



WESTMINSTER  
COLORADO

November 24, 2003  
7:00 P.M.

## CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings      2nd Council Meeting Minutes
4. Presentations
  - A. High School Marching Bands Recognition for State Championships
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
  - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
  - A. October Financial Report
  - B. 2004 Proposed Community Development Block Grant Projects
  - C. Street Sweeping Contract
  - D. 2003 Wastewater Collection System Improvement Contract Change Order No. 1
  - E. Award for Construction of 116<sup>th</sup> Avenue and Federal Blvd Waterline
  - F. Contract for Design of the Gregory Hill Water Tanks Repair
  - G. Open Space Acquisition of Approximately 4 Acres along Big Dry Creek
  - H. CB No. 64 re Alpine Vista Amendment to the Comprehensive Land Use Plan (Dittman-Atchison)
  - I. CB No. 70 re Concealed and Unconcealed Weapons (Dittman-Dixon)
  - J. CB No. 71 re Amendment Title 4 of WMC for Adoption of 0.6% Public Safety Tax (Dixon-McNally)
  - K. CB No. 72 re Street Cut Impact Fees (Hicks-McNally)
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. TABLED Construction of Reclaimed Waterline Extension at 113<sup>th</sup> and Pecos
  - B. Public Hearing re Alpine Vista Preliminary and Official Development Plans
  - C. Alpine Vista Preliminary and Official Development Plans
  - D. Public Hearing re Countryside Planned Unit Development
  - E. Ninth Amended Preliminary Development Plan for Countryside Planned Unit Development
  - F. Public Hearing re Brauch Property
  - G. Resolution No. 49 re Findings of Fact re Brauch Property
  - H. Councillor's Bill No. 73 re Annexation of Brauch Property
  - I. Councillor's Bill No. 74 re CLUP Amendment for Brauch Property
  - J. Councillor's Bill No. 75 re Zoning of Brauch Property
  - K. Resolution No. 50 re Right-of-Way Acquisition for Huron Street Improvements
  - L. Resolution No. 51 re 2004 Jefferson County Joint Venture Grant Application
  - M. Councillor's Bill No. 76 2003 Local Law Enforcement Block Grant Funds
  - N. Councillor's Bill No. 77 re 2002 Carryover into 2003 for CIP Projects

**11. Old Business and Passage of Ordinances on Second Reading**

- A. Councillor's Bill No. 53 re Annexation Agreement for Alpine Vista Project
- B. Councillor's Bill No. 62 re Annexation of Alpine Vista Annexation No. 1
- C. Councillor's Bill No. 63 re Annexation of Alpine Vista Annexation No. 2
- D. Councillor's Bill No. 65 re Zoning the residential portion of the Alpine Vista annexation

**12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**

- A. Citizen Communication
- B. City Council
- C. Executive Session

**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, NOVEMBER 24, 2003 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Mayor Pro-Tem McNally moved, seconded by Councillor Dittman to approve the minutes of the meeting of November 10, 2003, at 7:00 p.m. with no corrections or additions. The motion carried unanimously.

Mayor Pro-Tem McNally moved, seconded by Dixon to approve the minutes of the meeting of November 10, 2003, at 8:00 p.m. with no corrections or additions. The motion carried unanimously.

HIGH SCHOOL MARCHING BANDS RECOGNITION

Councillor Kauffman presented Michael White, Director of the Legacy High School Marching Band with a proclamation recognizing their 4<sup>th</sup> place position in the Colorado Bandmasters' Association Class 5A State Championships.

Councillor Dittman presented Gary Brattin, Director of the Northglenn High School Marching Band with a proclamation recognizing their 2<sup>nd</sup> place position in the Colorado Bandmasters' Association Class 5A State Championships.

Mayor Pro-Tem McNally presented WL Whaley, Director of the Pomona High School Marching Band with a proclamation recognizing their 1<sup>st</sup> place position in the Colorado Bandmasters' Association Class 5A State Championships.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the harsh weather causing a water main break and the hard work of employees to get it repaired; budget revisions that will come to Council in late December in reference to the Public Safety Tax increase.

CITY COUNCIL COMMENTS

Councillor Dixon commented on her appreciation of the time and effort of the Marching Bands, and gave an update on Rocky Flats.

Mayor Pro-Tem McNally commented on the Open Space funds of \$500,000 from Adams County, the pictures on display at City Hall of the Open Space Photo contestants, and the US 36 EIS meeting last week.

Mayor Moss commented on the 22 acres of open space to be acted on by City Council this evening, commended Utilities and Streets Staff for the repairs on the water break, and the DRCOG transportations funds

CONSENT AGENDA

The following items were considered as part of the consent agenda: October Financial Report; 2004 Proposed Community Development Block Grant Projects; Street Sweeping Contract with Great American Sweeping for \$263,340; 2003 Wastewater Collection System Improvement Contract Change Order No. 1 with Insituform Technologies for \$17,548; Award for Construction of 116<sup>th</sup> Avenue and Federal Blvd Waterline with BT Construction for \$112, 502; Contract for Design of the Gregory Hill Water Tanks Repair with Tank Industry Consultants for \$73,100; Open Space Acquisition along Big Dry Creek for \$437,500; CB No. 64 re Alpine Vista Amendment to the CLUP; CB No. 70 re Concealed and Unconcealed Weapons; CB No. 71 re Amendment to Title 4 of WMC for Adoption of 0.6% Public Safety Tax; CB No. 72 re Street Cut Impact Fees.

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

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

TABLED CONSTRUCTION OF RECLAIMED WATERLINE EXTENSION AT 113<sup>TH</sup> AND PECOS

Councillor Dixon moved, seconded by McNally to keep the construction of reclaimed waterline extension at 113<sup>th</sup> and Pecos Street on the TABLE until a future Council Meeting.

PUBLIC HEARING RE ALPINE VISTA PRELIMINARY AND OFFICIAL DEVELOPMENT PLAN

At 7:35 p.m. the public hearing was opened for the Alpine Vista Preliminary and Official Development Plan. Dan Osborn, Planner II, entered the following information into the record: a copy of the Agenda Memorandum, and other related items. Chad Pinson, AV Development, LLC addressed Council. No one spoke in opposition. The public hearing was declared closed at 7:43 P.M.

PRELIMINARY AND OFFICIAL DEVELOPMENT PLAN FOR ALPINE VISTA

Councillor Dittman moved, seconded by McNally to approve the Alpine Vista Preliminary and Official Development Plans. This recommendation is based on the findings set forth in Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code. The motion carried unanimously.

PUBLIC HEARING 9<sup>TH</sup> AMENDED PDP FOR COUNTRYSIDE PLANNED UNIT DEVELOPMENT

At 7:45 p.m. the public hearing was opened for the 9<sup>th</sup> Amended Preliminary Development Plan for Countryside Planned Unit Development. Dan Osborn, Planner II, entered the following information into the record: a copy of the Agenda Memorandum, and other related items. Henry Hollander, HVS Engineering, addressed Council and spoke in favor of this application. Joseph Needham, 10555 NW Rott Way asked questions about the development. The public hearing was declared closed at 8:00 P.M.

9<sup>TH</sup> AMENDED PRELIMINARY DEVELOPMENT PLAN FOR COUNTRYSIDE PUD

Councillor Dittman moved, seconded by Hicks to approve the 9<sup>th</sup> Amended Preliminary Development for Countryside Planned Unit Development. This recommendation is based on the findings set forth in Sections 11-5-14 of the Westminster Municipal Code. The motion carried unanimously.

PUBLIC HEARING RE BRAUCH PROPERTY

At 8:02 p.m. the public hearing was opened for the Brauch Property. David Falconieri, Planner III, entered the following information into the record: a copy of the Agenda Memorandum, and other related items. No one spoke in opposition. The public hearing was declared closed at 8:06 P.M.

RESOLUTION NO. 49 RE FINDINGS OF FACT ON BRAUCH PROPERTY

Mayor Pro-Tem McNally moved, seconded by Dixon, to adopt Resolution No. 49 making certain findings as required by Section 31-12-110 C.R.S. regarding the annexation of the Brauch property. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 73 RE ANNEXATION OF BRUACH PROPERTY

Mayor Pro-Tem McNally moved, seconded by Dixon, to pass Councillor's Bill No. 73 on first reading annexing the Brauch property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 74 RE CLUP AMENDMENT FOR BRAUCH PROPERTY

Mayor Pro-Tem McNally moved, seconded by Dixon, to pass Councillor's Bill No. 74 on first reading amending the Comprehensive Land Use Plan to include the Brauch property and to assign the designation of Public Open Space. This recommendation is based on the following findings set forth in the Westminster Comprehensive Land Use Plan: there is justification for the proposed amendment and the Plan is in need of revision as proposed; and the amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and 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. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 75 RE ZONING THE BRAUCH PROPERTY

Mayor Pro-Tem McNally moved, seconded by Dixon, to pass Councillor's Bill No. 75 on first reading zoning the Brauch property to O-1. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 50 RIGHT-OF-WAY ACQUISITION FOR HURON STREET IMPROVEMENTS

Councillor Kauffman moved, seconded by Hicks to adopt Resolution No. 50 authorizing City Staff to proceed with the acquisition of rights-of-way and easements necessary for the Huron Street Improvements project, including the use of eminent domain, if necessary; and authorize up to \$1,500,000 for acquisition costs and all related expenses, which shall be charged to the General Capital Improvement Project Account for Huron Street and to the 136<sup>th</sup> Avenue and I-25 Project Account, as appropriate. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 51 RE 2004 JEFFERSON COUNTY JOINT VENTURE GRANT APPLICATION

Mayor Pro-Tem McNally moved, seconded by Dixon, to adopt Resolution No. 51 authorizing the Department of Parks, Recreation and Libraries to pursue two 2004 Jefferson County Joint Venture Grant applications for the 2004 grant cycle. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 76 RE 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS

Councillor Dixon moved, seconded by McNally to pass Councillor's Bill No. 76 on first reading appropriating \$28,774 from the Local Law Enforcement Block Grants Program to the Police Department's Patrol Services division budget. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 77 RE ALLOCATION OF 2002 CARRYOVER REVENUES

Councillor Dittman moved, seconded by Kauffman to pass Councillor's Bill No. 77 on first reading allocating the 2002 Carryover Revenues. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 53 RE ANNEXATION AGREEMENT FOR ALPINE VISTA PROJECT

Mayor Pro-Tem McNally moved, seconded by Hicks to pass Councillor's Bill No. 53 on second reading authorizing the City Manager to sign the Annexation and Development Agreement for the Alpine Vista project. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 62 RE ALPINE VISTA ANNEXATION NO. 1

Mayor Pro-Tem McNally moved, seconded by Dixon to pass Councillor's Bill No. 62 on second reading annexing the Alpine Vista Annexation No. 1 property to the City. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 63 RE ALPINE VISTA ANNEXATION NO. 2

Mayor Pro-Tem McNally moved, seconded by Dixon to pass Councillor's Bill No. 63 on second reading annexing the Alpine Vista Annexation No. 2 property to the City. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 65 RE ZONING FOR ALPINE VISTA PROPERTY

Mayor Pro-Tem McNally moved, seconded by Dixon to pass Councillor's Bill No. 65 on second reading zoning the Alpine Vista project. The Alpine Vista property is approximately 13.4 acres located at the northwest corner of 88<sup>th</sup> Avenue and Lowell Boulevard. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session to discuss an economic development matter.

ADJOURNMENT:

The meeting was adjourned at 8:20 P.M.

ATTEST:

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

\_\_\_\_\_  
Mayor

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, NOVEMBER 10, 2003 AT 8:00 P.M.

SWEARING IN OF MAYOR AND NEW COUNCILLORS:

Mayor Moss called the meeting to order and introduced the newly elected Councillors Chris Dittman, Tim Kauffman, and JoAnn Price. The Mayor called upon Kathleen Bowers, Denver City and County Court, to administer the Oath of Office of Mayor to Ed Moss. The Mayor called upon Judge Albert Minton to administer the Oath of Office to Councillor JoAnn Price. The Mayor called upon Municipal Court Judge John Stipech to administer the Oath of Office to Tim Kauffman and Chris Dittman.

SELECTION OF MAYOR PRO TEM:

Mayor Moss called for written ballot for the selection of Mayor Pro-Tem. The first ballot showed a majority vote for Nancy McNally. Mayor Pro-Tem McNally was sworn into office by Municipal Court Judge John Stipech.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on behalf of Staff that it is our pleasure to serve this City Council.

Councillor Dixon congratulated the newly elected Councillors and Mayor.

Councillor Price thanked her husband, family and friends.

Councillor Kauffman thanked his wife and children and commented that he appreciated the past three years with staff, citizens and Councillors and looks forward to the challenge and opportunity.

Councillor Dittman thanked his family and friends for their support.

Councillor McNally thanked the voters for passing 2A and her family for their support.

Councillor Hicks congratulated the new Council members.

Mayor Moss thanked his family and friends.

CONSENT AGENDA

The following items were considered as part of the consent agenda: 2004 Wastewater Collection System Maintenance Program with ECO Resources Inc., for \$578,840.48; Hyland Hills/Farmers' High Line Canal Drainage Improvements Project for \$299,799; and Purchase of Replacement Water Meter Transponders from Mountain States Pipe and Supply for \$200,000.

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

Mayor Pro-Tem McNally moved, seconded by Hicks to adopt the consent agenda items as presented. The motion carried unanimously.

COUNCILLOR'S BILL NO. 70 RE CONCEALED AND UNCONCEALED WEAPONS

Councillor Dittman moved, seconded by Dixon to pass Councillor's Bill No. 70 on first reading revising Title VI of the Westminster Municipal Code, Chapter 2, re Crimes Against Peace with the additional amendment to 6-2-10 (E) as follows ~~AND~~ OR ACCESSIBLE FOR ANY LENGTH OF TIME TO ANOTHER INDIVIDUAL. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 71 AMENDMENT FOR ADOPTION OF 0.6% PUBLIC SAFETY TAX

Councillor Dixon moved, seconded by McNally to pass Councillor's Bill No. 71 on first reading amending the City Sales Tax Ordinance to accommodate the increase in Sales and Use Tax by 0.6% beginning January 1, 2004, as authorized by voters at the November 4, 2003 election. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 72 RE STREET CUT IMPACT FEES

Councillor Hicks moved, seconded by McNally to pass Councillor's Bill No. 72 on first reading establishing a Street Cut Impact Fee to become effective July 1, 2004. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 8:35 P.M.

ATTEST:

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003

**SUBJECT:** High School Marching Bands Recognition for State Championships

**Prepared By:** Katie Harberg, Public Information Officer

**Recommended City Council Action**

Present proclamations to band directors from Pomona, Northglenn and Legacy High Schools.

**Summary Statement**

Three high schools attended by students from Westminster, Colorado have captured three of the top four positions in the Colorado Bandmasters' Association Class 5A State Championship. Pomona High School took first place for the 6<sup>th</sup> consecutive year, Northglenn High School took 2<sup>nd</sup> place continuing its 23 year streak of finishing in the championship finals, and the area's newest high school, Legacy High School, finished 4<sup>th</sup>. Westminster area bands continue to dominate the high school marching band world.

These accomplishments are the result of hundreds of hours of extracurricular work and a commitment to excellence in fine arts education. The students involved, their parents and the school faculties are the hometown pride of Westminster!

**Expenditure Required:** \$0

**Source of Funds:** N/A

## **Policy Issue**

### **Alternative**

### **Background Information**

Three north area high schools with Westminster students continue to dominate the world of marching band. Influenced by the artistic and competitive Drum Corps International style of performance, Pomona, Northglenn and Legacy High Schools continually raise the bar for Colorado class 5A high schools and, again this year, demonstrated their competitiveness.

A marching band is evaluated in a number of areas, including music and overall visual effect. "Section" awards are bestowed upon color guards, drum majors and percussion units. A video featuring clips from this year's State Championship has been prepared for the City Council presentation to provide a flavor for the challenge and difficulty of the bands' accomplishments.

### **Pomona High School**

Under the direction of WL Whaley, 200 students from Pomona High School delighted spectators at Invesco Stadium on October xx with their 2003 competitive program entitled Reflections of Form, Sound and Light. The program featured original music by Richard Saucedo and Ray Ulibarri. Pomona's program earned them a score of 83.75 and their 6<sup>th</sup> consecutive state championship, and 9<sup>th</sup> first place since 1994.

Pomona High School has just returned from competing in xxx at the Grand Nationals marching band competition where they finished 14<sup>th</sup> out of 90 of the top-performing marching bands in the nation. They have also earned a coveted invitation to march in the 2005 Tournament of Roses Parade in Pasadena, California, one of 10 bands in the world to enjoy this privilege.

### **Northglenn High School**

In his first year as Director, Gary Brattin, a Denver native and Drum Corps International alum of both the Colorado Blue Knights and California's Blue Devils, led Northglenn High School to yet another superlative season with their performance of music from Ben Hur, with music arranged for Northglenn by Chuck Naffier. Northglenn High School, long a dominating force in high school marching band achievement, has claimed eight Colorado Bandmasters' State Championships, and has been a finalist every year since 1980. Northglenn has finished their season in the top three in all but one of those years!

The Northglenn High School Marching Band has earned the respect of many, not the least of which is their school's own football team who reportedly has "knelt" for them as they take the field!

Northglenn High School will march in the Excel Energy Parade of Lights in downtown Denver on December 5 & 6.

### **Legacy High School**

Westminster's newest High School, Legacy High School, finished 4<sup>th</sup> in this year's marching band competition. Students in the young upstart program are as excited about claiming 4<sup>th</sup> place as if they had won, according to their Director, Michael White. In spite of their tender years of experience, the school has the advantage of White's experience – he was the director of Northglenn's highly successful program for 14 years. The students performed a program entitled "My Many Colored Days," a composition originally written for the Minnesota Symphony to musically illustrate the Dr. Seuss book by the same title. The music was arranged for Legacy High School by xxxx.

**SUBJECT:** High School Marching Bands Recognition for State Championships

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The Band Directors for these championship high schools, along with their principals and band booster presidents, are pleased to be honored by the Westminster City Council for their accomplishments and all will be in attendance at the November 24 City Council session. As a special treat, drum majors from the three schools will stage a “mini-retreat” with a drum cadence accompaniment, and a short video of this year’s performance highlights will be shown.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

WHEREAS, the Legacy High School Marching Band, under the direction of Mike White, this year has captured fourth place in the Class 5A Colorado Bandmasters' Association State Championship, and

WHEREAS, Legacy High School opened in 2000 and is therefore a young marching band program that has already risen to statewide prominence, and

WHEREAS, Legacy High School performed a program entitled "My Many Colored Days," a composition originally written to illustrate the Dr. Seuss book by the same title, and

WHEREAS, Legacy High School competed this year for the first time at the Class 5A level, with last year being their first year to compete as a marching band in Class 4A, and

WHEREAS, these achievements come at the expense of hours of effort and dedication to excellence by students, parents, and faculty of Legacy High School, and

WHEREAS, Legacy High School is attended by residents of Westminster, Colorado.

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster on behalf of the entire Westminster City Council and Staff, do hereby recognize Legacy High School for their pattern of excellence and commitment to achievement.

Signed this 24<sup>th</sup> day of November, 2003.

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Ed Moss, Mayor

WHEREAS, the Northglenn High School Marching Band, under the direction of Gary Brattin, has this year captured second place in the class 5A Colorado Bandmasters' Association 2003 State Championship, and

WHEREAS, Northglenn High School has been a finalist in this competition every year since 1980 and has claimed eight first-place awards, and

WHEREAS, Northglenn High School has finished in one of the top three positions of this competition in every year but one since 1980, and

WHEREAS, Northglenn High School performed to custom-arranged music based on the score from the movie Ben Hur, and

WHEREAS, Northglenn High School is a long-time leader in achievement and excellence in fine arts, and

WHEREAS, these achievements come at the expense of hours of effort and dedication to excellence by students, parents and faculty at Northglenn High School, and

WHEREAS, Northglenn High School is attended by residents of Westminster, Colorado.

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster on behalf of the entire Westminster City Council and Staff, do hereby recognize Northglenn High School for their pattern of excellence and commitment to achievement.

Signed this 24<sup>th</sup> day of November, 2003.

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Ed Moss, Mayor

WHEREAS, the Pomona High School Marching Band, under the direction of WL Whaley, this year has captured its sixth consecutive class 5A Colorado Bandmasters' Association State Championship, and

WHEREAS, this is Pomona High School's ninth first place finish in the State Competition since 1994, and

WHEREAS, Pomona High School's program this year was entitled "Reflections of Form, Sound and Light," and

WHEREAS, Pomona High School competed in mid-November in the Bands of America Grand National Championship in Indianapolis, Indiana and completed their 2003 marching season with the distinction of being one of the finest high school marching bands in the country, and

WHEREAS, the Pomona High School marching band has further been honored with an invitation to march in the 2005 Tournament of Roses Parade in Pasadena, California, and

WHEREAS, these achievements come at the expense of hours of effort and dedication to excellence by students, parents, and faculty of Pomona High School, and

WHEREAS, Pomona High School is attended by residents of Westminster, Colorado.

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster on behalf of the entire Westminster City Council and Staff, do hereby recognize Pomona High School for their pattern of excellence and commitment to achievement.

Signed this 24<sup>th</sup> day of November, 2003.

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Ed Moss, Mayor





WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
November 24, 2003



**SUBJECT:** Financial Report for October 2003

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

**Recommended City Council Action**

Accept the Financial Report for October 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; this reflects September sales and use tax receipts received in October. A summary of key points of the shopping center report is as follows and shows mixed results for the month and year to date.

- Overall shopping center sales and use tax returns (for 25 shopping centers) for the month of October 2003 were down 6% compared to last year October 2002. Last month this figure was positive 10%. This difference between last month and this month is due to the skewing of numbers because of the timing of filing sales tax returns for several large taxpayers.
- Overall shopping center sales and use tax returns (for 25 shopping centers) year-to-date for October were down 4%. (Last month this figure was a negative 4%).
- Westminster Mall sales and use tax returns year-to-date for October were down 10%. (Last month this figure was negative 10%). On a year-to-date basis, there is slight improvement (down 10.4% in September, down 10.3% in October).

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

- At the end of October, ten months of 12 months of the year have passed. This is 83.3% of the year.
- The Sales and Use Tax Fund revenues are currently \$2,083,002 under pro-rated budget for the year. The October figures reflect the sales in September, tax receipts received in October. Sales tax returns are down for October 2003 compared to October 2002 by 0.5% for the month. However, this decrease is due to several unusual events generally with recognizing multiple returns in 2002 and 2003. Adjusting for these events, this figure would change from negative 0.5% to positive 4.3%. Sales Tax Returns are up 0.3% year-to-date over last year, or \$84,810 above year-to-date 2002, due in part to vendor fee receipts of \$549,491.
- For the entire Sales and Use Tax Fund (Sale and Use Tax Returns plus Audits), the fund is 0.1% above last year on a year-to-date basis. This is the same level as last month. Staff anticipates that the fund will be \$2.5 million to \$3.0 million under budget. Staff presented to City Council at the annual budget retreat on September 29 a revised set of recommendations to address this short fall, which City Council approved. Staff has also begun reducing the Sales Tax transfer to the General Fund by \$1 million per month, and this is also reflected in the monthly financial statements.
- The General Fund revenue is currently 101% of pro-rated budget for ten months, assisted by surpluses in property tax collections, licenses and permits, charges for recreation and other services (franchise fee receipts, EMS receipts and Housing Authority service fee to the General Fund) and miscellaneous payments.

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**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%.

General Fund

This fund reflects the results of the City’s operating departments: Police, Fire, Public Works (Streets), 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 October, the General Fund is in the following position regarding both revenues and expenditures:

Deleted: September

- Revenues over pro-rated budget (101% of budget) by \$384,882. This reflects the reduction of the transfer of funds from the Sales and Use Tax fund to the General Fund by \$1.0 million for this month, to accommodate the projected shortfall.
- Expenditures under pro-rated budget (89% of pro-rated budget) by \$6.65 million. This is due to several factors: 38 positions are still frozen and the salary savings are included in these numbers and lastly, the unspent contingency funds are reflected in Central Charges.

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

These funds are the repositories for the 3.25% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Projects 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. At the end of October, the position of these funds is as follows:

- Sales & Use Tax Fund revenues are under pro-rated budget (95.07% of pro-rated budget) by \$2,083,002.
- Sales & Use Tax Fund expenditures are under pro-rated budget by \$1 million because of the reduction of transfers to the General Fund by \$1.0 million per month.
- Open Space Sales & Use Tax Fund revenues are slightly under pro-rated budget (98.3% of pro-rated budget) by \$62,448, due to overall returns being below budget, somewhat offset by a surplus of intergovernmental revenues.
- Open Space Sales & Use Tax Fund expenditures are under pro-rated budget (71% of pro-rated budget) by \$1,422,980, due primarily to appropriating carryover from 2002 this past July. This increased the budget by \$1.4 million. Expenditures since August have been well below the \$1.4 million, leaving the fund’s expenditures in a positive position.

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 October, the Enterprise is in a positive position.

- Combined Water & Wastewater revenues are over pro-rated budget (107% of budget) by \$2,168,927, due to increases this month in consumption and moderate increases in tap fees.
  - Water fund revenues are over pro-rated budget (108% of pro-rated budget) by \$1,735,799, Water sales are still under pro-rated budget for the year by \$520,849, showing continuing conservation.
  - Wastewater revenues are over pro-rated budget (105% of pro-rated budget) by \$433,129.
  - Storm Water Drainage revenues are over pro-rated budget (106% of pro-rated budget) by \$45,323.
- Combined Water & Wastewater expenses are under pro-rated budget (82% of budget) by \$4.53 million due primarily to under-spending in personnel and contractual services at this time of year:
  - Water expenses are under pro-rated budget (82% of pro-rated budget) by \$3.03 million.
  - Wastewater expenses are under pro-rated budget (82% of pro-rated budget) by \$1.50 million.
  - Storm Water Drainage expenses are under pro-rated budget (65% of pro-rated budget) by \$70,106.

Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City's two municipal golf courses. The report for the Golf Courses shows an adjustment for the impact of the 1997 Sales Tax Bonds. The 1997 Sales Tax Bonds are not a legal obligation of the Legacy Ridge Golf Course. The Legacy Ridge statement reflects Operating Income and Net Income. The difference is that Operating Income does not reflect debt service while Net Income does reflect debt service. By showing the debt service separately, this will indicate the operating performance of the golf courses as a whole. This is highlighted in the footnotes.

- Legacy – Revenues are under pro-rated budget (93% of pro-rated budget) by \$108,498.
- Legacy – Expenses are under pro-rated budget (89% of pro-rated expenses) by \$144,601.
- Heritage – Revenues are under pro-rated budget (75% of pro-rated budget) by \$466,124.
- Heritage – Expenses are under pro-rated budget (88% of pro-rated budget) by \$172,979.

Staff will attend the November 24th City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** 2004 Proposed Community Development Block Grant (CDBG) Projects

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

**Recommended City Council Action**

Approve the 2004 Community Development Block Grant projects as proposed

**Summary Statement**

- The City of Westminster receives an annual allocation of Community Development Block Grant funds (CDBG) from the United States Department of Housing and Urban Development (HUD). The 2004 CDBG allocation is anticipated to be approximately \$696,000. In 2003, the City received \$696,000.
- The City is required by HUD to submit an Annual CDBG Action Plan that outlines its proposed uses for the funding. The CDBG Action Plan is due to HUD by January 15th of each year in order for the City to receive its allocation at the start of the CDBG program year, which is March 1, 2004.
- Prior to submission of the CDBG Action Plan to HUD the City is required to submit the CDBG Action Plan to Adams County by December 15, 2003, for a 30-day review and public comment period. The City and Adams County signed an Intergovernmental Agreement to become part of the Adams County HOME program consortium that began on March 1, 2002. By joining the Adams County HOME program consortium the City accessed \$200,000 annually for the provision of down payment assistance and housing rehabilitation loan program services.
- The CDBG funds are to be used for projects and programs that primarily benefit the City's low to moderate-income populations and address blight conditions.
- Eligible project activities may include economic development/redevelopment, public facility and infrastructure improvements, and affordable housing activities.
- The following are the proposed 2004 CDBG projects:

2004 CDBG Program Administration	\$139,200
Lowell Boulevard Streetscape Improvements (Phase 1 Construction)	\$274,000
Meade Street Streetscape Improvements (Construction)	\$142,450
Westminster Grange Civic Use Feasibility Study	\$15,000
Career Enrichment Park Phase II Landscaping Improvements	\$25,000
Human Service Advisory Board Recommendations	\$100,350

TOTAL:

**Expenditure Required:** \$669,000 (approximately)

**Source of Funds:** Community Development Block Grant Program

**Policy Issue**

Does City Council concur with the project priorities that Staff is recommending?

**Alternative**

City Council can alter the projects and the funding allocations. Staff recommends the proposed list of 2004 CDBG projects be approved as presented, because they address south Westminster revitalization efforts and provide construction and final design funding for projects funded with 2002 and 2003 CDBG funds.

**Background Information**

The proposed 2004 CDBG budget and projects were developed from input provided by Westminster residents, City Staff, and independent organizations operating in the City. Public notices, citizen comment periods and two Administrative Public Hearings were also used to solicit community input on the development of the 2004 CDBG Action Plan. The following is a summary of each proposed project.

*2004 CDBG Program Administration*

The program administration funds would cover the salaries of the Community Development Programs Coordinator and one full-time Secretary. HUD allows grantees to utilize up to 20% of the CDBG funding for administration and planning expenses. Administrative costs associated with the administration of the CDBG program would be funded to include: professional/consultant fees, meeting expenses, professional training, supplies/materials, studies, environmental reviews, etc. Administration expenses also provide for the submission of the 5 year Consolidated Plan, preparation of the annual action and performance reports, hosting citizen participation activities and community meetings, developing an Impediments to Fair Housing plan, monitoring minority business contract reports, implementation of the City's CDBG monitoring plan, conducting environmental reviews, compliance within the Davis Bacon wage act, lead based paint evaluations, national objective and eligibility review, contracting and procurement regulatory procedures.

*72<sup>nd</sup> Avenue to 80<sup>th</sup> Avenue Lowell Boulevard. Streetscape Enhancement (Construction) \$274,000*

The project will provide funding for Phase I construction of streetscape improvements from 73<sup>rd</sup> Avenue to 76<sup>th</sup> Avenue along Lowell Blvd. Construction will include street, street lighting, sidewalk and landscaping improvements and undergrounding of utilities. The project was provided 2002 and 2003 CDBG funds for design, landscaping and construction documents.

*Meade Street Streetscape Improvements*

The project will provide funding for construction of physical improvements to include curb, gutter, sidewalk, street lighting and landscaping improvements to Meade Street between 72<sup>nd</sup> Avenue and 73<sup>rd</sup> Avenue in conjunction with the Meade Street Townhouse redevelopment project. The project will complete street improvements to this area and complement the 73<sup>rd</sup> Avenue Street Reconstruction project between Bradburn Boulevard and Lowell Boulevard that was completed in the summer of 2003.

*Westminster Grange Civic Uses Feasibility Study*

The project will provide funding to undertake feasibility and design study to develop a plan for interior restoration and reuse of the Westminster Grange for community activities. The scope of the study will involve examining the Grange Hall interior associated additions to the Grange Hall use. The project was provided 2002 and 2003 CDBG funds to undertake the exterior renovation of the Westminster Grange Hall, and recently received \$101,000 from the Colorado Historical Fund Society for this purpose.

*Career Enrichment Park Phase II Landscaping Improvements*

The project will pay for supplies for landscaping improvements to the Career Enrichment Park. The City would provide funding for the landscaping supplies and School District #50 would provide the labor for installation. Phase I landscaping and parking lot improvements were completed in the summer of 2003.

*Human Service Advisory Board Recommendation*

100,350

The following programs and projects, totaling \$100,350, were previously approved by City Council during the adoption of the 2003-2004 City budget process.

Access Housing, Inc \$7,500

To partially pay the staff salary of the Emergency Service Coordinator for the provision of homeless services that includes: Homeless Prevention, Emergency Shelter, Adult Education, Transitional Housing, and Motel Vouchering programs.

Adams County Housing Authority \$8,000

To pay for costs associated with the delivery of services under the Housing Counseling Program. The Housing Counseling Program services include homeless prevention, utility assistance, home ownership, foreclosure/eviction prevention, rental subsidy, reverse mortgage counseling and certification, money management, and post-counseling to ensure continued housing retention.

Community Reach Center \$24,000

To pay for costs associated with the delivery of outpatient counseling services that include 24-hour crisis telephone service, day treatment programs, and programs that provide education and training to prepare individuals for independent living and employment.

Alternatives to Family Violence \$15,000

To pay for costs associated with the provision of housing for battered women, 24 hour crisis counseling, information, referral and advocacy, individual and group counseling for women, children and adolescents.

Colorado Homeless Families \$11,000

To pay for costs associated with the provision of transitional housing units for homeless families. Families receive housing, case management, counseling, education, support groups, English classes, and computer training. Colorado Homeless Families also provides food, clothing and furniture.

Family Tree, Inc \$13,000

To pay for costs associated with the provision of emergency housing and support services for victims of domestic violence. Services provided include: crisis intervention, legal advocacy, food, shelter, children's counseling, case management, and family therapy.

Jefferson Center for Mental Health \$10,000

To pay for costs associated with the provision of mental health services including outpatient counseling, 24-hour emergency services, hospital-alternative programs, residential care, case management, vocational assistance, etc.

The Senior Hub

\$11,850

To pay for costs associated with the provision of respite care to senior caregivers, the RSVP program that recruits and places senior volunteers in the public and non-profit sectors, and the Meals on Wheels program that delivers hot meals to homebound Westminster residents.

Staff will be present at Monday night City Council meeting to answer City Council's questions.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

## **Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Street Sweeping Contract

**Prepared By:** Sam LaConte, Street Operations Manager  
Carl Pickett, Purchasing Specialist

### **Recommended City Council Action**

Authorize the City Manager to sign a one-year contract with options for two, one-year renewals for street sweeping to the low bidder, Great American Sweeping for the amount of \$263,340. Charge the expense to the appropriate 2004 Department of Public Works and Utilities, Street Operations Division budget account.

### **Summary Statement**

- City Council action is requested to authorize the City Manager to sign a contract with Great American Sweeping for contractual street sweeping.
- City Staff sent bids out to six qualified sweeping companies. Five companies responded to the bid and the low bidder is being recommended for award.
- This is a new vendor for the City, but staff has checked references and is satisfied that Great American Sweeping will fulfill the terms of the contract.
- The contractual street sweeping funds are within the previously approved amount in the Street Operations Division budget.

**Expenditure Required: \$263,340**

**Source of Funds:** General Fund, Street Operations Division Budget

### **Policy Issue**

Should the City accept the low bid with Great American Sweeping?

## Alternatives

- Award to another company that is not the low bid. Staff does not recommend this action as it would unnecessarily raise expenditures for this project.
- Direct staff to return to in-house sweeping requiring hiring of additional employees and purchase of two street sweepers.

## Background Information

The 2004 Street Sweeping contract represents 8400 curb miles of sweeping per year.

Bids were sent out to six vendors. A summary follows.

Company	Cost per Mile	Total Bid
Great American Sweeping	\$ 31.35	\$263,340
Allstate Sweeping	\$ 32.50	\$273,000
TJK Services	\$ 36.72	\$308,448
Alpha Brooming	\$ 38.50	\$323,400
Armstrong Sweeping	\$ 49.28	\$413,952
C & S Sweeping	No Bid	
8400 miles per year	\$ 31.35	\$ 263,340

The bid price per curb mile at \$31.35 is 18% lower than the 2003 price per mile due to more service companies and competition.

Staff has inspected Great American Sweeping's equipment and facility and is satisfied that they have the ability to fulfill the terms of this contract with the City. The following references were obtained and contacted:

Contract Name	State
ADOT: Tucson	Arizona
Pima County/City of Tucson	Arizona
Larimer County	Colorado
Kiewitt: T-REX	Colorado
CDOT-Region 6	Colorado
Metro Waste Water	Colorado

City of Duncanville	Texas
VMS: I-20 Dallas	Texas
MVS: I-35 Waco	Texas
City of Plano	Texas
City of Allen	Texas
City of McKinney	Texas
Dallas County	Texas
Bell County	Texas
VMS: I-95 Virginia	Virginia
VDOT	Virginia
Wyoming DOT	Wyoming

In 1985, the City entered into a contract with the private sector for one half of the City's street sweeping while in-house crews swept the other half. After this effort, it was deemed more cost effective and more productive using a full time contractor as increased sweeping frequency and rotation could be accomplished. To provide the best service to our citizens, it was determined to contract for all city street sweeping in 1986. This service has been contracted out to the private sector since then. The price per curb mile for sweeping has remained stable over the last seventeen years.

If this contract is renewed each year, the contractor may increase or decrease the cost per mile in accordance to the previous year Denver/Boulder Wage Earners and Clerical Consumer Price Index.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** 2003 Wastewater Collection System Improvement Contract Change Order No. 1

**Prepared By:** Richard A. Clark, P.E., Utilities Operations Manager

**Recommended City Council Action**

Authorize the City Manager to execute a change order to the 2003 Wastewater Collection System Improvement Contract with Insituform Technologies in the amount of \$17,548 for additional sewer rehabilitation services. Charge the expense to the approved project contingency account in the Utilities Division Operating Budget.

**Summary Statement**

- City Council approved the 2003 Wastewater Collection System Improvement Project contract with Insituform Technologies at the October 13, 2003 City Council meeting.
- Since the approval of the project contract, Utilities Staff was informed of critical sewer line defects that will require immediate repairs. These defects were not identified until very recent inspections illustrated the problems. These defects present a hazard that needs to be addressed in a timely manner.
- The change will add two extra sewer line sections (556 feet) to the initial project to address the defects that have been found. This portion of the project cost will be paid for utilizing the project contingency funding approved for this contract. The approved contingency amount was \$30,292. The estimated cost of these additional sewers is \$17,548 based on the unit prices in the contract with Insituform Technologies.
- This item is before City Council for action because it exceeds five percent of the original contract amount. Any single change order of over five percent or combined change orders of over 10 percent require City Council approval.

**Expenditure Required:** \$17,548

**Source of Funds:** Utilities Operations Division Budget

**Policy Issue**

Should Utilities Staff have the contractor proceed with sewer rehabilitation in the two additional areas – totaling 556 feet of sanitary sewer line, that have recently been identified as requiring immediate attention.

**Alternative**

Proceed with the original contract amount, which does not include the two additional sewer rehabilitation areas that require repair at this time. If repairs to these sewer lines are delayed, the defects could present significant hazards to the public.

**Background Information**

Each year, the Utilities Division completes wastewater collection system projects that repair defects in sanitary sewer lines throughout the City. The projects are competitively bid out and work is performed by an approved contractor, using the latest “trenchless technology” methods to complete the work. Specific locations and footages are identified and prioritized for the contractor to complete within the given time frame. The most severe defects are addressed first and a prioritized list that fits within the available funds is used as the scope of work for the repair project(s).

The most recent contract was approved by City Council on October 13, 2003, with Insituform Technologies for \$333,214. This project included 5,087 feet of sanitary sewer line lining and various manhole rehabilitation tasks. Since the approval of this contract, additional information has been received that indicates two other areas – totaling 556 feet of sanitary sewer line – require immediate attention. These areas can be corrected within the funding available under the original contract’s contingency. Staff has discussed this additional work with the contractor, Insituform Technologies, and they have agreed to include these two areas in their project at this time.

Funding for this additional work would come from the project contingency amount of \$30,292. This sewer lining work is an immediate concern and requires that repairs be completed at this time, along with the original project work. The estimated cost of these additional sewers is \$17,548 based on the unit prices in the contract with Insituform Technologies. To date, none of the contingency for that project has been used.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

# Change Order



**City of Westminster  
2003 Wastewater Collection System Improvements  
Project No. WW-03-3**



**The City of Westminster  
2003 Wastewater Collection System Improvements  
Project No. WW-03-3  
Change Order**

**Raleigh Place H12045-H12046**

<b>Part I</b>	<b>Sewer Rehabilitation Services</b>	<b>Est. Qty.</b>	<b>Unit</b>	<b>Insituform Technologies Unit Price</b>	<b>Insituform Technologies Extension</b>
I-1	Video Engineering Study	246	L.F.	\$ 1.00	\$ 246.00
I-2	Sewer Line Cleaning	246	L.F.	\$ 1.00	\$ 246.00
I-3	Sewage By-Passing	246	L.F.	\$ 0.50	\$ 123.00
I-4	CIPP	246	L.F.	\$ 23.00	\$ 5,658.00
I-5	Service Reactivation	9	EA.	\$ 100.00	\$ 900.00
I-6	Mobilization	0	L.S.	\$1,250.00	\$ -
I-7	Tap Cutting	3	EA.	\$ 250.00	\$ 750.00
I-8	Mineral Deposits	10	L.F.	\$ 3.50	\$ 35.00
	<b>Total Price Part I</b>				<b>\$ 7,958.00</b>

<b>Part II</b>	<b>Manhole Rehabilitation Services</b>				
II-1	Rehabilitate Manhole	0	V.F.	\$ 125.00	\$ -
	<b>Total Price Part II</b>				<b>\$ -</b>

<b>Total Of Parts I and II</b>					<b>\$ 7,958.00</b>
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**Turnpike Drive H12029-H12028**

<b>Part I</b>	<b>Sewer Rehabilitation Services</b>	<b>Est. Qty.</b>	<b>Unit</b>	<b>Insituform Technologies Unit Price</b>	<b>Insituform Technologies Extension</b>
I-1	Video Engineering Study	310	L.F.	\$ 1.00	\$ 310.00
I-2	Sewer Line Cleaning	310	L.F.	\$ 1.00	\$ 310.00
I-3	Sewage By-Passing	310	L.F.	\$ 0.50	\$ 155.00
I-4	CIPP	310	L.F.	\$ 23.00	\$ 7,130.00
I-5	Service Reactivation	9	EA.	\$ 100.00	\$ 900.00
I-6	Mobilization	0	L.S.	\$1,250.00	\$ -
I-7	Tap Cutting	3	EA.	\$ 250.00	\$ 750.00
I-8	Mineral Deposits	10	L.F.	\$ 3.50	\$ 35.00
	<b>Total Price Part I</b>				<b>\$ 9,590.00</b>

<b>Part II</b>	<b>Manhole Rehabilitation Services</b>				
II-1	Rehabilitate Manhole	0	V.F.	\$ 125.00	\$ -
	<b>Total Price Part II</b>				<b>\$ -</b>

<b>Total Of Parts I and II</b>					<b>\$ 9,590.00</b>
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<b>Grand Total</b>					<b>\$ 17,548.00</b>
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**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Award for Construction of 116<sup>th</sup> Avenue and Federal Blvd Waterline

**Prepared By:** Diane Phillips, Capital Improvement Coordinator  
Rick Clark, Utilities Operations Manager

**Recommended City Council Action**

Authorize the City Manager to execute a contract with BT Construction in the amount of \$102,302 for construction of the 116<sup>th</sup> Avenue and Federal Blvd Waterline and authorize \$10,200 for contingency.

**Summary Statement**

- A waterline connection needs to be complete by installing 400 feet of 12-inch line from Federal Blvd east and then boring under 116<sup>th</sup> Avenue.
- Merrick Engineering completed the design of the waterline and bids were received on November 10, 2003.
- BT Construction submitted the lowest bid and has performed very good work for the City in the past and it is recommended that the City contract with them to provide the construction of this waterline.

**Expenditure Required:** \$112,502

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

**Policy Issue**

Should the City award a contract to BT Construction to build the 116<sup>th</sup> Avenue and Federal Blvd waterline.

**Alternative**

The City could delay the construction of this waterline connection but cost would likely increase and reliable water service could be compromised as development continues and the waterlines are not looped together.

**Background Information**

The Treated Water Master Plan recommends that this short portion of waterline be installed to complete a connection between the waterlines in Federal Blvd and 116<sup>th</sup> Avenue. Recent computer modeling has shown that this line should be installed at this time to continue to provide adequate domestic and fire flow supply.

The total budget for this project is \$145,000. Design and design contingency is \$32,340. Construction and construction contingency is \$112,502. \$94,000 is available in the Water System Major Maintenance account and \$51,000 will be moved from the Waterline Maintenance/Replacement/Extensions account into the Water System Major Maintenance account to cover the cost of the project.

The engineer's estimate for the construction of the project is \$132,000. Bids were received on November 10, 2003 from six construction firms. Their bids are listed below.

BT Construction	\$102,302
Parker Excavating	\$123,119
T. Lowell Construction	\$129,000
Duran Excavating	\$132,694
Levi Contractors	\$135,195
Trainor Construction	\$136,570

BT Construction had the lowest bid and they have completed several successful projects for the City.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Contract for Design of the Gregory Hill Water Tanks Repair

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

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Tank Industry Consultants in the amount of \$66,500 and a contingency of \$6,600 for design and construction inspection of the Gregory Hill Water Tanks repair and maintenance.

**Summary Statement**

- The Gregory Hill Water Tanks requires various repairs and maintenance.
- Request for Proposals were sent to five engineering firms and two firms submitted proposals for the design and construction management of the tank repairs.
- Tank Industry Consultants submitted the lowest cost proposal and it is recommended that the City contract with them to provide design and construction inspection services for this project.

**Expenditure Required:** \$73,100

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

**Policy Issue**

Should the City award a contract to Tank Industry Consultants to provide design and construction inspection services for the Gregory Hill Water Tanks repair.

**Alternative**

The City could delay the repairs and maintenance to these tanks but further deterioration will occur and future maintenance and repairs cost will increase.

**Background Information**

The City operates two 2 million gallon water tanks at Osceola and 81<sup>st</sup> Avenue. These two tanks are over 40 years old and require modifications to bring them up to date with current operational standards. The repairs will include adding man ways and vents, replacing the cathodic protection system, modifying the overflow pipe along with the inlet and outlet pipe and recoating the tanks.

The total budget for the project is \$300,000 and funds were specifically budgeted and are available in the Gregory Hill Tanks project account. Work is scheduled to begin in the spring of 2004, with a hiatus during the summer months while the tanks are put back in service to accommodate high water demand. Work resumes after the summer months, with the tank work complete towards the end of fall 2004.

Request for Proposals were sent to five engineering firms and two firms responded. Their prices are listed below.

Tank Industry Consultants	\$66,500
Carollo Engineers	\$134,890

Tank Industry Consultants is the lowest bid. Their low bid is partially due to the fact of their prior work with the City, including two rounds of original inspections on all water storage elevated and ground tanks. Also, Tank Industry Consultants is highly efficient, as tank inspections and repairs is the only type of work they do. Carollo Engineers is not as experienced in this type of work. Tank Industry Consultants prior work with the City was very successful.

Respectfully submitted,

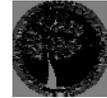
J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Open Space Acquisition along Big Dry Creek

**Prepared By:** Lynn Wodell, Open Space Coordinator

**Recommended City Council Action:**

Authorize the City Manager to execute a Purchase and Sale Agreement and all necessary closing documents for the acquisition of the McGuire property located at W. 128<sup>th</sup> Avenue and Pecos Street as open space and right of way and authorize the City Manager to execute an Intergovernmental Agreement with Urban Drainage and Flood Control District for reimbursement of one half of the cost of the acquisition.

**Summary Statement:**

- Staff has negotiated the purchase of the approximately 4 acres including a single family home located within the Big Dry Creek Corridor at W. 128<sup>th</sup> Avenue and Pecos Street for a purchase price of \$337,500 or \$2.14 per square foot. Approximately 14,700 square feet along W. 128<sup>th</sup> Avenue will be purchased as right of way and the remainder will be purchased as open space.
- In addition to the purchase price, the terms and conditions of the purchase include the acknowledgement of a \$25,000 charitable contribution to the City, \$50,000 in relocation costs payable at closing, and \$50,000 in demolition costs that will be incurred at the end of a six-month period to allow Mrs. McGuire time to vacate the property.
- Urban Drainage and Flood Control District has agreed to enter into an Intergovernmental Agreement with the City to reimburse one half of the total costs or \$218,750 after January 1.

**Expenditure Required:** \$ 437,500

<b>Source of Funds:</b>	Open Space Land Purchases Account:	\$281,042
	Open Space Land Acquisition CIP Account:	\$125,000
	New Development Participation CIP Account:	<u>\$ 31,458</u>
	Total:	\$437,500

Urban Drainage and Flood Control District  
(\$218,750 of these funds will be reimbursed into the Open Space Land Purchases Account through an Urban Drainage and Flood Control District grant)

**Policy Issues**

Should the City's Open Space and New Development Participation Funds be used for this acquisition?

**Alternatives**

1. Not acquire this property. This alternative is not recommended because this is the first time the City has been able to negotiate acceptable terms with the landowner and Urban Drainage has agreed to pay one half of the costs.
2. Not acquire this property at this time. This alternative is also not recommended because of concerns the landowner has expressed regarding the drainage problems associated with the property's location in the 100-year floodplain.

**Background Information**

The McGuire property is an approximately 4-acre parcel with a home and other improvements located at W. 128<sup>th</sup> Avenue and Pecos Street. The property is located in the 100-year floodplain of Big Dry Creek. The acquisition of this site as an addition to the Big Dry Creek Open Space and Trail Corridor has been an acquisition priority of the City's Open Space Advisory Board. Staff has recently negotiated the purchase of the property with terms that are acceptable to the landowner. The landowner will be allowed six months in which to vacate the property and remove all of the farm implements, after which the City will demolish the home and reclaim the site for open space and right of way to accommodate the future widening of W. 128<sup>th</sup> Avenue. In addition, the Urban Drainage and Flood Control District has agreed to pay one-half of the costs of this acquisition resulting in a grant/reimbursement to the City of \$218,750. This is an opportunity for the City to leverage the City's limited Open Space Funds.

A copy of the Intergovernmental Agreement with Urban Drainage is attached.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Second Reading of CB No. 64 re Alpine Vista Amendment to the Comprehensive Land Use Plan

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

**Recommended City Council Action**

Pass Councillor's Bill No. 64 on second reading amending the Comprehensive Land Use Plan. The Alpine Vista property is approximately 13.4 acres located at the northwest corner of 88<sup>th</sup> Avenue and Lowell Boulevard.

**Summary Statement:**

- Pass Councillor's Bill No. 64 amending the Westminster Comprehensive Land Use Plan to designate the residential portion of the Alpine Vista property as Single-Family Attached and the two commercial properties along Lowell Boulevard as Retail/Commercial.
- This Councillor's Bill was passed on first reading on October 27, 2003.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **64**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan 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 Alpine Vista annexation property, described as follows:

Blocks 1 and 2, Alpine Vista Subdivision, and the property known as 8801 Lowell Boulevard.

The Alpine Vista annexation property shall be changed from Unincorporated Adams County, to Single Family Attached Residential, and as Retail Commercial, 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 27<sup>th</sup> of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Second Reading of Councillor's Bill No. 70 re Concealed and Unconcealed Weapons

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

**Recommended City Council Action**

Pass Councillor's Bill No. 70 revising the Title VI of the Westminster City Code, Chapter 2, re: Crimes Against Peace on second reading.

**Summary Statement**

- On March 18, 2003, Governor Owens signed into law both Senate Bill 24 establishing statewide regulations regarding permitting for concealed handguns, and Senate Bill 25 limiting municipalities' authority to regulate firearms.
- Municipalities must now ensure that local regulations and codes are in compliance with these new laws.
- The City Manager previously established a Task Force to develop recommendations on changes to the Westminster City Code and to the City's administrative policy to both ensure Westminster's compliance with the new legislation and maintain a safe environment for City employees, contractors, and citizens visiting public facilities.
- Based on their review of the State Legislation, and survey data from cities in the area, the Task Force recommended several steps to respond to the State Law. The recommendations include prohibiting the carrying of open firearms except those carried by police officers and other authorized personnel and the posting of all City facilities prohibiting possession of deadly weapons except as allowed by Code.
- This Councillor's Bill was passed on first reading November 10, 2003.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3070**

COUNCILLOR'S BILL NO. **70**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**Dittman-Dixon**

A BILL

FOR AN ORDINANCE AMENDING THE CRIMES AGAINST PEACE CODE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, Chapters 1, and 2 of the Westminster Municipal Code is hereby amended as follows:

**6-1-1: DEFINITIONS:**

3. "Deadly Weapon" means any firearm, whether loaded or unloaded, knife, OR OTHER ILLEGAL WEAPON. ~~bludgeon, bow and arrow, sling shot or other weapon, device, instrument, material, or substance whether animate or inanimate, which, in the manner it is used, or intended to be used, is capable of producing death or serious bodily injury.~~

**6-2-9: FIREARMS:**

(A) It shall be unlawful for any person to intentionally, knowingly or recklessly discharge firearms, deadly weapons or destructive devices of any kind or description within the limits of the City; provided, however, that this shall not apply to police officers in the discharge of their duties.

(B) Exceptions; Permits: The City Manager may at any time, upon receipt of proper application, grant a permit to shooting galleries, gun clubs, rifle ranges, and others for shooting in fixed locations. Such permits shall be in writing and shall conform to such requirements as the City Manager shall specify, after consulting with the Police Chief, necessary to protect the public health, safety and welfare. The permits thus issued shall be subject to revocation at any time by the City Manager pursuant to Chapter 1 of Title V of this Code.

(C) EXCEPT AS PROVIDED IN SECTION 6-2-10, IT SHALL BE A CRIMINAL OFFENSE FOR ANYONE TO POSSESS A DEADLY WEAPON WHILE ON CITY PREMISES.

(~~C~~D) A violation of this Section is a criminal offense, punishable by a fine or imprisonment, or both, as proved in Section 1-8-1 of this Code.

**6-2-10: CONCEALED WEAPONS:**

(A) It shall be unlawful for any person other than a police officer to carry concealed on or about his person any deadly weapon, EXCEPT A PERSON WHO AT THE TIME OF CARRYING A CONCEALED HANDGUN HAD A VALID WRITTEN PERMIT TO CARRY THE HANDGUN ISSUED PURSUANT TO STATE LAW.

(B) It shall be an affirmative defense that the defendant was:

1. A person in his own dwelling or place of business or on property owned or under his control at the time of the act of carrying, or

2. A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of his or another's person or property while traveling, or

3. ~~—A person, who at the time of carrying a concealed weapon, had a valid current written permit to carry the weapon issued pursuant to State law by the chief of police of a city or the sheriff of a county.~~

(C) ALL PERSONS CARRYING A CONCEALED HANDGUN MUST SHOW, UPON REQUEST OF A POLICE OFFICER, PROOF OF WRITTEN PERMIT ISSUED PURSUANT TO STATE LAW.

(D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO FORBID A POLICE OFFICER, AN ARMORED CAR EMPLOYEE PROVIDING MONEY TRANSPORT FROM A CITY FACILITY, A PRIVATE SECURITY GUARD HIRED BY THE CITY, OR OTHER DULY AUTHORIZED CITY EMPLOYEE FROM CARRYING A WEAPON.

(E) IT SHALL BE A CRIMINAL OFFENSE FOR ANYONE, OTHER THAN A POLICE OFFICER, AN ARMORED CAR EMPLOYEE PROVIDING MONEY TRANSPORT FROM A CITY FACILITY, A PRIVATE SECURITY GUARD HIRED BY THE CITY, OR AN AUTHORIZED CITY EMPLOYEE, TO CARRY ANY WEAPON IN VIEW ONTO OR IN A CITY PREMISES. POSSESSION OF A CONCEALED HANDGUN PERMIT SHALL BE OF NO DEFENSE IF THE HANDGUN IS CARRIED IN SUCH A MANNER AS TO BE VISIBLE, IN WHOLE OR IN PART, OR ACCESSIBLE FOR ANY LENGTH OF TIME TO ANOTHER INDIVIDUAL.

(F) DEFINITIONS

1. "HANDGUN" MEANS A PISTOL, REVOLVER, OR OTHER FIREARM OF ANY DESCRIPTION, LOADED OR UNLOADED, FROM WHICH ANY SHOT, BULLET, OR OTHER MISSILE CAN BE DISCHARGED AND THE LENGTH OF THE BARREL, NOT INCLUDING ANY REVOLVING, DETACHABLE, OR MAGAZINE BREECH, DOES NOT EXCEED TWELVE INCHES.

2. "CITY PREMISES" MEANS ANY CITY-OWNED RECREATION FACILITY, OFFICE BUILDING, LIBRARY, PARK, OPEN SPACE, TRAIL, GOLF COURSE, ICE CENTER, OR OTHER CITY PROPERTY OPEN TO THE PUBLIC.

~~(G)~~ (G) Carrying a concealed weapon IN VIOLATION OF THE ABOVE SUBSECTIONS is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of November, 2003 AS AMENDED.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Second Reading Councillor's Bill No. 71 re Sales Tax Ordinance Changes (PST)

**Prepared By:** Barb Dolan, Sales Tax Manager

**Recommended City Council Action**

Pass Councillor's Bill No. 71 on second reading amending WMC Title 4 Sales Tax Ordinance

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading.
- This action implements the .6% increase in the City's sales and use tax approved by the voters on November 4, 2003.
- This Councillor's Bill was passed on first reading on November 10, 2003.

**Expenditure Required:** \$0.00

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3071**

COUNCILLOR'S BILL NO. **71**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**Dixon-McNally**

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE RATE, IMPOSITION, COLLECTION AND DISTRIBUTION OF SALES AND USE TAX AND AMENDING THE TAX SCHEDULE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 4-2-3, W.M.C., is hereby AMENDED to read as follows:

**4-2-3: RATE; IMPOSITION AND COLLECTION; DISTRIBUTION:**

(A) Sales Tax: There is hereby levied a tax or excise upon all sales of tangible personal property and services specified in Section 4-2-5.

1. FOR SALES TRANSACTED ON OR AFTER JANUARY 1, 2004, BUT PRIOR TO JANUARY 1, 2017, THE RATE LEVIED SHALL BE THREE AND EIGHTY-FIVE HUNDREDTHS PERCENT (3.85%). UNLESS OTHERWISE LAWFULLY PROVIDED, THE 3.85% TAX RATE SHALL BE REDUCED TO 3.6 PERCENT ON JANUARY 1, 2017.
2. ~~1.~~ For ~~transactions consummated or contracts entered into~~ SALES TRANSACTED on or after January 1, 1986, but prior to January 1, ~~2017~~ 2004, the rate levied shall be three and one-quarter percent (3.25%).
3. ~~2.~~ For ~~transactions consummated or contracts entered into~~ SALES TRANSACTED prior to January 1, 1986 ~~or on or after January 1, 2017~~, the rate levied shall be three percent (3%).

(B) Use Tax: There is hereby levied a tax or excise upon the privilege of using, storing, distributing, or otherwise consuming in the City any article of tangible personal property or taxable services purchased, leased or rented from sources inside or outside the City, on which the City sales tax has not been paid.

1. FOR SALES TRANSACTED ON OR AFTER JANUARY 1, 2004, BUT PRIOR TO JANUARY 1, 2017, THE RATE LEVIED SHALL BE THREE AND EIGHTY-FIVE HUNDREDTHS PERCENT (3.85%). UNLESS OTHERWISE LAWFULLY PROVIDED, THE 3.85% TAX RATE SHALL BE REDUCED TO 3.6 PERCENT ON JANUARY 1, 2017.
2. ~~1.~~ For ~~transactions consummated or contracts entered into~~ SALES TRANSACTED on or after January 1, 1986, but prior to January 1, ~~2017~~ 2004, the rate levied shall be three and one-quarter percent (3.25%).
3. ~~2.~~ For ~~transactions consummated or contracts entered into~~ SALES TRANSACTED prior to January 1, 1986, ~~or on or after January 1, 2017~~, the rate levied shall be three percent (3%).

(C) Imposition and Collection: The tax specified in this Section is imposed upon the purchaser. Any seller shall collect the tax and remit it to the City pursuant to ~~the schedule set forth in~~ SECTION 4-2-4 OF this Chapter.

(D) Distribution:

~~1.~~ Except as specified in this Subsection, the City shall distribute all sales and use tax receipts first for costs of administration and collection of sales and use tax, next for the fulfillment of any sales and use tax bond covenants, and finally for any lawful purposes of the City.

1. COLLECTION AT 3.85% RATE:

(a) ~~2.~~ The City shall distribute ~~seven and sixty-nine hundredths percent (7.69%)~~ SIX AND FORTY-NINE HUNDREDTHS PERCENT (6.49%) of all sales and use tax collected at the rate of ~~three and one-quarter percent (3.25%)~~ THREE AND EIGHTY-FIVE HUNDREDTHS PERCENT (3.85%) to the Open Space Fund for the purpose of funding the open space acquisition program and development and enhancement of recreational facilities with up to one-half of such revenues to be used for the development of additional park land and open space, trail development, enhancement of existing parks and development and enhancement of recreational facilities as approved by Westminster voters on November 5, 1996.

(b) THE CITY SHALL DISTRIBUTE FIFTEEN AND FIFTY-EIGHT HUNDREDTHS PERCENT (15.58%) OF ALL SALES AND USE TAX COLLECTED AT THE RATE OF THREE AND EIGHTY-FIVE HUNDREDTHS PERCENT (3.85%) TO IMPROVE AND ENHANCE THE SAFETY AND SECURITY OF WESTMINSTER RESIDENTS AS APPROVED BY WESTMINSTER VOTERS ON NOVEMBER 4, 2003.

2. COLLECTION AT 3.6% RATE: THE CITY SHALL DISTRIBUTE SIXTEEN AND SIXTY-SEVEN HUNDREDTHS PERCENT (16.67%) OF ALL SALES AND USE TAX COLLECTED AT THE RATE OF THREE AND SIX TENTHS PERCENT (3.6%) TO IMPROVE AND ENHANCE THE SAFETY AND SECURITY OF WESTMINSTER RESIDENTS AS APPROVED BY WESTMINSTER VOTERS ON NOVEMBER 4, 2003.

3. COLLECTION AT 3.25% RATE: THE CITY SHALL DISTRIBUTE SEVEN AND SIXTY-NINE HUNDREDTHS PERCENT (7.69%) OF ALL SALES AND USE TAX COLLECTED AT THE RATE OF THREE AND ONE-QUARTER PERCENT (3.25%) TO THE OPEN SPACE FUND FOR THE PURPOSE OF FUNDING THE OPEN SPACE ACQUISITION PROGRAM AND DEVELOPMENT AND ENHANCEMENT OF RECREATIONAL FACILITIES WITH UP TO ONE-HALF OF SUCH REVENUES TO BE USED FOR THE DEVELOPMENT OF ADDITIONAL PARK LAND AND OPEN SPACE, TRAIL DEVELOPMENT, ENHANCEMENT OF EXISTING PARKS AND DEVELOPMENT AND ENHANCEMENT OF RECREATIONAL FACILITIES AS APPROVED BY WESTMINSTER VOTERS ON NOVEMBER 5, 1996.

(E) The tax imposed in this Section shall continue to be levied and collected until amended or repealed by ordinance.

(F) The tax imposed in this Chapter shall be in addition to all other taxes imposed by law.

Section 2. Section 4-2-4, W.M.C., is hereby AMENDED to read as follows:

**4-2-4: TAX SCHEDULE:**

(A) IN ORDER TO AVOID FRACTIONS OF PENNIES, THE TAX PAYABLE BY THE PURCHASER OR CONSUMER TO THE RETAILER SHALL BE COMPUTED BY THE RETAILER IN ACCORDANCE WITH A SCHEDULE OR SYSTEM APPROVED BY THE FINANCE DIRECTOR. THE SCHEDULE OR SYSTEM SHALL BE DESIGNED SO THAT NO TAX LEVIED BY THIS ARTICLE IS CHARGED ON ANY PURCHASE OF TWELVE CENTS (\$0.12) OR LESS. HOWEVER, THE USE OF A SCHEDULE IN COLLECTING TAXES FROM PURCHASERS SHALL NOT RELIEVE THE RETAILER FROM LIABILITY FOR PAYMENT OF THE FULL AMOUNT OF THE TAX LEVIED IN SECTION 4-2-3 ABOVE ON ALL OF THE TAXABLE SALES OR SERVICES

~~(A) For transactions consummated, events occurring, or contracts entered into on or after January 1, 1986 but prior to January 1, 2017:~~

~~1. The tax imposed by this Chapter shall be payable on each four dollar (\$4) increment in accordance with the following schedule:~~

Price Tax

~~\$.01 including \$.15 — No Tax  
.16 including .46 — 1 cent  
.47 including .76 — 2 cents  
.77 including 1.07 — 3 cents  
1.08 including 1.38 — 4 cents  
1.39 including 1.69 — 5 cents  
1.70 including 1.99 — 6 cents  
2.00 including 2.30 — 7 cents  
2.31 including 2.61 — 8 cents  
2.62 including 2.92 — 9 cents  
2.93 including 3.23 — 10 cents  
3.24 including 3.53 — 11 cents  
3.54 including 3.84 — 12 cents  
3.85 including 4.00 — 13 cents~~

- ~~2. When the price exceeds four dollars (\$4), the tax shall be thirteen cents (\$.13) on each four dollar increment of the price, plus the tax shown in the above schedule for the applicable fractional part of a four dollar (\$4) increment of each price.~~

~~(B) For transactions consummated, events occurring, or contracts entered into prior to January 1, 1986 or on and after January 1, 2017:~~

- ~~1. The tax imposed by this Chapter shall be payable on one dollar (\$1) in accordance with the following schedule:~~

Price Tax

~~\$.01 including \$.16 — No Tax  
.17 including .50 — 1 cent  
.51 including .83 — 2 cents  
.84 including 1.00 — 3 cents~~

- ~~2. When the price exceeds one dollar (\$1), the tax shall be three cents (\$.03) on each full dollar of the price, plus the tax shown in the above schedule for the applicable fractional part of a dollar of each price.~~

~~(C)(B) Use of the A schedule set forth in this Section OR SYSTEM APPROVED BY THE FINANCE DIRECTOR shall not result in computation of a tax liability that is less than the amount which equals taxable sales multiplied by the specified rate.~~

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 10th day of November, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

\_\_\_\_\_  
Mayor

ATTEST:

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Second Reading of Councillor's Bill No. 72 re Street Cut Impact Fees

**Prepared By:** Ray Porter, Infrastructure Improvements Manager  
Sharon Widener, Assistant City Attorney

**Recommended City Council Action**

Pass Councillor's Bill No. 72 on second reading establishing a Street Cut Impact Fee to become effective on July 1, 2004.

**Summary Statement**

- City Council action is requested to pass the attached Councillors Bill on second reading.
- This Councillor's Bill was passed on first reading on November 10, 2003.
- City Council agreed that trench cuts shorten the useful life of a street and directed staff to bring back a proposal establishing impact fees to recover direct costs to the City of damages caused by street excavations is appropriate.
- Staff recommended that this new fee not be implemented until July 1, 2004, to allow time for private contractors and the City to build this cost into their budgets and provide time for citizen education.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3072**

COUNCILLOR'S BILL NO. **72**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**Hicks-McNally**

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE TO ESTABLISH A STREET CUT IMPACT FEE

WHEREAS, excavations in City streets cause an impact upon the strength and life of the streets when various users make trenches in the pavement for purposes of laying lines, pipes, and other materials in the streets. It is the purpose of this section to recoup some of the costs associated with such trenches, both in administrative costs associated with the issuance of pavement cut permits, inspection of the trenches and their repair, and general control of pavement cuts, and in the costs of both short-term and long-term repair and maintenance of the streets; and

WHEREAS, studies performed on streets in other cities have concluded that excavation to an existing pavement shortens pavement performance life and increases the frequency and cost to the public of necessary resurfacing maintenance and repair. The studies have concluded that structural damage to the pavement adjacent to the trench occurs no matter how well the excavation is restored; and

WHEREAS, in order to determine the extent to which the City of Westminster is burdened by the existence of trenches as concluded by studies in other cities, the City retained CHEC Consultants, Inc., to determine the effect of excavations on Westminster streets. The study performed by CHEC Consultants, Inc., dated, November 26, 2001, and on file in the office of the Director of Public Works and Utilities, determined that, even if pavement restoration in the trench itself is structurally adequate, excavation shortens the life expectancy of the pavement located adjacent to the trench where the excavation occurs; and

WHEREAS, excavation to newly surfaced streets have an even greater impact on decreasing the life of the pavement's performance. To provide an incentive to avoid excavations in newly surfaced streets whenever feasible, the fee will be doubled for excavations in streets resurfaced/reconstructed within the current year and the last four (4) years or sealcoated within the current year and the last two (2) years. Contrarily, the impact fee will be waived for excavations on streets scheduled for total pavement reconstruction within the current year and the next two (2) years as designated in the City's Pavement Management 5-Year Master Plan for street improvements; and

WHEREAS, although utilities and telecommunication providers and other users may have rights to use the public rights of way, cities are allowed to recover their costs that are directly related to providing services relating to the granting and administration of permits such as those that allow the cutting of streets; and

WHEREAS, the fees established herein are direct costs to the City of damages caused by street excavations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER AS FOLLOWS:

Section 1. Title 9, Chapter 2, of the Westminster Municipal Code is hereby amended BY THE ADDITION OF A NEW SECTION to read as follows:

**9-2-8: STREET CUT IMPACT FEES:**

(A) IN ADDITION TO A STREET-CUT PERMIT FEE AND A DEPOSIT COVERING TRENCH OVERRUN AND DAMAGE TO APPURTENANCES, FEES TO COMPENSATE THE CITY DUE TO THE IMPACT OF LONG-TERM DAMAGE CAUSED BY STREET CUTS SHALL BE PAID BY ANY PERSON OR ENTITY WHO CUTS CITY STREETS. SUCH FEES SHALL BE PAID AT THE TIME OF ISSUANCE OF A PERMIT, TO BE CALCULATED ON FORMS TO BE FURNISHED BY THE CITY ENGINEER.

(B) THE IMPACT FEE MAY BE AMENDED WHEN DEEMED APPROPRIATE BY THE CITY MANAGER UPON RECOMMENDATION BY THE CITY ENGINEER AND SHALL INCLUDE THE FOLLOWING FACTORS:

1. WHETHER THE CUT IS A LONGITUDINAL TRENCH OR A TRANSVERSE TRENCH.
2. WHETHER THE STREET WAS RESURFACED WITHIN THE CURRENT YEAR AND THE LAST FOUR (4) YEARS OR SEALCOATED WITHIN THE CURRENT YEAR AND THE LAST TWO (2) YEARS.
3. WHETHER THE STREET IS EARMARKED FOR TOTAL RECONSTRUCTION WITHIN THE CURRENT YEAR AND THE NEXT TWO (2) YEARS IN THE CITY'S 5-YEAR PAVEMENT MANAGEMENT MASTER PLAN FOR STREET IMPROVEMENTS.

(C) FEE SCHEDULE:

1. \$50.00 FOR STREET CUT PERMIT
2. \$1.30/SQUARE FOOT FOR LONGITUDINAL TRENCHES.
3. \$7.70/SQUARE FOOT FOR TRANSVERSE TRENCHES.
4. WITH THE EXCEPTION OF THE FEE FOR A STREET CUT PERMIT ABOVE; FEES WILL BE DOUBLED FOR STREETS THAT HAVE BEEN RESURFACED WITHIN THE CURRENT YEAR AND THE PAST FOUR CALENDAR YEARS, OR SEALCOATED WITHIN THE CURRENT YEAR AND THE PAST TWO CALENDAR YEARS,
5. WITH THE EXCEPTION OF THE FEE FOR A STREET CUT PERMIT ABOVE; FEES WILL BE WAIVED FOR STREETS SCHEDULED FOR TOTAL PAVEMENT RECONSTRUCTION WITHIN THE CURRENT YEAR AND THE FOLLOWING TWO YEARS.

Section 2. This ordinance shall take effect on July 1, 2004.

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 10th of November, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

\_\_\_\_\_  
Mayor

ATTEST:

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



## Agenda Item 10 A

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
November 24, 2003



**Subject:** TABLED - Construction of Reclaimed Waterline Extension at 113<sup>th</sup> and Pecos

**Prepared by:** Kipp Scott, Water Quality Administrator

### Recommended City Council Action

Leave this item on the table to be brought back for action at a future Council Meeting.

### Summary Statement

- The developer, Century Communities, has not completed his design and related budget estimates for construction of the reclaimed water line. Therefore, staff recommends tabling this item until the developer can provide adequate documentation of his real costs to construct the reclaimed waterline.

**Expenditure Required:** \$58,500 City Estimate

**Source of Funds:** Utility Fund Capital Improvement Reclaimed Waterline Project Budget

**Policy Issue**

Should the City reimburse a developer for the extension of a reclaimed water line?

**Alternatives**

The City could choose to not enter into an agreement with Century Communities and choose to bid the complete project for extension of the reclaimed water lines to this area. This will be a more costly option, as the line would need to be constructed within recently completed landscaping and sidewalk.

The City could choose to not construct the reclaimed water main; however, this would impact the schedule to build out the reclaimed system and reduce the utilization of the system.

**Background Information**

To fully utilize the capacity in the Reclaimed Water Treatment Facility (currently 6 million gallons per day (MGD)) reclaimed waterlines need to be extended to potential customers. This line extension will allow irrigation of eight acres for a projected annual use of 27 acre-feet. The projected total annual reclaimed use with this extension is 1,102 acre-feet. This is approximately 42% of the reclaimed supply of 2,600 acre-feet.

These projects have been identified in the recently completed Reclaimed Master Plan (RMP) as being cost effective extensions to do prior to full development of these parcels. The RMP identifies that installation of this infrastructure will be more cost effective prior to completion of streets and landscaping.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Public Hearing and Action on the Alpine Vista Preliminary and Official Development Plan

**Prepared By:** Daniel E. Osborn, Planner II

**Recommended City Council Action:**

1. Hold a public hearing.
2. Approve the Alpine Vista Preliminary and Official Development Plans be approved. This recommendation is based on the findings set forth in Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code.

**Summary Statement:**

- The Alpine Vista Property consists of approximately 13.4 acres located at the northwest corner of 88<sup>th</sup> Avenue and Lowell Boulevard. A single-family attached (townhome) development has already been approved for the site by Adams County that permits 108 single-family attached units.
- The staff approached the owner about annexing to the City and making certain improvements to the plan. The applicant agreed and submitted a petition for annexation.
- The applicant has submitted a Preliminary and Official Development plan for the property adding the following improvements: creation of public streets throughout the development, a lower overall density, a larger central park, and the orientation of some buildings to the adjacent streets.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

### **Planning Commission Recommendation**

The Planning Commission reviewed this proposal on November 11, 2003, and voted unanimously (7-0) to recommend approval of the Alpine Vista Preliminary and Official Development Plan based on the findings set forth in Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code. No one appeared in favor or opposition to this proposal.

### **Policy Issue**

Should the Alpine Vista Preliminary and Official Development Plan be approved?

### **Alternative**

Deny the Alpine Vista Preliminary and Official Development Plan. If this action is taken, the property will not be annexed and will be developed as approved by Adams County.

### **Background Information**

The Alpine Vista project was approved by the Adams County Commissioners earlier this year. At that time, a number of improvements to the site plan were suggested by City staff, but were not adopted by the county. Since no Service Commitments were available in 2003, the developer was not able to acquire all of the Commitments needed to complete the project. After discussions with the developer, it was agreed that he would petition for annexation and make the originally suggested changes in exchange for expedited Service Commitments.

The revised plan will eliminate eight units bringing the overall density to 9.85 units per acre, that is in compliance with the Single-Family Attached category in the Comprehensive Land Use Plan. The revised plan will also create a 1.2-acre private park near the center of the development, add a tot lot/play structure within the park, and buildings 13 and 14 will be reoriented to face 88<sup>th</sup> Avenue to present a better streetscape. The applicant has also agreed to add additional masonry to the units that face the streets and the private park. The applicant originally proposed private streets in the development. Staff met with the applicant and has determined that the streets meet the standards for City public streets. The plan before Council shows all of the streets designated as public. These changes are also specified in the annexation agreement.

#### Applicant/Property Owner

Chad Pinson  
AV Development, LLC

#### Surrounding Land Use and Comprehensive Land Use Plan Designations

The property is bordered by development in unincorporated Adams County to the north, east, west and south and by undeveloped land in the City of Westminster to the southeast. To the north and west is single-family detached residential; to the east is retail/commercial, and to the south an elementary and middle school and a small single-family detached residential area.

#### Site Plan Information

The Preliminary and Official Development Plans would allow for a single-family attached residential development with 100 units in 14 buildings. The buildings will be architecturally compatible with the City's single-family attached design standards. City parking requirements will be met. The details of the site requirements are set forth in the Official Development Plan including variances from the City's Single-Family Attached Design Guidelines. Through the City's review process the developer has worked with Staff to reduce the number of units, create a 1.2-acre private park, and enhance the streetscape along 88<sup>th</sup> Avenue.

**SUBJECT:** Public Hearing and Action on the Alpine Vista Preliminary and Official  
Development Plan Page 3

Traffic and Transportation

Access to the site will be provided from 88<sup>th</sup> Avenue and Lowell Boulevard. The internal streets will be public streets maintained by the City of Westminster. “No parking” areas and street striping will be determined by the City Engineering Division.

Service Commitment Category

The annexation agreement will specify that the Service Commitments for this project will be allocated out of Category A-1. The development will require 70 Service Commitments.

Referral Agency Responses

No comments have been received.

Public Comments

No neighborhood meeting was held regarding the Preliminary and Official Development Plan for the property since the development had already been approved by Adams County and the subsequent changes were all improvements to the original plan.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Public Hearing and Action on the Ninth Amended Preliminary Development Plan for the Countryside Planned Unit Development

**Prepared By:** Daniel E. Osborn, Planner II

**Recommended City Council Action:**

1. Hold a public hearing.
2. Approve the Ninth Amended Preliminary Development Plan for Countryside Planned Unit Development. This recommendation is based on the findings set forth in Section 11-5-14 of the Westminster Municipal Code.

**Summary Statement:**

- The property covered by the Countryside Ninth Amended Preliminary Development Plan consists of approximately 2.86 acres of land located on the northeast corner of Countryside Drive and Simms Street.
- This amendment will bring the property into compliance with the Comprehensive Land Use Plan, that allows moderate density single-family detached homes at a density of up to 3.5 dwelling units per acre.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

### **Planning Commission Recommendation**

The Planning Commission reviewed this proposal on November 11, 2003, and voted unanimously (7-0) to recommend approval of the Ninth Amended Preliminary Development Plan for Countryside Planned Unit Development based on the findings set forth in Section 11-5-14 of the Westminster Municipal Code. No one appeared in favor or in opposition to this proposal.

### **Policy Issue**

Should the City approve the Ninth Amended Preliminary Development Plan for the Countryside Planned Unit Development?

### **Alternatives**

Deny the Ninth Amended Preliminary Development Plan for Countryside Planned Unit Development based upon a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code have not been met.

### **Background Information**

This plan will bring the existing 2.86 acres of land located on the northeast corner of Countryside Drive and Simms Street into compliance with the Comprehensive Land Use Plan. The property was originally designated on the Preliminary Development Plan for semi-public uses, such as pre-schools or recreation facilities. However, due to the location and configuration of the property it is unlikely to develop under the original Preliminary Development Plan designation. City Staff supports the amendment to bring the property into compliance with the Comprehensive Land Use Plan.

At this time, there is no Official Development Plan in review for this site. However, the property owner, Ron Sigfried, has indicated to staff his intention to submit an Official Development Plan for review in early 2004. The applicant wanted confirmation of the allowed uses on the site before submitting a site specific plan.

#### Applicant/Property Owner

Ron Sigfried  
1483 South Balsam Street  
Lakewood, Colorado 80015

#### Surrounding Land Use and Comprehensive Land Use Plan Designations

North, South, and East: Countryside Subdivision, Single-Family Detached.

West: Unincorporated Jefferson County -- Wood Creek Subdivision, Single-Family Detached.

#### Site Plan Information

The 2.86-acre parcel is located on the northeast corner of Countryside Drive and Simms Street. The property is a vacant field. The west and south of the property are bound by roads. The north and east are bound by the existing Countryside single-family detached residential subdivision. The proposed Preliminary Development Plan sets performance standards to insure compliance with City design standards at the time of Official Development Plan review. The Official Development Plan may be reviewed and approved administratively by City staff.

#### Traffic and Transportation

This proposed development would be served by a full turn access point off Countryside Drive. No access will be allowed from Simms Street. Additional traffic generated by this project is minimal.

**SUBJECT:** Public Hearing and Action on the Ninth Amended Preliminary Development Plan for the  
Countryside Planned Unit Development

Page 3

Service Commitment Category

N/A

Referral Agency Responses

No referral responses were received.

Public Comments

Informational packets were sent to the property owners within 300 feet of the subject property and no negative responses were received.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Public Hearing and Action on the Brauch Property Annexation, Comprehensive Land Use Plan Amendment and Zoning

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

**Recommended City Council Action:**

1. Hold a public hearing.
2. Adopt Resolution No. 49 making certain findings as required by Section 31-12-110 C.R.S. regarding the annexation of the Brauch property.
3. Pass Councillor's Bill No. 73 on first reading annexing the Brauch property to the City of Westminster.
4. Pass Councillor's Bill No. 74 on first reading amending the Comprehensive Land Use Plan to include the Brauch property and to assign the designation of Public Open Space. This recommendation is based on the following findings set forth in the Westminster Comprehensive Land Use Plan:
  - a. There is justification for the proposed amendment and the Plan is in need of revision as proposed; and
  - b. The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
  - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
  - d. The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
5. Pass Councillor's Bill No. 75 zoning the Brauch property O-1.

**Summary Statement:**

- The Brauch property is located immediately east of the Mower Reservoir , north of 96<sup>th</sup> Avenue. (Please refer to the attached vicinity map.) The property consists of 17.9 acres and is improved with a single-family residence and accessory building.
- The property was purchased in May of 2003 as a joint project with the City Parks, Recreation and Libraries Department and Open Space funds. The existing residence and "quonset" type storage building will remain on the property and be used by the City Parks and Recreation Department as a maintenance facility and offices. The parcel is completely surrounded by City open space.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

### **Planning Commission Recommendation**

This proposal was reviewed by the Planning Commission on November 11, 2003 and voted unanimously (7-0) to recommend that the Brauch property be annexed to the City, that the property be included in the CLUP as Public Open Space and that the property be zoned O-1. No one appeared in favor or opposition to the request.

### **Policy Issue**

Should the City annex the Brauch property at this time?

### **Alternative**

Make a finding that the Brauch property not be annexed at this time and take no further action. If this action is taken, this parcel of City-owned open space would remain an unincorporated enclave and would be subject to County regulations and emergency service providers.

### **Background Information**

The Brauch property is an enclave that is completely surrounded by City-owned open space. The property was purchased with City general funds and open space funds. The existing residence and quonset storage building will remain and be used by the City's Parks, Recreation and Libraries Department as a maintenance facility and offices and the remainder of the property will remain as open space. No further construction of facilities is proposed at this time.

### Applicant/Property Owner

The City of Westminster

### Surrounding Land Use and Comprehensive Land Use Plan Designations

The property is entirely surrounded by land which is zoned O-1 and designated as Public Open Space in the Comprehensive Land Use Plan.

### Site Plan Information

No additional improvements are contemplated at this time.

### Service Commitment Category

No new Service Commitments will be required.

### Referral Agency Responses

None received.

### Public Comments

None received.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

## RESOLUTION

RESOLUTION NO. **49**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk a request for the annexation of the property described below; and

WHEREAS, The property subject to said request is entirely owned by the City of Westminster, and;

WHEREAS, The property to be annexed is not solely a public street or right-of-way; and

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by section 31-12-106 C.R.S.; and

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

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

1. The City Council finds:
  - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
  - b. A community of interest exists between the area proposed to be annexed and the City;
  - c. The area is urban or will be urbanized in the near future; and
  - d. The area is integrated with or is capable of being integrated with the City.
2. The City Council further finds:
  - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
  - b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;

b. That the annexation will not result in the attachment of area from a school district;

c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;

d. That the City of Westminster has in place a plan for the area proposed to be annexed; and

e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

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

5. The City Council concludes that the City may proceed to annex the area proposed to be annexed and described below by ordinance pursuant to section 31-12-106, C.R.S.

A parcel of land, an enclave completely surrounded by the corporate boundary of the City of Westminster, in the west half of the northeast quarter of Section 18, Township 2 south, Range 69 west of the sixth principal meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the north quarter corner of said Section 18; thence along the west line of the northeast quarter of said Section S00°15'00"E, 1283.56 feet to a point on lines of the Brauch Open Space Annexation to the City of Westminster as recorded at Reception #0384522 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said lines N87°44'1"E, 429.86 feet; thence continuing along said lines S15°04'36"E, 1359.58 feet; thence continuing along said lines N88°01'19"W, 778.09 feet to a point on the west line of the northeast quarter of said section, a point on the east line of the Woman Creek Reservoir Annexation to the City of Westminster as recorded at Reception #0034601 of said records; thence along said line N00°15'00"W, 1268.96 feet to the true point of beginning. Said parcel contains 778,248 square feet or 17.87 acres more or less.

PASSED AND ADOPTED this 24th day of November, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **73**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written request 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 request and accompanying maps are in substantial compliance with Section 31-12-106(3), et.seq., Colorado Revised Statutes, as amended; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements, and has determined that the property is not solely a public street or right-of-way; and,

WHEREAS, City Council has heretofore adopted Resolution No. making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation 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, an enclave completely surrounded by the corporate boundary of the City of Westminster, in the west half of the northeast quarter of Section 18, Township 2 south, Range 69 west of the sixth principal meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the north quarter corner of said Section 18; thence along the west line of the northeast quarter of said Section S00°15'00"E, 1283.56 feet to a point on lines of the Brauch Open Space Annexation to the City of Westminster as recorded at Reception #0384522 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said lines N87°44'1"E, 429.86 feet; thence continuing along said lines S15°04'36"E, 1359.58 feet; thence continuing along said lines N88°01'19"W, 778.09 feet to a point on the west line of the northeast quarter of said section, a point on the east line of the Woman Creek Reservoir Annexation to the City of Westminster as recorded at Reception #0034601 of said records; thence along said line N00°15'00"W, 1268.96 feet to the true point of beginning. Said parcel contains 778,248 square feet or 17.87 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 24th day of November, 2003.

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

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **74**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan 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 Brauch annexation property, legally described as follows:

A parcel of land, an enclave completely surrounded by the corporate boundary of the City of Westminster, in the west half of the northeast quarter of Section 18, Township 2 south, Range 69 west of the sixth principal meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the north quarter corner of said Section 18; thence along the west line of the northeast quarter of said Section S00°15'00"E, 1283.56 feet to a point on lines of the Brauch Open Space Annexation to the City of Westminster as recorded at Reception #0384522 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said lines N87°44'1"E, 429.86 feet; thence continuing along said lines S15°04'36"E, 1359.58 feet; thence continuing along said lines N88°01'19"W, 778.09 feet to a point on the west line of the northeast quarter of said section, a point on the east line of the Woman Creek Reservoir Annexation to the City of Westminster as recorded at Reception #0034601 of said records; thence along said line N00°15'00"W, 1268.96 feet to the true point of beginning. Said parcel contains 778,248 square feet or 17.87 acres more or less.

The Brauch annexation property shall be changed from Unincorporated Jefferson County, 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 24<sup>th</sup> of November, 2003.

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

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Mayor

ATTEST:

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City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **75**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 18, 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 more particularly described as follows:

A parcel of land, an enclave completely surrounded by the corporate boundary of the City of Westminster, in the west half of the northeast quarter of Section 18, Township 2 south, Range 69 west of the sixth principal meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the north quarter corner of said Section 18; thence along the west line of the northeast quarter of said Section S00°15'00"E, 1283.56 feet to a point on lines of the Brauch Open Space Annexation to the City of Westminster as recorded at Reception #0384522 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said lines N87°44'1"E, 429.86 feet; thence continuing along said lines S15°04'36"E, 1359.58 feet; thence continuing along said lines N88°01'19"W, 778.09 feet to a point on the west line of the northeast quarter of said section, a point on the east line of the Woman Creek Reservoir Annexation to the City of Westminster as recorded at Reception #0034601 of said records; thence along said line N00°15'00"W, 1268.96 feet to the true point of beginning. Said parcel contains 778,248 square feet or 17.87 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 24<sup>th</sup> day of November, 2003.

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

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Resolution No. 50 re Right-of-Way Acquisition for Huron Street Improvements

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

**Recommended City Council Action**

Adopt Resolution No. 50 authorizing City Staff to proceed with the acquisition of rights-of-way and easements necessary for the Huron Street Improvements project, including the use of eminent domain, if necessary; and authorize up to \$1,500,000 for acquisition costs and all related expenses, which shall be charged to the General Capital Improvement Project Account for Huron Street and to the 136<sup>th</sup> Avenue and I-25 Project Account, as appropriate.

**Summary**

- Final design of the Huron Street improvements between 128<sup>th</sup> Avenue and 150<sup>th</sup> Avenue is underway. The two-phase project will replace existing two-lane Huron Street with a four to six lane arterial street that will meet the anticipated transportation needs in this important corridor adjoining I-25. The initial project, extending from 128<sup>th</sup> to the north side of Lexington Subdivision, is expected to start construction in spring of 2004. In general, the project will consist of a fully improved street with landscaped medians, a bridge over Big Dry Creek, a pedestrian box culvert at Quail Creek, and a signalized intersection at 136<sup>th</sup> Avenue.
- There are ten private ownerships affected by the improvements, requiring the acquisition of right-of-way and easements for construction. Preliminary estimates have the value of the acquisitions at approximately \$1,500,000, but negotiations and/or court ordered valuations will determine the final cost. Funding for right-of-way acquisition is a component of the appropriations City Council has made to the Huron Street Improvements project.
- The attached Resolution will allow City Staff to pursue the activities needed to acquire the necessary right-of-way and easements for the Huron Street Improvements 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:** \$1,500,000

**Source of Funds:** General Capital Improvement Project Account for Huron Street and the 136<sup>th</sup> Avenue and I-25 Project Account

**Policy Issue**

Should the City proceed with right-of-way acquisitions for the Huron Street project?

**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 Huron Street project and affect the timing of development along the corridor.

**Background Information**

Final design of the Huron Street Improvements Project has been underway since March of 2003 under contract between the City and Felsburg, Holt and Ullevig (FHU) for the first phase from 128<sup>th</sup> Avenue to the north side of Lexington, and a second contract for design with Transystems Corp. which will extend the improvements to the north City limits at the 150<sup>th</sup> Avenue alignment. The project will widen Huron Street from its present two-lane configuration to four and/or six lanes, with signalized intersections at 136<sup>th</sup> Avenue and 144<sup>th</sup> Avenue. A bridge over Big Dry Creek and pedestrian box culverts at the Quail Creek and McKay Drainageway crossings of Huron Street are three significant structures necessary for the project. Other improvements include landscaped, raised medians and sidewalks connecting to the trail underpasses.

In addition to the City open space and treatment plants property that flanks Huron Street, ten private ownerships are directly affected by the alignment, potentially requiring the acquisition of over 20 acres of right-of-way in fee simple along with easement rights for construction. An appraiser has been hired to determine the fair market value of these partial acquisitions and the estimated cost will be approximately \$1,500,000. The costs of right-of-way will be funded from the Huron Street project account in the General Capital Improvement Fund, and from the 136<sup>th</sup> Avenue and I-25 Interchange Project Account, depending on the geographical location of the property purchased. Funds from the latter can only be applied to purchases between 134<sup>th</sup> Avenue and 140<sup>th</sup> Avenue.

Possession of the necessary right-of-way is a prerequisite to awarding the construction contract. At this point, the schedule calls for construction of the first phase of the project (from 128<sup>th</sup> to 140<sup>th</sup> Avenue) to begin in the second quarter of 2004. The acquisition effort will be aimed at a negotiating settlement for purchase or voluntary agreement for possession of the property necessary for construction by March 2004.

The attached resolution authorizes Staff to proceed with the activities and expenditures necessary to secure legal possession and acquire right-of-way for the Huron Street Improvements project.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **50**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

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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 Huron Street Improvements 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 the Huron Street Improvements Project, thus creating a hardship on the general population of the City of Westminster and Adams County wishing to utilize the proposed improvements; and

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

WHEREAS, the City finds that if acquisition by condemnation of any parcel described 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 Huron Street Improvements Project on the desired schedule.

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

1. The City Manager is hereby authorized to establish minimum just compensation for acquisition of the property interests necessary to build the Huron Street Improvements 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 Huron Street Improvements Project Account and 136<sup>th</sup> Avenue and I-25 Project Account of the General Capital Improvement Project Fund.

6. The Assistant City Engineer 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 24th day of November, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Resolution No. 51 re 2004 Jefferson County Joint Venture Grant Application

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

**Recommended City Council Action :**

Adopt Resolution No. 51 authorizing the Department of Parks, Recreation and Libraries to pursue two 2004 Jefferson County Joint Venture Grant applications for the 2004 grant cycle.

**Summary Statement**

- The Department of Parks, Recreation and Libraries wishes to pursue two (2) grants from the Jefferson County Joint Venture Grant Program for the construction of a skatepark to be located at City Park and a planning grant for the Armed Services Memorial Sculpture Garden.
- Staff recommends requesting a \$150,000 grant for the skateboard park to be applied towards the construction of a skatepark and a \$50,000 grant for final site planning of the Armed Services Memorial Sculpture Garden from the Jefferson County Joint Venture Grant Program. Both would be constructed at City Park.
- The Department of Parks, Recreation and Libraries has a 25 percent match of \$50,000 in the 2003 Capital Improvement Program for a skatepark.
- The Department of Parks, Recreation and Libraries has also applied for a \$50,000 grant from Great Outdoors Colorado for the skatepark project.

**Expenditure Required:** \$50,000 for a skatepark is already approved in the CIP Fund. Staff is proposing that in-kind services be used as the City's match.

**Source of Funds:** Parks, Recreation and Libraries 2003 General Capital Improvement Program for the skatepark and in-kind Staff time for the Armed Services Memorial Sculpture Garden.

## **Policy Issue**

Should the City attempt to increase the funding for the skatepark and Armed Services Memorial Sculpture Garden by pursuing grant monies from the Jefferson County Joint Venture Grant Program?

## **Alternatives**

1. Council could choose not to pursue additional funding for these projects and proceed with the improvements at the current budget level. However, Staff recommends attempting to increase the scope of the projects with grant monies.
2. Council could choose to pursue another project for the 2004 Jefferson County Joint Venture Grant Program.

## **Background Information**

The Department of Parks, Recreation and Libraries has been successful in applying for and receiving grants from a variety of sources in the past. In 2003, the Disc Golf Course at City Park received a \$15,000 grant and Ryan Park received a \$75,000 from the Jefferson County Joint Venture Grant Program.

Recently, Staff has been evaluating several sites for a proposed City skatepark. After much evaluation, Staff has determined that City Park is the best-suited park site to locate the City's first public skatepark. The skatepark's proposed location is near the softball complex. (See attached plan) The skatepark will be comprised of modular equipment located on a concrete pad and will be free to the public. Receipt of a \$150,000 grant from the Jefferson County Joint Venture Grant Program would greatly expand the scope of the project.

The City Park Master Plan did originally propose 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 skatepark so as to not compete with Van's, which provided tax revenue to the City. Van's now has closed its doors and has gone out of business. This action has created an even greater need for a public skateboard park in Westminster. Although the proposed park will not be as elaborate as some skateboard parks in surrounding communities, Staff believes that it will fulfill a significant need for such a facility in the City of Westminster. Staff, therefore, recommends proceeding with this project.

The proposed Armed Services Memorial Sculpture Garden Community Project was brought to City Council in January 2003. Staff proposed to allow individuals, service clubs, non-profit groups, or community groups to participate in the project by raising funds to commission individual sculpture pieces for the park and/or help with actual construction costs to build the park. Funding sources will come from donations, fundraising, grants, in-kind services and participation by other governmental agencies. Staff anticipates this being a multi-year project with no specific timeline for completion. Completion will depend on how quickly funds can be raised.

The proposed location is a small one to two-acre parcel of land located between the entrance road to the ballfield complex and the Big Dry Creek Trail that is too small for any active type of recreation use. Because this piece of undeveloped parkland has high visibility off of 104<sup>th</sup> Avenue, City Staff feels that it lends itself nicely to creating a high-profile landscaped area with gardens, brickways, and sculptures. The City Park Master Plan originally designated this area to be developed as a passive use area. Two years ago, City Council gave Staff authorization to pursue a grant to develop this area as a cancer survivors' park. Unfortunately, the grant application was turned down.

**SUBJECT:** Resolution re 2004 Jefferson County Joint Venture Grant Application Page 3

The project has the potential for City-wide community involvement for those who support the City and the armed services, which they can be proud to be a part of. Staff also recommends proceeding with this project.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **51**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

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GRANT REQUESTS FROM THE 2004 JEFFERSON COUNTY JOINT VENTURE GRANT PROGRAM

WHEREAS, Jefferson County has established a local government grant application process to assist municipalities and special districts within the County with the development of recreation capital improvements; and

WHEREAS, The City of Westminster has budgeted for improvements for a skatepark and Armed Services Memorial Sculpture Garden and;

WHEREAS, grant money received from Jefferson County would significantly enhance the improvements for the above-mentioned projects.

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit two grant applications to the Jefferson County Joint Venture Grant program for 2004, requesting funding in the amount of \$150,000 to enhance the skatepark project and \$50,000 for the Armed Service Memorial Sculpture Garden.

Passed and adopted this 24th day of November 2003.

Attest:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003

**SUBJECT:** Councillor's Bill No. 76 re 2003 Local Law Enforcement Block Grant (LLEBG) Funds

**Prepared By:** Dan Montgomery, Chief of Police  
Mike Simmons, Senior Management Analyst

**Recommended City Council Action**

Pass Councillor's Bill No. 76 on first reading appropriating \$28,774 from the Local Law Enforcement Block Grants (LLEBG) Program to the Police Department's Patrol Services division budget.

**Summary Statement**

In August 2003, 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 August 5, 2003. The funding of \$28,774 will be used to purchase vehicle communications equipment and OSHA-approved motorcycle helmets.

**Expenditure Required:** \$28,774 grant/\$3,197 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 provided preliminary approval of the LLEBG grant funds at the October 6, 2003 Study Session meeting. City Council could choose not to pass the attached Councillor’s Bill, which would result in the Police Department losing \$28,774 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.

**Background Information**

The Police Department submitted a grant application for a Federal Local Law Enforcement Block Grant (LLEBG) in the amount of \$28,774. The purpose of the grant is for the purchase of equipment used to support law enforcement and is for the calendar year 2003. On August 5, 2003, 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 an 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.

In an October staff report to City Council, the police department identified the following equipment to be purchased with the grant funds:

- Unitrols
- LED light bars
- Motorcycle helmets

Unitrols are communication devices located in each patrol vehicle that allow the officer to operate the lights, sirens and other emergency notifications. With the purchase of new patrol vehicles, the old unitrol units are not compatible with the new vehicle configuration. Under the grant program, the department will be able to purchase 10 unitrol devices for a total cost of \$5,000.

The LED light bars are necessary as part of the overall patrol fleet retrofit. The LED light bars are more energy efficient and reduce wear and tear on the patrol vehicle electrical system. With the addition of mobile data terminals and other electrical needs in the vehicles, Fleet Maintenance has had to replace alternators more frequently in each vehicle at a cost of \$200/per alternator. The LED light bars will eliminate this cost by reducing the electrical draw on vehicle’s electrical system. The department will purchase 10 LED light bars for a total cost of \$21,000.

New motorcycle helmets are required under federal OSHA regulations and have been recommended by the City’s risk management staff. The current helmets do not meet safety standards and need to be replaced this year. Using grants funds, the department will be able to purchase five helmets for a total cost of \$2,500.

The Local Law Enforcement Block Grant funds will be used to purchase all of these additional pieces of police equipment. A match of \$3,197 is required for use of these grant funds and is available in the patrol services operating budget.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **76**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$28,774 which, when added to the fund balance as of the City Council action on November 24, 2003 will equal \$71,102,207. 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 matching grant.

Section 2. The \$28,774 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Federal Grants			
1000.40610.0000	\$0	<u>\$28,774</u>	\$28,774
Total Change to Revenues		<u>\$28,774</u>	
<b>EXPENSES</b>			
Other Equip-Police Dept			
10020500.76000.0000	\$0	<u>\$28,774</u>	\$28,774
Total Change to Expenditures		<u>\$28,774</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 24th day of November, 2003.

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

ATTEST:

\_\_\_\_\_  
Mayor

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



## Agenda Item 10 N

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
November 24, 2003

**SUBJECT:** Councillor's Bill No. 77 re Allocation of 2002 Carryover Revenues

**Prepared By:** Steve Smithers, Assistant City Manager

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

Pass Councillor's Bill No. 77 on first reading allocating the 2002 Carryover Revenues.

#### **Summary Statement**

- Each year City Council takes two separate actions to appropriate the previous years carryover revenues in the funds where actual revenues exceed budgeted revenues. The first action, which City Council approved on July 14, 2003, took care of operating carryover. The action proposed in this memo is to allocate General Fund Capital Improvement Fund carryover from 2002 and remaining Utility Fund carryover from 2002.
- 2002 revenues proposed to be carried over in this memo total \$12,755,000. The breakdown of these revenues by fund is included in the background section of this report.
- These carryover revenues are derived from higher than anticipated revenue collections and lower than anticipated expenditures in various City funds. Examples of the sources of the higher revenue collections include: tap fees from the continued residential and commercial growth the City has been experiencing, Park Development Fees, and other development assessments in excess of what was anticipated.
- The City has historically allocated these funds to be spent on various general and utility capital improvements (as well as specific purposes where the funds are from a dedicated source of revenues). This follows the City's policy of spending one-time revenues on one-time expenses.

**Expenditure Required:** \$12,755,000

**Source of Funds:** 2002 Carryover Funds

**Policy Issue**

- Should the 2002 Carryover funds be appropriated for the various items set forth in this Ordinance?

**Alternative**

City Council could alter the list of projects that Staff is recommending to be funded. Staff believes the list of projects set forth in the background section of this Staff Report addresses the most critical needs that currently exist in the City. Staff spent a significant amount of time evaluating existing and future needs. In particular, Staff attempted to address key projects where significant funding pressure exists in 2003 through 2005.

**Background Information**

Each year the City Manager's Office and the Finance Department review the status of year-end revenue collections and expenditures for the previous year to determine what carryover funds, if any, are available for appropriation in the current year. The carryover revenues from the various funds above the projected amounts in the 2001 Budget are as follows:

- Utility Fund - \$10,600,000
- General Capital Improvement Fund - \$2,155,000
- Total Funds Recommended to be Appropriated - \$12,755,000

It is recommended that that the projects listed below be funded from 2002 carryover funds.

**General Capital Improvement Fund**

\$500,000 for additional Huron Street Work – This is the same project recommended in the 2003/2004 CIP that will provide for the design and construction of widening Huron Street between 129<sup>th</sup> and 150<sup>th</sup> Avenues to full arterial street standards, 2 through lanes in each direction plus auxiliary turning lanes with a median. Staff anticipates that additional costs will be incurred in this project to meet the additional road buffering needed to address concerns of residents on North Huron.

\$50,000 for the City Hall HVAC project – These funds are needed to replace the existing Halon fire suppression system in the City Hall main computer room. This system is over 15 years old and it makes sense to change out to a more updated fire suppression system in conjunction with the other modifications being made to the computer room through the City Hall HVAC project.

\$75,000 for Heritage Golf Course Study – Staff is requesting \$75,000 to finalize a routing plan and do a preliminary grading study for the proposed 9-hole expansion of the Heritage Golf Course. The grading plan may present an opportunity with the Jefferson County Airport to get some rough grading for the golf course done at no expense to the City. A final routing plan is also needed in order to conclude land negotiations with Ball Corporation and Jefferson County Airport.

\$40,000 for the Parks and Recreation Master Plan - Staff is requesting funds to allow for consulting services and for printing costs to revise the Parks and Recreation Master Plan. Staff is doing the majority of the work, which is anticipated to be completed April or May of 2004.

\$75,000 for City Park Skate Park – Currently, the City has \$50,000 available to do a modest skateboard park. Grants are also proposed to Jefferson County Open Space and GOCO. A nicely done skate park would run approximately \$150,000 to \$250,000.

\$250,000 for Park Renovation – Staff has a 5-year plan to continually renovate and upgrade our parks. This money would be used for play lot renovation and upgrades, trails in parks, new and renovated tennis and basketball courts, inline skate rinks, irrigation system upgrades, landscaping and other similar types of improvements.

\$150,000 for Recreation Facility Improvements - This money would be used for equipment replacement upgrades to facilities, painting, carpeting, furniture replacement, security systems, etc. These funds will assist with maintaining a high grade of maintenance and overall appearance of the City's recreation facilities.

\$300,000 for City Park Maintenance Facility – Staff is in the process of designing a new maintenance facility for crews at City Park, the Promenade and for the Electromechanic Pool Specialist. This facility needs to meet the design quality and standards that have been established for the City Park Recreation Center and the Fitness Center.

\$375,000 for Parks, Recreation and Libraries Reserve - This money is recommended to placed in reserve for future projects or land acquisitions.

\$190,000 for work done on the City Hall site and additional items related to the Public Safety Center. Included among these are modifications to the City Hall east property drainage swale to address concerns of residents immediately east of City Hall, modifications to the City Hall/Public Safety Center plaza layout, City Hall Plaza lighting improvements, and additional costs related to the emergency generator for City Hall.

\$150,000 for the City Hall Space Re-allocation project – When Staff proposed funding in the 2003 General Capital Improvement Fund budget, the total scope of this project was unknown. The project has been defined in greater detail and calls for several additional elements including a smoking room, additional work related to the reconfiguration of the downstairs lobby space, and additional work to assure that the quality of the finishes is maintained within City Hall. Staff is working with the architect to finalize the construction drawings and will be bringing the final price back for City Council's approval in early 2004.

### **Utility Fund Capital Improvements**

\$5,000,000 to be allocated to the Big Dry Creek Wastewater Treatment Plant (BDCWTP) Expansion - The expansion of BDCWTP is necessary to meet the growing demand for wastewater treatment in the City, and is included in the current five year utility fund capital improvement budget. Allocating these funds will allow the City to partially cash fund this project, decreasing the size of the debt issue. Staff believes this is a good financial move, particularly in light of the other debt pressures on the utility fund.

\$5,600,000 to fund McKay Lake Drainage Outfall Improvements – These funds are needed to allow the City to move forward with the construction of the necessary improvements to remove land between 136<sup>th</sup> and 144<sup>th</sup> avenues from the 100 year floodplain. The funds will be used to construct drainage structures and regional detention that will remove prime pieces of developable land from the floodplain. These improvements will extend under I-25 into the City of Thornton. Staff is currently in negotiations with Thornton Staff to get an agreement in place that will require Thornton to reimburse Westminster for its share of these improvements. Staff would also be working with development interests to set up recoveries for private parcels of land that benefit from these improvements.

Staff will be present at Monday night's meeting to answer any questions from City Council.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **77**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$7,755,000 which, when added to the fund balance as of the City Council action on November 24, 2003 will equal \$18,917,186. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2002 carryover.

Section 2. The \$7,755,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Carryover 7500.40020.0000	\$5,165,914	\$2,155,000	\$7,320,914
Transfer from Utility Fund 7500.45000.0210	0	<u>5,600,000</u>	5,600,000
Total Change to Revenues		<u>\$7,755,000</u>	
<b>EXPENSES</b>			
City Hall Space Allocation 80275012534.80400.8888	\$283,000	\$150,000	\$433,000
HVAC Upgrades to City Hall 80275012506.80400.8888	680,000	50,000	730,000
Public Safety Building 80175020086.80400.8888	3,121,369	190,000	3,311,369
Huron Street 129 <sup>th</sup> /144 <sup>th</sup> 80175030069.80400.8888	4,200,000	500,000	4,700,000
Heritage Golf Course Expansion 80375050324.80400.8888	0	75,000	75,000
City Park Main Facility 80175050092.80400.8888	1,200,000	300,000	1,500,000
PR&L Master Plan 80375050325.80400.8888	0	40,000	40,000
City Park Skateboard Park 80375050326.80400.8888	0	75,000	75,000
Parks Renovation Program 80375050305.80400.8888	500,000	250,000	750,000
Recreation Center Improvements 80175050027.80400.8888	444,417	150,000	594,417
PR&L CIP Reserve 80175050186.80400.8888	469,912	375,000	844,912
McKay Lake Outfall Drainage 80375030313.80400.8888	694,496	<u>5,600,000</u>	6,294,496
Total Change to Expenditures		<u>\$7,755,000</u>	

Section 3. The 2003 appropriation for the Utility Fund, initially appropriated by Ordinance No. 2977 in the amount of \$36,964,744 is hereby increased by \$10,600,000 which, when added to the fund balance as of the City Council action on November 24, 2003 will equal \$49,736,245. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2002 carryover.

Section 4. The \$10,600,000 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Carryover 2100.40020.0000	\$3,962,500	<u>\$10,600,000</u>	\$14,562,500
Total Change to Revenues		<u>\$10,600,000</u>	
<b>EXPENSES</b>			
BDC Expansion 80121035044.80400.8888	\$4,361,819	\$5,000,000	\$9,361,819
Transfer to GCIF 21010900.79800.0750	0	<u>5,600,000</u>	5,600,000
Total Change to Expenditures		<u>\$10,600,000</u>	

Section 5. – 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 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. 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 24<sup>th</sup> day of November, 2003.

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

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 24, 2003



**SUBJECT:** Second Reading on the Alpine Vista Annexation Agreement, the Annexation of Alpine Vista No. 1 and Alpine Vista No. 2, and the Zoning of the Residential Portion of Alpine Vista

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

**Recommended City Council Action**

- Pass Councillor’s Bill No. 53 on second reading authorizing the City Manager to sign the Annexation and Development Agreement for the Alpine Vista project;
- Pass Councillor’s Bill No. 62 on second reading annexing the Alpine Vista Annexation No. 1 property to the City.
- Pass Councillor’s Bill No. 63 on second reading annexing the Alpine Vista Annexation No. 2 property to the City.
- Pass Councillor’s Bill No. 65 on second reading zoning the Alpine Vista project. The Alpine Vista property is approximately 13.4 acres located at the northwest corner of 88<sup>th</sup> Avenue and Lowell Boulevard.

**Summary Statement:**

- City Council action is requested to pass Councillor’s Bill No. 53 on second reading authorizing the City Manager to sign the Annexation and Development Agreement for the Alpine Vista project.
- City Council action is requested to pass Councillor’s Bill No. 62 on second reading annexing the Alpine Vista Annexation No. 1 property to the City.
- City Council action is requested to pass Councillor’s Bill No. 63 on second reading annexing the Alpine Vista Annexation No. 2 property to the City.
- Pass Councillor’s Bill No. 65 on second reading zoning the residential portion of the Alpine Vista annexation area Planned Unit Development and the commercial areas B-1.
- The streets within the development will be accepted as public streets after construction. This has changed since the first reading review by the City Council.
- These Councillor’s Bills were passed on first reading on October 27, 2003.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **53**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

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A BILL  
FOR AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH AV  
DEVELOPMENT, LLC

WHEREAS, AV Development, LLC, has petitioned the City for annexation of certain property located generally at the northwest corner of 88<sup>th</sup> Avenue and Lowell Boulevard, said property currently being within the jurisdiction of Adams County; and

WHEREAS, the City and AV Development wish to set forth the terms upon which such annexation will occur.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Annexation and Development Agreement attached hereto as Exhibit "A" is hereby approved and the City Manager is authorized to execute it in substantially the same form as attached with such non-substantive changes as the City Attorney may approve.

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 27th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

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Mayor

ATTEST:

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City Clerk

BY AUTHORITY

ORDINANCE NO. **3074**

COUNCILLOR'S BILL NO. **62**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**Dittman- McNally**

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN PORTIONS OF SECTIONS 119, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land in parts of Sections 19, 20 and 30 of Township 2 south, Range 68 west of the Sixth Principal Meridian in the County of Adams in the State of Colorado, more particularly described as follows:

Commencing at the corner common to said sections the true point of beginning, a point on the original corporate boundary of the City of Westminster; thence along said boundary along the east line of said Section 30 S00°42'34"E, 713.70 feet; thence leaving said boundary S89°17'26"W, 30.00 feet to a point on the west line of Lowell Boulevard as shown on Shaw Heights Fourth Filing; thence along said west line N00°42'34"W, 714.49 feet to a point on the south line of West 88<sup>th</sup> Avenue, a point on the south line of said Section 19; thence N00°34'42"W, 80.02 feet to a point on the north line of 88<sup>th</sup> Avenue; thence along said north line N89°12'27"W, 125.00 feet to the southeast corner of Alpine Vista Subdivision; thence along the east line of said subdivision N00 34'47"W, 125.00 feet; thence N00°34'47"W, 101.64 feet to a point on the south line of Block 1 of said subdivision; thence along the lines of said Block 1 and the following 3 courses; 1) N89 12'27"W, 1.52 feet to a point of curve right; 2) along said curve with a central angle of 70°44'33", a radius of 27.10 feet and an arc length of 33.46 feet, long chord bears N53°50'11"W, 31.37 feet; 3) N00°08'09"E, 325.06 feet to a point on the north line of said subdivision; thence along said north line S89°12'30"E 147.61 feet; to the northeast corner of said

subdivision on the west line of Lowell Boulevard; thence S89°12'30"E, 30.00 feet to a point on the east line of said Section 19; thence S89°12'30"E 50.02 feet to a point on the east line of said boulevard, a point on the west line of Shaw Height Filing 7; thence along said line S00°34'47"E, 578.79 feet to a point on the north line of 88<sup>th</sup> Avenue; thence along said north line S89°27'06"W, 50.00 feet to a point on the east line of said Section 19; thence along said line S00°34'47"E, 70.00 feet to the true point of beginning;

Said property contains 149484 square feet or 3.4317 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 27th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO. **3075**

COUNCILLOR'S BILL NO. **63**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**Dittman - McNally**

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PORTION OF SECTIONS 19, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land, a part of the Alpine Vista Subdivision in the southeast quarter of Section 19, Township 2 south, Range 68 west of the Sixth Principal Meridian in the County of Adams in the State of Colorado more particularly described as follows:

Commencing at the southeast corner of said Section 19; thence along the east line of said section N00°34'47"W, 80.02 feet; thence N89°12'27"W, 30.01 feet to a point on the west line of Lowell Boulevard, a point on the north line of 88<sup>th</sup> Avenue; thence along said north line N89°12'27"W, 125.00 feet to the southeast corner of said subdivision, the true point of beginning;

Thence along said line N89°12'27"W, 427.93 feet; thence N00°08'09"E, 140.00 feet; thence N89°12'27"W, 110.00 feet; thence S00°08'09"W, 40.00 feet; thence N89°12'27"W, 50.00 feet; thence N00°08'09"E, 20.00 feet; thence N89°12'27"W, 140.00 feet; thence S00°08'09"W, 120.00 feet; thence N89°12'27"W, 20.00 feet; thence N00°08'09"W, 135.00 feet; thence N89°12'27"W, 130.60 feet to a point on the east line of Shaw Heights Filing 6; thence along said east line N00°08'09"E, 434.80 feet to the southwest corner of Shaw Heights Filing 11; thence along the south line of said filing 11 S89°12'30"E, 190.00 feet to the southwest corner of Hyland Creek Subdivision; thence along the south line of said subdivision S89°12'30"E, 658.80 feet to the northwest corner of Block 1 of said Alpine Vista Subdivision,

a point on the corporate boundary of Westminster as established by the Alpine Vista Annexation No. 1; thence along said corporate boundary and the following five courses and along the lines of said Block 1; 1) S00°08'09"W, 325.06 feet to a point of on a non-tangent curve left; 2) along said curve with a central angle of 70°44'33", a radius of 27.10 feet and an arc length of 33.46 feet, long chord bears S53°50'11"E, 31.37 feet; 3) S89°12'27"E, 1.52 feet; thence leaving the lines of said Block 1; 4) S00°34'47"E, 101.64 feet to an angle point on the east line of said Alpine Vista Subdivision; 5) along said east line S00°34'47"E, 125.00 feet to the true point of beginning.

Said parcel contains 9.9938 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 27th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2003

COUNCILLOR'S BILL NO. **65**  
INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 19, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Adams County zoning to City of Westminster PUD and B-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County zoning to City of Westminster PUD and B-1.

Parcel to be zoned PUD:

A parcel of land located in Sections 19, 20, 29, and 30, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as Block 2, Alpine Vista Subdivision.

Parcels to be zoned B-1:

A parcel of land located in Sections 19, 20, 29, and 30, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as Block 1, Alpine Vista Subdivision, and the property known as 8801 Lowell Boulevard.

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 27<sup>th</sup> day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ATTEST:

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

\_\_\_\_\_  
Mayor

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, November 24, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem McNally, Councillors Dittman, Dixion, Hicks, Kauffman, and Price. Absent none.

The minutes of the November 10, 2003 meetings were approved.

Council presented Pomona, Northglenn and Legacy High Schools with proclamation for their achievements in Marching Band competitions.

Council left the Construction of Reclaimed Waterline Extension at 113<sup>th</sup> and Pecos on the TABLE.

The following Public Hearings were held: At 7:35 p.m. on the Alpine Vista PDP/ODP; at 7:45 p.m. on the Countryside PUD PDP; at 8:02 p.m. on the Brauch Property.

Council approved the following: October Financial Report, 2004 Proposed Community Development Block Grant Projects; Street Sweeping Contract with Great American Sweeping for \$263,340; 2003 Wastewater Collection System Improvement Contract Change Order No. 1 with Insituform Technologies for \$17,548; Award for Construction of 116<sup>th</sup> Avenue and Federal Blvd Waterline with BT Construction for \$112, 502; Contract for Design of the Gregory Hill Water Tanks Repair with Tank Industry Consultants for \$73, 100; Open Space Acquisition along Big Dry Creek for \$437,500; Alpine Vista PDP/ODP; and Countryside PUD 9<sup>th</sup> Amended PDP.

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: annexing the Brauch property

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: CLUP Amendment for Brauch property

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 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: Zoning the Brauch property

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND purpose: Local Law Enforcement Block Grant Funds appropriation

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL PPAOPRIATION FROM THE 200E ESTIMATED REVENUES IN THESE FUNDS purpose: 2002 Carryover for CIP Projects

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

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

A BILL FOR AN ORDINANCE AMENDING THE CRIMES AGAINST PEACE CODE

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE RATE, IMPOSITION, COLLECTION AND DISTRIBUTION OF SALES AND USE TAX AND AMENDING THE TAX SCHEDULE

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE TO ESTABLISH A STREET CUT IMPACT FEE

A BILL FOR AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH AV DEVELOPMENT, LLC

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN PORTIONS OF SECTION 19, 20, 29, AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6<sup>TH</sup> P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PORTION OF SECTIONS 19, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6<sup>TH</sup> P.M., COUNTY OF ADAMS, STATE OF COLORADO.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 19, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6<sup>TH</sup> P.M., COUNTY OF ADAMS, STATE OF COLORADO

The following Resolutions were adopted:

Resolution No. 49 re Findings of Fact re Brauch Property

Resolution No. 50 re Right-of-Way Acquisition for Huron Street Improvements

Resolution No. 51 re 2003 Jefferson County Joint Venture Grant Application

At 8:35 P.M. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on December 4, 2003

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Dittman - Atchison**

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 Alpine Vista annexation property, described as follows:

Blocks 1 and 2, Alpine Vista Subdivision, and the property known as 8801 Lowell Boulevard.

The Alpine Vista annexation property shall be changed from Unincorporated Adams County, to Single Family Attached Residential, and as Retail Commercial, 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 27<sup>th</sup> of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24<sup>th</sup> day of November, 2003.

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Dittman - Dixon**

A BILL  
FOR AN ORDINANCE AMENDING THE CRIMES AGAINST PEACE CODE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, Chapters 1, and 2 of the Westminster Municipal Code is hereby amended as follows:

**6-1-1: DEFINITIONS:**

3. "Deadly Weapon" means any firearm, whether loaded or unloaded, knife, OR OTHER ILLEGAL WEAPON. ~~bludgeon, bow and arrow, sling shot or other weapon, device, instrument, material, or substance whether animate or inanimate, which, in the manner it is used, or intended to be used, is capable of producing death or serious bodily injury.~~

**6-2-9: FIREARMS:**

(A) It shall be unlawful for any person to intentionally, knowingly or recklessly discharge firearms, deadly weapons or destructive devices of any kind or description within the limits of the City; provided, however, that this shall not apply to police officers in the discharge of their duties.

(B) Exceptions; Permits: The City Manager may at any time, upon receipt of proper application, grant a permit to shooting galleries, gun clubs, rifle ranges, and others for shooting in fixed locations. Such permits shall be in writing and shall conform to such requirements as the City Manager shall specify, after consulting with the Police Chief, necessary to protect the public health, safety and welfare. The permits thus issued shall be subject to revocation at any time by the City Manager pursuant to Chapter 1 of Title V of this Code.

(C) EXCEPT AS PROVIDED IN SECTION 6-2-10, IT SHALL BE A CRIMINAL OFFENSE FOR ANYONE TO POSSESS A DEADLY WEAPON WHILE ON CITY PREMISES.

~~(C-D)~~ A violation of this Section is a criminal offense, punishable by a fine or imprisonment, or both, as proved in Section 1-8-1 of this Code.

**6-2-10: CONCEALED WEAPONS:**

(A) It shall be unlawful for any person other than a police officer to carry concealed on or about his person any deadly weapon, EXCEPT A PERSON WHO AT THE TIME OF CARRYING A CONCEALED HANDGUN HAD A VALID WRITTEN PERMIT TO CARRY THE HANDGUN ISSUED PURSUANT TO STATE LAW.

(B) It shall be an affirmative defense that the defendant was:

1. A person in his own dwelling or place of business or on property owned or under his control at the time of the act of carrying, or

2. A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of his or another's person or property while traveling, or

~~3. A person, who at the time of carrying a concealed weapon, had a valid current written permit to carry the weapon issued pursuant to State law by the chief of police of a city or the sheriff of a county.~~

(C) ALL PERSONS CARRYING A CONCEALED HANDGUN MUST SHOW, UPON REQUEST OF A POLICE OFFICER, PROOF OF WRITTEN PERMIT ISSUED PURSUANT TO STATE LAW.

(D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO FORBID A POLICE OFFICER, AN ARMORED CAR EMPLOYEE PROVIDING MONEY TRANSPORT FROM A CITY FACILITY, A PRIVATE SECURITY GUARD HIRED BY THE CITY, OR OTHER DULY AUTHORIZED CITY EMPLOYEE FROM CARRYING A WEAPON.

(E) IT SHALL BE A CRIMINAL OFFENSE FOR ANYONE, OTHER THAN A POLICE OFFICER, AN ARMORED CAR EMPLOYEE PROVIDING MONEY TRANSPORT FROM A CITY FACILITY, A PRIVATE SECURITY GUARD HIRED BY THE CITY, OR AN AUTHORIZED CITY EMPLOYEE, TO CARRY ANY WEAPON IN VIEW ONTO OR IN A CITY PREMISES. POSSESSION OF A CONCEALED HANDGUN PERMIT SHALL BE OF NO DEFENSE IF THE HANDGUN IS CARRIED IN SUCH A MANNER AS TO BE VISIBLE, IN WHOLE OR IN PART, OR ACCESSIBLE FOR ANY LENGTH OF TIME TO ANOTHER INDIVIDUAL.

(F) DEFINITIONS

1. "HANDGUN" MEANS A PISTOL, REVOLVER, OR OTHER FIREARM OF ANY DESCRIPTION, LOADED OR UNLOADED, FROM WHICH ANY SHOT, BULLET, OR OTHER MISSILE CAN BE DISCHARGED AND THE LENGTH OF THE BARREL, NOT INCLUDING ANY REVOLVING, DETACHABLE, OR MAGAZINE BREECH, DOES NOT EXCEED TWELVE INCHES.

2. "CITY PREMISES" MEANS ANY CITY-OWNED RECREATION FACILITY, OFFICE BUILDING, LIBRARY, PARK, OPEN SPACE, TRAIL, GOLF COURSE, ICE CENTER, OR OTHER CITY PROPERTY OPEN TO THE PUBLIC.

~~(E)~~ (G) Carrying a concealed weapon IN VIOLATION OF THE ABOVE SUBSECTIONS is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of November, 2003 AS AMENDED. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Dixon-McNally**

## A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE RATE, IMPOSITION, COLLECTION AND DISTRIBUTION OF SALES AND USE TAX AND AMENDING THE TAX SCHEDULE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 4-2-3, W.M.C., is hereby AMENDED to read as follows:**4-2-3: RATE; IMPOSITION AND COLLECTION; DISTRIBUTION:**(A) Sales Tax: There is hereby levied a tax or excise upon all sales of tangible personal property and services specified in Section 4-2-5.

1. FOR SALES TRANSACTED ON OR AFTER JANUARY 1, 2004, BUT PRIOR TO JANUARY 1, 2017, THE RATE LEVIED SHALL BE THREE AND EIGHTY-FIVE HUNDREDTHS PERCENT (3.85%). UNLESS OTHERWISE LAWFULLY PROVIDED, THE 3.85% TAX RATE SHALL BE REDUCED TO 3.6 PERCENT ON JANUARY 1, 2017.
2. ~~1.~~ For ~~transactions consummated or contracts entered into~~ SALES TRANSACTED on or after January 1, 1986, but prior to January 1, ~~2017~~ 2004, the rate levied shall be three and one-quarter percent (3.25%).
3. ~~2.~~ For ~~transactions consummated or contracts entered into~~ SALES TRANSACTED prior to January 1, 1986 ~~or on or after January 1, 2017~~, the rate levied shall be three percent (3%).

(B) Use Tax: There is hereby levied a tax or excise upon the privilege of using, storing, distributing, or otherwise consuming in the City any article of tangible personal property or taxable services purchased, leased or rented from sources inside or outside the City, on which the City sales tax has not been paid.

1. FOR SALES TRANSACTED ON OR AFTER JANUARY 1, 2004, BUT PRIOR TO JANUARY 1, 2017, THE RATE LEVIED SHALL BE THREE AND EIGHTY-FIVE HUNDREDTHS PERCENT (3.85%). UNLESS OTHERWISE LAWFULLY PROVIDED, THE 3.85% TAX RATE SHALL BE REDUCED TO 3.6 PERCENT ON JANUARY 1, 2017.
2. ~~1.~~ For ~~transactions consummated or contracts entered into~~ SALES TRANSACTED on or after January 1, 1986, but prior to January 1, ~~2017~~ 2004, the rate levied shall be three and one-quarter percent (3.25%).
3. ~~2.~~ For ~~transactions consummated or contracts entered into~~ SALES TRANSACTED prior to January 1, 1986, ~~or on or after January 1, 2017~~, the rate levied shall be three percent (3%).

(C) Imposition and Collection: The tax specified in this Section is imposed upon the purchaser. Any seller shall collect the tax and remit it to the City pursuant to ~~the schedule set forth in~~ SECTION 4-2-4 OF this Chapter.(D) Distribution:~~1.~~ Except as specified in this Subsection, the City shall distribute all sales and use tax receipts first for costs of administration and collection of sales and use tax, next for the fulfillment of any sales and use tax bond covenants, and finally for any lawful purposes of the City.

1. COLLECTION AT 3.85% RATE:
  - (a) ~~2.~~ The City shall distribute ~~seven and sixty-nine hundredths percent (7.69%)~~ SIX AND FORTY-NINE HUNDREDTHS PERCENT (6.49%) of all sales and use tax collected at the rate of ~~three and one-quarter percent (3.25%)~~ THREE AND EIGHTY-FIVE HUNDREDTHS PERCENT (3.85%) to the Open Space Fund for the purpose of funding the open space

acquisition program and development and enhancement of recreational facilities with up to one-half of such revenues to be used for the development of additional park land and open space, trail development, enhancement of existing parks and development and enhancement of recreational facilities as approved by Westminster voters on November 5, 1996.

(b) THE CITY SHALL DISTRIBUTE FIFTEEN AND FIFTY-EIGHT HUNDREDTHS PERCENT (15.58%) OF ALL SALES AND USE TAX COLLECTED AT THE RATE OF THREE AND EIGHTY-FIVE HUNDREDTHS PERCENT (3.85%) TO IMPROVE AND ENHANCE THE SAFETY AND SECURITY OF WESTMINSTER RESIDENTS AS APPROVED BY WESTMINSTER VOTERS ON NOVEMBER 4, 2003.

2. COLLECTION AT 3.6% RATE: THE CITY SHALL DISTRIBUTE SIXTEEN AND SIXTY-SEVEN HUNDREDTHS PERCENT (16.67%) OF ALL SALES AND USE TAX COLLECTED AT THE RATE OF THREE AND SIX TENTHS PERCENT (3.6%) TO IMPROVE AND ENHANCE THE SAFETY AND SECURITY OF WESTMINSTER RESIDENTS AS APPROVED BY WESTMINSTER VOTERS ON NOVEMBER 4, 2003.

3. COLLECTION AT 3.25% RATE: THE CITY SHALL DISTRIBUTE SEVEN AND SIXTY-NINE HUNDREDTHS PERCENT (7.69%) OF ALL SALES AND USE TAX COLLECTED AT THE RATE OF THREE AND ONE-QUARTER PERCENT (3.25%) TO THE OPEN SPACE FUND FOR THE PURPOSE OF FUNDING THE OPEN SPACE ACQUISITION PROGRAM AND DEVELOPMENT AND ENHANCEMENT OF RECREATIONAL FACILITIES WITH UP TO ONE-HALF OF SUCH REVENUES TO BE USED FOR THE DEVELOPMENT OF ADDITIONAL PARK LAND AND OPEN SPACE, TRAIL DEVELOPMENT, ENHANCEMENT OF EXISTING PARKS AND DEVELOPMENT AND ENHANCEMENT OF RECREATIONAL FACILITIES AS APPROVED BY WESTMINSTER VOTERS ON NOVEMBER 5, 1996.

(E) The tax imposed in this Section shall continue to be levied and collected until amended or repealed by ordinance.

(F) The tax imposed in this Chapter shall be in addition to all other taxes imposed by law.

Section 2. Section 4-2-4, W.M.C., is hereby AMENDED to read as follows:

#### **4-2-4: TAX SCHEDULE:**

(A) IN ORDER TO AVOID FRACTIONS OF PENNIES, THE TAX PAYABLE BY THE PURCHASER OR CONSUMER TO THE RETAILER SHALL BE COMPUTED BY THE RETAILER IN ACCORDANCE WITH A SCHEDULE OR SYSTEM APPROVED BY THE FINANCE DIRECTOR. THE SCHEDULE OR SYSTEM SHALL BE DESIGNED SO THAT NO TAX LEVIED BY THIS ARTICLE IS CHARGED ON ANY PURCHASE OF TWELVE CENTS (\$0.12) OR LESS. HOWEVER, THE USE OF A SCHEDULE IN COLLECTING TAXES FROM PURCHASERS SHALL NOT RELIEVE THE RETAILER FROM LIABILITY FOR PAYMENT OF THE FULL AMOUNT OF THE TAX LEVIED IN SECTION 4-2-3 ABOVE ON ALL OF THE TAXABLE SALES OR SERVICES

~~(A) For transactions consummated, events occurring, or contracts entered into on or after January 1, 1986 but prior to January 1, 2017:~~

~~1. The tax imposed by this Chapter shall be payable on each four dollar (\$4) increment in accordance with the following schedule:~~

Price Tax

~~\$.01 including \$.15 — No Tax  
.16 including .46 — 1 cent  
.47 including .76 — 2 cents  
.77 including 1.07 — 3 cents  
1.08 including 1.38 — 4 cents  
1.39 including 1.69 — 5 cents~~

~~1.70 including 1.99 — 6 cents~~  
~~2.00 including 2.30 — 7 cents~~  
~~2.31 including 2.61 — 8 cents~~  
~~2.62 including 2.92 — 9 cents~~  
~~2.93 including 3.23 — 10 cents~~  
~~3.24 including 3.53 — 11 cents~~  
~~3.54 including 3.84 — 12 cents~~  
~~3.85 including 4.00 — 13 cents~~

2. ~~When the price exceeds four dollars (\$4), the tax shall be thirteen cents (\$.13) on each four dollar increment of the price, plus the tax shown in the above schedule for the applicable fractional part of a four dollar (\$4) increment of each price.~~

~~(B) For transactions consummated, events occurring, or contracts entered into prior to January 1, 1986 or on and after January 1, 2017:~~

1. ~~The tax imposed by this Chapter shall be payable on one dollar (\$1) in accordance with the following schedule:~~

Price — Tax

~~\$.01 including \$ .16 — No Tax~~  
~~.17 including .50 — 1 cent~~  
~~.51 including .83 — 2 cents~~  
~~.84 including 1.00 — 3 cents~~

2. ~~When the price exceeds one dollar (\$1), the tax shall be three cents (\$.03) on each full dollar of the price, plus the tax shown in the above schedule for the applicable fractional part of a dollar of each price.~~

~~(C)(B) Use of the A schedule set forth in this Section OR SYSTEM APROVED BY THE FINANCE DIRECTOR shall not result in computation of a tax liability that is less than the amount which equals taxable sales multiplied by the specified rate.~~

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 10th day of November, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ORDINANCE NO. **3072**

COUNCILLOR'S BILL NO. **72**

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Hicks-McNally**

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE TO ESTABLISH A  
STREET CUT IMPACT FEE

WHEREAS, excavations in City streets cause an impact upon the strength and life of the streets when various users make trenches in the pavement for purposes of laying lines, pipes, and other materials in the streets. It is the purpose of this section to recoup some of the costs associated with such trenches, both in administrative costs associated with the issuance of pavement cut permits, inspection of the trenches and their repair, and general control of pavement cuts, and in the costs of both short-term and long-term repair and maintenance of the streets; and

WHEREAS, studies performed on streets in other cities have concluded that excavation to an existing pavement shortens pavement performance life and increases the frequency and cost to the public of necessary resurfacing maintenance and repair. The studies have concluded that structural damage to the pavement adjacent to the trench occurs no matter how well the excavation is restored; and

WHEREAS, in order to determine the extent to which the City of Westminster is burdened by the existence of trenches as concluded by studies in other cities, the City retained CHEC Consultants, Inc., to determine the effect of excavations on Westminster streets. The study performed by CHEC Consultants, Inc., dated, November 26, 2001, and on file in the office of the Director of Public Works and Utilities, determined that, even if pavement restoration in the trench itself is structurally adequate, excavation shortens the life expectancy of the pavement located adjacent to the trench where the excavation occurs; and

WHEREAS, excavation to newly surfaced streets have an even greater impact on decreasing the life of the pavement's performance. To provide an incentive to avoid excavations in newly surfaced streets whenever feasible, the fee will be doubled for excavations in streets resurfaced/reconstructed within the current year and the last four (4) years or sealcoated within the current year and the last two (2) years. Contrarily, the impact fee will be waived for excavations on streets scheduled for total pavement reconstruction within the current year and the next two (2) years as designated in the City's Pavement Management 5-Year Master Plan for street improvements; and

WHEREAS, although utilities and telecommunication providers and other users may have rights to use the public rights of way, cities are allowed to recover their costs that are directly related to providing services relating to the granting and administration of permits such as those that allow the cutting of streets; and

WHEREAS, the fees established herein are direct costs to the City of damages caused by street excavations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER AS FOLLOWS:

Section 1. Title 9, Chapter 2, of the Westminster Municipal Code is hereby amended BY THE ADDITION OF A NEW SECTION to read as follows:

**9-2-8: STREET CUT IMPACT FEES:**

(A) IN ADDITION TO A STREET-CUT PERMIT FEE AND A DEPOSIT COVERING TRENCH OVERRUN AND DAMAGE TO APPURTENANCES, FEES TO COMPENSATE THE CITY DUE TO THE IMPACT OF LONG-TERM DAMAGE CAUSED BY STREET CUTS SHALL BE PAID BY ANY PERSON OR ENTITY WHO CUTS CITY STREETS. SUCH FEES SHALL BE PAID AT THE TIME OF ISSUANCE OF A PERMIT, TO BE CALCULATED ON FORMS TO BE FURNISHED BY THE CITY ENGINEER.

(B) THE IMPACT FEE MAY BE AMENDED WHEN DEEMED APPROPRIATE BY THE CITY MANAGER UPON RECOMMENDATION BY THE CITY ENGINEER AND SHALL INCLUDE THE FOLLOWING FACTORS:

1. WHETHER THE CUT IS A LONGITUDINAL TRENCH OR A TRANSVERSE TRENCH.
2. WHETHER THE STREET WAS RESURFACED WITHIN THE CURRENT YEAR AND THE LAST FOUR (4) YEARS OR SEALCOATED WITHIN THE CURRENT YEAR AND THE LAST TWO (2) YEARS.
3. WHETHER THE STREET IS EARMARKED FOR TOTAL RECONSTRUCTION WITHIN THE CURRENT YEAR AND THE NEXT TWO (2) YEARS IN THE CITY'S 5-YEAR PAVEMENT MANAGEMENT MASTER PLAN FOR STREET IMPROVEMENTS.

(C) FEE SCHEDULE:

1. \$50.00 FOR STREET CUT PERMIT
2. \$1.30/SQUARE FOOT FOR LONGITUDINAL TRENCHES.
3. \$7.70/SQUARE FOOT FOR TRANSVERSE TRENCHES.
4. WITH THE EXCEPTION OF THE FEE FOR A STREET CUT PERMIT ABOVE; FEES WILL BE DOUBLED FOR STREETS THAT HAVE BEEN RESURFACED WITHIN THE CURRENT YEAR AND THE PAST FOUR CALENDAR YEARS, OR SEALCOATED WITHIN THE CURRENT YEAR AND THE PAST TWO CALENDAR YEARS,
5. WITH THE EXCEPTION OF THE FEE FOR A STREET CUT PERMIT ABOVE; FEES WILL BE WAIVED FOR STREETS SCHEDULED FOR TOTAL PAVEMENT RECONSTRUCTION WITHIN THE CURRENT YEAR AND THE FOLLOWING TWO YEARS.

Section 2. This ordinance shall take effect on July 1, 2004.

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 10th of November, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ORDINANCE NO. **3073**

COUNCILLOR'S BILL NO. **53**

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Dittman - Hicks**

A BILL  
FOR AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH AV DEVELOPMENT,  
LLC

WHEREAS, AV Development, LLC, has petitioned the City for annexation of certain property located generally at the northwest corner of 88<sup>th</sup> Avenue and Lowell Boulevard, said property currently being within the jurisdiction of Adams County; and

WHEREAS, the City and AV Development wish to set forth the terms upon which such annexation will occur.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Annexation and Development Agreement attached hereto as Exhibit "A" is hereby approved and the City Manager is authorized to execute it in substantially the same form as attached with such non-substantive changes as the City Attorney may approve.

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 27th day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

ORDINANCE NO. **3074**

COUNCILLOR'S BILL NO. **62**

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Dittman - McNally**

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN PORTIONS OF SECTIONS 119, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land in parts of Sections 19, 20 and 30 of Township 2 south, Range 68 west of the Sixth Principal Meridian in the County of Adams in the State of Colorado, more particularly described as follows:

Commencing at the corner common to said sections the true point of beginning, a point on the original corporate boundary of the City of Westminster; thence along said boundary along the east line of said Section 30 S00°42'34"E, 713.70 feet; thence leaving said boundary S89°17'26"W, 30.00 feet to a point on the west line of Lowell Boulevard as shown on Shaw Heights Fourth Filing; thence along said west line N00°42'34"W, 714.49 feet to a point on the south line of West 88<sup>th</sup> Avenue, a point on the south line of said Section 19; thence N00°34'42"W, 80.02 feet to a point on the north line of 88<sup>th</sup> Avenue; thence along said north line N89°12'27"W, 125.00 feet to the southeast corner of Alpine Vista Subdivision; thence along the east line of said subdivision N00 34'47"W, 125.00 feet; thence N00°34'47"W, 101.64 feet to a point on the south line of Block 1 of said subdivision; thence along the lines of said Block 1 and the following 3 courses; 1) N89 12'27"W, 1.52 feet to a point of curve right; 2) along said curve with a central angle of 70°44'33", a radius of 27.10 feet and an arc length of 33.46 feet, long chord bears N53°50'11"W, 31.37 feet; 3) N00°08'09"E, 325.06 feet to a point on the north line of said subdivision; thence along said north line S89°12'30"E 147.61 feet; to the northeast corner of said subdivision on the west line of Lowell Boulevard; thence S89°12'30"E, 30.00 feet to a point on the east line of said Section 19; thence S89°12'30"E 50.02 feet to a point on the east line of said boulevard, a point on the west line of Shaw Height Filing 7; thence along said line S00°34'47"E, 578.79 feet to a point on the north line of 88<sup>th</sup> Avenue; thence along said north line

S89°27'06"W, 50.00 feet to a point on the east line of said Section 19; thence along said line S00°34'47"E, 70.00 feet to the true point of beginning;

Said property contains 149484 square feet or 3.4317 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 27th day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**Dittman - McNally**

## A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PORTION OF SECTIONS 19, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land, a part of the Alpine Vista Subdivision in the southeast quarter of Section 19, Township 2 south, Range 68 west of the Sixth Principal Meridian in the County of Adams in the State of Colorado more particularly described as follows:

Commencing at the southeast corner of said Section 19; thence along the east line of said section N00°34'47"W, 80.02 feet; thence N89°12'27"W, 30.01 feet to a point on the west line of Lowell Boulevard, a point on the north line of 88<sup>th</sup> Avenue; thence along said north line N89°12'27"W, 125.00 feet to the southeast corner of said subdivision, the true point of beginning;

Thence along said line N89°12'27"W, 427.93 feet; thence N00°08'09"E, 140.00 feet; thence N89°12'27"W, 110.00 feet; thence S00°08'09"W, 40.00 feet; thence N89°12'27"W, 50.00 feet; thence N00°08'09"E, 20.00 feet; thence N89°12'27"W, 140.00 feet; thence S00°08'09"W, 120.00 feet; thence N89°12'27"W, 20.00 feet; thence N00°08'09"W, 135.00 feet; thence N89°12'27"W, 130.60 feet to a point on the east line of Shaw Heights Filing 6; thence along said east line N00°08'09"E, 434.80 feet to the southwest corner of Shaw Heights Filing 11; thence along the south line of said filing 11 S89°12'30"E, 190.00 feet to the southwest corner of Hyland Creek Subdivision; thence along the south line of said subdivision S89°12'30"E, 658.80 feet to the northwest corner of Block 1 of said Alpine Vista Subdivision, a point on the corporate boundary of Westminster as established by the Alpine Vista Annexation No. 1; thence along said corporate boundary and the following five courses and along the lines of said Block 1; 1) S00°08'09"W, 325.06 feet to a point of on a non-tangent curve left; 2) along said curve with a central angle of 70°44'33", a radius of 27.10 feet and an arc length of 33.46 feet, long chord bears S53°50'11"E, 31.37 feet; 3)

S89°12'27"E, 1.52 feet; thence leaving the lines of said Block 1; 4) S00°34'47"E, 101.64 feet to an angle point on the east line of said Alpine Vista Subdivision; 5) along said east line S00°34'47"E, 125.00 feet to the true point of beginning.

Said parcel contains 9.9938 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 27th day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of November, 2003.

SERIES OF 2003

INTRODUCED BY COUNCILLORS  
**Dittman - Atchison**

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 19, 20, 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

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

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

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County zoning to City of Westminster PUD and B-1.

Parcel to be zoned PUD:

A parcel of land located in Sections 19, 20, 29, and 30, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as Block 2, Alpine Vista Subdivision.

Parcels to be zoned B-1:

A parcel of land located in Sections 19, 20, 29, and 30, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as Block 1, Alpine Vista Subdivision, and the property known as 8801 Lowell Boulevard.

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 27<sup>th</sup> day of October, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24<sup>th</sup> day of November, 2003.