount. Charge the total project expense of \$394,900 to the Skate Park Capital Improvement Project account.

**Summary Statement:**

- In August of 2003, Staff received City Council's approval to submit a proposal for a GOCO Grant for the construction of a skate park at City Park in the amount of \$50,000. A grant of \$50,000 was awarded.
- In November of 2003, Staff received City Council's approval to submit a proposal for a Jefferson County Open Space Joint Venture Grant in the amount of \$150,000. A grant of \$120,000 was awarded.
- In November of 2003, Council approved the Allocation of 2002 Carryover Revenues, which included \$75,000 for the City Park Skatepark.
- The 2004 CIP budget included \$300,000 for additional work at Carroll Butts Park. Of this, \$150,000 is committed for the final phase of work to be completed by Hyland Hills, east of the ball field complex, leaving adequate funds to be transferred to the Skate Park project.
- Bids were solicited per the City's purchasing ordinance and two qualified contractors submitted bids.
- The low bidder, ACC, has successfully completed other skate parks in the metro area, including a skatepark for the Town of Castlerock.

**Expenditure Required:** \$394,900

**Source of Funds:** General Capital Improvement Fund, Jefferson County Open Space Joint Venture Grant, and Great Outdoors Colorado Grant

**Policy Issue**

Should the City accept the grant monies and award the construction contract for the City's first public skatepark? Should \$99,900 be transferred from the Carroll Butts Park account into the skate park project account?

**Alternatives**

1. City Council could choose to not accept one or both grants, but City Council has already passed a unanimous resolution authorizing City Staff to apply for the grants.
2. City Council could choose not to authorize the transfer of monies from the Carroll Butts Park account, however this would leave a shortfall of \$99,900 in the skatepark account that would required the skatepark to be redesigned into a less attractive, smaller facility.
3. City Council could direct Staff to re-bid the project, however it is unlikely that qualified bids would come in any lower.

**Background Information**

The City Park Master Plan originally proposed building a skateboard park at City Park. However, when Van's decided to build a new indoor facility at the Westminster Promenade, Staff recommended delaying the construction of a new skate park so as to not compete with Van's, which provided tax revenue to the City. Van's has now closed its doors and has gone out of business. This action has created an even greater need for a public skate park in Westminster.

A series of three public workshops to solicit user input into the design of the skate park were held at City Park and approximately 20 skaters participated in each workshop. The first meeting was held on March 2, 2004. The purpose of this meeting was to obtain information regarding our local skaters such as age, where they skate now, how they get there, what type of skater they are, and likes and dislikes about other existing skate parks. This meeting included a brainstorming session on what our skate park should be like. It was clear at this meeting that two different types of skater groups were represented; vertical ("vert") and street skaters. "Vert" skaters prefer to skate deep bowls, while street skaters prefer to skate on obstacles that replicate elements found in the environment such as curbs, ramps, benches, etc. At the second meeting, held on March 30, 2004, the skaters were shown five options for the Westminster skate park and asked to vote on which option, or combination of options, they preferred and to mark up the plans with any suggestions. This meeting was very productive, with all participants selecting the same combination of options with some minor revisions at the meetings conclusion. At this meeting, we also observed skaters who didn't know one another working and brainstorming together to produce a better design. For the third meeting, held on April 13, 2004, one final conceptual master plan was shown and the attendees were asked to comment on the details of the plan, such as how high a grind rail should be. The conceptual master plan was well received by both the "vert" skaters and the street skaters.

The skate park will be constructed primarily of concrete with steel edging. Due to the highly specialized nature of this work, contractors were pre-qualified and two bids were received as follows:

American Civil Constructors	\$359,000
Hallmark Construction	\$387,280

The consultants estimate of cost for this project was \$297,819.50. Two factors contributed to the discrepancy between the estimate of cost and the construction bid. The first factor is that the construction of a concrete skatepark is a highly specialized type of concrete work and it is necessary to pre-qualify contractors. While pre-qualifying helps ensure that all contractors bidding on the project are capable of successfully completing it, it also reduces the competition and typically results in higher costs. Secondly, existing workload of the qualified contractors is currently such that they are not as willing to reduce individual unit costs in order to secure the project. Construction is anticipated to be complete by January, 2005.

The City of Westminster has spent approximately \$850,000 to date on the renovation of Carroll Butts Park, including a \$250,000 Adam's County Open Space Grant. This work includes a new playground, in-line skate rink, three picnic shelters, improvements to the existing lake and island, removal of two parking lots and replacement with turf grass, complete replacement of the irrigation system, replacement of all soft trails with concrete walks, and significant landscaping. Hyland Hills has spent approximately \$1.6 million on renovation of the ball field complex and construction of two parking lots in the northern portion of the park and approximately \$900,000 on the renovation of the swimming pool.

The final project to complete the renovation of Carroll Butts Park is the construction of a tennis court, basketball court, playground and picnic shelter in the northern portion of the park. The City of Westminster is contributing \$150,000 to this work, Hyland Hills is contributing \$50,000 and has applied for an Adam's County Open Space Grant for \$200,000. This \$400,000 project will complete the master plan for the park, leaving more than the \$99,900 needed to complete the skate park project.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2004

COUNCILLOR'S BILL NO. **69**  
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$170,000 which, when added to the fund balance as of the City Council action on September 27, 2004 will equal \$18,146,552. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This is an appropriation of a grant from GOCO and a grant from Jefferson County Open Space Joint Venture.

Section 2. The \$170,000 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Grants – GOCO	7501.40620.0026	\$0	\$50,000	\$50,000
Grants - Jeffco	7501.40020.0000	0	<u>120,000</u>	120,000
Total Change to Revenue			<u>\$170,000</u>	

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
City Park	80375050326.80400.8888	\$75,000	<u>\$170,000</u>	\$245,000
Skateboard Park				
Total Change to Expenses			<u>\$170,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 27th day of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of October, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



## Agenda Item 10 C

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
September 27, 2004



**SUBJECT:** Councillor's Bill No. 70 re 2004 Local Law Enforcement Block Grant (LLEBG) Funds

**Prepared By:** Dan Montgomery, Chief of Police  
Carol Workman, Senior Management Analyst

### Recommended City Council Action

Pass Councillor's Bill No. 70 on first reading appropriating \$13,225 from the Local Law Enforcement Block Grants (LLEBG) Program to the Police Department's Patrol Special Operations and Logistics division budget.

### Summary Statement

In July 2004, the Police Department applied for a federal Local Law Enforcement Block Grant, which provides funding for the purchase of law enforcement related equipment. The grant was approved and the police department accepted the award and special conditions on July 27, 2004. The funding of \$13,225 will be used to purchase SWAT tactical vests taser units.

**Expenditure Required:** \$13,225 grant/\$1,469 match

**Source of Funds:** Department of Justice Local Law Enforcement Block Grant

**Policy Issues**

Whether or not to use grant funds for police equipment expenditures.

**Alternatives**

City Council could choose not to pass the attached Councillor's Bill, which would result in the Police Department losing \$13,225 in grant funds. Staff does not recommend this alternative since the Department of Justice has agreed to provide the Police Department with federal assistance for equipment needs with a minimal match from the City of Westminster.

**Background Information**

The Police Department submitted a grant application for a Federal Local Law Enforcement Block Grant (LLEBG) for \$13,225. The purpose of this grant is for the purchase of equipment used to support law enforcement and is for the calendar year 2004. On July 21, 2004, the Bureau of Justice Assistance (BJA) informed the Police Department that the grant application was approved. Staff accepted the award and special conditions to the grant. Acceptance of the award and special conditions does not result in automatic payment of the block grant funds. Under the special requirements of the grant, the police department is not allowed to request the draw down of the approved funds until City Council has formally approved the grant funding at a public City Council meeting.

The Police department has identified the following equipment to be purchased with the grant funds:

- SWAT Tactical Entry Vests
- Tasers

The SWAT Tactical Entry Team vests used by members are in need of replacement. Due to the increase in violent and serious situations in our society and community, the need to use the SWAT Team is greater. The SWAT Team members frequently respond on High Risk Warrant Services, hostage type situations and other dangerous calls and the team members rely on their tactical vests for protection. This is extremely vital equipment for these officers and the life span of these vests are five years. The National Tactical Association has listed the vests as mandatory safety equipment due to the Kevlar protection to the neck area and shoulders and it is imperative they are replaced on a scheduled basis. The department will be able to purchase seven vests at \$1,200/a piece for a total of \$8,400 under this grant.

The tasers are vital "less lethal" pieces of equipment. The department currently does not have enough tasers to provide to officers in Patrol, Traffic and Special Operations. Tasers have proven to be extremely effective and a valuable alternative for officers instead of using deadly force. In addition, with the current, local and national debate and concern over officers using deadly force, usually a firearm, to control a violent offender, the desire to use a "less lethal" use of force is desired. The result of these deadly force incidents can be a wrongful death lawsuit against the City, officer's, supervisors and city officials. The department will be able to purchase six tasers at \$800/a piece for a total of \$4,800 under this grant.

The Local Law Enforcement Block Grant funds will be used to purchase all of these pieces of police equipment. A match of \$1,469 is required for use of these grants and is available in the patrol operating budget.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2004

COUNCILLOR'S BILL NO. **70**  
INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. - 2977 in the amount of \$71,828,317 is hereby increased by \$13,225 which, when added to the fund balance as of the City Council action on September 27, 2004 will equal \$86,443,517. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Local Law Enforcement Block Grant from the Department of Justice.

Section 2. The \$13,225 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Federal Grants	1000.40610.0000	\$43,911	<u>\$13,225</u>	\$57,136
Total change to revenues			<u>\$13,225</u>	
<b>Expenses</b>				
Patrol-Other Equipment	10020500.76000.0000	\$217,493	<u>\$13,225</u>	\$230,718
Total change to expenses			<u>\$13,225</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 27th day of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of October, 2004.

ATTEST:

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Mayor

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



## Agenda Item 10 D

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
September 27, 2004



**SUBJECT:** Resolution No. 58 re Easement Acquisition for England Waterline

**Prepared by:** Diane M. Phillips, Reclaimed Water System Coordinator

### Recommended City Council Action

Adopt Resolution No. 58 authorizing City Staff to proceed with the acquisition of easements necessary for the England Waterline project, including the use of eminent domain, if necessary; and authorize up to \$120,000 for acquisition costs and all related expenses, which shall be charged to the Utility Fund Capital Improvement Project Account for the England Waterline, as appropriate.

### Summary

- The construction of the 24-inch England Waterline will provide fire flow and peak water supply to the southern portion of the City. Alignment of the England Waterline will run south from approximately 88<sup>th</sup> and Sheridan Boulevard and will terminate at 78<sup>th</sup> and Wolff Street.
- There are three private ownerships affected by the improvements, requiring the acquisition of easements for construction. Preliminary estimates have the value of the acquisitions at approximately \$120,000, but negotiations and/or court ordered valuations will determine the final cost.
- The attached Resolution will allow City Staff to pursue the activities needed to acquire the necessary easements for the England Waterline Project. This includes filing condemnation cases under the City's right of eminent domain if negotiations with the property owners do not result in legal possession of the parcels necessary to start construction in a timely manner.

**Expenditure Required:** \$120,000

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

**Policy Issue**

Should the City proceed with Easement Acquisition for the England Waterline?

**Alternative**

The City could decide to not proceed with these acquisitions at this time. Staff does not recommend this action as this would create significant delays in the England Waterline project and could compromise fire flow delivery to the southern portion of the City.

**Background Information**

Final design of the England Waterline is underway. The Treated Water Masterplan recommends the installation of this line to provide fire flow and peak consumption supply to the south part of the City. Approximately 8,000 feet of 24-inch waterline will be installed for this project.

Three private ownerships are directly affected by the alignment, potentially requiring the acquisition of easements for construction. An acquisition agent will be hired and an appraiser will be retained to determine the fair market value of these partial acquisitions. The estimated cost will be approximately \$120,000 for the acquisition of the easement, exclusive of any court costs incurred due to condemnation.

Possession of the necessary easements is a prerequisite to awarding the construction contract. At this point, the schedule calls for construction to begin in the second quarter of 2005. The acquisition effort will be aimed at a negotiating settlement for purchase or voluntary agreement for possession of the property necessary to meet the construction schedule.

The attached resolution authorizes Staff to proceed with the activities and expenditures necessary to secure legal possession and acquire easement for the England Waterline project.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **58**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

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WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to acquire certain parcels of land to accommodate the construction of the England Waterline Project shown on the attached Exhibit A; and

WHEREAS, property appraisals prepared by a professional appraisal company experienced in performing appraisals, will determine the fair market value of the property rights being acquired in each of the parcels; and

WHEREAS, the City will make an earnest good faith offer to purchase each of the subject parcels; and

WHEREAS, a delay in the acquisition of any of the parcels could result in a delay of England Waterline Project, thus creating a hardship on the general population of the City of Westminster needing to utilize the proposed improvements; and

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

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to keep the England Waterline Project on the desired schedule.

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

1. The City Manager is hereby authorized to establish minimum just compensation for acquisition of the property interests necessary to build the England Waterline Project in the area shown in Exhibit A.

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

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

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

5. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitations, contractual services, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filings fees and charges and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The cost shall be charged to the England Waterline Capital Improvement Project Fund.

6. The Reclaimed Water System Coordinator is hereby authorized to call for amendment of the legal descriptions of the parcel interests to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of the project.

Passed and adopted this 27th day of September, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 27, 2004



**SUBJECT:** Resolution Nos. 59 and 60 re Proposed Ranch Subdivision Filings 2 and 6 Special Improvement Districts – Preliminary Order and Scheduling Public Hearing

**Prepared By:** Aaron B. Gagné, Senior Projects Coordinator

**Recommended City Council Action:**

- Adopt Resolution No. 59 making and entering a preliminary order for the construction of certain improvements pursuant to a petition to create a special improvement district within the City, to be designated The Ranch Subdivision Special Improvement District No. 1 and adopting preliminary plans and specifications therefore, and ordering publication and mailing of a notice of hearing on October 25, 2004 to the owners of the property to be assessed for improvements in said district.
- Adopt Resolution No. 60 making and entering a preliminary order for the construction of certain improvements pursuant to a petition to create a special improvement district within the City, to be designated The Ranch Subdivision Special Improvement District No. 2 and adopting preliminary plans and specifications therefore, and ordering publication and mailing of a notice of hearing on October 25, 2004 to the owners of the property to be assessed for improvements in said district.

**Summary Statement:**

- In March of 2003, Council was presented with a request from The Ranch Filings 2 and 6, adjacent to 120<sup>th</sup> Avenue on either side of Zuni Street, for the formation of a special improvement district (“SID”) to replace the existing deteriorated fence with a high-quality masonry wall.
- Council directed that petitions for the formation of the district or districts would be accepted with no less than 60% of the homeowners support.
- Staff has worked closely with the respective Homeowners Associations (“HOA’s”) to establish a wall specification that is of high enough quality and durable enough to be accepted by the City.
- Project costing was conducted with the input of a experienced masonry wall contractor.
- Beginning in August of 2004, the proposed program was introduced to the full membership of both HOA’s, and petitions for the formation of two separate SID’s were signed. Filing 2 collected signatures from 63.7% of the membership and Filing 6 collected signatures from 64.6% of the membership. Both petitions are on file with the City Clerk.
- Actions required to establish the SID’s include the adoption of the two resolutions attached to this agenda memorandum, the introduction of an ordinance, and the holding of a public hearing at the October 25 Council meeting and an ordinance second reading to be scheduled for November 8.

**Expenditure Required:** \$ 525,673

**Source of Funds:** General Capital Improvement Fund - Development Participation Account

**Background**

A component of the original Official Development Plan (“ODP”) approval for The Ranch Filings 2 and 6 was the construction and HOA maintenance of a perimeter fence. Little reinvestment and preventative maintenance has occurred since its original installation, to the point where it needs to be replaced in its entirety. Some time ago, the respective HOA Boards approached the City of Westminster with a request to form a special improvement district (“SID”) to enable them to replace the deteriorated wooden fence with a higher quality structure that will have longer life.

City staff reviewed the conditions, opportunities and limitations of the HOA and concurred with the recommendation to form an SID to replace the fence. Based on legal requirements of forming special improvement districts, long-term maintenance issues and the proposed alignment of the replacement structure just onto the existing public right-of-way of 120<sup>th</sup> Avenue, it was further recommended that the structure, once constructed at the cost of the HOA, be turned over to the City. This proposal was presented to City Council, and staff was instructed to work with the respective HOA’s to develop the program and to facilitate the preparation and presentation of signed petitions to City Council. Council requested that at least 60% (50% minimum is required by State statute) of the membership sign the petition (or 60% of the properties to be included in the SID) in order for the City to consider moving forward with the proposal.

Wall specifications for a single-thickness brick wall were developed, quotes received from masonry wall contractors to validate proposed project budget estimates, and special legal assistance was contracted for to aid in the preparation of the petitions and SID formation documents. A “Benefit Study” was conducted of each filing to evaluate the benefits that may be reasonably expected to accrue to all properties within the respective filings. The study concluded that the potential benefits of the project would far outpace the individual per-home costs. For example, the wall is projected to increase the value of homes in each filing by between 4% and 8%. Formal petitions were prepared and presented at two informational meetings for each filing.

The proposal for Filing 2 is for approximately 1,139 linear feet of wall at a cost-per-home of \$2,637, including capitalized maintenance and insurance, engineering and administrative costs. Financed via the SID, at a rate not to exceed 6.5% per year, the annual payment for a homeowner in Filing 2 would be approximately \$358.

The proposal for Filing 6 is for approximately 1,570 feet of wall at a cost-per-home of \$4,627, including capitalized maintenance and insurance, engineering and administrative costs. Financed via the SID, at a rate of 6.5% per year, the annual payment for a homeowner in Filing 6 would be approximately \$629.

Homeowners would have an opportunity to avoid financing costs by pre-paying the full amount. The source of capital for the project is intended to be the New Development Participation account, which currently has a sufficient balance to support the project. The actual capital outlay from that account is expected to be substantially reduced from the actual construction costs, as several homeowners in each filing are proposing to pre-pay and avoid the financing costs.

The Filing 2 HOA representatives submitted their petitions with a total of 63.7% of the households endorsing the project and requesting that an SID be formed. The Filing 6 HOA representatives presented their petitions with 64.6% of the households endorsing the project and requesting that an SID be formed. The next steps in the process of forming the SID’s include adopting the resolutions appended hereto, introducing the ordinances that will actually form the SID’s and holding a public hearing on the matter on October 25, and scheduling the second reading of the ordinances for November 8. Following a parallel track to those steps, Staff will publish notice and solicit bids from multiple masonry contractors to secure the best possible pricing for the residents of the respective filings.

Respectfully submitted,

J. Brent McFall  
City Manager  
Attachments

**SID No. 1 – Filing 6  
RESOLUTION**

RESOLUTION NO. **60**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

**A RESOLUTION MAKING AND ENTERING A PRELIMINARY ORDER FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS PURSUANT TO A PETITION TO CREATE A SPECIAL IMPROVEMENT DISTRICT WITHIN THE CITY, TO BE DESIGNATED THE RANCH SUBDIVISION SPECIAL IMPROVEMENT DISTRICT NO. 1, ADOPTING PRELIMINARY PLANS AND SPECIFICATIONS THEREFOR, AND ORDERING PUBLICATION AND MAILING OF A NOTICE OF HEARING TO THE OWNERS OF THE PROPERTY TO BE ASSESSED FOR IMPROVEMENTS IN SAID DISTRICT.**

**BE IT RESOLVED** by the City Council of the City of Westminster, Colorado as follows:

Section 1. The City has received a petition from the owners of property in The Ranch Subdivision Filing No. 6 (the "Petition"), to create a special improvement district within the City, to be designated The Ranch Subdivision Special Improvement District No. 1 (the "District"), for the construction and installation of the improvements more particularly described in this Resolution (the "Improvements"), and in connection therewith the City Council makes the following additional findings and determinations:

a. In accordance with §31-25-503(1)(a) and (b), C.R.S., any local improvement may be ordered by the City Council upon receipt of a petition for the construction of such improvements signed by the owners of property to be assessed more than one-half of the entire costs estimated by the City Council to be assessed for the Improvements.

b. The Petition is signed by the owners of property to be assessed more than sixty *percent* (60%) of the entire costs estimated by the City Council to be assessed.

c. In accordance with §31-25-503(3), C.R.S., it is necessary that a preliminary order be made, adopting preliminary plans and specifications, definitively describing the materials to be used or stating that one of several specified materials shall be chosen, determining the number of installments and the time in which the cost of the improvements shall be payable, and the property to be assessed for the cost of the improvements, and requiring an estimate of cost together with a map of the proposed district and a schedule showing the approximate amounts to be assessed on the several lots or parcels of property within the proposed district.

d. This Resolution shall constitute the preliminary order required by law.

Section 2. Pursuant to §31-25-501, *et seq.*, C.R.S., the City Council of the City of Westminster hereby accepts the Petition.

Section 3. Preliminary plans and specifications for the Improvements, entitled "Westminster Fence Replacement Pilot Program, Option No. 12" dated August 11, 2004, as prepared by the City Engineer ("Engineer") are hereby approved and adopted and are hereinafter called the "Plans."

Section 4. The materials specified and described in the Plans, generally consisting of a single-thickness brick perimeter wall, with foundation, cap, and major and minor brick columns, having elevations varying from 6 feet to 8 feet above existing grade, will be used in constructing the Improvements.

Section 5. The assessments to be levied for the Improvements shall be due and payable within 60 days after the final publication of the assessment ordinance; provided, however, that any owner of property subject to the assessments other than the City may elect to pay the same in ten equal annual installments of principal, with interest on the unpaid installments at a rate, not to exceed 6.50% *per annum*, as shall later be determined by the City Council and set forth in the assessment ordinance. The first of said installments shall be due and payable at such time as will be indicated in the assessment ordinance, and the remainder of the annual

installments and interest shall be due and payable successively on the same day in each year thereafter until all are paid in full.

Section 6. The property to be assessed for said improvements shall be the property specially benefited thereby and more particularly described in the Notice hereinafter set forth.

Section 7. This Resolution ratifies and confirms a previous order directing the City Engineer to make an estimate of the costs of the Improvements, a map of the District in which the Improvements are to be made and a schedule showing the approximate amounts to be assessed upon the several lots or parcels of property within the District, such ratification to be effective as of the date such order was originally given.

Section 8. A public hearing shall be held on the construction of the Improvements as described in the Notice hereinafter set forth. The City Clerk shall give notice of such hearing by publication in one issue of a newspaper of general circulation in the City, the publication to be at least twenty (20) days prior to the date of hearing. In addition, the Notice shall be mailed by first-class mail to each property owner to be assessed for the cost of the Improvements who is included within the proposed District. The mailed Notice shall be made on or about the date of the publication of the notice of hearing. The Notice to be published and mailed shall be in substantially the following form:

#### **NOTICE**

#### **OF A PROPOSITION TO CREATE A SPECIAL IMPROVEMENT DISTRICT IN THE CITY OF WESTMINSTER, COLORADO, TO BE KNOWN AS THE RANCH SUBDIVISION SPECIAL IMPROVEMENT DISTRICT NO. 1, FOR THE PURPOSE OF CONSTRUCTING AND INSTALLING CERTAIN PERIMETER WALL IMPROVEMENTS, TOGETHER WITH NECESSARY INCIDENTALS, AND OF A PUBLIC HEARING THEREON.**

1. All owners of real estate and property hereinafter described, and all persons generally, are hereby notified that the City Council of the City of Westminster, Colorado, has adopted a Resolution enacting a preliminary order proposing to create a special improvement district, to construct certain improvements described therein, and to assess the cost thereof against the property specially benefited by such improvements, all as more particularly set forth herein.

2. The City Council will hold a PUBLIC HEARING on the proposed District and construction of the proposed improvements on Monday, October 25, 2004, at 7:00 p.m. at the Westminster City Hall, 4800 West 92<sup>nd</sup> Avenue, Westminster, Colorado 80031. In addition, the City Council will consider an ordinance creating the District and authorizing the improvements at said meeting.

3. The kind of improvements proposed, the areas to be included within the District, and the extent of the District to be improved are as follows:

(a) The proposed improvements consist generally of a single-thickness brick perimeter wall, with foundation, cap, and major and minor brick columns, having elevations varying from 6 feet to 8 feet above existing grade, located in the right-of-way of 120<sup>th</sup> Avenue, extending approximately 1290 linear feet along the north boundary of the District to an angled entryway at Zuni Street, thence approximately 280 linear feet along the east boundary of Block 1, The Ranch Subdivision, Filing No. 6., in the right-of-way of Zuni Street, south from the angled entryway at 120<sup>th</sup> Avenue to the north right-of-way line of 119<sup>th</sup> Avenue, all in the City of Westminster, Adams County, Colorado. The improvements include demolition and disposal of the existing perimeter fence currently at the above locations, and replacement of sod disturbed during construction (collectively called the "Improvements").

(b) The District will consist of all of the lots in The Ranch Subdivision Filing No. 6, a part of the Northeast Quarter, Section 5, Township 2 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, City of Westminster, County of Adams, State of Colorado, more particularly described as follows:

Lots 1-22, inclusive, Block 1,  
Lots 1-43, inclusive, Block 2.

4. The estimated probable cost of the Improvements to be assessed against the property in the District, including capitalized insurance and maintenance of the Improvements for a period of ten (10) years, engineering, and the costs of organizing the District, is \$300,724. Said amount is expected to be assessed against the property in the District on per-lot basis. The estimated probable cost per lot is \$4,627. In the judgment of the City Council the foregoing method of assessment reflects the benefits which accrue to the properties to be assessed, as shown by the estimates of the Engineer. Such cost estimates and approximate amounts to be assessed have been formulated in good faith on the basis of the best information available, but are not binding. After a hearing on the assessments the City Council may make such modifications and changes to the assessments as may seem equitable. The cost of the Project shall be assessed, by ordinance, upon all real property within the District based upon the benefit conferred by the improvements upon each lot within the District.

5. Preliminary Plans and Design entitled "Westminster Fence Replacement Pilot Program, Option No. 12" dated August 11, 2004, together with a map, estimates, and schedules showing the approximate amounts to be assessed, and all resolutions and proceedings regarding the District are on file in the office of the City of Westminster Community Development Department. Property owners may inspect such documents for more detailed information about the Improvements, the estimated costs and assessment amounts, and proceedings regarding the District at said office, located at 4800 West 92<sup>nd</sup> Avenue, Westminster, Colorado 80031 at any time between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday except holidays, on or before the date of the hearing noticed in section 2 above.

6. The assessments will be due and payable without demand within 60 days from and after the final publication of an ordinance assessing the cost of said improvements against the real property in the District. If, however, the owner of any real property in the District fails to pay the whole of such assessment against his or her property within said 60 days, then the whole cost of the Improvements so assessed against such property shall be payable in ten equal annual installments of principal. The first of such installments shall be due and payable at such time as may be determined in and by the assessing ordinance, and the remainder of said installment shall be due and payable successively on the same day in each year thereafter until all are paid in full. Interest to be paid on unpaid and deferred installments shall be at a rate as shall later be determined by the City Council and set forth in the assessing ordinance, not to exceed 6.50% *per annum*.

7. Upon completion of said improvements or upon completion from time to time of any part thereof, and upon acceptance thereof by the City Council, or when the total cost of the Improvements or any part thereof can be reasonably ascertained, either prior to, during, or subsequent to the construction, such cost shall be apportioned to the property in the District. Notice of such apportionment shall be given and a hearing will be held prior to the adoption of an ordinance assessing such cost, all as provided by law.

8. All complaints and objections that may be made in writing concerning the Improvements by the owner or owners of any real property to be assessed will be heard and determined by the City Council at the meeting specified above, or at some adjournment thereof, before final action is taken.

DATED as of the 27<sup>th</sup> day of September, 2004.

Publish in: *The Westminster Window* on: September 30, 2004

Section 9. All Orders, Bylaws, and Resolutions of the City, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency.

Section 10. Should any one or more sections or provisions of this Resolution be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, the intention being that the various sections and provisions hereof are severable.

PASSED AND ADOPTED this 27<sup>th</sup> day of September, 2004.

ATTEST:

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Nancy McNally, Mayor

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Michele Kelley, City Clerk

**SID No. 2 –Filing 2  
RESOLUTION**

RESOLUTION NO. **59**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

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**A RESOLUTION MAKING AND ENTERING A PRELIMINARY ORDER FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS PURSUANT TO A PETITION TO CREATE A SPECIAL IMPROVEMENT DISTRICT WITHIN THE CITY, TO BE DESIGNATED THE RANCH SUBDIVISION SPECIAL IMPROVEMENT DISTRICT NO. 2, ADOPTING PRELIMINARY PLANS AND SPECIFICATIONS THEREFOR, AND ORDERING PUBLICATION AND MAILING OF A NOTICE OF HEARING TO THE OWNERS OF THE PROPERTY TO BE ASSESSED FOR IMPROVEMENTS IN SAID DISTRICT.**

**BE IT RESOLVED** by the City Council of the City of Westminster, Colorado as follows:

Section 1. The City has received a petition from the owners of property in The Ranch Subdivision Filing No. 2 (the "Petition"), to create a special improvement district within the City, to be designated The Ranch Subdivision Special Improvement District No. 2 (the "District"), for the construction and installation of the improvements more particularly described in this Resolution (the "Improvements"), and in connection therewith the City Council makes the following additional findings and determinations:

a. In accordance with §31-25-503(1)(a) and (b), C.R.S., any local improvement may be ordered by the City Council upon receipt of a petition for the construction of such improvements signed by the owners of property to be assessed more than one-half of the entire costs estimated by the City Council to be assessed for the Improvements.

b. The Petition is signed by the owners of property to be assessed more than sixty *percent* (60%) of the entire costs estimated by the City Council to be assessed.

c. In accordance with §31-25-503(3), C.R.S., it is necessary that a preliminary order be made, adopting preliminary plans and specifications, definitively describing the materials to be used or stating that one of several specified materials shall be chosen, determining the number of installments and the time in which the cost of the improvements shall be payable, and the property to be assessed for the cost of the improvements, and requiring an estimate of cost together with a map of the proposed district and a schedule showing the approximate amounts to be assessed on the several lots or parcels of property within the proposed district.

d. This Resolution shall constitute the preliminary order required by law.

Section 2. Pursuant to §31-25-501, *et seq.*, C.R.S., the City Council of the City of Westminster hereby accepts the Petition.

Section 3. Preliminary plans and specifications for the Improvements, entitled "Westminster Fence Replacement Pilot Program, Option No. 12" dated August 11, 2004, as prepared by the City Engineer ("Engineer") are hereby approved and adopted and are hereinafter called the "Plans."

Section 4. The materials specified and described in the Plans, generally consisting of a single-thickness brick perimeter wall, with foundation, cap, and major and minor brick columns, having elevations varying from 6 feet to 12 feet above existing grade, will be used in constructing the Improvements.

Section 5. The assessments to be levied for the Improvements shall be due and payable within 60 days after the final publication of the assessment ordinance; provided, however, that any owner of property subject to the assessments other than the City may elect to pay the same in ten equal annual installments of principal, with interest on the unpaid installments at a rate, not to exceed 6.50% *per annum*, as shall later be determined by the City Council and set forth in the assessment ordinance. The first of said installments shall be due and payable at such time as will be indicated in the assessment ordinance, and the remainder of the annual installments and interest shall be due and payable successively on the same day in each year thereafter until all are paid in full.

Section 6. The property to be assessed for said improvements shall be the property specially benefited thereby and more particularly described in the Notice hereinafter set forth.

Section 7. This Resolution ratifies and confirms a previous order directing the City Engineer to make an estimate of the costs of the Improvements, a map of the District in which the Improvements are to be made and a schedule showing the approximate amounts to be assessed upon the several lots or parcels of property within the District, such ratification to be effective as of the date such order was originally given.

Section 8. A public hearing shall be held on the construction of the Improvements as described in the Notice hereinafter set forth. The City Clerk shall give notice of such hearing by publication in one issue of a newspaper of general circulation in the City, the publication to be at least twenty (20) days prior to the date of hearing. In addition, the Notice shall be mailed by first-class mail to each property owner to be assessed for the cost of the Improvements who is included within the proposed District. The mailed Notice shall be made on or about the date of the publication of the notice of hearing. The Notice to be published and mailed shall be in substantially the following form:

#### **NOTICE**

#### **OF A PROPOSITION TO CREATE A SPECIAL IMPROVEMENT DISTRICT IN THE CITY OF WESTMINSTER, COLORADO, TO BE KNOWN AS THE RANCH SUBDIVISION SPECIAL IMPROVEMENT DISTRICT NO. 2, FOR THE PURPOSE OF CONSTRUCTING AND INSTALLING CERTAIN PERIMETER WALL IMPROVEMENTS, TOGETHER WITH NECESSARY INCIDENTALS, AND OF A PUBLIC HEARING THEREON.**

1. All owners of real estate and property hereinafter described, and all persons generally, are hereby notified that the City Council of the City of Westminster, Colorado, has adopted a Resolution enacting a preliminary order proposing to create a special improvement district, to construct certain improvements described therein, and to assess the cost thereof against the property specially benefited by such improvements, all as more particularly set forth herein.

2. The City Council will hold a PUBLIC HEARING on the proposed District and construction of the proposed improvements on Monday, October 25, 2004, at 7:00 p.m. at the Westminster City Hall, 4800 West 92<sup>nd</sup> Avenue, Westminster, Colorado 80031. In addition, the City Council will consider an ordinance creating the District and authorizing the improvements at said meeting.

3. The kind of improvements proposed, the areas to be included within the District, and the extent of the District to be improved are as follows:

(a) The proposed improvements consist generally of a single-thickness brick perimeter wall, with foundation, cap, and major and minor brick columns, having elevations varying from 6 feet to 12 feet above existing grade, located in the right-of-way of 120<sup>th</sup> Avenue, extending approximately 881 linear feet along the north boundary of the District to an angled entryway at Zuni Street, thence approximately 258 linear feet along the west boundary of Block 1, The Ranch Subdivision Filing No. 2, in the right-of-way of Zuni Street, south from the angled entryway at 120<sup>th</sup> Avenue to the north right-of-way line of 119<sup>th</sup> Avenue, all in the City of Westminster, Adams County, Colorado. The improvements include demolition and disposal of the existing perimeter fence currently at the above locations, and replacement of sod disturbed during construction (collectively called the "Improvements").

(b) The District will consist of all of the lots in The Ranch Subdivision Filing No. 2, a replat of a portion of Front Range Country Club Second Filing Subdivision, and a part of Sections 4 and 5, Township 2 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, City of Westminster, County of Adams, State of Colorado, more particularly described as follows:

- Lots 1-38, inclusive, Block 1,
- Lots 1-16, inclusive, Block 2,
- Lots 1-31, inclusive, Block 3,
- Lots 1-17, inclusive, Block 4.

4. The estimated probable cost of the Improvements to be assessed against the property in the District, including capitalized insurance and maintenance of the Improvements for a period of ten (10) years, engineering, and the costs of organizing the District, is \$268,984. Said amount is expected to be assessed against the property in the District on per-lot basis. The estimated probable cost per lot is \$2,637. In the judgment of the City Council the foregoing method of assessment reflects the benefits which accrue to the properties to be assessed, as shown by the estimates of the Engineer. Such cost estimates and approximate amounts to be assessed have been formulated in good faith on the basis of the best information available, but are not binding. After a hearing on the assessments the City Council may make such modifications and changes to the assessments as may seem equitable. The cost of the Project shall be assessed, by ordinance, upon all real property within the District based upon the benefit conferred by the improvements upon each lot within the District.

5. Preliminary Plans and Design entitled "Westminster Fence Replacement Pilot Program, Option No. 12" dated August 11, 2004, together with a map, estimates, and schedules showing the approximate amounts to be assessed, and all resolutions and proceedings regarding the District are on file in the office of the City of Westminster Community Development Department. Property owners may inspect such documents for more detailed information about the Improvements, the estimated costs and assessment amounts, and proceedings regarding the District at said office, located at 4800 West 92<sup>nd</sup> Avenue, Westminster, Colorado 80031 at any time between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday except holidays, on or before the date of the hearing noticed in section 2 above.

6. The assessments will be due and payable without demand within 60 days from and after the final publication of an ordinance assessing the cost of said improvements against the real property in the District. If, however, the owner of any real property in the District fails to pay the whole of such assessment against his or her property within said 60 days, then the whole cost of the Improvements so assessed against such property shall be payable in ten equal annual installments of principal. The first of such installments shall be due and payable at such time as may be determined in and by the assessing ordinance, and the remainder of said installment shall be due and payable successively on the same day in each year thereafter until all are paid in full. Interest to be paid on unpaid and deferred installments shall be at a rate as shall later be determined by the City Council and set forth in the assessing ordinance, not to exceed 6.50% *per annum*.

7. Upon completion of said improvements or upon completion from time to time of any part thereof, and upon acceptance thereof by the City Council, or when the total cost of the Improvements or any part thereof can be reasonably ascertained, either prior to, during, or subsequent to the construction, such cost shall be apportioned to the property in the District. Notice of such apportionment shall be given and a hearing will be held prior to the adoption of an ordinance assessing such cost, all as provided by law.

8. All complaints and objections that may be made in writing concerning the Improvements by the owner or owners of any real property to be assessed will be heard and determined by the City Council at the meeting specified above, or at some adjournment thereof, before final action is taken.

DATED as of the 27<sup>th</sup> day of September, 2004.

Publish in: *The Westminster Window* on September 30, 2004

Section 9. All Orders, Bylaws, and Resolutions of the City, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency.

Section 10. Should any one or more sections or provisions of this Resolution be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, the intention being that the various sections and provisions hereof are severable.

PASSED AND ADOPTED this 27<sup>th</sup> day of September, 2004.  
ATTEST:

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Nancy McNally, Mayor

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Michele Kelley, City Clerk





**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 27, 2004



**SUBJECT:** Councillor’s Bill No. 71 re Compensation Package for Public Works and Utilities Director

**Prepared By:** Matt Lutkus, Deputy City Manager for Administration

**Recommended City Council Action**

Pass Councillor’s Bill No. 71 as an emergency ordinance providing an exception to Section 1-24-4 of the Westminster Municipal Code related to the General Leave accrual rate for City employees and amending the City’s Pay Plan to provide for a 10.25% deferred compensation contribution for the new Public Works and Utilities Director.

**Summary Statement**

- City Staff and Adams Consulting, an executive search firm, recently concluded the recruitment and selection process for the vacant Public Works and Utilities Director position. The process included national advertising of the position vacancy and direct one-on-one recruitment efforts on the part of the consultant, multiple telephone interviews and a two-day interview and assessment process for the top five candidates.
- As a result of these efforts, the City Manager has selected Jim Arndt who is currently the Public Works Director for Kirkland, Washington. Mr. Arndt has extensive background in both the public and private sector aspects of public works.
- In order to provide Mr. Arndt with a compensation package that takes into account his current salary and benefits as a long-term department head in Kirkland, it is necessary to augment the compensation available in the City’s salary and benefit package. This exception to the normal practice is justified by the fact that the City will be obtaining an experienced and very capable director to fill the position vacated by Ron Hellbusch last June.
- The attached Councillor’s Bill will provide for a City contribution for deferred compensation that is equal to the City’s current employer retirement plan contribution. This contribution would not normally start until the 23<sup>rd</sup> month of employment. This provision does not take into account the difference in attracting and firing senior staff as opposed to entry level employees. In addition, the ordinance provides an exception to the City Code that will allow Mr. Arndt to accrue General Leave at the rate of 12.58 hours per pay period versus the 8.9 hours per pay period that is normally available to new employees.
- Funds for this higher level of benefits are available in the Public Works & Utilities Administration Salary account for 2004, and will be included in the 2005 and 2006 budgets to cover the future costs.

**Expenditure Required:** \$ 1,900 (2004)  
\$12,600 (2005)  
\$ 8,500 (2006)

**Source of Funds:** Utility Fund Operating Budget Public Works and Utilities Administration

## **Policy Issues**

Should City Council authorize an exception to the City's normal compensation practices to attract a highly experienced individual for a department head vacancy in the City?

## **Alternatives**

Do not approve the proposed Councillor's Bill. Staff does not recommend this alternative as it would likely preclude the City from being able to successfully recruit Mr. Arndt for this position.

## **Background Information**

Ron Hellbusch retired from the Public Works and Utilities Director position in June 2004 with more than 40 years experience in public works and related fields. Given the complexity of this function and the level of activity within the City's Public Works and Utilities Department, it was decided that recruitment efforts needed to focus on experienced candidates who could provide a comparable level of skills and expertise as the previous director. To assist in the recruitment effort, the City Manager contracted with a highly regarded executive recruiter, Tara Adams. Ms. Adams is the principal of a small firm that has considerable expertise in management recruitment. She has received very positive recommendations from cities who have worked with her. The recruitment for the City's Public Works and Utilities Director was delayed because of Ms. Adams' practice of focusing all of her efforts on one recruitment at a time rather than conducting recruitments for multiple organizations simultaneously.

The initial phases of the recruitment consisted of the placement of advertisements in several public works and general city management periodicals, the publication and distribution of a quality brochure on the position opening and direct one-on-one recruitment efforts on the part of Ms. Adams. A total of 136 candidates submitted job applications. Twelve candidates received telephone interviews and five of these candidates were selected to participate in a two-day selection process. Activities during this two-day period consisted of a series of interviews with an employee group, division managers, department head group representatives, an assessment/interview panel and the City Manager and Assistant City Manager. In addition, each of the candidates participated in two exercises that simulated normal job duties and each completed a written personality assessment that was later scored and summarized by an outside consultant. Finally, references were contacted for the top candidates.

After taking into account feedback from all of the participants in the selection process and the candidate's references, the City Manager decided to offer the Director position to Jim Arndt. Mr. Arndt has over 30 years of civil engineering and public works management experience in the private and public sectors. He currently serves as Public Works Director with the City of Kirkland, Washington, and worked previously as a Senior Project Engineer with a municipal engineering consulting firm and as Assistant Public Works Director in Yakima County, Washington. He has been the Public Works Director for Kirkland, a city of approximately 46,000 for the last 15 years. He currently manages a staff of 85 and has responsibility for development review, capital projects, transportation planning, traffic, streets, fleet, facilities and grounds maintenance and water and wastewater collection and distribution. He has had a number of significant accomplishments during his tenure at Kirkland, including the creation of a new water surface utility to address water quality and erosion problems and the establishment of a rate system to support these programs.

Typically the City's pay and benefit package is sufficient to enable recruitment of experienced individuals who are advancing in their fields. However, in this particular case, the compensation that could be allowed within the parameters of the City's pay plan will not provide a sufficient incentive to motivate a long-term experienced manager to make the move to a new community when all of the personal expenses associated with such a move are considered. It is therefore being recommended that the City's compensation package be augmented to address this particular recruitment. This exception to the normal practice is well justified given the fact that the City will be obtaining an experienced and very capable director to fill the position vacated by Ron Hellbusch.

**SUBJECT:** Councillor's Bill re Compensation Package for Public Works and Utilities Director Page 3

The proposed ordinance will allow for a payment of 10.25% of Mr. Arndt's salary to be made into a deferred compensation account for a period of 22 months. This will essentially allow for City retirement contributions to start immediately versus after the normal 22-month period. In addition, in order to recognize Mr. Arndt's considerable experience in public works, the ordinance will provide for his rate of general leave accrual to start at 12.58 hours per pay period which is comparable to a City employee with 20 years tenure. Mr. Arndt has accepted the position contingent upon the salary and benefits offered by the City Manager including those that require City Council authorization.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3155**

COUNCILOR'S BILL NO. **71**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Davia - Price**

A BILL

FOR AN EMERGENCY ORDINANCE GRANTING AN EXCEPTION TO THE LEAVE ACCRUAL PROVISIONS BASED ON "CONTINUOUS MUNICIPAL SERVICE" AND PROVIDING FOR A CITY CONTRIBUTION TO THE DEFERRED COMPENSATION PLAN FOR THE PUBLIC WORKS AND UTILITIES DIRECTOR BEYOND THE RANGE SET FORTH IN THE CITY'S 2004 AND PROPOSED 2005 AND 2006 CITY PAY PLANS.

WHEREAS, the City Administration has conducted an intensive recruitment and selection process to replace a long-term City Public Works and Utilities Director, and

WHEREAS, the City Council has determined that it would be in the best interests of the City organization to select a candidate who has extensive experience in public works and related fields, and

WHEREAS, providing a compensation package that is beyond the current City Pay Plan and benefit rates is appropriate given the level of knowledge, experience and aptitude of the top candidate for the Public Works and Utilities Director vacancy,

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Notwithstanding any provision of the City Charter, the City Code or the City's Personnel Policies and Rules to the contrary, the City Manager is hereby authorized to pay the Public Works and Utilities Director deferred compensation in an amount not to exceed 10.25% of the maximum salary provided to that position in the 2004 pay plan and the proposed pay plans for 2005 and 2006. These payments shall continue until the Director's 23<sup>rd</sup> month of employment when employer contributions to the City pension plan begin.

Section 2. For the purposes of determining the rate of accrual for General Leave for the Public Works and Utilities Director, the accrual rate for employees designated with "over 20 years" of continuous municipal service in Section 1-24-4 B1 of the Westminster Municipal Code shall be used when calculating his general leave accrual as well as for calculating other leave benefits identified in other sections of the Code and the City's Personnel Rules and Policies.

Section 3. Because of the need to complete the offer of employment for this position in a timely fashion, an emergency is declared to exist and the ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on September 27, 2004, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 4. The benefits intended by this ordinance shall be terminated upon the resignation, termination, or other separation from service of the Public Works & Utilities Director, who is scheduled to commence employment with the City on November 1, 2004.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 27th day of September, 2004.

ATTEST:

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
September 27, 2004



**SUBJECT:** Public Hearing and Second Reading of Councillor’s Bill No. 67 re Issuance of Building Permits within the Holly Park Urban Renewal Area

**Prepared By:** Marty McCullough, City Attorney

**Recommended City Council Action:**

1. Hold a public hearing on proposed Councillor’s Bill No. 67.
2. Pass Councillor’s Bill No. 67 on second reading temporarily suspending the processing and issuance of building permits within the HollyPark Urban Renewal Area until such time as (a) the Westminster Economic Development Authority (“WEDA” or “Authority”) has completed its review of redevelopment proposals received in response to its Request for Proposals (“RFP”) dated August 6, 2004, and has accepted a proposal, (b) WEDA has rejected all such proposals, or (c) 180 days has passed following the adoption of this ordinance on second reading, whichever occurs first.

**Summary Statement**

- On August 6, 2004, the WEDA issued an RFP for the redevelopment or rehabilitation of the Holly Park Townhome Project.
- On September 1, 2004, the Executive Director of WEDA requested that the City enact a 180-day temporary moratorium on the issuance of building permits and the consideration of development plan approvals within the Holly Park Urban Renewal Area.
- This Councillor’s Bill was passed on first reading on September 13, 2004.
- In order to provide the property owner and any other interested parties an opportunity to appear concerning this proposed ordinance, a public hearing has been scheduled prior to Council’s consideration of this Councillor’s Bill on second reading. Notice of tonight’s public hearing was published on September 23, 2004, in the *Westminster Window*. In addition, notice was provided to all respondents to WEDA’s RFP.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3156**

COUNCILLOR'S BILL NO. **67**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Dixon - Kauffman**

A BILL

FOR AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM UPON THE REVIEW,  
APPROVAL, OR ISSUANCE OF BUILDING PERMITS WITHIN THE HOLLYPARK URBAN  
RENEWAL AREA

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds as follows:

A. The City of Westminster is a home-rule municipality organized and existing under the provisions of Colorado Constitution Article XX;

B. C.R.S. § 31-25-112 provides, among other things, that any public body, within its powers, purposes, and functions and for the purpose of aiding an authority in or in connection with the planning or undertaking pursuant to Part I of the Colorado Urban Renewal Law of any plans, projects, programs, works, operations, or activities of such authority whose area of operation is situated in whole or in part within the area in which such public body is authorized to act, upon such terms as such public body shall determine, may:

(1) Do all things necessary to aid or cooperate with such authority in or in connection with the planning or undertaking of any plans, projects, programs, works, operations, or activities;

(2) Enter into agreements with such authority respecting actions to be taken pursuant to any of the powers set forth in Part I of the Colorado Urban Renewal Law, including agreements respecting the planning or undertaking of any such plans, projects, programs, works, operations, or activities which such public body is otherwise empowered to undertake;

(3) Plan or re-plan and zone or re-zone any part of the area under the jurisdiction of such public body, or make exceptions from its building regulations;

(4) Cause administrative or other services to be furnished to such authority;

(5) For the advancement of the public interests for the purpose of aiding and cooperating in the planning, acquisition, demolition, rehabilitation, construction, or relocation or otherwise assisting the operation or activities of an urban renewal project located wholly or partly within the area in which it is authorized to act, a public body may enter into agreements which may extend over any period with an authority respecting action taken or to be taken pursuant to any of the powers granted by Part I of the Colorado Urban Renewal Law;

C. The Westminster Economic Development Authority established the HollyPark Urban Renewal Area on February 23, 2004.

D. The Westminster Economic Development Authority issued a request for proposals for the redevelopment of the HollyPark Townhome Project, which is located within the HollyPark Urban Renewal Area, on August 6, 2004;

E. The deadline for submitting proposals for the redevelopment of the HollyPark Townhome Area pursuant to the RFP was September 7, 2004;

- F. City Staff also serves as Staff for the Westminster Economic Development Authority;
- G. Significant time will be required of City Staff to review and analyze the proposals and develop a recommendation for the Westminster Economic Development Authority;
- H. The City has very limited Staff resources at this time. Expending Staff time reviewing applications for building permits for the Holly Park Townhome Project before the Authority has selected a redeveloper for the Project would be an inefficient and imprudent use of such resources;
- I. It would be inconsistent for the City to be reviewing applications or issuing building permits for this property at the same time that the Westminster Economic Development Authority is considering proposals that would also require building permits to be secured by the selected redeveloper;
- J. Wells Fargo Bank, which holds a lien upon the HollyPark property in a total amount in excess of \$6 million dollars, has notified the Authority that it has commenced foreclosure of its liens and intends to actively undertake discussions with various developers who have expressed an interest in acquiring its position and completing the project as part of the request for proposal process;
- K. The Executive Director of the Westminster Economic Development Authority has requested City Council to consider a temporary moratorium on the issuance of building permits within the HollyPark Urban Renewal Area until such time as the Authority's request for proposal process can be completed; and
- L. The adoption of this ordinance would assist and aid the Authority with the planning and undertaking of the Holly Park Urban Renewal Project as contemplated by C.R.S. § 31-25-112, and would further the goals and objectives of the Urban Renewal Plan for this area as previously adopted by City Council pursuant to C.R.S. § 31-25-107.

Section 2. On and after the effective date of this ordinance, no applications for building permits shall be considered and no building permits shall be issued within the HollyPark Urban Renewal Area until such time as: (A) the Westminster Economic Development Authority notifies the City pursuant to C.R.S. § 31-75-106 of the Authority's acceptance of a redevelopment proposal received in response to the Authority's Request for Proposals dated August 6, 2004, (B) the Westminster Economic Development Authority notifies the City that it has rejected all such proposals and has determined not to solicit further proposals, or (C) 180 days has passed since the adoption of this ordinance on second reading, whichever event occurs first.

Section 3. It is the intent of the City Council that, during the pendency of the Westminster Economic Development Authority's request for proposal process, no building permits shall be issued within the HollyPark Urban Renewal Area except to the extent consistent with and in furtherance of the Authority's request for proposal process, and the Holly Park Urban Renewal Plan.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of September, 2004.

\_\_\_\_\_  
Mayor

ATTEST:

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

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, September 27, 2004. . Mayor McNally, Councillors Davia, Dittman, Dixion, Kauffman, and Price were present at roll call. Absent Hicks.

The minutes of September 13, 2004 meetings were approved.

The following Public Hearing was held: at 7:15 p.m. the public hearing was opened on the Issuance of Building Permits within the Holly Park Urban Renewal Area.

Council approved the following: August 2004 Financial Report; Quarterly Insurance Reports for January-June 2004; IGA with City of Northglenn for the Architectural Enhancements on 120<sup>th</sup> Ave Bridge Replacement over I-25; Authorization re Purchase of Unified Messaging System with Hi Country Wire and Telephone for \$129,286; Retail and Legal Services Contracts for \$550,000; Change Order for the City Hall HVAC Remodel Project with Adams Mendel Allison Construction for \$27,527; Construction Contract with American Civil Constructors for \$394,900.

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

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH CPS DISTRIBUTORS INC. TO AID IN THE ATTRACTING OF THIS COMPANY TO PARK CENTRE BUSINESS PARK IN WESTMINSTER purpose: Business Assistance Package with CPS Distributors

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND purpose: Westminster Skatepark Supplemental Appropriation

A BILL FOR AN ORDINANCE INCREASING THE 2004 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND purpose: Local Law Enforcement Block Grant Funds Appropriation

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

A BILL FOR AN EMERGENCY ORDINANCE GRANTING AN EXCEPTION TO THE LEAVE ACCRUAL PROVISIONS BASED ON "CONTINUOUS MUNICIPAL SERVICE" AND PROVIDING FOR A CITY CONTRIBUTION TO THE DEFERRED COMPENSATION PLAN FOR THE PUBLIC WORKS AND UTILITIES DIRECTOR BEYOND THE RANGE SET FORTH IN THE CITY'S 2004 AND PROPOSED 2005 AND 2006 CITY PAY PLANS purpose: Compensation package for new Public Works & Utilities Director

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14 AND 15, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

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

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14 AND 15, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO



A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING LAND USE AND DEVELOPMENT REVIEW FEES

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE ADDENDUM WITH SYNCRONESS INC. TO AID IN THE RETENTION AND EXPANSION OF SYNCRONESS INC. TO WALNUT CREEK BUSINESS PARK IN WESTMINSTER

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS

A BILL FOR AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM UPON THE REVIEW, APPROVAL, OR ISSUANCE OF BUILDING PERMITS WITHIN THE HOLLYPARK URBAN RENEWAL AREA

The following Resolutions were adopted:

Resolution No. 58 re Easement Acquisition for England Waterline

Resolution No. 59 Ranch Subdivision Filing 2 SID No. 1–Preliminary Order/Scheduling Public Hearing

Resolution No. 60 Ranch Subdivision Filing 6 SID No. 2–Preliminary Order/Scheduling Public Hearing

At 7:26 p.m. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on October 7, 2004

SERIES OF 2004

INTRODUCED BY COUNCILLORS  
**Hicks - Dixon**

## A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14 AND 15, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster an application 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 application and accompanying maps are in substantial compliance with Section 31-12-101, et.seq., Colorado Revised Statutes, as amended; and

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

WHEREAS, City Council has heretofore adopted Resolution No. 53 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land in the southwest quarter of Section 14 and in the southeast quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, in the County of Jefferson, in the State of Colorado, more particularly described as follows;

Beginning at the southwest quarter corner of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 2586.26 feet on which all bearings hereon are based, the true point of beginning;

Thence along the east line of said Section 15, along the east line of that parcel annexed to the City of Westminster as recorded in Book 37 at Page 19, File 489530 of the records of the Jefferson County Clerk and Recorder, N00°31'29"W, 486.80 feet to a point on a non-tangent curve to the right on the west line of the Colorado & Southern Railroad; thence along said east line along said curve with a central angle of 56°23'07", a radius of 2006.00 feet, an arc length of 1974.13 feet, long chord bears N00°31'29"W, 1895.42 feet to a point on the west line of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 204.03 feet; thence continuing along said east line along said curve with a central angle of 06°49'02", a radius of 2006.00 feet, an arc length of 238.68 feet, long chord bears N31°04'36"E, 238.54 feet to a point on the north line of said section from whence the west quarter corner of said section bears S89°52'19"W, 125.00 feet; thence N89°52'19"E, 167.50 feet to a point on the east line of said railroad, on the west line of Wadsworth Acres as recorded at Reception Number 62919166 of said records; thence along said west line S35°37'56"W, 167.02 feet; thence continuing along said west line S28°44'31"W, 225.20 feet to the northwesterly corner of Lot 23 of said acres; thence along the northerly line of said Lot S62°59'29"E, 201.30 feet to a point on a non-tangent curve left; thence along the easterly line of said lot along said curve with a central angle of 54°36'51", a radius of 134.60 feet, an arc length of 128.30 feet, long chord bears S00°17'54"E, 123.50 feet; thence along the southerly line of said

lot S73°54'54"W, 271.84 feet to a point on the east line of said Section 15 on the east line of that parcel described at Reception Number F1046849 of said records; thence along said east line and the following five courses; 1) S00°54'37"E, 23.75 feet; 2) S44°14'02"W, 32.45 feet; 3) S09°22'11"W, 108.38 feet; 4) S22°21'45"E, 20.57 feet; 5) S06°43'31"W, 71.46 feet to a point on the north line of Big Dry Creek; thence along said north line S67°08'27"E, 46.50 feet to a point on the west line of said Section 14 on the west line of said acres; thence along said west line S00°31'29"E, 51.57 feet to a point on the south line of Big Dry Creek; thence continuing along said west line S00°31'29"E, 796.29 feet to a point on the east line of the Colorado & Southern Railroad; thence along said east line, continuing along said west line along the following six courses 1) S19°28'47"E, 75.99 feet; 2) S29°36'47"E, 203.67 feet; 3) S36°23'47"E, 210.07 feet; 4) S42°09'47"E, 238.77 feet; 5) S42°27'47"E, 217.67 feet; 6) S45°27'47"E, 131.78 feet to a point on the south line of said Section 14 at the northwest corner of that land annexed to the City of Westminster and recorded at Reception Number 83078140 of said records; thence S89°29'12"W, 283.10 feet to a point on the west line of said railroad on the east line of Colorado State Highway 121 (Wadsworth Boulevard) at the northeast corner of that land annexed to the City of Westminster and recorded at Reception Number 630745 of said records; thence along the north line of said annexation S89°29'12"W, 360.90 feet to the point of beginning; Total perimeter 6734 feet – contiguous perimeter 3061 feet – 45% contiguity. Said property contains 638902 square feet or 14.6672 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 13th day of September, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS  
**Hicks - Dixon**

## A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

A parcel of land in the southwest quarter of Section 14 and in the southeast quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, in the County of Jefferson, in the State of Colorado, more particularly described as follows;

Beginning at the southwest quarter corner of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 2586.26 feet on which all bearings hereon are based, the true point of beginning;

Thence along the east line of said Section 15, along the east line of that parcel annexed to the City of Westminster as recorded in Book 37 at Page 19, File 489530 of the records of the Jefferson County Clerk and Recorder, N00°31'29"W, 486.80 feet to a point on a non-tangent curve to the right on the west line of the Colorado & Southern Railroad; thence along said east line along said curve with a central angle of 56°23'07", a radius of 2006.00 feet, an arc length of 1974.13 feet, long chord bears N00°31'29"W, 1895.42 feet to a point on the west line of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 204.03 feet; thence continuing along said east line along said curve with a central angle of 06°49'02", a radius of 2006.00 feet, an arc length of 238.68 feet, long chord bears N31°04'36"E, 238.54 feet to a point on the north line of said section from whence the west quarter corner of said section bears S89°52'19"W, 125.00 feet; thence N89°52'19"E, 167.50 feet to a point on the east line of said railroad, on the west line of Wadsworth Acres as recorded at Reception Number 62919166 of said records; thence along said west line S35°37'56"W, 167.02 feet; thence continuing along said west line S28°44'31"W, 225.20 feet to the northwesterly corner of Lot 23 of said acres; thence along the northerly line of said Lot S62°59'29"E, 201.30 feet to a point on a non-tangent curve left; thence along the easterly line of said lot along said curve with a central angle of 54°36'51", a radius of 134.60 feet, an arc length of 128.30 feet, long chord bears S00°17'54"E, 123.50 feet; thence along the southerly line of said lot S73°54'54"W, 271.84 feet to a point on the east line of said Section 15 on the east line of that parcel described at Reception Number F1046849 of said records; thence along said east line and the following five courses; 1) S00°54'37"E, 23.75 feet; 2) S44°14'02"W, 32.45 feet; 3) S09°22'11"W, 108.38 feet; 4) S22°21'45"E, 20.57 feet; 5) S06°43'31"W, 71.46 feet to a point on the north line of Big Dry Creek; thence along said north line S67°08'27"E, 46.50 feet to a point on the west line of said Section 14 on the west line of said acres; thence along said west line S00°31'29"E, 51.57 feet to a point on the south line of Big Dry Creek; thence continuing along said west line S00°31'29"E, 796.29 feet to a point on the east line of the Colorado & Southern Railroad; thence along said east line, continuing along said west line along the

following six courses 1) S19°28'47"E, 75.99 feet; 2) S29°36'47"E, 203.67 feet; 3) S36°23'47"E, 210.07 feet; 4) S42°09'47"E, 238.77 feet; 5) S42°27'47"E, 217.67 feet; 6) S45°27'47"E, 131.78 feet to a point on the south line of said Section 14 at the northwest corner of that land annexed to the City of Westminster and recorded at Reception Number 83078140 of said records; thence S89°29'12"W, 283.10 feet to a point on the west line of said railroad on the east line of Colorado State Highway 121 (Wadsworth Boulevard) at the northeast corner of that land annexed to the City of Westminster and recorded at Reception Number 630745 of said records; thence along the north line of said annexation S89°29'12"W, 360.90 feet to the point of beginning; Total perimeter 6734 feet – contiguous perimeter 3061 feet – 45% contiguity. Said property contains 638902 square feet or 14.6672 acres more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to Public Open Space, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13<sup>th</sup> of September, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of September, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS  
**Hicks – Dixon**

## A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14 AND 15, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminister O-1 zoning has been submitted to the City for its approval pursuant to Westminister Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminister 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 Westminister Municipal Code Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminister O-1. A parcel of land located in Sections 14 and 15, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land in the southwest quarter of Section 14 and in the southeast quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, in the County of Jefferson, in the State of Colorado, more particularly described as follows;

Beginning at the southwest quarter corner of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 2586.26 feet on which all bearings hereon are based, the true point of beginning;

Thence along the east line of said Section 15, along the east line of that parcel annexed to the City of Westminister as recorded in Book 37 at Page 19, File 489530 of the records of the Jefferson County Clerk and Recorder, N00°31'29"W, 486.80 feet to a point on a non-tangent curve to the right on the west line of the Colorado & Southern Railroad; thence along said east line along said curve with a central angle of 56°23'07", a radius of 2006.00 feet, an arc length of 1974.13 feet, long chord bears N00°31'29"W, 1895.42 feet to a point on the west line of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 204.03 feet; thence continuing along said east line along said curve with a central angle of 06°49'02", a radius of 2006.00 feet, an arc length of 238.68 feet, long chord bears N31°04'36"E, 238.54 feet to a point on the north line of said section from whence the west quarter corner of said section bears S89°52'19"W, 125.00 feet; thence N89°52'19"E, 167.50 feet to a point on the east line of said railroad, on the west line of Wadsworth Acres as recorded at Reception Number 62919166 of said records; thence along said west line S35°37'56"W, 167.02 feet; thence continuing along said west line S28°44'31"W, 225.20 feet to the northwesterly corner of Lot 23 of said acres; thence along the northerly line of said Lot S62°59'29"E, 201.30 feet to a point on a non-tangent curve left; thence along the easterly line of said lot along said curve with a central angle of 54°36'51", a radius of 134.60 feet, an arc length of 128.30 feet, long chord bears S00°17'54"E, 123.50 feet; thence along the southerly line of said lot S73°54'54"W, 271.84 feet to a point on the east line of said Section 15 on the east line of that parcel described at Reception Number F1046849 of said records; thence along said east line and the following

five courses; 1) S00°54'37"E, 23.75 feet; 2) S44°14'02"W; 32.45 feet; 3) S09°22'11"W, 108.38 feet; 4) S22°21'45"E, 20.57 feet; 5) S06°43'31"W, 71.46 feet to a point on the north line of Big Dry Creek; thence along said north line S67°08'27"E, 46.50 feet to a point on the west line of said Section 14 on the west line of said acres; thence along said west line S00°31'29"E, 51.57 feet to a point on the south line of Big Dry Creek; thence continuing along said west line S00°31'29"E, 796.29 feet to a point on the east line of the Colorado & Southern Railroad; thence along said east line, continuing along said west line along the following six courses 1) S19°28'47"E, 75.99 feet; 2) S29°36'47"E, 203.67 feet; 3) S36°23'47"E, 210.07 feet; 4) S42°09'47"E, 238.77 feet; 5) S42°27'47"E, 217.67 feet; 6) S45°27'47"E, 131.78 feet to a point on the south line of said Section 14 at the northwest corner of that land annexed to the City of Westminster and recorded at Reception Number 83078140 of said records; thence S89°29'12"W, 283.10 feet to a point on the west line of said railroad on the east line of Colorado State Highway 121 (Wadsworth Boulevard) at the northeast corner of that land annexed to the City of Westminster and recorded at Reception Number 630745 of said records; thence along the north line of said annexation S89°29'12"W, 360.90 feet to the point of beginning; Total perimeter 6734 feet – contiguous perimeter 3061 feet – 45% contiguity. Said property contains 638902 square feet or 14.6672 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 13<sup>th</sup> day of September, 2004. PASSED, ENACTED ON  
SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of September, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS  
**Dittman - Davia**

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING LAND USE AND DEVELOPMENT REVIEW FEES

THE CITY OF WESTMINSTER ORDAINS:

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

**11-1-6: LAND USE AND DEVELOPMENT REVIEW FEE SCHEDULE:** An applicant for any of the following land use or development reviews shall pay in advance the corresponding fee or fees:

**(A) Review Fees:**

PDP or amendment – Concept Review	\$350 (x) sq. rt. of acres (\$350 min.)
PDP or amendment – Technical Review	\$350 (x) sq. rt. of acres (\$350 min.)
ODP or amendment – Concept Review	\$400 (x) sq. rt. of acres (\$400 min.)
ODP or amendment – Technical Review	\$400 (x) sq. rt. of acres (\$400 min.)
Combined PDP/ODP (including amendments)	
Concept Review	\$550 (x) sq. rt. of acres (\$550 min.)
Technical Review	\$550 (x) sq. rt. of acres (\$550 min.)
Rezoning	\$500
Annexation	\$300
Comprehensive Land Use Plan Amendments	\$500
Minor Administrative Amendment	\$250
Public Hearing	\$350
ODP Waiver	\$250
Special Use Permit	\$450
Temporary Use Permit	\$100
BOARD OF ADJUSTMENT AND APPEALS	\$250
Construction Drawing Reviews	\$750 + \$75 times the sq. rt. of acres (\$1125 max)
Minor Replat (Lot Line Adjustment)	\$300
Vacations (R.O.W. and Easements)	\$300
Land Disturbance Permits	\$250
R.O.W./Street Cut Permit	\$ 50
DEVELOPMENT SIGN POSTING FEE	\$ 50

Section 2. Section 2-6-5, Westminster Municipal Code, is hereby REPEALED in its entirety as follows:

**BOARD OF ADJUSTMENT AND APPEALS**

~~**2-6-5: FEES:** The following fees shall be paid to the Clerk with every application for a hearing before the Board:~~

~~(A) A sum of twenty five dollars (\$25) with each application for a variance, appeal or Zoning Map determination.~~

~~(B) The City Clerk shall certify the cost of advertising said hearing which cost shall be paid by the applicant at or before the public hearing.~~

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 13<sup>th</sup> day of September, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Kauffman - Dixon**

A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE ADDENDUM WITH SYNCRONESS INC. TO AID IN THE RETENTION AND EXPANSION OF SYNCRONESS INC. TO WALNUT CREEK BUSINESS PARK IN WESTMINSTER

WHEREAS, the Addendum will provide sales and use tax rebates for purchase of furniture and fixtures,

WHEREAS, a proposed Business Assistance Package Addendum between the City and Synchroness, Inc. is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into a Business Assistance Package Addendum with Synchroness, Inc. 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 13th day of September 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Davia - Price**

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$148,082 which, when added to the fund balance as of the City Council action on September 14, 2004 will equal \$86,591,599. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of reimbursements, library donations, and lease proceeds.

Section 2. The \$148,082 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>REVENUES</b>		Current		Revised
Description	Account Number	Budget	Amendment	Budget
Federal Grants	1000.40610.0000	\$43,911	\$4,103	\$48,014
General Misc	1000.43060.0000	156,366	125	156,491
Other Financing Use	1000.46000.0000	1,429,973	<u>143,854</u>	1,573,827
Total Change to Revenues			<u>\$148,082</u>	

<b>EXPENSES</b>		Current		Revised
Description	Account Number	Budget	Amendment	Budget
Overtime	10020300.60400.0344	\$12,911	\$4,103	\$17,014
Library Matrlns	10050620.71600.0000	302,500	125	302,625
Other Financing Use	10010900.78800.0000	1,466,776	<u>143,854</u>	1,610,630
Total Change to Expenses			<u>\$148,082</u>	

Section 3. The 2004 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$369,555 which, when added to the fund balance as of the City Council action on September 13, 2004 will equal \$17,976,552. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is from 2003 carryover to set-up a separate capital project for the Holly Park Development.

Section 4. The \$369,555 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

<b>REVENUES</b>		Current		Revised
Description	Account Number	Budget	Amendment	Budget
Carryover	7501.40020.0000	\$0	<u>\$369,555</u>	\$369,555
Total Change to Revenue			<u>\$369,555</u>	

<b>EXPENSES</b>		2004		2004
Description	Account Number	Adopted	Amendment	Revised
Holly Park - LOC	80475030619.80400.8888	\$0	\$506,000	\$506,000
Capital Projects Reserve	80175050186.80400.8888	844,912	<u>(136,445)</u>	708,467
Total Change to Expenses			<u>\$369,555</u>	

Section 5. The 2004 appropriation for the Debt Service Fund initially appropriated by Ordinance No. 2977 in the amount of \$7,603,664 is hereby increased by \$558,000 which, when added to the fund balance as of the City Council action on September 13, 2004 will equal \$8,161,664. The actual amount in the Debt Service Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the appropriation of 2003 carryover.

Section 6. The \$558,000 increase in the Debt Service Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

<b>REVENUES</b>		Current		Revised
Description	Account Number	Budget	Amendment	Budget
Carryover	8000.40020.0000	\$74,171	<u>\$558,000</u>	\$632,171
Total Changes to Revenue			<u>\$558,000</u>	

<b>EXPENSES</b>		Current		Revised
Description	Account Number	Budget	Amendment	Budget
Interest	80010900.78400.0058	\$0	<u>\$558,000</u>	\$558,000
Total Change to Expenses			<u>\$558,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 13th day of September, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Davia - Price**

## A BILL

FOR AN EMERGENCY ORDINANCE GRANTING AN EXCEPTION TO THE LEAVE ACCRUAL PROVISIONS BASED ON "CONTINUOUS MUNICIPAL SERVICE" AND PROVIDING FOR A CITY CONTRIBUTION TO THE DEFERRED COMPENSATION PLAN FOR THE PUBLIC WORKS AND UTILITIES DIRECTOR BEYOND THE RANGE SET FORTH IN THE CITY'S 2004 AND PROPOSED 2005 AND 2006 CITY PAY PLANS.

WHEREAS, the City Administration has conducted an intensive recruitment and selection process to replace a long-term City Public Works and Utilities Director, and

WHEREAS, the City Council has determined that it would be in the best interests of the City organization to select a candidate who has extensive experience in public works and related fields, and

WHEREAS, providing a compensation package that is beyond the current City Pay Plan and benefit rates is appropriate given the level of knowledge, experience and aptitude of the top candidate for the Public Works and Utilities Director vacancy,

## THE CITY OF WESTMINSTER ORDAINS:

Section 1. Notwithstanding any provision of the City Charter, the City Code or the City's Personnel Policies and Rules to the contrary, the City Manager is hereby authorized to pay the Public Works and Utilities Director deferred compensation in an amount not to exceed 10.25% of the maximum salary provided to that position in the 2004 pay plan and the proposed pay plans for 2005 and 2006. These payments shall continue until the Director's 23<sup>rd</sup> month of employment when employer contributions to the City pension plan begin.

Section 2. For the purposes of determining the rate of accrual for General Leave for the Public Works and Utilities Director, the accrual rate for employees designated with "over 20 years" of continuous municipal service in Section 1-24-4 B1 of the Westminster Municipal Code shall be used when calculating his general leave accrual as well as for calculating other leave benefits identified in other sections of the Code and the City's Personnel Rules and Policies.

Section 3. Because of the need to complete the offer of employment for this position in a timely fashion, an emergency is declared to exist and the ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on September 27, 2004, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 4. The benefits intended by this ordinance shall be terminated upon the resignation, termination, or other separation from service of the Public Works & Utilities Director, who is scheduled to commence employment with the City on November 1, 2004.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 27th day of September, 2004.