



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: November 12, 2014

SUBJECT: Study Session Agenda for November 17, 2014

PREPARED BY: J. Brent McFall, City Manager

Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

A light dinner will be served in the Council Family Room 6:00 P.M.

CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

PRESENTATIONS

1. Proposed Ordinance to Amend Westminster Municipal Code Sections 10-1-12(A) and (B) Concerning Parking on Streets
2. Annual Updates to the Westminster Municipal Code
3. Payment for Foothills Animal Shelter Funding per Intergovernmental Agreement

6:30 P.M.

EXECUTIVE SESSION

None at this time.

INFORMATION ONLY ITEMS

None at this time.

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

J. Brent McFall
City Manager

NOTE: Persons needing an accommodation must notify the City Manager's Office no later than noon the Thursday prior to the scheduled Study Session to allow adequate time to make arrangements. You can call [303-658-2161](tel:303-658-2161) /TTY 711 or State Relay) or write to mbarajas@cityofwestminster.us to make a reasonable accommodation request.



WESTMINSTER

Staff Report

City Council Study Session Meeting
November 17, 2014



SUBJECT: Proposed Ordinance to Amend Westminster Municipal Code Sections 10-1-12(A) and (B) Concerning Parking on Streets

PREPARED BY: Hilary M. Graham, Acting City Attorney
Lee Birk, Police Chief
Joy Tallarico, Code Enforcement Supervisor

Recommended City Council Action

Provide direction to staff on the language and content of this ordinance so that it can be further revised, if needed, prior to being brought for action at an upcoming City Council meeting.

Summary Statement

- Current provisions of the Westminster Municipal Code (the “Code”) restrict on-street and off-street parking of certain vehicles according to the vehicle’s length.
- The provisions related to on-street parking restrictions have been known to create confusion because of exceptions for loading and unloading and affirmative defenses.
- Members of Council have expressed interest in simplifying this Code provision for ease of understanding.
- A prior version of the attached ordinance was on Council’s agenda for October 13, 2014, at which time it was tabled so that revisions to it could be discussed.
- As a result, a new version of the ordinance is attached to this Staff Report for Council’s consideration and direction.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should W.M.C. § 10-1-12(A) and (B) be revised as presented here to clarify when on-street parking of certain types of long vehicles is permitted for loading or unloading?

Alternative

- Make no change to the parking provisions at issue and continue applying them as has been done since at least 1996.
- Provide direction to Staff about different changes to the Code that Council would like to see prepared for consideration as a draft ordinance.

Background Information

In the summer months, City Councillors fielded questions about the City’s restrictions against parking long vehicles, such as motor homes, mobile homes, boats on trailers, and campers in residential areas. The Police Department confirms this is a common area of confusion with citizens. A review of the Code, as currently drafted, reveals the source of the confusion.

As relevant here, Title X, Chapter 12, of the Westminster Municipal Code, establishes definitions (Subsection A), parking restrictions applicable to public streets (Subsection B), and parking restrictions applicable to private property (Subsection C).

“Loading and unloading” is currently defined as the uninterrupted activity of continuously moving material, equipment, goods or other items of personal property from or to a vehicle during an eight (8) hour maximum period. W.M.C. § 10-1-12(A)(13). “Recreational vehicle (RV)” is defined as a motor home, mobile home or camping trailer. W.M.C. § 10-1-12(A)(14).

Section 10-1-12(B)(1) of the Code currently regulates parking on public streets by prohibiting trailers, boats, mobile and motor homes less than thirty-five feet in length from being parked on any public street within a residential district of the City, except that recreational vehicles (meaning motor homes, mobile homes or camping trailers) may be parked for loading and unloading for not more than seventy-two (72) hours. Other vehicles (meaning trailers or boats) are limited to the defined period for loading and unloading - eight (8) hours.

Section 10-1-12(B)(2) of the Code regulates any vehicle thirty-five feet in length or longer and prohibits them from being parked on any public street within a residential district except for the defined period for “loading and unloading,” eight (8) hours. Section 10-1-12(C)(1) of the Code regulates parking of vehicles on private property or private streets and prohibits any vehicle thirty-five feet in length or longer on any private street within any residential district, or upon any residential lot within the City, except for the defined period for “loading and unloading,” eight (8) hours.

In summary, in multiple sections, the Code prohibits parking of vehicles on streets in residential districts according to the vehicle’s length and type, while allowing an exception for “loading and unloading.” In all but one case - for smaller recreational vehicles on public streets

- the exception for “loading and unloading” is capped at eight (8) hours. In the case of smaller recreational vehicles, up to seventy-two (72) hours is allowed. The legislative history does not explain why extra loading time was given for smaller recreational vehicles on public streets, but it would seem to be an effort to accommodate families preparing smaller RVs for a trip. There is a desire to preserve this accommodation, but to do so in a way that simplifies the Code.

The proposed amendment would eliminate the anomalous seventy-two (72) hour exception, and would broaden all loading exceptions to twenty-four (24) hours within any three days. The proposed amendment streamlines the issue by presuming that all loading activities for these types of vehicles will usually not require more than twenty-four (24) hours. The introduction of one loading period within three days is designed to close a loophole that could allow the loading clock to be restarted each time the vehicle is moved and re-parked.

As is the case now, the Police Department will retain the discretion to hold off on an enforcement action, even after twenty-four (24) hours, depending on the specific circumstances. When granting exceptions or pursuing enforcement, the Police Department will continue to consider factors such as neighbor complaints, the exact dimensions of the streets and vehicles in question, local conditions, the actual amount of time parked on the street, and more.

The draft ordinance before you now differs from the version tabled at the October 13, 2014, Council meeting in how it will revise the definition of “loading and unloading.” The prior version had kept the loading exception at eight (8) hours, but had inserted some flexibility by defining it as “typically” lasting not more than eight (8) hours. This version removes both the eight-hour and the seventy-two hour caps entirely and replaces both with a uniform twenty-four hour exception for loading.

Approving the ordinance amending §§ 10-1-12(A) and (B) of the Westminster Municipal Code to create more flexibility in the restrictions related to loading and unloading trailers, boats, mobile homes or motor homes will further the strategic plan goal of Excellence in City Services by allowing a more easily understood and applied parking restriction.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Ordinance Concerning Parking on Public Streets

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 2014

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING SECTIONS 10-1-12(A) AND (B) OF THE WESTMINSTER MUNICIPAL CODE CONCERNING PARKING ON PUBLIC STREETS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 10-1-12(A), W.M.C., is hereby AMENDED to read as follows:

“Loading” and “Unloading” shall mean the uninterrupted activity of continuously moving material, equipment, goods or other items of personal property from or to a vehicle during not more than an eight (8) twenty-four hours maximum period in three (3) consecutive days.

Section 2. Section 10-1-12(B), W.M.C., is hereby AMENDED to read as follows:

10-1-12: PARKING RESTRICTIONS:

(B) The following restrictions shall apply to the parking of vehicles on public streets within the City:

(1) It shall be unlawful to park any trailer, boat, mobile home or motor home that is less than thirty-five feet (35') or to park any vehicle thirty-five feet (35') or more long on any public street or highway within any residential district of the City, except for the purpose of loading and unloading.

~~(a) — It shall be an affirmative defense to a violation of this subsection that the vehicle is a recreational vehicle (RV) that is being loaded or unloaded; loading and unloading of an RV includes trip preparation or post trip clean up or minor maintenance, but loading and unloading shall not in any event exceed seventy two (72) hours.~~

~~(b) — It shall be an affirmative defense to a violation of this subsection that the vehicle is a boat or trailer (other than a camping trailer) that is being loaded or unloaded as defined in subsection (A) above, but such loading and unloading shall not in any event exceed eight (8) hours.~~

(2) ~~It shall be unlawful to park any vehicle, including, but not limited to, those listed in (1) above, that is thirty five feet (35') or more long on any public street or highway within any residential district of the City, except for the purpose of loading and unloading.~~~~(3) —~~It shall be unlawful to park truck trailers, semi-tractors, trucks, buses and construction equipment on any public street or highway within any residential district of the City; provided, however, that parking next to a construction site for which a valid permit exists shall be allowed for the purpose of loading and unloading materials.

(3) ~~(4)~~It shall be unlawful to park any vehicle upon any public street, highway, public right-of-way, or public property in the City for the principal purpose of: (a) displaying such vehicle for sale or lease; (b) washing, greasing, painting, or repairing such vehicle, except repairs necessitated by an emergency; or (c) displaying advertising.

(4) ~~(5)~~It shall be unlawful for any camper not mounted upon a vehicle to be left upon any street or highway within the City.

(5) ~~(6)~~It shall be unlawful to park any vehicle that is required to be licensed by Colorado statute upon any street or highway within the City unless a valid license is properly displayed on the vehicle.

(6) ~~(7)~~ It shall be unlawful to park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

~~(5)~~(7) It shall be unlawful to park any vehicle in such a manner as to leave available less than two feet (2') clearance between vehicles when parked.

~~(6)~~(8) No person shall stop, stand or park a vehicle upon a street or highway in a manner as to block the driveway entrance to any property abutting the street or highway.

~~(7)~~(9) It shall be unlawful to park any vehicle on public right-of-way located between the curb and sidewalk.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this _____ day of _____, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of _____, 2014.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office



WESTMINSTER

Staff Report

City Council Study Session Meeting
November 17, 2014



SUBJECT: Annual Updates to the Westminster Municipal Code

Prepared By: Walter Patrick, Planner

Recommended City Council Action

1. Provide input to staff on proposed Zoning Code updates.
2. Direct staff to prepare an ordinance for adoption by City Council regarding the proposed Code revisions for 2014.

Summary Statement

Each year staff proposes updates to the Westminster Municipal Code (WMC) to remain current with development trends and ‘stay ahead of the curve’ with regard to zoning regulations and requirements. Due to staff workload, the 2013 code updates did not occur. As a result, the list of proposed updates for 2014 contains more items than in previous years. Many of the proposed Code revisions are “housekeeping” in nature and some are more substantive. A detailed list of proposed zoning code updates is outlined in the background section of this staff report.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City initiate Code updates for 2014 through revisions to the WMC?

Alternatives

1. Modify some or all of the proposed Code changes.
2. Remove some of the individual revisions for further discussion at a future study session.

Background Information

Staff is proposing a number of zoning code amendments this year. Periodic updates to the City Code allows the City to remain current with development trends and continually improve its land development code to reflect the City's vision for future development. The majority of the proposed revisions are not significant changes to the Code. Each of the proposed amendments is listed below, with the rationale for the proposed change.

Summary of Proposed Revisions for the year 2014

1) Add the following definitions. Most of these definitions are for new uses that staff also proposes adding to the land use table due to increased interest from potential business owners. Most of the proposed definitions are analogous to other uses already permitted in the City.

“Animal Day Care, Indoor” shall mean a facility where non-livestock animals may be groomed, trained, exercised, and socialized, but not kept or boarded outside overnight, bred, or sold. Outdoor runs or other outdoor areas are not permitted.

“Animal Day Care, Outdoor” shall mean a facility where non-livestock animals may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, or sold. Outdoor runs and exercise areas are permitted.

"Brewery" shall mean a facility that is primarily a manufacturing facility where malt liquors are manufactured on the premises, that may include a tap room that is less than or equal to thirty percent of the total floor area of the facility including any outdoor seating or accessory sales areas.

"Brewpub" shall mean a facility that is primarily a restaurant where malt liquor is manufactured on the premises as an accessory use. A brewpub may include some off-site distribution of its malt liquor consistent with state law.

"Community Garden" shall mean an area of land cultivated, managed, and maintained by a group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots or may be farmed collectively by members of the group and may include common areas maintained and used by group members."

“Donation Facility” shall mean a facility or collection point with bins, containers, sheds, or other facilities designed and intended for the depositing of clothing, textiles, or other household goods for pick-up. The facility may resell such goods on the premises and/or transport goods to another location for the purpose of resale or recycling.

“Health/Fitness Facility” shall mean an indoor fitness center, gymnasium, health and athletic club that may include exercise equipment, indoor courts, spa, sauna, pool and associated amenities.

“Kennel” shall mean premises where more than five (5) nonlivestock animals, excluding offspring not exceeding four (4) months of age belonging to one (1) of the adult animals, are kept for any purpose, including boarding or training. The term "kennel" does not include pet shop.

“Studio” shall mean a small, single purpose facility containing no more than 4,000 square feet, for activities such as dance, martial arts, visual arts or calisthenics for improving strength and circulation or other similar uses as deemed appropriate by the City.

“Tap Room” shall mean a use associated with and on the same premises as a brewery, at which guests may consume and purchase, for on or off premise consumption, the manufacturer’s products and other nonalcoholic beverages.

“Veterinary Office and Clinic, Indoor” shall mean a facility for the care of sick or injured animals. Such facilities may include veterinarians’ offices, administrative offices, space for examination, surgery, and recovery, and for overnight indoor boarding of animals while under treatment.

“Veterinary Office and Clinic, Outdoor” shall mean a facility for the care of sick or injured animals. Such facilities may include veterinarians’ offices, administrative offices, space for examination, surgery, and recovery, and for overnight indoor and outdoor boarding of animals while under treatment.

2) Add the following new uses to the land use table. Staff receives regular inquiries about where these kinds of uses can be located and would therefore like to include them in the zoning code. For example, the number of craft breweries has increased dramatically in recent years; however, the current municipal code does not address this use. The table below lists all zoning districts except Planned Unit Development (PUD). Uses in PUDs are addressed in the Preliminary Development Plan and the Official Development Plan for new developments.

OFFICE AND SIMILAR USES:	RE	R1	RA	R2	R3	R4	R5	T1	B1	C1	C2	M1	O1
Veterinary Office and Clinic, Indoor									P	P	P	P	
Veterinary Office and Clinic, Outdoor									S	S	S	P	
Studios								P	P	P	P	P	

BUSINESS AND COMMERCIAL USES:	RE	R1	RA	R2	R3	R4	R5	T1	B1	C1	C2	M1	O1
Animal Day Care, Indoor									P	P	P	P	
Animal Day Care, Outdoor										S	S	P	
Brewery										S	S	S	
Brewpub										P	P	P	
Donation Facility										S	S	S	
Kennel										S	S	S	

P=Permitted Use
S=Special Use Permit

3) Revise the ‘Skilled Nursing’ section of the Growth Management Program to clarify that Skilled Nursing Facilities giving care to a patient for under 100 days are not to be considered residential ‘Senior Housing’ but a commercial use and therefore for do not need to compete in the growth management competition. Commercial skilled nursing facilities would offer care for short term medical needs, such as rehabilitation, that operate much like a medical facility with patients staying at the facility no longer than 100 days, which is the maximum amount of time that Medicare pays for skilled nursing care. This type of short term care facility was recently approved for development in the Park Centre Business Park. Residential skilled nursing, however, would include uses that are more residential in nature, such as memory care facilities, where the patients are actually living in the facility for extended periods of time.

4) Add a new Growth Management designation for the Westminster Downtown that would allow new development to gain service commitments from a pool of commitments. This would allow development to occur more quickly than if each project had to go through the service commitment competition. This method was used for the Legacy Ridge and Legacy Ridge West developments. Proposed development would still be required to go through staff review.

5) Add a new Growth Management designation to allow service commitments to be awarded at the discretion of the City Manager during the time between regularly scheduled yearly competitions. This would allow an opportunity for qualified applicants who have a superior development to proceed more quickly to the development review process. An award in this category would only occur if the project can meet ALL minimum requirements as listed in the Design Guidelines of the applicable project type AND exceed the average score of the competition winners from previous years by at least 25%.

6) Add language stating that businesses shall maintain a valid state license if such licenses are required by state law. This would refer to a variety of uses including group homes, day care, and any establishment serving liquor. The addition of this language will remove any arguments as to whether state licensure is required within the City boundary.

7) Add language allowing the Planning Manager to grant up to a 10 percent variance to zoning and development standards in cases where such variances are warranted and do not negatively impact adjacent properties. This would allow property owners the possibility of obtaining a variance for a minor change without having to go to a public hearing. This allowance is typical in other municipalities and would apply to properties in both straight zoned areas and PUDs.

8) Add a section allowing and regulating community gardens in all zoning districts. Regulations would include controlling the number and location of accessory structures on the site, the hours of operation, signage, trash removal, fencing, and other maintenance issues. Issues addressed in the regulations are listed below.

- (a) Retail sales shall be prohibited on the community garden site.
- (b) Structures utilized for the storage of gardening materials shall be permitted subject to the accessory structure requirements of W.M.C. 11-4-6 (N).
- (c) Hours of operation shall be restricted to between dawn to dusk daily.
- (d) On-site storage containers, compost bins, and other material storage areas shall be located at least five feet from all property lines and screened from the public right-of-way. Trash shall be removed from the community garden site at least once a week.
- (e) One identification sign and two interior directional/informational signs shall be permitted. Such signs shall be limited to nine square feet in area per side and five feet in height.
- (f) The maximum height of a perimeter fence or wall or any combination thereof located along any front lot line, corner side lot line or corner rear lot line must not exceed four feet in residential/business districts and must not exceed an opacity of 50 percent. Along any interior side or rear lot line, the maximum height may not exceed six feet and may be up to 100 percent opaque.
- (g) Chain link, electrical, barbed and razor wire fences are prohibited.
- (h) Tools and supplies shall be stored indoors or removed from the property daily.
- (i) Bulk supplies must be stored at the center or rear of the site in a neat and orderly fashion and must not create visual blight or offensive odors.
- (j) Pesticides and fertilizers shall not be stored onsite and must comply with any other applicable requirements for hazardous materials.
- (k) The private property owner of the site on which a community garden is located shall be responsible for all maintenance requirements. Community gardens on public properties shall be maintained by the garden members or their commissioned designee.
- (l) The site must be designed and maintained to prevent any chemical, pesticide, fertilizer, compost or other garden waste from draining onto adjacent property, into man-made storm channels, or the public right-of-way.
- (m) Cultivated areas must be prevented from encroaching onto adjacent properties.
- (n) The property must be maintained free of high grass, weeds or other debris.
- (o) Dead plant growth must be composted or removed from the site not later than December 1st of each year.

- (p) Composting must be only of materials generated on-site.
 - (q) Compost enclosures must be maintained and located in a manner that protects adjacent properties from adverse environmental, health and safety impacts such as noise, odors and attraction of rodents or other pests.
- 9) For consistency and simplicity, revise the mailed notices requirements for public hearings for Comprehensive Plan Amendments to match the requirements of PDP and ODP mailed notice requirements.
- 10) Revise the language under 11-5-8 that discusses the approval process for PDPs. The code currently states that the original PDP's shall be subject to 'review and approval by the Planning Commission'. This should be clarified to state the Planning Commission only reviews PDPs. Approval of PDPs is the responsibility of the City Council.
- 11) Remove the requirement for PDP amendments to have all property owners, within the entire PDP, sign the amendment application. The Land Development Code currently states that an amendment to a Preliminary Development Plan may be initiated by: (a) All owner(s) of the property covered by the plan; or (b) by the City. Requiring all owners to initiate a PDP Amendment can be quite onerous in instances of redevelopment within PDP's that have a multitude of owners where a single property owner within a PDP has the ability to essentially thwart a development proposal without good cause. Staff proposes to remove the requirement for PDP amendments to have all property owners sign the amendment application but add language that would still give all property owners the opportunity to be heard at a public hearing. This would allow an applicant to make a valid application to amend the PDP for his property.
- 12) Revise the statement that adjusts Park Development Fees annually from January 1 to April 15, since the official Consumer Price Index (CPI) is not released until March and this fee increases annually based on the CPI.
- 13) In November of 2013, the City updated and replaced the COMPREHENSIVE LAND USE PLAN to a more progressive plan that acts as a true 'community plan' instead of just a 'land planning' document. The new document is titled the 'COMPREHENSIVE PLAN'. Staff now proposes to replace all references of the term 'COMPREHENSIVE LAND USE PLAN' in the code to 'COMPREHENSIVE PLAN'.

Staff is also currently working on additional code revisions, specifically, to the City's parking code. These updates will propose to bring the City's parking requirements in line with actual development needs. The proposed parking code updates will be forthcoming at a future City Council study session.

Strategic Plan

The proposed Code updates supports all of the City's Strategic Goals. These include: Dynamic, Diverse Economy, Ease of Mobility, Excellence in City Services, Vibrant & Inclusive Neighborhoods, Beautiful, Desirable, Environmentally Responsible City, Visionary Leadership & Effective Governance, Comprehensive Community Engagement, and Proactive Regional Collaboration.

Regular updates to the City Code touch on each of strategic goals listed above and ensure that the City will remain current with the development trends and continue to promote orderly and rational development.

Respectfully submitted,

J. Brent McFall
City Manager



Staff Report

City Council Study Session Meeting
November 17, 2014



SUBJECT: Payment for Foothills Animal Shelter Funding per Intergovernmental Agreement

PREPARED BY: Kim Barron, Police Commander
Mike Cressman, Deputy Chief of Police
Lee Birk, Chief of Police

Recommended City Council Action

Direct staff to bring to a future City Council meeting a request for formal authorization to pay \$179,315 to Jefferson County, as required under the existing Intergovernmental Agreement, concerning the Foothills Animal Shelter. The payment is for our current obligations with Jefferson County for reimbursement costs associated with the construction of Foothills Animal Shelter.

Summary Statement

- In 1996, the City of Westminster entered into an Intergovernmental Agreement (IGA) with Table Mountain Animal Center, now known as Foothills Animal Shelter (FAS) to provide all animal sheltering functions.
- Jefferson County and the partnering cities (Arvada, Lakewood, Wheat Ridge, Golden and Westminster) entered into a separate IGA in 2007 to build a new animal shelter.
- Jefferson County funded \$3 million and issued \$5.2 million in Certificates of Participation. The remaining \$1.5 million was to be raised by the FAS Foundation, a non-profit 501(c)3 organization, which supported the FAS and its every day operations.
- In 2009, the participating entities entered into an IGA with Jefferson County to pay any unpaid portion of the \$1.5 million pledge from the FAS Foundation at the end of five years. In 2013, the FAS Foundation dissolved leaving an unpaid balance of \$896,573.
- The City of Westminster's portion of the unpaid balance (per the IGA) is \$179,315 and by the terms of the IGA is to be paid to Jefferson County by January 1, 2015.
- There are adequate funds in the General Fund Contingency to cover this unanticipated expense.

Expenditure Required: \$179,315

Source of Funds: General Fund Contingency

Policy Issue

Should the City of Westminster pay the \$179,315 for our current obligations with Jefferson County for reimbursement costs associated with the construction of Foothills Animal Shelter per the requirement of the Intergovernmental Agreement?

Alternative

The City of Westminster could withdraw from the Intergovernmental Agreement with Jefferson County and the participating cities, however, the obligation for this payment would still need to be met.

Do not authorize the Police Department to pay the \$179,315, which is contrary to the Intergovernmental Agreement. Staff is not recommending this action as the City is obligated by current Intergovernmental Agreements to assist in repayment of Foothills Animal Shelter construction debt.

Background Information

In November 1996, City Council authorized the City Manager to enter into an Intergovernmental Agreement (IGA) with Table Mountain Animal Center (TMAC), for the provision of all animal sheltering functions to be effective January 1, 1997. This shelter serves all of Westminster, both the Adams and Jefferson County portions. Westminster has been utilizing this shelter continually since that date. In 2010, a newer, larger and more modern facility was built. The name of the animal shelter was changed to Foothills Animal Shelter (FAS). Over the ensuing years the IGA's have been updated or changed several times regarding creation of Dog Licensing Fees and funding of the FAS.

Jefferson County and the partnering cities (Arvada, Lakewood, Wheat Ridge, Golden and Westminster) entered into a separate IGA in 2007 to build a new animal shelter. Jefferson County agreed to fund \$3 million and issue Certificates of Participation in the amount of \$5.2 million and a capital campaign was initiated by the FAS Foundation (Foundation) to raise the additional \$1.5 million, a total of \$9.7 million to build the new animal shelter.

In 2009, in order to save several hundred thousand dollars on the construction project, it was agreed that the project would be completed in one phase rather than multiple phases. The entities entered into an agreement with Jefferson County to pay at the end of five years, any portion of the \$1.5 million, plus 4% interest on any unpaid portion pledged by the Foundation. The Foundation signed a letter stating that they would use good faith efforts to raise their portion and also use good faith efforts to repay the entities for any monies they paid Jefferson County on their behalf. It should be noted that the Foundation has dissolved and has left a balance that the entities are responsible for in the amount of \$896,573. This balance is the responsibility of the 5 partnering cities. The City's portion is \$179,315, the same amount payable from the other 4 participating cities. According to the IGA, the City's payment is due January 1, 2015, with a grace period until January 31, 2015.

In 2011, the FAS Board of Directors reviewed the FAS operational budget and the construction debt repayment funding plan. The new facility is approximately three times the size of the old TMAC facility. Operational costs for the new FAS facility were escalating proportionately. This led to a meeting held in March of 2012 with the FAS Board of Directors, Jefferson County Administration, and City Management of the partnering cities. It was decided at that time to rewrite and combine the two existing IGA's governing FAS and the County-Wide Dog Licensing Program. The revised IGA

updates the operational agreements for the governing and usage of FAS. It also reflects a more stable and balanced funding plan for both operations and construction debt repayment to Jefferson County. Under this agreement, the City's budgeted and predictable annual assessments are used to repay the construction debt, while revenue generated from the Dog Licensing Program offsets FAS operational costs. This 2012 IGA is the current governing IGA and recognizes the Cities' obligation to pay any of the \$1.5 million on any unpaid portion of the Foundation's pledge.

The payment to Foothills Animal Shelter Facility Funding IGA supports the City's Strategic Plan goals of Proactive Regional Collaboration and Excellence in City Services.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



Board of County Commissioners

Faye Griffin
District No. 1
Casey Tighe
District No. 2
Donald Rosier
District No. 3

May 1, 2014

City of Westminster
Mike Cressman
Deputy Chief

Re: Reimbursement Costs Associated with Construction of the Table Mountain Animal Center

Dear Mike:

As per the Intergovernmental Agreement between Jefferson County, the City of Arvada, the City of Lakewood, the City of Wheat Ridge, the City of Golden and the City of Westminster, this letter is to notify you of the remaining balance that is due to Jefferson County according to:

I. Covenants and Agreements

A. "In addition to the \$5.2 million dollars in Certificates of Participation, the County is issuing to fund the Animal Center, the County will provide additional financing towards the construction of the Animal Center in the amount of \$1.5 million dollars which the Cities hereby agree to repay to the County plus interest on the unpaid balance at the rate of 4% compounded annually within five years of the Financing (the "Cities' Obligation")."

As of this date, May 1, 2014, the balance due is \$896,573. The details of each city's obligation are identified in the attached schedule. This amount is due to be paid to Jefferson County as of January 1, 2015. If there is an update to the unpaid balance prior to January 1, 2015, this will be provided to the Cities.

Sincerely,


Holly Björklund
Director, Finance & IT

encl.

City of Arvada,
City of Lakewood,
City of Wheat Ridge
City of Golden
City of Westminster

Foothills Animal Shelter Foundation

Capital Reimbursement Financial Summary

Per Jefferson County Resolution No. 10-031

Loan Amount
\$ 1,500,000.00

Outstanding Loan	Payment Date	Foundation Payment	Donations Collected w/ Renewals	Annual Reimbursement	Principal	Interest (4% annualized)	Remaining Balance	IGA Year
\$ 1,500,000.00	1/1/2011	\$ 350,000.00	\$ 531.00	\$ 350,531.00	\$ 1,149,469.00	\$ 45,978.76	\$ 1,195,447.76	1
\$ 1,195,447.76	1/1/2012	\$ 165,000.00	\$ 19,247.75	\$ 184,247.75	\$ 1,011,200.01	\$ 40,448.00	\$ 1,051,648.01	2
\$ 1,051,648.01	1/1/2013	\$ 85,000.00	\$ 58,771.18	\$ 143,771.18	\$ 907,876.83	\$ 36,315.07	\$ 944,191.90	3
\$ 944,191.90	1/1/2014	\$ 115,260.00	\$ -	\$ 115,260.00	\$ 828,931.90	\$ 33,157.28	\$ 862,089.18	4
\$ 862,089.18	1/1/2015			\$ -	\$ 862,089.18	\$ 34,483.57	\$ 896,572.75	5

Remaining balance at 1/1/2015 will be repaid by the member municipalities based upon the agreed upon IGA.

Balance Due as of 1/1/15 \$ 896,573
 Divided by 5 Cities 5
 Current Amount Due Each \$ 179,315

Arvada
 Golden
 Lakewood
 Westminster
 Wheat Ridge