

SPECIAL CITY COUNCIL MEETING

MONDAY, OCTOBER 7, 1996 AT 6:15 P.M.

1. Pledge of Allegiance
2. Roll Call
3. Purpose of Special Meeting:
  - A. Cheyenne Ridge Acquisition of Parkland
  - B. Councillor's Bill No. 67 re Transfer of Funds for Cheyenne Ridge Parkland Acquisition
  - C. Resolution No. 48 re Support of Amendment 16
  - D. Presentation by Charles Martin re Animal Shelter
4. Adjournment

October 4, 1996

To All Members of City Council

A special meeting of the City Council has been set for Monday, October 7, 1996 at 6:15 P.M. for the following purposes:

- A. Cheyenne Ridge Acquisition of Parkland
- B. Resolution re Support of Amendment 16 re Public Trust Land
- C. Presentation by Charles Martin re Animal Shelter

Sincerely,

Michele Kelley, CMC  
City Clerk

October 2, 1996

Michele Kelley, City Clerk  
City of Westminster  
4800 West 92nd Avenue  
Westminster, CO 80030

Dear Michele:

Please call a special meeting of the City Council for Monday, October 7, 1996 at 6:15 P.M. for the following purposes:

Cheyenne Ridge Acquisition of Green Space

Resolution re Support of Amendment 16 re Public Trust Land

Presentation by Charles Martin re Animal Shelter

Sincerely,

Nancy M. Heil  
Mayor

**Date:** October 7, 1996

**Subject:** Cheyenne Ridge Subdivision Parkland Purchase

**Prepared by:** John Carpenter, Director of Community Development

### **Introduction**

City Council is requested to authorize the acquisition of approximately 3.5 acres of land from the Community Development Group for a park within the Cheyenne Ridge Subdivision. At Council's direction and with input from representatives of the Quail Hill Subdivision, Staff has negotiated an agreement to expand the park area proposed for the Cheyenne Ridge Subdivision.

### **Summary**

At the September 23, 1996 City Council meeting, Council approved the Cheyenne Ridge Official Development Plan (ODP). At that meeting, Council authorized Staff to negotiate the acquisition of up to 4 acres (in addition to the land being dedicated by the developer) for use as a "green space." Staff and Quail Hill Homeowners Association representatives have agreed that Alternative A, described herein, is the preferred alternative to increase "green space" in the Cheyenne Ridge development. This alternative would eliminate 9 lots and create a centrally located, functional park area. The acquisition cost is \$330,000.

### **Staff Recommendation**

1. Authorize the City Manager to execute all documents related to the acquisition of approximately 3.5 acres of land for a future park site within the Cheyenne Ridge Subdivision, the boundaries of which are depicted in Alternative A based on a purchase price of \$330,000 subject to the Quail Hill Homeowners Association committing to no further litigation on the Cheyenne Ridge development.
2. Pass Councillor's Bill No. on first reading which authorizes the transfer and use of \$330,000 from the General Fund Contingency fund to the General Capital Improvement Fund for the parkland acquisition.

### **Background**

On September 26, Bill Walenczak, John Carpenter, and Bill Christopher met with Jon Lee of the Community Development Group (CDG), developer of Cheyenne Ridge, to discuss possible alternative green space acquisition alternatives. As a result of that meeting, three alternative concepts (see attachments) were developed. Jon Lee, the developer's representative, agreed to further refine the acquisition boundaries of the three alternatives and provide a proposed price for each alternative.

On September 30, Staff received a written proposal from Jon Lee (copy attached) which included a map and proposed sales price of the three alternatives. The alternatives are summarized below:

<u>em</u>	<u>Number of Lots Eliminated</u>	<u>Acres To Be Purchased</u>	<u>Total Acres Including Donation</u>	<u>Price per Acre Including Fees</u>	<u>Project Per lot Cost</u>	<u>Total Price</u>
A	9	3.5	4.98	\$97,743	\$37,778	\$340,000
B	7	2.3	3.72	119,565	39,286	275,000
C	8	4.17	6.00	65,947	34,375	275,000

Staff has summarized the pros/cons of each alternative as follows:

**Alternative A**

- \* Favored by the Quail Hill residents
- \* Provides the most rectangular and usable area for a park
- \* Provides the greatest amount of park frontage along a street which is desirable for park appearance, police surveillance, and parking for park users
- \* Only five Cheyenne Ridge lots directly abut the park (versus 11 for B, and 22 for C), thus reducing possible conflicts between park users and neighbors (i.e., noise from park users, balls thrown over fences, barking dogs, etc.).
- \* The park provides the most significant physical separation between the homes in the Cheyenne Ridge and Quail Hill subdivisions
- \* The park is closer to Quail Hill than Alternative C, and still readily accessible to Cheyenne Ridge residents
- \* Virtually no modifications to the existing ODP and plat would be required since the City would be buying existing, approved lots
- \* This is the least desirable from the developers perspective since the potential for lot premium is low
- \* This alternative results in the greatest reduction of density (9 lots are eliminated)
- \* The amount of land converted to a park is less than 10% of the total subdivision size and thus the needed amendment to the ODP can be approved administratively and not have to go to City Council.

**Alternative B**

- \* Provides the smallest park area
- \* Provides least reduction in density (7 lots are eliminated)
- \* Provides a 70-foot wide buffer next to Settergren's house which is harder to adapt to a variety of park uses than Alternative A
- \* The buffer area is not visible from a street, making policing more difficult
- \* Provides more lot premiums to the developer than Alternative A
- \* Would require \$5,000 in cost and one week in time to redraw plans
- \* The amount of land converted to a park is less than 10% of the total subdivision size and thus the needed amendment to the ODP can be approved administratively and not have to go to City Council.

### Alternative C

- \* Provides largest total acreage although the "usable" land for a park is less than Alternative A
- \* The park area is more central to Cheyenne Ridge and less accessible to Quail Hill
- \* The park would be very visible at the Huron Street access point, compared to the other alternatives
- \* Provides the greatest lot frontage and lot premium potential for the developer
- \* Would require \$10,000 in cost and 2 weeks in time to redraw plans
- \* Since the area purchased for park (4.17 acres) exceeds 10% of the land area (37 acres), an ODP amendment would need to be approved by City Council

On October 1, Staff met with the following representatives of the Quail Hill Subdivision: Les Roos, attorney representing the group, Randy Settergren, Michael Gray, and Glenda Fowler. After reviewing each of the 3 alternatives, including the proposed acquisition costs, the homeowners "caucused" in private and then indicated they strongly preferred Alternative A for many reasons, including:

- > It provides the greatest buffer to Quail Hill
- > The area is larger, more open, and more usable for a park than the other alternatives
- > The park is not visible from Huron Street (unlike Alternative C) and less likely to attract non-neighborhood users
- > More parking is provided for park users along abutting streets

Jon Lee based the pricing of his proposal on the retail value of fully finished lots (i.e., all streets and utilities in place). Jon intends to sell the lots at a "retail" price to homebuyers and believes that the City should pay this price. City Council has the benefit of comparative data on lot pricing in two other Westminster subdivisions (see confidential memo). In Staff's opinion, this data confirms the appropriateness of the price quoted by Mr. Lee on the three alternatives.

Mr. Jon Lee, and Mr. Les Roos will be present at Monday evening's special Council meeting to respond to any questions regarding the recommended parkland acquisition.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1996

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1996 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2385 in the amount of \$14,590,129 is hereby increased by \$330,000 which, when added to the fund balance as of the City Council action on October 7, 1996, will equal \$19,745,000. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a transfer from the General Fund Contingency for development of Cheyenne Ridge Park.

Section 2. The \$330,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

REVENUES

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
Transfer from General Fund		
75-9999-360	\$3,545,373	<u>\$330,000</u>
\$3,875,373		

EXPENSES

Park Improvement Program		
75-50-88-555-237	\$437,809	<u>\$330,000</u>
\$767,809		

Section 3. The General Fund budget will not change as a result of this ordinance but is included here for clarification purposes only.

EXPENSES

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
Contingency			
10-10-99-999-000	\$786,104	\$(330,000)	\$436,104
Transfer to GCIF			
10-10-95-990-975	\$3,781,373	<u>\$330,000</u>	\$4,111,373
Total Expenses		<u>\$0</u>	

Section 4 - 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 5. This ordinance shall take effect upon its passage after the second reading.

Section 6. 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 7th day of October, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of October, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** October 7, 1996

**Subject:** Resolution No. re Support of Amendment No. 16 on Public Trust Lands

**Prepared by:** Bill Christopher, City Manager

### **Introduction**

A Resolution in support of Amendment No. 16, which will appear on the November 5 General Election ballot, has been prepared for City Council's consideration would update the mission of the State Board of Land Commissioners regarding public trust lands and provide approximately 300,000 acres for Open Space.

### **Summary**

City Council is requested to adopt the attached Resolution in support of Amendment No. 16 which will appear on the November 5 General Election ballot. This ballot proposition updates the mission of the State Board of Land Commissioners from that of securing "maximum revenues" from the management of the State's 3.0 million acres of public trust lands to one of creating "consistent revenue" over time. Also, it would set aside approximately 300,000 acres of the most critical parcels of remaining public trust lands to be protected in a stewardship trust. The lands in the trust would not be available for sale. Revenue from the public trust lands will continue to supplement the State's fiscal budget for Colorado schools. In 1994-95, income from the management of Colorado's public trust lands was \$8.7 million, which is less than 1/3 of 1% of the State's \$3.0 billion public education budget.

### **Staff Recommendation**

Adopt Resolution No. which formally states City Council's support for Amendment No. 16 which would update the mission of the State Land Board and set aside 300,000 acres of Colorado's most precious public trust lands for Open Space and wildlife habitat for the enjoyment of future generations.

### **Background Information**

In 1876, when Colorado became a State, the Federal government granted 4.6 million surface and mineral acres to be managed for various trust purposes. The majority of the revenue from the trust land goes to the school trust which benefits public K-12 education. The existing language in Colorado's Constitution requires the State Land Board to "secure the maximum possible amount" of revenue for management of the State Trust lands. Over the course of time, this has resulted in the 4.6 million acres being reduced to approximately 3.0 million acres. The development of these lands contributes to uncontrolled growth, and the loss of agricultural lands that help preserve Open Space.

Amendment No. 16, which has been placed on the November 5 General Election ballot through an initiative process by the Citizens to Save Colorado's Public Trust Lands, calls for updating the 120 year old State Constitution language.

This Amendment would change the mission of the State Board of Land Commissioners to creating "consistent revenue" over time. In today's heavy growth climate in Colorado, the existing mandate is deemed to be outdated. The Land Commissioners, a three-member Governor appointed Board serving six-year terms of office, have been obligated to sell land off to the highest bidder, many times in opposition to local land use policies. The sale of public trust lands has been increasing, including more than 8,000 acres sold in 1994 and 1995 -- some of which were critical Open Space parcels. The Amendment would charge the Board to manage the trust lands in ways to conserve their long term value.

In reviewing this ballot proposition, it is Staff's conclusion that the set aside requirement of approximately 300,000 acres throughout the State of Colorado on a prioritized basis is consistent and complimentary to the philosophy of the City of Westminster's Open Space Program. Given the continued pressure of development on remaining undeveloped land, this Statewide proposition would play a strategic role in setting aside key parcels of land which are under control of the State Board of Land Commissioners. At the same time, it would not be detrimental to the funding of public schools. It is noted that the Colorado Association of School Boards and the Colorado Education Association have endorsed Amendment No. 16.

**Respectfully submitted,**

**William Christopher  
City Manager**

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

A RESOLUTION OF SUPPORT FOR AMENDMENT NO. 16 ON THE  
NOVEMBER 5, 1996 BALLOT RE PUBLIC TRUST LANDS

WHEREAS, Colorado's future greatly depends on how well we protect our open spaces and wilderness areas which contribute to the natural beauty and bountiful wildlife that make Colorado the great place that it is;

WHEREAS, Population growth and urban sprawl pose real threats to our quality of life and the quality of life we will pass on to our children and their children; and

WHEREAS, When Colorado became a state in 1876, the Federal government granted 4.6 million surface and mineral acres of land for a trust to provide for public education. Colorado's present Constitutional directive is to "secure the maximum possible amount" of revenue from these lands, which has led to the selling off of over 1.6 million of these precious public trust acres to the highest bidder; and

WHEREAS, Amendment No. 16 would mandate that the State Land Board change its mission from selling off our precious open space to setting policies which would produce "reasonable and consistent" income over time and create a special 300,000 acre stewardship trust to protect Colorado's pristine acres for future generations; and

WHEREAS, Amendment No. 16 would help schools generate more revenue over the long term and allow funds to be loaned to poorer school districts for buildings or to guarantee or purchase school district bonds; and

WHEREAS, The philosophy of this amendment is consistent with the City of Westminster's Open Space Program.

NOW, THEREFORE, be it resolved that the Westminster City Council strongly endorses Amendment No. 16 on the November 5 General Election ballot which would protect Colorado's scarce open spaces and remaining public trust lands from further development; and,

Further resolved, the Westminster City Council authorizes a program to inform the public of its support for Amendment No. 16 and urges them to lend their individual and collective support for the passage of Amendment No. 16.

Passed and adopted this 7th day of October, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** October 7, 1996

**Subject:** Presentation by Charles Martin re Animal Shelter

**Prepared by:** Bill Christopher, City Manager

### **Introduction**

Mr. Charles Martin has previously requested an opportunity to present his thoughts to City Council on the proposed change involving the Animal Shelter. His presentation has been scheduled for Monday night's special City Council meeting.

### **Summary**

Mr. Charles Martin has previously shared with City Council his initial thoughts about the proposed change involving the City of Westminster Animal Control Shelter. He has requested time to further elaborate on his suggestions pertaining to the Staff recommendation to enter into an intergovernmental agreement with the Table Mountain Animal Center.

### **Staff Recommendation**

Hear Mr. Charles Martin's presentation on the proposed change involving the Animal Shelter and other related aspects of the City's Animal Control Program. (No final decision is anticipated at this time.)

### **Background Information**

City Staff has recommended, in conjunction with the 1997 proposed City Budget, that the City enter into an agreement with the Table Mountain Animal Center to house animals involving Westminster. Mr. Charles Martin previously commented at the August 26 City Council meeting regarding some other possible alternatives. It was suggested to Mr. Martin at that time that City Council had not yet received the recommended City Budget from Staff and that City Council was not in a position to respond to Mr. Martin's questions. He was encouraged to defer his full presentation to another date.

City Council has now had the benefit of receiving the proposed 1997-98 City Budget from the City Administration as well as holding the Budget Retreat on September 27-28. Mr. Martin has requested additional time to share additional thoughts with City Council prior to City Council making final decisions on the 1997 City Budget.

Attached for City Council's reference is the Staff Report that was previously provided as part of the 1997 Budget document pertaining to the options involving the Animal Control Shelter and the need to provide additional Police Department office space. Appropriate City Staff will be present at Monday night's special City Council meeting to respond to any questions regarding this matter.

Presentation by Charles Martin re Animal Shelter  
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It is anticipated that any decision on the Animal Control operations, i.e., Animal Shelter and Police Department expansion, would be made in conjunction with the various budget actions on October 28.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

CITY OF WESTMINSTER, COLORADO  
SPECIAL CITY COUNCIL MEETING  
MONDAY, OCTOBER 7, 1996 AT 6:15 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil and Councillors Allen, Merkel, Scott and Smith. Also present were John Carpenter, Acting City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Mayor Pro Tem Dixon and Councillor Harris.

PURPOSE OF SPECIAL MEETING:

The Mayor stated that the purpose of the special City Council meeting was to consider the Cheyenne Ridge Subdivision Park Land Purchase; Councillor's Bill No. 67 re Contingency Transfer for Park land purchase; Resolution No. 48 re Support of Amendment 16; and hear the presentation by Charles Martin re the Animal Shelter.

CHEYENNE RIDGE SUBDIVISION PARK LAND PURCHASE:

A motion was made by Merkel and seconded by Allen to authorize the City Manager to execute all documents related to the acquisition of approximately 3.5 acres of land for a future park site within the Cheyenne Ridge Subdivision, the boundaries of which are depicted in Alternative A based on a purchase price of \$330,000 subject to the Quail Hill Homeowners Association committing to no further litigation on the Cheyenne Ridge development. Jon Lee, Developer for Cheyenne Ridge, was present to address Council. The motion carried unanimously.

COUNCILLOR'S BILL NO. 67 - CONTINGENCY TRANSFER FOR LAND PURCHASE:

A motion was made by Merkel and seconded by Allen pass Councillor's Bill No. 67 on first reading authorizing the transfer and use of \$330,000 from the General Fund Contingency Fund to the General Capital Improvement Fund for the Cheyenne Ridge Park land acquisition. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 48 - SUPPORT OF AMENDMENT NO. 16 PUBLIC LAND TRUSTS:

A motion was made by Allen and seconded by Smith to adopt Resolution No. 48 which formally states City Council's support for Amendment No. 16 which would update the mission of the State Land Board and set aside 300,000 acres of Colorado's most precious public trust lands for Open Space and wildlife habitat for the enjoyment of future generations. Upon roll call vote, the motion carried unanimously.

PRESENTATION BY CHARLES MARTIN RE ANIMAL SHELTER:

Charles Martin, 7931 Bradburn Blvd, submitted a petition in opposition to the closure of the Animal Shelter and gave a brief presentation to Council concerning the Animal Shelter and other related aspects of the City's Animal Control Program.

ADJOURNMENT:

The meeting was adjourned at 7:50 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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