AGENDA
1500th Regular Meeting of the
CITY COUNCIL
COUNCIL CHAMBERS
December 17, 2019
7:00 p.m.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
4. ROLL CALL OF COUNCIL
5. APPROVAL OF AGENDA

APPROVING THE AGENDA APPROVES TIMING FOR CONSIDERING THE CONSENT CALENDAR. AT THE TIME COUNCIL CONSIDERS THE CONSENT CALENDAR, ANY COUNCILMEMBER MAY REQUEST THAT AN ITEM BE "PULLED" AND THAT ITEM SHALL BE REMOVED AND ADDED TO THE LIST OF "ACTION ITEMS."

6. PRESENTATIONS

A. A resolution commending Mary Ellen Wollmann for her service on the Local Licensing Authority.

B. A resolution commending Jacqueline Arcelin for her service on the Local Licensing Authority.

C. A resolution recognizing the Leadership Team members of the Thornton Community Emergency Response Team for their efforts to train community disaster response volunteers.

7. AUDIENCE PARTICIPATION

DURING THIS PORTION OF THE MEETING, ANYONE MAY SPEAK ON ANY SUBJECT WHICH DOES NOT LATER APPEAR ON THE AGENDA AS A PUBLIC HEARING. SPEAKING TIME WILL BE LIMITED TO THREE MINUTES PER INDIVIDUAL/TOPIC WITH A ONE HOUR LIMIT ON THIS SEGMENT OF THE AGENDA. IF YOU WISH TO SPEAK, PLEASE SIGN UP ON THE REGISTER LOCATED INSIDE THE COUNCIL CHAMBERS, PRIOR TO THE MEETING.

8. COUNCIL COMMENTS/COMMUNICATIONS

9. STAFF REPORTS

A. Exploring City Careers Report and Presentation to Pilot Program Participants.
10. **CONSENT CALENDAR**

ITEMS OF A ROUTINE AND NON-CONTROVERSIAL NATURE ARE PLACED ON THE CONSENT CALENDAR. ANY COUNCILMEMBER MAY REQUEST THAT AN ITEM BE "PULLED" FROM THE CONSENT CALENDAR AND CONSIDERED SEPARATELY. AGENDA ITEMS PULLED FROM THE CONSENT CALENDAR WILL BE PLACED ON THE AGENDA AT THE END OF THE MATTERS LISTED UNDER "ACTION ITEMS."

A. Approval of Minutes - December 3, 2019 Regular City Council Meeting.


D. A resolution approving an Intergovernmental Agreement between Adams County and the City regarding the Steele Street Extension from East 86th Avenue to East 88th Avenue and the Welby Road Intersection Improvements at East 88th Avenue.

E. A resolution approving the Second Amendment to the Non-Exclusive Right-of-Way Use Agreement between the City and Teleport Communications America, LLC.

F. A resolution terminating an Intergovernmental Agreement and approving an Intergovernmental Agreement between the City and the City of Northglenn for traffic signal operation and maintenance.

G. A resolution approving a Memorandum of Agreement between the State of Colorado Department of Labor and Employment, Division of Oil and Public Safety and the City permitting the City to inspect elevators and escalators within the City.

H. A resolution consenting to the filing of an application to change the use of Colorado Agricultural Ditch Company and Lower Clear Creek Ditch Company shares with the Water Court.

I. A resolution approving an amendment to the Standley Lake Park Intergovernmental Agreement among the City of Westminster, City of Northglenn, and City of Thornton, dated November 28, 1994, to allow for a one-year extension of its term.

J. A resolution authorizing the City to petition the Adams County District Court for the exclusion of the Adams County 88th Avenue Open Space Annexation from the South Adams County Fire Protection District.

K. An ordinance vacating the East 126th Avenue Right-of-Way, east of Lafayette Street, for a distance of approximately 139 feet. (First Reading)
11. PUBLIC HEARINGS

IN ORDER TO SCHEDULE THE TIMING AND LENGTH OF PUBLIC HEARINGS FOR THE CONVENIENCE OF THE COUNCIL, THE GENERAL PUBLIC, AND INTERESTED PARTIES, THE FIRST PUBLIC HEARING WILL BEGIN AT OR BEFORE 7:30 P.M., OR AS SOON THEREAFTER AS POSSIBLE. THIS SEGMENT OF THE AGENDA WILL LAST NO MORE THAN TWO HOURS. PROponents AND OPPonents WHO WISH TO SPEAK ARE REQUESTED TO SIGN UP, PRIOR TO THE BEGINNING OF THE MEETING, ON THE REGISTER LOCATED INSIDE THE COUNCIL CHAMBERS, AND LIMIT THEIR REMARKS TO THREE MINUTES. GROUPS OF CITIZENS BROUGHT TOGETHER BY A COMMON INTEREST ARE REQUESTED TO CHOOSE A SPOKESPERSON WHOSE TIME TO COMMENT MAY BE EXTENDED AT THE DISCRETION OF THE MAYOR. SPEAKERS MAY BE ASKED TO BE SWORN IN BY THE CITY CLERK IF THEY WISH TO SUBMIT FACTS RATHER THAN OPINIONS.

A. A public hearing regarding a resolution approving an Amendment to the Service Plan for York Street Metropolitan District and the First Amendment to the Intergovernmental Agreement between the City and York Street Metropolitan District regarding the Service Plan for the District. [Public Hearing]

12. ACTION ITEMS

A. A motion approving the process for filling the Ward 4 vacancy.

13. ADJOURNMENT

Agenda prepared by Kristen N. Rosenbaum, City Clerk for Kevin S. Woods, City Manager
COUNCIL COMMUNICATION

Meeting Date: December 17, 2019
Agenda Item: 6A
Agenda Location: Presentations
Goal(s): N/A
Legal Review:

1st Reading

2nd Reading

Subject: A resolution commending Mary Ellen Wollmann for her service on the Local Licensing Authority.

Recommended by: City Council
Presenter(s): City Council

Approved by: Kevin S. Woods

Ordinance previously introduced by: 

SYNOPSIS:

This resolution recognizes and commends Mary Wollmann for her time, involvement, and distinguished service as a member of the Local Licensing Authority (Authority).

RECOMMENDATION:

Staff recommends approval of this resolution commending Mary Wollmann.

BUDGET/STAFF IMPLICATIONS:

None.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

Mary Wollmann served on the Authority from September 25, 2018 to October 31, 2019. During her service on the Authority, Ms. Wollmann played a lead role in many important decisions involving the granting or denying of various liquor and beer applications for new licenses, transfers of ownership, requests to modify the premises, and the review of verified complaints and subsequent action resulting in suspension or revocation of licenses.
RESOLUTION

A RESOLUTION COMMENDING MARY ELLEN WOLLMANN FOR HER SERVICE ON THE LOCAL LICENSING AUTHORITY.

WHEREAS, Mary Wollmann served as a member of the Local Licensing Authority from September 25, 2018 to October 31, 2019; and

WHEREAS, Ms. Wollmann's service with the Local Licensing Authority was marked by a fine record of attendance and accomplishments; and

WHEREAS, Ms. Wollmann played a lead role in many important decisions involving the granting or denying of various liquor and beer applications for new licenses, transfers of ownership, requests to modify the premises, and the review of verified complaints and subsequent action resulting in suspension or revocation of licenses; and

WHEREAS, Ms. Wollmann's leadership and service to the Local Licensing Authority have been a valuable contribution to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

That the City Council wishes to express to Mary Ellen Wollmann its gratitude and appreciation for her leadership role, time, involvement, knowledge, and distinguished service to the Local Licensing Authority and to the citizens of Thornton.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on ________________, 2019.

CITY OF THORNTON, COLORADO

__________________________
Jan Kulmann, Mayor

ATTEST:

__________________________
Kristen N. Rosenbaum, City Clerk
COUNCIL COMMUNICATION

Meeting Date: December 17, 2019
Agenda Item: 6B
Agenda Location: Presentations
Goal(s): N/A
Legal Review: 1st Reading

Subject: A resolution commending Jacqueline Arcelin for her service on the Local Licensing Authority.

Recommended by: City Council
Presenter(s): City Council
Approved by: Kevin S. Woods

Ordinance previously introduced by:

SYNOPSIS:

This resolution recognizes and commends Jacqueline Arcelin for her time, involvement, and distinguished service as a member of the Local Licensing Authority (Authority).

RECOMMENDATION:

Staff recommends approval of this resolution commending Jacqueline Arcelin.

BUDGET/STAFF IMPLICATIONS:

None.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

Jacqueline voluntarily served on the Authority from July 11, 2017 to October 16, 2019 and was Vice-Chairperson in 2019. During her service on the Authority, Ms. Arcelin played a lead role in many important decisions involving the granting or denying of various liquor and beer applications for new licenses, transfers of ownership, requests to modify the premises, and the review of verified complaints and subsequent action resulting in suspension or revocation of licenses.
RESOLUTION

A RESOLUTION COMMENDING JACQUELINE ARCELIN FOR HER SERVICE ON THE LOCAL LICENSING AUTHORITY.

WHEREAS, Jacqueline Arcelin voluntarily served as a member of the Local Licensing Authority from July 11, 2017 to October 16, 2019; and

WHEREAS, Ms. Arcelin’s service with the Local Licensing Authority was marked by a fine record of attendance and accomplishments; and

WHEREAS, Ms. Arcelin played a lead role in many important decisions involving the granting or denying of various liquor and beer applications for new licenses, transfers of ownership, requests to modify the premises, and the review of verified complaints and subsequent action resulting in suspension or revocation of licenses; and

WHEREAS, Ms. Arcelin’s leadership and service to the Local Licensing Authority have been a valuable contribution to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS Follows:

That the City Council wishes to express to Jacqueline Arcelin its gratitude and appreciation for her leadership role, time, involvement, knowledge, and distinguished service to the Local Licensing Authority and to the citizens of Thornton.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on______________, 2019.

CITY OF THORNTON, COLORADO

___________________________________________
Jan Kulmann, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk
COUNCIL COMMUNICATION

Meeting Date: December 17, 2019
Agenda Item: 6C
Agenda Location: Presentations
Goal(s): N/A
Legal Review: 1st Reading

Subject: A resolution recognizing the Leadership Team members of the Thornton Community Emergency Response Team for their efforts to train community disaster response volunteers.

Recommended by: Chris Molison
Presenter(s): Ryan Doyle, Emergency Manager
Approved by: Kevin S. Woods
Ordinance previously introduced by: 

SYNOPSIS:

The City established the Thornton Community Emergency Response Team (C.E.R.T.) Program in 2015 to provide disaster preparedness and response training to the Thornton community. The Leadership Team is made up of eight dedicated volunteers who have consistently assisted the City with meetings, trainings, disaster exercises, and volunteering at many special events. Based on their tireless efforts and dedicated service, the City believes it is appropriate to recognize the following people: Joe French, who served as Program Manager from 2015-2019 and Sarah French, Tony Unrein, Terry Borst, Vicki Borst, Toby Williams, Andrew Schneider, and Mary Marino for their volunteer service to the City.

RECOMMENDATION:

Staff recommends approval of the resolution recognizing the Thornton C.E.R.T. Leadership Team for their efforts to train community disaster response volunteers.

BUDGET/STAFF IMPLICATIONS:

None.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The Thornton Community Emergency Response Team (C.E.R.T.) Program was started in February 2015 as a partnership between Emergency Management and the Fire Department. The goal was three fold: to provide a next step in training for Fire Citizens Academy Alums; to take an all-hazard approach to disaster preparedness training for the community; and to build a cadre of dedicated volunteers who can support Emergency Management, Fire, and Police during disasters.

Since 2015, the Thornton C.E.R.T. Program has trained 116 community members, helped deliver over 200 hours of training, facilitated five multiple jurisdictional full-scale exercises, helped support Fire Department operations during the City's special events, and helped retrofit the City's shelter trailer. The members of the Leadership Team alone have collectively devoted over 950 hours to Program activities.
RESOLUTION

A RESOLUTION RECOGNIZING THE LEADERSHIP TEAM MEMBERS OF THE THORNTON COMMUNITY EMERGENCY RESPONSE TEAM FOR THEIR EFFORTS TO TRAIN COMMUNITY DISASTER RESPONSE VOLUNTEERS.

WHEREAS, the potential for emergencies, either man-made or natural, is a real and ever present threat; and

WHEREAS, the City is vulnerable to many serious hazards and needs trained civilians to assist in disaster response; and

WHEREAS, the City of Thornton Community Emergency Response Team (C.E.R.T.) Program was created in 2015 to educate the community about disaster preparedness and train them in the basic skills needed to assist others when professional responders are not immediately available; and

WHEREAS, the Leadership Team annually volunteers over 400 hours of personal time to support C.E.R.T. trainings, exercises, regular meetings, special projects, and supports the City’s Fire and Police Departments during Thorntonfest and the July 4th fireworks special events; and

WHEREAS, Joe French, acting as the C.E.R.T. Program Manager, faithfully assisted City Emergency Management staff in the coordination and management of the C.E.R.T. Program from 2015 to 2019; and

WHEREAS, the Leadership Team consisting of Joe French, Sarah French, Tony Unrein, Terry Borst, Vicki Borst, Toby Williams, Andrew Schneider, and Mary Marino provided dedicated service in the development and maintenance of the Thornton C.E.R.T. Program and preparedness efforts in their community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

That the City Council hereby recognizes Joe French, Sarah French, Tony Unrein, Terry Borst, Vicki Borst, Toby Williams, Andrew Schneider, and Mary Marino for their leadership, dedicated service to the Thornton Community Emergency Response Team (C.E.R.T.) Program, and preparedness of the community.
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on __________________, 2019.

CITY OF THORNTON, COLORADO

_____________________________________________
Jan Kulmann, Mayor

ATTEST:

_____________________________________________
Kristen N. Rosenbaum, City Clerk
SYNOPSIS:

The purpose of this agenda item is to provide a report of the Exploring City Careers Pilot Program and present the student participants with a certificate of completion from Council.

RECOMMENDATION:

For informational purposes only.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

For informational purposes only.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The Exploring City Careers program was designed by the City Manager’s Office as a pilot program that was developed over the course of several months in collaboration with City-wide staff for presentation to Shannon Hancock, Executive Director of the Five Star Education Foundation. Ms. Hancock reached out to the City in an effort to connect the City with District high schools. The City designed and developed a program that worked to provide career option information to junior and senior students to prepare them for life post-graduation. The City’s partner for this Pilot Program was Thornton High School Principal, Jennifer Skrobela; staff; and 15 students.

The program was scheduled for the second quarter of the 2019 – 2020 school year, which ran from October 16 through December 11, 2019. The students met each Wednesday at City Hall from 2:00-4:00 p.m. Upon arrival students were assigned to their respective career station; the eight stations ran concurrently each week for the duration of the session. Half of the stations were off-site for real time, hands on experience in the field. At the conclusion of the station, students were provided a handout listing relevant careers, education/certificate requirements, salary range, as well as department contact information. After each week’s session, students completed a survey regarding their experience, which was consolidated and utilized to determine areas of interest and those needing enhancement. Likewise, each staff participant completed a similar survey, which was in the discussion of lessons learned.
The stations offered for the Pilot Program were as follows:

- Budget / Contracts / Finance / Fleet / Purchasing
- City Development / Economic Development
- Engineering / Construction – Infrastructure
- Human Resources / Courts
- Information Technology / City Clerk / Communications
- Parks / Facility Maintenance
- Recreation
- Water Resources / Resources / Treatment / Quality

Future Program sessions are currently under review for the continuation of the Program during the third quarter of the 2019-2020 school year which will run from January 22 through March 11, 2020.
COUNCIL COMMUNICATION

Meeting Date: December 17, 2019
Agenda Item: 10A
Agenda Location: Consent Calendar
Goal(s): N/A
Legal Review: 

1st Reading
2nd Reading

Subject: A Motion approving the Minutes of the December 3, 2019 Regular City Council meeting.

Recommended by: Robb Kolstad ✓
Approved by: Kevin S. Woods ✓
Presenter(s): Kristen Rosenbaum, City Clerk

SYNOPSIS:

The official Minutes of the December 3, 2019 Regular City Council meeting have been prepared by the City Clerk’s Office and are hereby submitted for Council's approval.

RECOMMENDATION:

Staff recommends approval of Minutes as requested.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the minutes as submitted.
2. Approve the minutes with corrections requested by Council.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

None.
MINUTES
THORNTON CITY COUNCIL
1499TH REGULAR MEETING
DECEMBER 3, 2019

2. PLEDGE OF ALLEGIANCE – Presentation of the Colors by the Thornton Honor Guard.

1. CALL TO ORDER – By Mayor Heidi K. Williams at 6:08 p.m. in the Council Chambers of the Thornton City Hall.

   Mayor Williams stated for the record and pursuant to City Code Subsection 2-52(a)(4), the November 12, 2019 meeting was cancelled because it was known in advance that there would not be a quorum.

3. MOMENT OF SILENCE

4. ROLL CALL OF 2017 – 2019 COUNCIL - Those Present were: Mayor Heidi K. Williams; Mayor Pro Tem Jan Kulmann; and Councilmembers Sherry Goodman, Adam Matkowsky, Eric Montoya, Sam Nizam, Jacque Phillips, Jessica Sandgren, and Eric Tade.

   STAFF MEMBERS PRESENT – Kevin Woods, City Manager; Luis Corchado, City Attorney; Joyce Hunt, Assistant City Manager; Robb Kolstad, Assistant City Manager; Jeff Coder, Deputy City Manager of City Development; Brett Henry, Executive Director of Infrastructure; Seve Ghose, Community Services Director; Randy Nelson, Police Chief; Gordon Olson, Fire Chief; Kim Newhart, Interim Director of Finance; John Cody, Economic Development Director; Jason O'Shea, Building and Engineering Director; Grant Penland, Planning Director; Doug Buchanan, Tax Manager; Charles Rose, Presiding Municipal Judge; Mary Kent, CMO Services Administrator; Alisa Zimmerman, Arts and Cultural Manager; Kent Moorman, Regional Transportation Engineer; Brandi Rank, GIS Manager; Paul Burkholder, Parks, Forestry and Golf Superintendent; Lisa Ranalli, Older Adult Program Manager; Diane Van Fossen, Deputy Director of Community Services; Leroy Cross, Deputy Police Chief; Todd Barnes, Communications Director; Cliff Brown, Deputy Police Chief; Stephen Kelley, Deputy Fire Chief; Adam Krueger, Deputy Economic Development Director; Vince Aragon, Sponsorship Sales and Marketing Coordinator; Glenda Lainis, Policy Planning Manager; Kristen Rosenbaum, City Clerk; and Crystal Sergent, Agenda and Licensing Coordinator.

5. APPROVAL OF THE AGENDA

   MOTION WAS MADE BY COUNCILMEMBER PHILLIPS AND SECONDED BY COUNCILMEMBER SANDGREN TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY.

6. PRESENTATIONS

   None

7. AUDIENCE PARTICIPATION

   Joshua Lybarger, 16143 Hi Land Circle, Member of the Thornton Professional Firefighters, presented Service Awards to Mayor Williams, Councilmember Montoya, and Councilmember Tade.
Rick Reeser, 9883 Pearl Street, thanked the Council for a job well done.

Stephanie Bendykowski, 5794 E. 122nd Place, addressed Council regarding careless driving and excessive speeding on 120th Avenue and Holly Street, 112th Avenue, and 128th Avenue and requested that Council look into the issue. She read a letter into the record from Noah Mason and played audio of a fatal accident on 120th Avenue and Colorado Boulevard.

Jeremy Newton, 2761 E. 93rd Place, spoke about the 2017 – 2019 City Council and thanked the outgoing Council and welcomed the incoming Council.

Megin Browning, 1421 Rowena Street, addressed Council and requested rules be adopted regarding short-term rentals.

8. COUNCIL COMMENTS/COMMUNICATIONS

Councilmember Matkowksy thanked his family and those who supported him in his campaign.

Councilmember Phillips reported on the issues at the Renaissance 88 Apartments and acknowledged young adults involved in organizing donations for various organizations. She also announced locations where donations can be dropped off.

Mayor Williams reported on board and commission vacancies.

9. STAFF REPORTS

None

10. CONSENT CALENDAR

MOTION WAS MADE BY COUNCILMEMBER TADE AND SECONDED BY COUNCILMEMBER GOODMAN TO APPROVE THE CONSENT CALENDAR AS PRESENTED.

The City Clerk read into the record the titles of the ordinances contained on the Consent Calendar.

MOTION PASSED UNANIMOUSLY.

THE FOLLOWING COUNCIL DOCUMENTS WERE APPROVED ON THE CONSENT CALENDAR:

A. Approval of Minutes – October 1, 2019 Special and October 22, 2019 Regular City Council Meetings.

B. An ordinance amending Sections 26-387 and 26-388 of the Thornton City Code pertaining to Sales Tax Rates. (Second Reading)

C. An ordinance amending Sections 42-702 (Definitions), 42-709 (Creations; duties and powers; composition and organization; title), 42-715 (General application requirements), and 42-716 (Licensing process – marijuana stores) of Article X, Marijuana Licensing of Chapter 42 of the Thornton City Code. (Second Reading)

11. PUBLIC HEARINGS

None

12. ACTION ITEMS

None

13. PRESENTATIONS AND REMARKS

A. A resolution recognizing Eric Montoya for his leadership and contributions as a Ward 2 Councilmember for the City of Thornton.

COUNCILMEMBER PHILLIPS INTRODUCED, READ IN ITS ENTIRETY, AND MOVED TO APPROVE A RESOLUTION RECOGNIZING ERIC MONTOYA FOR HIS LEADERSHIP AND CONTRIBUTIONS AS A WARD 2 COUNCILMEMBER FOR THE CITY OF THORNTON. MOTION WAS SECONDED BY COUNCILMEMBER GOODMAN, DISCUSSED, AND PASSED UNANIMOUSLY.

Mayor Williams thanked Councilmember Montoya for his service and presented him with a plaque, a key to the City, and a mug.

B. A resolution recognizing Councilmember Eric Tade for his leadership and contributions as a Ward 3 Councilmember for the City of Thornton.

COUNCILMEMBER SANDGREN INTRODUCED, READ IN ITS ENTIRETY, AND MOVED TO APPROVE A RESOLUTION RECOGNIZING COUNCILMEMBER ERIC TADE FOR HIS LEADERSHIP AND CONTRIBUTIONS AS A WARD 3 COUNCILMEMBER FOR THE CITY OF THORNTON. MOTION WAS SECONDED BY COUNCILMEMBER GOODMAN, DISCUSSED, AND PASSED UNANIMOUSLY EXCEPT THAT COUNCILMEMBER TADE ABSTAINED FROM VOTING.

Mayor Williams thanked Councilmember Tade for his service and presented him with a plaque, a key to the City, and a mug.

C. A resolution recognizing Heidi K. Williams for her leadership and contributions as Mayor for the City of Thornton.

MAYOR PRO TEM KULMANN INTRODUCED, READ IN ITS ENTIRETY, AND MOVED TO APPROVE A RESOLUTION RECOGNIZING HEIDI K. WILLIAMS FOR HER LEADERSHIP AND CONTRIBUTIONS AS MAYOR FOR THE CITY OF THORNTON. MOTION WAS SECONDED BY COUNCILMEMBER MATKOWSKY, DISCUSSED, AND PASSED UNANIMOUSLY.

Mayor Pro Tem Kulmann thanked Mayor Williams for her service and presented her with a plaque, a key to the City, and a mug.

Jeremy Rodriguez, no address provided, from Representative Permutter’s Office, updated Council on current and future activities. He thanked the outgoing Council.
14. RECESS AND RECEPTION

The meeting was recessed at 7:30 p.m.

15. RECONVENE

The meeting was reconvened at 7:53 p.m.

16. Administration of Oaths of Office to Mayor and City Councilmembers by the Honorable Judge Charles Rose.

   A. Ward 1 (4 year) - Jacque Phillips
   B. Ward 2 (4 year) - Julia Marvin
   C. Ward 3 (4 year) - David Acunto
   D. Ward 4 (4 year) - Adam Matkowsky
   E. Mayor (4 year) - Jan Kulmann

17. ROLL CALL OF 2019 – 2021 COUNCIL – Those present were: Mayor Jan Kulmann and Councilmembers David Acunto, Sherry Goodman, Julia Marvin, Adam Matkowsky, Sam Nizam, Jacque Phillips, and Jessica Sandgren.

18. 2019 – 2021 COUNCIL REMARKS

Councilmember Phillips shared her future priorities.

Council welcomed the new Councilmembers.

The new and reelected Councilmembers thanked their family, friends, and supporters for the opportunity to serve on Council.

19. ACTION ITEMS

A. Election of the Mayor Pro Tem by written ballot.

   MOTION WAS MADE BY COUNCILMEMBER PHILLIPS AND SECONDED BY COUNCILMEMBER NIZAM TO SUSPEND ROBERT’S RULES OF ORDER REGARDING THE NOMINATING OF A SINGLE PERSON AND NOMINATE ALL THE COUNCILMEMBERS FOR THE POSITION OF MAYOR PRO TEM.

   Written ballots were cast in the following manner:

   Sandgren  5
   Phillips  2
   Nizam  1

20. ADJOURNMENT

   MOTION WAS MADE BY COUNCILMEMBER GOODMAN AND SECONDED BY COUNCILMEMBER SANDGREN TO ADJOURN THE MEETING AT 8:14 P.M. MOTION PASSED UNANIMOUSLY.
21. WELCOME RECEPTION FOR INCOMING MAYOR AND COUNCILMEMBERS

Respectfully submitted,

Crystal Sergent
Crystal Sergent, Agenda and Licensing Coordinator

ATTEST:

Mayor at time of approval

Approved at the December 17, 2019 City Council meeting.
### COUNCIL COMMUNICATION

<table>
<thead>
<tr>
<th>Meeting Date:</th>
<th>Agenda Item:</th>
<th>Agenda Location:</th>
<th>Goal(s):</th>
<th>Legal Review:</th>
<th>1st Reading</th>
<th>2nd Reading</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 17, 2019</td>
<td>10B</td>
<td>Consent Calendar</td>
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**Subject:** Monthly Financial Report for October 2019.

**Recommended by:** Kim Newhart  
**Approved by:** Kevin S. Woods

**Presenter(s):** Kim Newhart, Interim Finance Director

**Ordinance previously introduced by:**

### SYNOPSIS:

The financial report for the ten-month period ending October 31, 2019 is attached.

### RECOMMENDATION:

For informational purposes only.

### BUDGET/STAFF IMPLICATIONS:

None.

### ALTERNATIVES:

For informational purposes only.

### BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):

(includes previous City Council action)

None.
General Government Overview:
General Government revenues and expenditures are trending as expected through the end of October.

Sales, Use & Other Taxes category is up 6.3%, or $4,735,272, compared to 2018. Sales tax generated by marijuana and the Denver Premium Outlets (opened September 2018) continue to contribute a significant portion of this increase. Building Use Tax is down from 2018, this was expected as Amazon and Denver Premium Outlets were still under construction last year.

Charges for Services revenues are up 29.9%, or $3,654,763, compared to 2018. Thorncreek Golf Course was closed for renovations the first half of 2018 and have experienced record revenue in 2019. The City received a Medicaid reimbursement from the Colorado Emergency Medical Services supplemental payment program in the amount of $936,642. The Charges for Services category is projected to end the year 4.2% over the original budget.

Operating expenses (total expenses excluding capital outlay, debt, and contractual obligations) in the Governmental Funds are at 70.2% of the 2019 Budget, and are up 3.8%, or $3,995,814, compared to 2018. The primary driver of this increase relates to personnel increases, including personnel growth and pay increases. Projected 2019 expenses are anticipated to come in under budget by 0.6%, or $838,000. Water consumption is down in Parks due to a wet spring creating a projected savings of approximately $600,000 in utility costs in 2019.

Capital Outlay is down 35.8%. Both the Public Safety Facility and the new fleet shop were substantially completed in 2018, which caused a spike in capital outlay spending in 2018.
**ENTERPRISE FUNDS**

### Water Fund Overview:
Rate revenue is down 3.2%, or $1,188,463, compared to 2018. Precipitation during the summer months drives consumption, which is down 7.3% through October compared to 2018. Rate revenues are projected to end the year $1,188,463 below budget.

Tap Fee revenue is down 36.9%, or $9,351,841, compared to 2018. This decrease was expected due to the large volume of commercial growth in 2018. Tap Fee revenue is anticipated to end the year close to budget.

Miscellaneous revenues are projected to end the year $8,149,625 over budget due to one time revenues from the sale of easements, the sale of the Ft. Lupton pit, and the sale of water shares.

Operating expenses are at 83.1% of budget and are projected to come in under budget 3.5%, or $955,757. The main drivers that produced these savings include a wet spring that reduced water treatment demands and personnel vacancies in the Water Treatment Division.

### Sanitation Fund Overview:
Revenues are up 2.7% over 2018 due to an increase in account growth and are projected to end the year on budget.

Operating expenses are 83% of budget and are projected to come in under budget by about 2.1%, or $106,373. This savings is related to savings in Fleet purchases.
Sewer Fund Overview:
Sewer revenues are expected to end the year slightly over budget.

Rate revenue is up 2.2% year-to-date (YTD), which reflects the 1.5% rate increase in January, account growth, and change in average winter consumption (AWC).

Tap Fee revenue is down 44.2%, or $1,038,097, compared to 2018. This decrease was expected due to the large volume of commercial growth in 2018.

Operating expenses are at 77.2% of budget and are projected to come in under budget 0.8%, or $117,664. Overall, operating expenses are up 13.4% over 2018. A large portion of this is due to an increase in fees charged by the Metro Wastewater Reclamation District for treatment of the City’s sewage flows.

Sewer’s Capital Outlay Budget and the projected decrease of $14.2M in net position is related to capital project spending on the Big Dry Creek Lift Station.

Stormwater Fund Overview:
The Stormwater Fund was implemented in April 2019. Revenues are at 78.4% of budget and expected to end the year slightly higher than the original budget.

Operating expenses are at 81.6% of budget and are projected to come in at or slightly under budget.
Adams County (ADCO) Road & Bridge Overview:
Revenues are at 72.3% of the 2019 Budget, appropriate for this time in the year and projected to end the year on budget.

Parks Overview:
Revenue is down 99.1% from 2018. Beginning in 2019 the voter approved .25% tax revenue is going to the Parks & Open Space Fund. In 2018, this tax was split evenly between Parks, Open Space, and the Parks and Open Space funds.

Open Space Overview:
Revenue is down 92.2% from 2018. Beginning in 2019 the voter approved .25% tax revenue is going to the Parks and Open Space Fund. In 2018, this tax was split evenly between Parks, Open Space, and the Parks and Open Space funds.

Parks and Open Space Overview:
Revenues are up 201.3% over 2018. Beginning in 2019 the voter approved .25% tax revenue is going to the Parks and Open Space Fund. In 2018, this tax was split evenly between Parks, Open Space, and the Parks and Open Space funds.

Projected revenues for the year are $7,816,551, this is less than the total budget by $14,657,274. Total budgeted revenues included bond proceeds for the Active Adult Center that are not needed until 2020.

Parks and Open Space is seeing a surge in expenses this year as Trail Winds Recreation Center finishes and the Active Adult Center and Margaret W. Carpenter Recreation Center Pool Renovation begin.

Conservation Trust Overview:
Revenues are at 93.9% of the 2019 Budget, 26% higher than 2018. This revenue stream is related to Colorado lottery revenues. Total revenues are projected to come in $250,000 over budget.
Thornton Development Authority (TDA) South Overview:
Property Tax revenues are up 67% over 2018 due to an increase in assessed valuation within the TDA area.

TDA North Overview:
Sales Tax from retail in this area is up 2.2% YTD, the recent additions of Top Golf and Floor & Décor are driving this increase.

In total, sales tax revenues in the TDA North Capital Fund are down 48.1%. The City and TDA agreed the amount of sales tax collected in the TDA North starting January 1, 2019 will be 50% and the remainder will go to the General Government Fund. Prior to January 1, 2019 all sales tax collected in this area remained in the TDA.

Property Tax revenues are up 75.9%, or $1,979,310. This increase was expected due to the new commercial development in this area.

Capital outlay costs have increased from 2018 over 120%. This is due to multiple large infrastructure projects, including road widening and the Bull Canal relocation.

TDA 144th Overview:
Sales from retail in this area are up 8.5% YTD. This increase is due to new businesses such as Burlington, Crumbl Cookies, and Hilton Garden Inn.

In total, sales tax revenues in the TDA 144th Capital Fund are down 30.5%. Through the annual sales tax rate certification process, the pledged sales tax rate went from 3.26% to 2.00% effective March 1, 2019.

Property Tax revenues are up 13.8% YTD and are projected to end the year 7.7% over the anticipated budget. This increase is due to new commercial development in this area.
# General & Governmental Capital Fund

## Statement of Revenues, Expenses, and Changes in Fund Balance

**For Month Ending October 2018 and 2019**

### Governmental Funds

<table>
<thead>
<tr>
<th></th>
<th>2018 (1)</th>
<th>2019</th>
<th>2019 Projection</th>
<th>2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales, Use &amp; Other Taxes</td>
<td>$74,949,760</td>
<td>$79,685,032</td>
<td>$104,671,879</td>
<td>$104,671,879</td>
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<tr>
<td>Property Tax</td>
<td>13,018,394</td>
<td>13,458,689</td>
<td>13,457,836</td>
<td>13,301,817</td>
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<tr>
<td>Licensing &amp; Permits</td>
<td>5,092,494</td>
<td>5,352,916</td>
<td>5,473,200</td>
<td>5,473,200</td>
</tr>
<tr>
<td>Grants &amp; Intergovernmental</td>
<td>12,887,606</td>
<td>12,904,252</td>
<td>15,767,046</td>
<td>15,767,046</td>
</tr>
<tr>
<td>Charges for Services</td>
<td>12,222,957</td>
<td>15,877,720</td>
<td>17,054,282</td>
<td>16,363,231</td>
</tr>
<tr>
<td>Other Revenues</td>
<td>4,807,943</td>
<td>5,132,514</td>
<td>5,268,645</td>
<td>5,268,645</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>122,979,154</strong></td>
<td><strong>132,411,123</strong></td>
<td><strong>161,692,888</strong></td>
<td><strong>160,845,818</strong></td>
</tr>
<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Government</td>
<td>27,439,005</td>
<td>28,597,374</td>
<td>35,169,885</td>
<td>36,813,926</td>
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<tr>
<td>Police</td>
<td>29,400,258</td>
<td>31,035,224</td>
<td>39,813,442</td>
<td>38,235,055</td>
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<tr>
<td>Fire and Ambulance</td>
<td>15,252,882</td>
<td>15,180,186</td>
<td>19,594,782</td>
<td>18,635,203</td>
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<tr>
<td>City Development</td>
<td>6,357,223</td>
<td>6,566,175</td>
<td>8,386,800</td>
<td>8,534,507</td>
</tr>
<tr>
<td>Streets, Traffic and Engineering</td>
<td>8,917,877</td>
<td>8,928,277</td>
<td>11,687,286</td>
<td>12,469,586</td>
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<tr>
<td>Community Services</td>
<td>16,709,974</td>
<td>17,765,797</td>
<td>21,734,111</td>
<td>22,536,691</td>
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<tr>
<td>Capital Outlay</td>
<td>25,075,432</td>
<td>16,098,457</td>
<td>68,988,105</td>
<td>69,138,105</td>
</tr>
<tr>
<td>Debt</td>
<td>297,530</td>
<td>664,122</td>
<td>4,554,406</td>
<td>4,554,406</td>
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<tr>
<td>Contractual Obligations</td>
<td>399,303</td>
<td>2,112,759</td>
<td>2,354,127</td>
<td>2,354,127</td>
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<tr>
<td><strong>Total Expenses</strong></td>
<td><strong>129,649,484</strong></td>
<td><strong>126,948,371</strong></td>
<td><strong>212,282,944</strong></td>
<td><strong>213,271,606</strong></td>
</tr>
<tr>
<td><strong>Net Transfers In</strong></td>
<td>6,748,940</td>
<td>6,590,756</td>
<td>6,298,782</td>
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<tr>
<td><strong>Change in Fund Balance</strong></td>
<td>$ (121,389)</td>
<td>$ 12,053,508</td>
<td><strong>$ (44,291,274)</strong></td>
<td><strong>$ (46,127,006)</strong></td>
</tr>
</tbody>
</table>

**Note (1):** The City closed the Consolidated Services Fund on 11/30/18 and the Information Technology, Reprographics, and Maintenance Services Funds on 1/1/19. Beginning in 2019, these costs will be reported as divisions within the General Fund. For comparison purposes, 2018 activity related to these inactive funds is included with the General Fund.
### Special Revenue Funds & Other Funds

- The ADCO Road & Bridge and ADCO Open Space, Parks, Open Space, Parks and Open Space, Conservation Trust, Cash-In-Lieu, and Thornton Arts, Sciences and Humanities Council, Inc. (TASHCO), 136th Ave. General Improvement District (GID), E-911, and Risk

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#### Statement of Revenues, Expenses, and Changes in Fund Balance

**For Month Ending October 2018 and 2019**

**Special Revenue & Other Funds**

<table>
<thead>
<tr>
<th>Fund Type</th>
<th>2018</th>
<th>2019</th>
<th>2019 Projection</th>
<th>2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ADCO Road &amp; Bridge</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Revenues</td>
<td>2,504,814</td>
<td>2,395,953</td>
<td>3,315,000</td>
<td>3,315,000</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>2,298,992</td>
<td>2,901,689</td>
<td>9,820,449</td>
<td>9,820,449</td>
</tr>
<tr>
<td>Change in Fund Balance</td>
<td>$ 205,822</td>
<td>$(505,736)</td>
<td>$(6,505,449)</td>
<td>$(6,505,449)</td>
</tr>
<tr>
<td><strong>ADCO Open Space</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Revenues</td>
<td>1,198,158</td>
<td>1,266,485</td>
<td>3,400,470</td>
<td>3,400,470</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>1,388,257</td>
<td>331,818</td>
<td>3,661,726</td>
<td>3,661,726</td>
</tr>
<tr>
<td>Change in Fund Balance</td>
<td>$(190,099)</td>
<td>934,667</td>
<td>$(261,256)</td>
<td>$(261,256)</td>
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<tr>
<td><strong>Parks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Total Revenues</td>
<td>1,976,030</td>
<td>18,579</td>
<td>25,000</td>
<td>25,000</td>
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<tr>
<td>Total Expenses</td>
<td>3,897,486</td>
<td>466,999</td>
<td>1,174,926</td>
<td>1,174,926</td>
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<tr>
<td>Change in Fund Balance</td>
<td>$(1,921,456)</td>
<td>$(448,420)</td>
<td>$(1,149,926)</td>
<td>$(1,149,926)</td>
</tr>
<tr>
<td><strong>Open Space</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Revenues</td>
<td>3,538,808</td>
<td>274,933</td>
<td>3,830,377</td>
<td>3,830,377</td>
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<tr>
<td>Total Expenses</td>
<td>2,865,463</td>
<td>731,778</td>
<td>5,111,809</td>
<td>5,111,809</td>
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<tr>
<td>Change in Fund Balance</td>
<td>$ 673,345</td>
<td>$(456,845)</td>
<td>$(1,281,432)</td>
<td>$(1,281,432)</td>
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<tr>
<td><strong>Parks &amp; Open Space</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Revenues</td>
<td>2,001,465</td>
<td>6,029,883</td>
<td>7,816,551</td>
<td>22,473,825</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>7,050,115</td>
<td>30,276,947</td>
<td>70,564,290</td>
<td>70,930,215</td>
</tr>
<tr>
<td>Change in Fund Balance</td>
<td>$(5,048,650)</td>
<td>$(24,247,064)</td>
<td>$(62,747,739)</td>
<td>$(48,456,390)</td>
</tr>
<tr>
<td><strong>Conservation Trust</strong></td>
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<td></td>
</tr>
<tr>
<td>Total Revenues</td>
<td>965,162</td>
<td>1,216,087</td>
<td>1,585,000</td>
<td>1,295,000</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>2,129,277</td>
<td>418,221</td>
<td>2,021,421</td>
<td>2,071,421</td>
</tr>
<tr>
<td>Change in Fund Balance</td>
<td>$(1,164,115)</td>
<td>797,866</td>
<td>$(436,421)</td>
<td>$(776,421)</td>
</tr>
</tbody>
</table>
### Statement of Revenues, Expenses, and Changes in Fund Balance

For Month Ending October 2018 and 2019

**Special Revenue & Other Funds**

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
<th>2019 Projection</th>
<th>2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash-In-Lieu</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Revenues</td>
<td>26,863</td>
<td>40,710</td>
<td>54,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>44,955</td>
<td></td>
<td>192,733</td>
<td>192,733</td>
</tr>
<tr>
<td>Change in Fund Balance</td>
<td>$(18,092)</td>
<td>$(40,710)</td>
<td>$(138,733)</td>
<td>$(177,733)</td>
</tr>
<tr>
<td><strong>TASHCO</strong></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Total Revenues</td>
<td>87,547</td>
<td>97,269</td>
<td>81,365</td>
<td>81,365</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>84,265</td>
<td>69,068</td>
<td>85,062</td>
<td>94,406</td>
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<tr>
<td>Change in Fund Balance</td>
<td>$3,282</td>
<td>$28,201</td>
<td>$(3,697)</td>
<td>$(13,041)</td>
</tr>
<tr>
<td><strong>136th GID</strong></td>
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<td></td>
</tr>
<tr>
<td>Total Revenues</td>
<td>10,794</td>
<td>62,594</td>
<td>62,600</td>
<td>62,600</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>5,500</td>
<td>31,300</td>
<td>62,600</td>
<td>62,600</td>
</tr>
<tr>
<td>Change in Fund Balance</td>
<td>$5,294</td>
<td>$31,294</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>E-911</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Revenues</td>
<td>835,645</td>
<td>842,488</td>
<td>1,140,000</td>
<td>1,140,000</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>550,000</td>
<td>600,000</td>
<td>1,200,000</td>
<td>1,200,000</td>
</tr>
<tr>
<td>Change in Fund Balance</td>
<td>$285,645</td>
<td>$242,488</td>
<td>$(60,000)</td>
<td>$(60,000)</td>
</tr>
<tr>
<td><strong>RISK</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Revenues</td>
<td>6,344,996</td>
<td>6,209,035</td>
<td>6,351,555</td>
<td>6,351,555</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>6,043,766</td>
<td>5,756,458</td>
<td>6,147,573</td>
<td>6,229,133</td>
</tr>
<tr>
<td>Change in Fund Balance</td>
<td>$301,230</td>
<td>$452,577</td>
<td>$203,982</td>
<td>$122,422</td>
</tr>
</tbody>
</table>
THORNTON DEVELOPMENT AUTHORITY (TDA)

- An Urban Renewal Authority established to finance the design and construction of various improvements within the TDA’s boundaries.

### Statement of Revenues, Expenses, and Changes in Fund Balance
**For Month Ending October 2018 and 2019**

**TDA South Capital Fund**

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
<th>2019 Projection</th>
<th>2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Tax</td>
<td>$370,725</td>
<td>$616,928</td>
<td>$615,076</td>
<td>$515,000</td>
</tr>
<tr>
<td>Interest &amp; Misc. Revenue</td>
<td>115,048</td>
<td>153,661</td>
<td>186,000</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>485,773</td>
<td>770,589</td>
<td>801,076</td>
<td>615,000</td>
</tr>
<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>52,291</td>
<td>82,269</td>
<td>1,292,844</td>
<td>1,292,844</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>52,291</td>
<td>82,269</td>
<td>1,292,844</td>
<td>1,292,844</td>
</tr>
<tr>
<td>Net Transfers In/(Out)</td>
<td>(206,000)</td>
<td>(212,180)</td>
<td>(212,180)</td>
<td>(212,180)</td>
</tr>
<tr>
<td><strong>Change in Fund Balance</strong></td>
<td>$227,482</td>
<td>$476,140</td>
<td>(703,948)</td>
<td>(890,024)</td>
</tr>
</tbody>
</table>

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### Statement of Revenues, Expenses, and Changes in Fund Balance
**For Month Ending October 2018 and 2019**

**TDA North Capital Fund**

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
<th>2019 Projection</th>
<th>2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales Tax</td>
<td>$7,736,484</td>
<td>$4,016,280</td>
<td>$5,447,611</td>
<td>$5,447,611</td>
</tr>
<tr>
<td>Property Tax</td>
<td>2,608,669</td>
<td>4,587,979</td>
<td>6,085,318</td>
<td>6,085,318</td>
</tr>
<tr>
<td>Interest &amp; Misc. Revenue</td>
<td>286,427</td>
<td>304,910</td>
<td>434,300</td>
<td>245,000</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>10,631,580</td>
<td>8,909,169</td>
<td>11,967,229</td>
<td>11,777,929</td>
</tr>
<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Debt Service</td>
<td>255,681</td>
<td>246,631</td>
<td>1,411,263</td>
<td>1,411,263</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>5,789,317</td>
<td>12,778,822</td>
<td>22,004,099</td>
<td>22,004,099</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>6,044,998</td>
<td>13,025,453</td>
<td>23,415,362</td>
<td>23,415,362</td>
</tr>
<tr>
<td>Net Transfers In/(Out)</td>
<td>(4,290,000)</td>
<td>(4,049,242)</td>
<td>(4,049,241)</td>
<td>(4,049,241)</td>
</tr>
<tr>
<td><strong>Change in Fund Balance</strong></td>
<td>$296,582</td>
<td>$(8,165,526)</td>
<td>$(15,497,374)</td>
<td>$(15,686,674)</td>
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</tbody>
</table>

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10
<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
<th>2019 Projection</th>
<th>2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales Tax</td>
<td>$1,511,314</td>
<td>$1,050,467</td>
<td>$1,982,162</td>
<td>$1,982,162</td>
</tr>
<tr>
<td>Property Tax</td>
<td>1,323,978</td>
<td>1,506,424</td>
<td>1,562,900</td>
<td>1,451,036</td>
</tr>
<tr>
<td>Interest &amp; Misc. Revenue</td>
<td>53,444</td>
<td>61,910</td>
<td>70,000</td>
<td>70,000</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>2,888,736</td>
<td>2,618,801</td>
<td>3,615,062</td>
<td>3,503,198</td>
</tr>
<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Debt Service</td>
<td>585,097</td>
<td>572,197</td>
<td>1,812,394</td>
<td>1,812,394</td>
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<tr>
<td>Miscellaneous</td>
<td>460,422</td>
<td>499,673</td>
<td>816,878</td>
<td>816,878</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>1,045,519</td>
<td>1,071,870</td>
<td>2,629,272</td>
<td>2,629,272</td>
</tr>
<tr>
<td><strong>Net Transfers In/(Out)</strong></td>
<td>(1,697,440)</td>
<td>(774,761)</td>
<td>(774,761)</td>
<td>(774,761)</td>
</tr>
<tr>
<td><strong>Change in Fund Balance</strong></td>
<td>$145,777</td>
<td>$772,170</td>
<td>$211,029</td>
<td>$99,165</td>
</tr>
</tbody>
</table>
### ENTERPRISE FUNDS

• Supports the Operation, Maintenance, and expansion of the City’s Water, Sewer, Storm Water, and Sanitation Utilities.

---

#### For Month Ending October 2018 and 2019

**Water Fund**

<table>
<thead>
<tr>
<th>Operating Revenues</th>
<th>2018</th>
<th>2019</th>
<th>2019 Projection</th>
<th>2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charges for Services</td>
<td>$40,880,050</td>
<td>$39,586,936</td>
<td>46,035,460</td>
<td>$47,223,923</td>
</tr>
<tr>
<td><strong>Total Operating Revenues</strong></td>
<td><strong>40,880,050</strong></td>
<td><strong>39,586,936</strong></td>
<td><strong>46,035,460</strong></td>
<td><strong>47,223,923</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operating Expenses</th>
<th>2018</th>
<th>2019</th>
<th>2019</th>
<th>Total Non-operating Revenues (Expenses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Income (Loss)</td>
<td>22,348,519</td>
<td>22,654,173</td>
<td>26,302,248</td>
<td>18,531,531</td>
</tr>
</tbody>
</table>

**Non-operating Revenues (Expenses)**

| Debt | (1,193,137) | (1,138,137) | (2,861,644) | (2,861,644) |
| Tap Fees & Contributed | 25,364,932 | 16,012,691 | 20,000,000 | 20,000,000 |
| Lease Revenue | 4,656,695 | 4,174,014 | 4,014,402 | 4,014,402 |
| Miscellaneous Revenue | 2,612,769 | 8,252,993 | 13,315,076 | 5,165,451 |
| **Total Non-operating Revenues (Expenses)** | **(211,941)** | **(21,485,937)** | **(143,983,519)** | **(155,198,145)** |

**Change in Net Position**

<table>
<thead>
<tr>
<th>2018</th>
<th>2019</th>
<th>2019</th>
<th>Total Non-operating Revenues (Expenses)</th>
</tr>
</thead>
</table>

---

#### Statement of Revenues, Expenses, and Changes in Net Position

**For Month Ending October 2018 and 2019**

**Sanitation**

<table>
<thead>
<tr>
<th>Operating Revenues</th>
<th>2018</th>
<th>2019</th>
<th>2019 Projection</th>
<th>2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charges for Services</td>
<td>$4,180,064</td>
<td>$4,278,382</td>
<td>5,451,118</td>
<td>5,451,118</td>
</tr>
<tr>
<td><strong>Total Operating Revenues</strong></td>
<td><strong>4,180,064</strong></td>
<td><strong>4,278,382</strong></td>
<td><strong>5,451,118</strong></td>
<td><strong>5,451,118</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operating Expenses</th>
<th>2018</th>
<th>2019</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Income (Loss)</td>
<td>3,898,083</td>
<td>4,217,941</td>
<td>4,974,364</td>
</tr>
</tbody>
</table>

| Operating Income (Loss) | 281,981 | 60,441 | 476,754 | 370,381 |

<table>
<thead>
<tr>
<th>Non-operating Revenues (Expenses)</th>
<th>2018</th>
<th>2019</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Outlay</td>
<td>(840,096)</td>
<td>(567)</td>
<td>(599,960)</td>
</tr>
<tr>
<td>Miscellaneous Revenue</td>
<td>104,907</td>
<td>131,522</td>
<td>182,684</td>
</tr>
<tr>
<td><strong>Total Non-operating Revenue (Expenses)</strong></td>
<td><strong>(735,189)</strong></td>
<td><strong>130,955</strong></td>
<td><strong>417,276</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Change in Net Position</th>
<th>2018</th>
<th>2019</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change in Net Position</td>
<td>$(453,208)</td>
<td>$191,396</td>
<td>59,478</td>
</tr>
</tbody>
</table>

---

12
Statement of Revenues, Expenses, and Changes in Net Position  
For Month Ending October 2018 and 2019

development Team

Sewer Fund

<table>
<thead>
<tr>
<th>Operating Revenues</th>
<th>2018</th>
<th>2019</th>
<th>2019 Projection</th>
<th>2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charges for Services</td>
<td>$11,542,660</td>
<td>$11,794,758</td>
<td>$15,277,201</td>
<td>$15,277,201</td>
</tr>
<tr>
<td>Total Operating Revenues</td>
<td>11,542,660</td>
<td>11,794,758</td>
<td>15,277,201</td>
<td>15,277,201</td>
</tr>
</tbody>
</table>

Operating Expenses

<table>
<thead>
<tr>
<th>Operating Income (Loss)</th>
<th>9,828,689</th>
<th>11,147,002</th>
<th>14,312,330</th>
<th>14,429,994</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Income</td>
<td>1,713,971</td>
<td>647,756</td>
<td>964,871</td>
<td>847,207</td>
</tr>
</tbody>
</table>

Non-operating Revenues (Expenses)

<table>
<thead>
<tr>
<th>Capital Outlay</th>
<th>(2,525,074)</th>
<th>(962,110)</th>
<th>(17,303,542)</th>
<th>(17,303,542)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tap Fees &amp; Contributed</td>
<td>2,348,255</td>
<td>1,310,158</td>
<td>1,700,000</td>
<td>1,700,000</td>
</tr>
<tr>
<td>Miscellaneous Revenue</td>
<td>268,309</td>
<td>364,487</td>
<td>451,000</td>
<td>192,500</td>
</tr>
<tr>
<td>Total Non-operating Revenue (Expenses)</td>
<td>91,490</td>
<td>712,535</td>
<td>(15,152,542)</td>
<td>(15,411,042)</td>
</tr>
</tbody>
</table>

Change in Net Position

| Change in Net Position                          | $1,805,461  | $1,360,291  | (14,187,671)    | (14,563,835) |

Stormwater

<table>
<thead>
<tr>
<th>Operating Revenues</th>
<th>2018</th>
<th>2019</th>
<th>2019 Projection</th>
<th>2019 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charges for Services</td>
<td>-</td>
<td>$2,352,280</td>
<td>3,000,000</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Total Operating Revenues</td>
<td>-</td>
<td>$2,352,280</td>
<td>3,000,000</td>
<td>3,000,000</td>
</tr>
</tbody>
</table>

Operating Expenses

<table>
<thead>
<tr>
<th>Operating Income (Loss)</th>
<th>-</th>
<th>1,553,356</th>
<th>1,901,509</th>
<th>1,903,009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Income</td>
<td>-</td>
<td>798,924</td>
<td>1,098,491</td>
<td>1,096,991</td>
</tr>
</tbody>
</table>

Non-operating Revenues (Expenses)

<table>
<thead>
<tr>
<th>Capital Outlay</th>
<th>-</th>
<th>(75,198)</th>
<th>(1,427,580)</th>
<th>(1,427,580)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous Revenue</td>
<td>-</td>
<td>10,159</td>
<td>8,939</td>
<td>-</td>
</tr>
<tr>
<td>Total Non-operating Revenue (Expenses)</td>
<td>-</td>
<td>(65,039)</td>
<td>(1,418,642)</td>
<td>(1,427,580)</td>
</tr>
</tbody>
</table>

Change in Net Position

| Change in Net Position                          | $-         | $733,885   | (320,151)       | (330,589)    |
**Meeting Date:** December 17, 2019  
**Agenda Item:** 10C  
**Agenda Location:** Consent Calendar  
**Goal(s):**  
**Legal Review:**  

<table>
<thead>
<tr>
<th>1st Reading</th>
<th>2nd Reading</th>
</tr>
</thead>
</table>

**Subject:** A resolution amending Council Policy 1.1 of Resolution C.D. No. 2019-021 regarding appointment of City Council representatives to various boards and commissions.

**Recommended by:** Robb Kolstad  
**Approved by:** Kevin S. Woods  
**Presenter(s):** Kristen Rosenbaum, City Clerk  

**SYNOPSIS:**

This resolution approves an amendment to Council Policy 1.1 appointing City Council representatives to various boards and commissions for the remainder of 2019 through 2021.

**RECOMMENDATION:**

Staff recommends Alternative No. 1, approval of the resolution, which appoints City Council representatives to various boards and commission for the remainder of 2019 through 2021.

**BUDGET/STAFF IMPLICATIONS:**

None.

**ALTERNATIVES:**

1. Approve the resolution as recommended.
2. Amend the resolution as directed by Council.
3. Do not approve the resolution.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)

At the Planning Session on December 10, 2019, City Council directed staff to prepare a resolution appointing City’s representation on the various outside boards and commissions for the remainder of 2019 through 2021.
RESOLUTION

A RESOLUTION AMENDING COUNCIL POLICY 1.1 OF RESOLUTION C.D. NO. 2019-021 REGARDING APPOINTMENT OF CITY COUNCIL REPRESENTATIVES TO VARIOUS BOARDS AND COMMISSIONS.

WHEREAS, the City participates in a variety of Denver metropolitan Boards and Commissions through its City Council representatives; and

WHEREAS, the City Council determines which City Council members will represent the City on those boards and commissions; and

WHEREAS, the City consolidated the Council Policies into one document in 2015 by C.D. No. 2015-188; and

WHEREAS, Resolution C.D. No. 2015-211 amended Council Policy 1.1 on December 15, 2015 appointing City Council representatives to the outside boards and commissions for 2016 and 2017; and

WHEREAS, Resolution C.D. No. 2016-159 amended Council Policy 1.1 on September 13, 2016 changing the representation for the School District 27J Foundation; and

WHEREAS, Resolution C.D. No. 2016-233 amended Council Policy 1.1 on December 20, 2016 changing the representation of the Denver Regional Council of Governments Board of Directors and the Representation on the I-25 Coalition; and

WHEREAS, Resolution C.D. No. 2017-173 amended Council Policy 1.1 on August 22, 2017 changing the representation on the Colorado Municipal League Policy Committee; and


WHEREAS, City Council desires to appoint City Council representatives to various boards and commissions for the remainder of 2019 through 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on ________________, 2019.

CITY OF THORNTON, COLORADO

Jan Kulmann, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk
City Council Policy

Appointing City Council Representatives to Outside Boards and Commissions

Policy Number: 1.1


1. Purpose

The purpose of this policy is to identify the City Council members who will represent the City on various outside Boards and Commissions for a two-year period.

2. Policy

The 2019-2020 Council representatives on external boards and commissions are as follows:

<table>
<thead>
<tr>
<th>Board/Commission</th>
<th>Appointee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams County Economic Development Corporation (ACED)</td>
<td>Member – Jacque Phillips</td>
</tr>
<tr>
<td></td>
<td>Alternate – John Cody</td>
</tr>
<tr>
<td>Adams County Community Transit Policy Council</td>
<td>Member – Lisa Ranalli, <strong>Senior Citizen Older Adult</strong> Program Manager</td>
</tr>
<tr>
<td></td>
<td>Member – Sherry Goodman (or designee)</td>
</tr>
<tr>
<td></td>
<td>Member – Sam Nizam, Julia Marvin (or designee)</td>
</tr>
<tr>
<td>Airport Coordinating Committee (ACC)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Colorado Municipal League Policy Committee (CML)</td>
<td>Member – <strong>Eric Tade</strong>David Acunto</td>
</tr>
<tr>
<td></td>
<td>Member – Mayor Pro Tem Sandgren</td>
</tr>
<tr>
<td></td>
<td>Alternate – Eric MontoyaAdam Matkowsky</td>
</tr>
<tr>
<td>Denver Regional Council of Governments (DRCOG)</td>
<td>Member – Mayor Pro Tem Sandgren</td>
</tr>
<tr>
<td></td>
<td>Alternate – Jacque Phillips, Julia Marvin</td>
</tr>
<tr>
<td>E-470 Highway Authority</td>
<td>Member – Mayor Heidi WilliamsPro Tem Sandgren</td>
</tr>
<tr>
<td></td>
<td>Alternate – Jessica SandgrenSam Nizam</td>
</tr>
<tr>
<td>I-25 Coalition (Weld County)</td>
<td>Member – Mayor Pro Tem Kulmann</td>
</tr>
<tr>
<td></td>
<td>Alternate – Mayor Heidi WilliamsSam Nizam</td>
</tr>
<tr>
<td>I-25 Corridor Mayors Group</td>
<td>Member – Mayor Heidi Williams Kulmann</td>
</tr>
<tr>
<td></td>
<td>Alternate – Mayor Pro Tem Kulmann Sandgren</td>
</tr>
<tr>
<td>North Area Transportation Alliance (NATA)</td>
<td>Member – Mayor Pro Tem Sandgren</td>
</tr>
<tr>
<td></td>
<td>Alternate – Sam Nizam, Julia Marvin</td>
</tr>
<tr>
<td>Rocky Flats Stewardship Council</td>
<td>Member – Mayor Pro Tem Kulmann</td>
</tr>
<tr>
<td></td>
<td>Alternate – James Boswell, Water Quality Policy Manager</td>
</tr>
<tr>
<td>School District 27-J Capital Facilities Foundation</td>
<td>Member – <strong>Eric Tade</strong>David Acunto</td>
</tr>
</tbody>
</table>
COUNCIL COMMUNICATION

Meeting Date: December 17, 2019
Agenda Item: 10D
Agenda Location: Consent Calendar
Goal(s): Legal

Subject: A resolution approving an Intergovernmental Agreement between Adams County and the City regarding the Steele Street Extension from East 86th Avenue to East 88th Avenue and the Welby Road Intersection Improvements at East 88th Avenue.

Recommended by: Brett Henry
Approved by: Kevin S. Woods
Presenter(s): Brett Henry, Executive Director of Infrastructure

SYNOPSIS:

The Intergovernmental Agreement (IGA) between Adams County (ADCO) and the City will assign responsibilities for the design, right-of-way (ROW) acquisition, construction, future maintenance, and annexation of the Steele Street Extension from East 86th Avenue to East 88th Avenue (Project). Additionally, the IGA initiates the planning and design for the future configuration of old Welby Road Intersection Improvements at East 88th Avenue.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the IGA to allow for the Project to be constructed by ADCO.

BUDGET/STAFF IMPLICATIONS:

ADCO is funding 100 percent of the Project. City staff will be involved in project coordination, construction oversight, and will lead the annexation process. The City will be responsible for future maintenance of the Project once completed.

ALTERNATIVES:

1. Approve the IGA which will allow ADCO to construct the Project.
2. Do not approve the IGA, but support the Project, which may result in ADCO cancelling the Project and, if they proceed, maintaining the final ownership of the Project.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The current Steele Street alignment abruptly turns west along East 86th Avenue then north to East 88th Avenue. The intersection is not ideally configured for full movement access, and the location of the Regional Transportation District (RTD) FasTracks bridge also complicates the intersection.

The Project improvements will serve both the City and ADCO residents and improve vehicular and pedestrian access to the East 88th Avenue RTD FasTracks Station. The Project will construct two general purpose travel lanes, curb and gutter, and one attached 10-foot wide multi-use sidewalk on the east side of the proposed Steele Street alignment. The Project will provide a transportation connection between East 86th Avenue and East 88th Avenue at the new Welby Road/Steele Street intersection.
The Project will allow for the initial planning and design for intersection improvements at old Welby Road and East 88th Avenue. This would potentially better the level of service of East 88th Avenue and improve safety. A future agreement for the remainder of design, construction, and funding will be necessary to complete the improvements at this location. The Project will be constructed to the City's standards and specifications.

ADCO will transfer ownership and maintenance responsibility to the City upon completion of the Project and the one-year construction warranty. The City will initiate annexation for portions of the Project that are not within the City.

This Project was identified in the 2009 Transportation Master Plan.
RESOLUTION

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN
ADAMS COUNTY AND THE CITY REGARDING THE STEELE STREET EXTENSION
FROM EAST 86TH AVENUE TO EAST 88TH AVENUE AND THE WELBY ROAD
INTERSECTION IMPROVEMENTS AT EAST 88TH AVENUE.

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution and
Sections 29-1-101, et seq., and 29-20-205 of the Colorado Revised Statutes authorize
and encourage governments to cooperate by contracting with one another for their mutual
benefit; and

WHEREAS, City Council, pursuant to Section 4.18 of the City Charter, may by
resolution enter into agreements with other governmental entities; and

WHEREAS, Adams County (ADCO) and the City (Parties) desire to proceed with
an Intergovernmental Agreement (IGA) for design, construction, ownership, and
maintenance of the Steele Street Extension substantially in the form attached hereto as
Exhibit B; and

WHEREAS, the Parties recognize the importance of safe, efficient roadways, and
functional drainage systems for its constituents; and

WHEREAS, the Parties recognize a need for the extension of Steele Street from
East 86th Avenue to East 88th Avenue to include road, pedestrian, stormwater
improvements, and traffic signal modifications at the intersections of Steele Street and
East 88th Avenue and Welby Road and East 88th Avenue (Project). The minimum width
road section and the conceptual alignment of Steele Street from East 86th Avenue to East
88th Avenue is attached hereto as Exhibit A; and

WHEREAS, the Parties recognize the cooperation needed in regard to design
review and construction coordination of the Project, and each Party is prepared to provide
respective staff time and resources; and

WHEREAS, the Parties wish to set forth their understandings with regard to the
design, construction, ownership, and maintenance of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF THORNTON, COLORADO, AS FOLLOWS:

1. That the IGA between the Parties pertaining to the Project, a copy of which
is attached hereto as Exhibit B and incorporated herein by this reference, is
hereby approved.

2. That the City Manager is hereby authorized to execute, and the City Clerk
to attest, the IGA in substantially the same form as attached hereto and any
amendments thereto to the extent that such amendments are consistent with the purposes of this resolution and do not modify any material terms of the IGA.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on _____________, 2019.

CITY OF THORNTON, COLORADO

______________________________
Jan Kulmann, Mayor

ATTEST:

______________________________
Kristen N. Rosenbaum, City Clerk
INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY AND THE CITY OF
THORNTON REGARDING STEELE STREET EXTENSION FROM
EAST 86TH AVENUE TO EAST 88TH AVENUE AND THE WELBY ROAD INTERSECTION
IMPROVEMENTS AT EAST 88TH AVENUE

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into this day of
____________________, 201____________________, by and between the County of Adams, a political
subdivision of the State of Colorado, located at 4430 South Adams County Parkway, Brighton, Colorado 80601
(hereinafter referred to as the "County") and the City of Thornton, located at 9500 Civic Center Drive,
Thornton, Colorado 80229 (hereinafter referred to as the "City"), collectively referred to herein as the "Parties."

RECITALS

WHEREAS, pursuant to Colorado Constitution Article XIV, § 18(2)(a) and § 29-1-203, C.R.S., as
amended, the Parties may cooperate or contract with each other to provide any function or service lawfully
authorized to each; and

WHEREAS, the Parties recognize the importance of safe, efficient roadways, and functional drainage
systems for their constituents; and

WHEREAS, the Parties recognize a need for the extension of Steele Street from East 86th Avenue to
East 88th Avenue to include road, pedestrian, stormwater improvements, and traffic signal modifications at the
intersections of Steele Street and East 88th Avenue and Welby Road and East 88th Avenue (hereinafter referred
to as the "Project"). The minimum width road section and the conceptual alignment of Steele Street from East
86th Avenue to East 88th Avenue is attached hereto as Exhibit A; and

WHEREAS, the Parties recognize the cooperation needed in regard to design review and construction
coordination of the Project, and each Party is prepared to provide respective staff time and resources as
described herein; and

WHEREAS, the Parties wish to set forth their understandings with regard to the design, construction,
ownership and maintenance of the Project;
NOW, THEREFORE, in consideration of mutual covenants contained herein, the Parties hereby agree as follows:

I. PURPOSE

1. The Parties acknowledge that the purpose of entering into this Agreement is to document the County's agreement to construct the Project and the City's agreement to accept, own, and maintain the Project.

2. The County agrees to construct the Project, which, based on preliminary discussions between the Parties, is anticipated to include the following:
   
   A. Construct Steele Street with a minimum of one twelve-foot wide travel lane in each direction; a 24-inch wide concrete gutter and typical 6-inch vertical curb section with the edge of gutter pan coincident with the outer edge of each travel lane; improvements to the Lower Clear Creek Irrigation Ditch; a 10 foot wide attached concrete multi-modal trail (also functions as the maintenance road for the irrigation ditch) and street lights on the east side per City Standard 502.4; wider lanes as needed to facilitate truck turning movements at both East 88th Avenue and East 86th Avenue; and the construction of a new access at the southeast corner and closure of an existing access near the northeast corner, of the Chaparral Village Associates, LLC property.

   B. Construct stormwater facilities including water quality and stormwater detention, as needed for the Project. The stormwater facilities will outfall into a City approved drainage system.

   C. Modify the existing traffic signal at the intersection of Steele Street and East 88th Avenue to accommodate a new northbound approach as a result of the Project. Modification shall include, but is not necessarily limited to, the relocation, or the reconfiguration of the existing traffic signal and any of its components (traffic signal heads, pedestrian signal heads, signal poles, mast arms, pedestal poles, illuminated street name signs, streetlight luminaires, wiring, pull boxes, conduit, pavement markings, signs, equipment) and the addition of any new components necessary to establish a fully functional four approach traffic signal per City Standards and Specifications and in compliance with the Manual on Uniform Traffic Control Devices, latest revision (MUTCD).

   D. The Parties anticipate the traffic signal at Welby Road and East 88th Avenue intersection (Welby Signal) will not be justified by traffic signal warrants when the traffic signal at Steele Street and East 88th Avenue intersection (Steele Signal) is installed. Therefore, in compliance with the guidance in the MUTCD, an engineering study will be prepared by the County to
evaluate the need for the Welby Signal and any other related traffic control devices ("Welby Signal Modifications"). In conjunction with such engineering study, the County shall also estimate the cost (including an appropriate contingency) for such Welby Signal Modifications.

Relative to the foregoing, the Parties further agree to the following:

1. *The Welby Signal Modifications will not be constructed until after the Steele Street Project is complete.*

2. *The engineering study and cost estimate for the Welby Signal Modifications shall be prepared by the County within nine (9) months after the completion of the Project.*

3. *The County shall consult with the City and offer the City the opportunity to review and provide input during the engineering study for the Welby Signal Modifications.*

E. Coordinate with all known utility providers in the area requesting their cooperation to coordinate installation of their facilities within public right of way.

F. The County shall negotiate a separate agreement with the Lower Clear Creek Ditch Company, a Colorado mutual ditch company, if necessary.

3. The City acknowledges and agrees that water mains, fire hydrants, and sanitary sewer mains do not need to be installed in connection with the County's construction of the Project.

4. The County shall design and construct the Project in accordance with City Standards and Specifications or as approved by the City's Executive Directive of Infrastructure. Whenever designing or constructing to a City Standard becomes impractical, the County shall document the situation and obtain written concurrence from the City before proceeding.

5. The County shall, at its sole cost, complete the design, property acquisition and construction of the Project. The City hereby authorizes the County to acquire, manage, engineer, advertise, contract, construct and inspect the Project within the City’s jurisdiction. This authority shall be in full force and effect until the Project is accepted by the City. The City further agrees to grant the necessary property rights (for example, but not limited to: temporary easements, permanent easements, property dedications, licenses, permits, etc.), waive all bonds, taxes, fees and other City charges at no cost to the Project, to the extent such grants, issuances and waivers are not contrary to law.

6. The City and the County will collaborate as needed throughout the duration of the Project. Collaboration will be accomplished by communicating, meeting, discussing, reviewing, commenting,
researching, guiding, and assisting, (etc.), with each other as necessary to resolve all issues to the satisfaction of the Parties.

7. Prior to advertising the Project, the County shall provide Issued for Permit plans and reports to the City for review. The City shall provide the County comments, if any, or approval, in writing within ten business (10) days of the City’s receipt of the plans and reports. The County shall incorporate into the Project all reasonable City comments and requested changes. The County has the sole discretion to reject any issue the County deems unreasonable. Following receipt of any revised plans and reports, the City shall have five business (5) days to confirm the City’s comments have been addressed and provide the County with a written approval. The approved plans and reports will become the permit documents, also known as, the Project bidding documents.

8. Prior to construction, the County’s contractor shall obtain the necessary City permits associated with the work within the City’s jurisdiction, subject to the foregoing.

9. The City will separately inspect the Project for its own purposes throughout construction. Upon discovery of any problem, potential problem, or deficiency, the City shall immediately inform the County in writing. The County will evaluate each such issue and provide direction to the contractor as needed. The County has the sole discretion to reject any issue the County deems unreasonable.

10. Upon completion of construction, the City and the County will collaborate in the preparation of a final acceptance punch list for the Project, which shall be provided to the contractor. All items listed must be completed to the satisfaction of the Parties prior to final acceptance of the Project by the County.

11. When the City has, in its sole discretion, deemed all punch list items satisfactorily completed, all issues raised under paragraph 10 above satisfactorily resolved, and any problems or deficiencies arising after the date of the punch list satisfactorily addressed, it shall provide to the County a notice of acceptance of the Project's construction (the "City Acceptance Notice").

12. At the end of the contractor’s one-year construction warranty period, the County may provide the contractor with a notice of its final acceptance of the Project. The County shall concurrently send a copy of such notice to the City. Following the County's notice of final acceptance, the County agrees to transfer ownership of the Project and the land underlying the Project to the City, subject to the City's acceptance thereof.
13. The City's obligation to accept ownership of the Project and the underlying land and to permanently accept maintenance responsibilities for the Project are contingent on the City having provided a City Acceptance Notice for the Project.

14. In connection with and prior to the completion of the transfer of the Project and the underlying land from the County to the City, the City agrees to initiate annexation of any property wherein such Project improvements are situated that are not located within the City’s current boundary.

II. SCHEDULE

1. The County will use its best effort to have the design sufficiently complete to facilitate right of way acquisition by the end of 2019.

2. The County will use its best effort of complete the purchase of right-of-way necessary for the Project by mid-year 2020.

3. The County will use its best effort to complete the Project construction by the end of 2020.

4. The City will use its best effort to complete the necessary right of way dedications and annexation(s) within six (6) months of the City’s acceptance of the Project.

III. AUTHORITY

1. The City and the County shall each approve this Intergovernmental Agreement by appropriate action of its respective governing body.

IV. GENERAL PROVISIONS

1. No amendment to this Agreement shall take effect unless approved in writing by the Parties.

2. The waiver by any Party or breach of any term, covenant or condition of the Agreement shall not be deemed a waiver for such term, covenant, or condition or any subsequent breach of the same or any other term covenant, or condition of this Agreement.

3. This Agreement is solely for the benefit of the Parties hereto and no third party shall be entitled to claim or enforce any right hereunder except as specifically provided herein.

4. If any provision of this Agreement or application thereof to any Party or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this Agreement.
Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement are declared to be severable.

5. This Agreement shall not be assigned by either Party without the written consent of the other Party. This Agreement represents the entire agreement between the Parties and there are no oral or collateral agreements or understandings.

6. At all times during the performance of this Agreement, the Parties shall strictly adhere to all applicable Federal and State laws, rules and regulations that have been or may hereafter be established.

V. TERM

1. It is the intent of the Parties that the Project shall be completed by the end of 2020. Notwithstanding said deadline, this Agreement shall remain in full force and effect until final acceptance of the completed Project by the City.

IN WITNESS THEREOF, the Parties have entered into this Agreement effective as of the date first above written.

CITY OF THORNTON

______________________________
Kevin S. Woods, City Manager

DATE: _________________________

ATTEST:

______________________________
Kristen N. Rosenbaum, City Clerk

APPROVED AS TO FORM:

______________________________
Luis A. Corchado, City Attorney
BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY COLORADO

Chair:
Date: ______________________

ATTEST:

____________________

APPROVED AS TO FORM:

____________________
County Attorney's Office
SYNOPSIS:

Teleport Communications America, a Delaware limited liability company (Teleport), is a communications systems provider that wishes to install, maintain, and operate a fiber optic network and associated appurtenances within City Rights-of-Way. Teleport is requesting a second amendment to an existing Non-Exclusive Right-of-Way Use Agreement (Resolution C.D. No. 2018-083) that will include new facilities within the City’s Rights-of-Way as shown in Exhibit A. The Teleport facilities will provide broadband communication to businesses and residents within the City.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the resolution approving Teleport to place additional facilities in the City’s Rights-of-Way to establish an infrastructure system that will enhance services to businesses and residents within the City.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the resolution granting Teleport to place and maintain additional facilities as shown in Exhibit A within the City’s Rights-of-Way through the Second Amendment to the Non-Exclusive Right-of-Way Use Agreement to provide an infrastructure system that will enhance services to businesses and residents within the City.
2. Do not approve the resolution, which would effectively restrict installation of conduit and fiber in the City’s Rights-of-Way by Teleport, limiting the ability for Teleport to establish an infrastructure system.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The Second Amendment to Teleport’s Non-Exclusive Right-of-Way Use Agreement would grant permission to Teleport to install conduit and fiber on East 88th Avenue for approximately 350 feet, from approximately 550 feet east of Pecos Street to approximately 450 feet west of Lipan Street as shown in Exhibit A.

The First Amendment to Teleport’s Non-Exclusive Right-of-Way Use Agreement, approved by City Council on June 25, 2019 (Resolution C.D. No. 2019-082), granted permission to Teleport to install conduit and fiber on Eppinger Boulevard from Washington Street to Pearl Street, on Pearl Street from
Eppinger Boulevard to approximately 700 feet south of Eppinger Boulevard, on East 84th Avenue from approximately 170 feet west of Pearl Street to Pearl Street, and on Pearl Street from East 84th Avenue to approximately 230 feet north of Pearl Street.

The Non-Exclusive Right-of-Way Use Agreement, approved by City Council on May 8, 2018 (Resolution C.D. No. 2018-083), granted permission to Teleport for installation of fiber on Northaven Circle from approximately 350 north of East 120th Avenue to approximately 500 feet north of East 120th Avenue, on Cherry Drive from East 113th Place to East 112th Avenue, and on East 112th Avenue from Cherry Drive to approximately 500 feet east of Cherry Drive.

The City Code requires communication service companies wishing to place its facilities within the City’s Rights-of-Way to obtain permission through a Non-Exclusive Right-of-Way Use Agreement.

The installation of Teleport’s broadband infrastructure is primarily driven by customer need. As a result, it is difficult for Teleport to predict where broadband infrastructure will need to be installed in the City and amendments to Teleport’s Non-Exclusive Right-of-Way Agreement will be necessary whenever a need arises for Teleport to install such infrastructure.
Exhibit A
Teleport Communications America, LLC.

September 25, 2019
1 inch = 667 feet

Proposed TCA conduit and fiber
RESOLUTION

A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE NON-EXCLUSIVE RIGHT-OF-WAY USE AGREEMENT BETWEEN THE CITY AND TELEPORT COMMUNICATIONS AMERICA, LLC.

WHEREAS, Teleport Communications America, LLC, a Delaware limited liability company (Teleport) is a bandwidth provider that was granted a Right-of-Way Use Agreement (Use Agreement) to install, maintain, and operate a fiber optic network and associated appurtenances within the City in May 2018; and

WHEREAS, the First Amendment to Teleport's Non-Exclusive Right-of-Way Use Agreement was approved by City Council on June 25, 2019 (Resolution C.D. No. 2019-082); and

WHEREAS, Teleport now wishes to place additional facilities in the right-of-way to expand its network to enhance its operations and pursuant to the current Use Agreement, Teleport is allowed to place additional facilities within the City's Rights-of-Way, only with permission from the City; and

WHEREAS, Teleport now therefore requests approval of amendments to the Use Agreement to allow additional facilities to be placed in the Rights-of-Way and to allow for the City to use designated areas where Teleport's facilities are allowed to be placed by its authorized expansion; and

WHEREAS, these amendments to the Use Agreement are necessary to provide Teleport with permission to expand its services in order to benefit Teleport by providing more comprehensive coverage and the City by gaining conduit for the City's use; and

WHEREAS, allowing Teleport to place additional facilities within the City is consistent with other public uses of the Rights-of-Way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. That the Second Amendment to the Non-Exclusive Right-of-Way Use Agreement between the City and Teleport, a copy of which is attached hereto and incorporated herein by this reference, is hereby approved, and the City Manager is hereby authorized to execute on behalf of the City, and the City Clerk to attest said Second Amendment.

2. The City Manager is hereafter authorized to enter into successive amendments to the Non-Exclusive Right-of-Way Agreement so long as such amendment involves only additional placement of Teleport facilities in the City's Rights-of-Way.
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on ____________, 2019.

CITY OF THORNTON, COLORADO

Jan Kulmann, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk
SECOND AMENDMENT TO NON-EXCLUSIVE RIGHT-OF-WAY USE AGREEMENT

THIS SECOND AMENDMENT to the NON-EXCLUSIVE RIGHT-OF-WAY USE AGREEMENT ("Second Amendment") is made and entered into on this ____ day of ________, 2019, by and between the CITY OF THORNTON, a Colorado home rule municipality, ("City") and TELEPORT COMMUNICATIONS AMERICA, LLC, a Delaware limited liability company ("Teleport"). The City and Teleport hereafter may be referred to collectively as “Parties”, or individually as “Party”.

RECITALS

A. On May 8, 2018, the City and Teleport entered into a Non-Exclusive Right-of-Way Use Agreement ("Original Agreement") that allowed for the installation, maintenance and operation of a fiber optic network and associated appurtenances ("Facilities") within the City's rights-of-way. The Original Agreement incorporated herein by reference.

B. On June 25, 2019, the Parties executed an amendment to the Original Agreement to obtain the City's permission for additional Facilities in the rights-of-way belonging to the City ("First Amendment").

C. In accordance with Section 3(G) of the Original Agreement, Teleport wishes to enter into a Second Amendment and by doing so obtain the City's permission for additional Facilities in compliance with the City's regulations concerning the location, means, method and use of attachments to its facilities, installed and maintained in the rights-of-way belonging to the City.

THEREFORE, pursuant to Teleport's request to obtain permission from the City for additional Facilities in the City's rights-of-way, the Parties hereby agree as follows:

1. The City grants Teleport and its affiliates, permission to install, maintain and operate additional fiber optic networks and associated appurtenances within the City's rights-of-way, as described in Exhibit A, attached hereto and incorporated herein along with what the City initially authorized.

2. Teleport, in turn, agrees to comply with all of the insurance provisions the Original Agreement requires for all new areas where fiber optic facilities and associated appurtenances are scheduled to be installed within the City's rights-of-way, more fully described in Exhibit A.

3. Except as specifically modified by this Second Amendment, all of the provisions of the Original Agreement, as amended, shall remain in full force and effect.

4. This Second Amendment may be executed in counterparts, each of which shall be deemed an original, and all of which together shall be deemed to constitute one and the same instrument. Each of the Parties hereto shall be
entitled to rely upon a counterpart of the instrument executed by the other Party and sent by electronic mail transmission.

IN WITNESS WHEREOF, and in order to bind themselves legally to the terms and conditions of this Second Amendment to the Original Agreement, as amended, the duly authorized representatives of the party have executed this Second Amendment to be effective on the date first written above.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK
CITY OF THORNTON, COLORADO:

ATTEST:

Kevin S. Woods, City Manager

Kristen N. Rosenbaum, City Clerk

APPROVED AS TO FORM:

Luis A. Corchado, City Attorney

By: ________________________________

TELEPORT COMMUNICATIONS
AMERICA, LLC

By: ________________________________

Title: Vice President

STATE OF [New Jersey] ss.

COUNTY OF [Somerset] ss.

Acknowledged to before me this 12th day of December, 2019, by

Christopher J. Och, as Vice President of Teleport

Communications America, LLC.

Witness my hand and official seal

ANGELA M. GRIFFIN

NOTARY PUBLIC

STATE OF NEW JERSEY

My commission expires: MY COMMISSION EXPIRES OCT 25, 2022

Notary Public
Exhibit A
Teleport Communications America, LLC.

Proposed TCA conduit and fiber

September 25, 2019
1 inch = 667 feet
**SYNOPSIS:**

The purpose of this agreement is to terminate an existing agreement for maintenance and operation practices for 13 traffic signals jointly situated in the City and the City of Northglenn (Northglenn) and establish a new agreement for the 13 traffic signals and a new jointly situated traffic signal at the 112th Avenue and Fox Run Parkway intersection. The agreement will supersede Resolution C.D. No. 2013-186. The existing agreement is being terminated instead of amended to also restructure language in the document for clarity.

**RECOMMENDATION:**

Staff recommends Alternative No. 1, approval of the resolution, to establish a new agreement for maintenance and operation practices for 14 traffic signals jointly situated in the City and Northglenn. Northglenn approved the Intergovernmental Agreement (IGA) at its November 18, 2019 City Council meeting.

**BUDGET/STAFF IMPLICATIONS:**

Under the existing agreement, the City pays Northglenn annually for maintenance and operation costs for one traffic signal based on actual electrical costs and Northglenn’s average annual traffic signal maintenance cost. Maintenance and operation costs borne by the City and Northglenn for the traffic signals addressed under the new agreement will be split equally.

**ALTERNATIVES:**

1. Approve the resolution to allow the City to enter into an IGA between the City and Northglenn for maintenance and operation practices for 14 jointly situated traffic signals.
2. Do not approve the resolution, which would leave the existing IGA in place. The City would continue to pay Northglenn annually for one jointly situated traffic signal.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)

The existing traffic signals are jointly situated within the jurisdictional boundaries of the City and Northglenn as follows:

- 104th Avenue and Ura Lane
- 104th Avenue and Quivas Street
- 104th Avenue and Grant Street
- 104th Avenue and Washington Street
A new jointly situated traffic signal is located at the 112th Avenue and Fox Run Parkway intersection. Maintenance and operation responsibilities for the new traffic signal are not currently documented under an agreement.

An IGA, dated December 3, 2013 (Resolution C.D. No. 2013-186), regarding the maintenance and operation responsibilities for the traffic signals at 104th Avenue and Ura Lane, 104th Avenue and Grant Street, 104th Avenue and Washington Street, 1800 E. 104th Avenue (104th Avenue at Broadstone), 104th Avenue and Irma Drive, 120th Avenue and Grant Street, and 120th Avenue and Washington Street superseded Resolution C.D. No. 83-284, Resolution C.D. No. 84-259, and Resolution C.D. No. 2008-055. Traffic signals at 104th Avenue and Quivas Street, 104th Avenue and Marion Street, 104th Avenue and York Street, 112th Avenue and York Street, 120th Avenue and Pennsylvania Street, and 120th Avenue and Washington Center Parkway were also added to Resolution C.D. No. 2013-186, as there was no IGA in place covering these traffic signals. The City continues to pay Northglenn annually for maintenance and operation of the traffic signal at 1800 E. 104th Avenue under Resolution C.D. No 2013-186.

An IGA, dated July 19, 1984 (Resolution C.D. No. 84-259), identified maintenance and operation responsibilities for the traffic signals at 104th Avenue and Ura Lane and 104th Avenue and Irma Drive. Under Resolution C.D. No. 84-259, maintenance and operation of the traffic signals at 104th Avenue and Ura Lane and 104th Avenue and Irma Drive were the responsibility of Northglenn.

An IGA, dated July 7, 1983 (Resolution C.D. No. 83-284), regarding the maintenance and operation responsibilities for the traffic signals at 104th Avenue and Grant Street, 104th Avenue and Washington Street, 120th Avenue and Grant Street, and 120th Avenue and Washington Street superseded Resolution C.D. No. 79-386.

Under Resolution C.D. No. 83-284, maintenance and operation of the traffic signals at 104th Avenue and Grant Street and 104th Avenue and Washington Street were the responsibility of Northglenn. Maintenance and operation of the traffic signals at 120th Avenue and Grant Street and 120th Avenue and Washington Street were the responsibility of the City.

An IGA, dated November 13, 1979 (Resolution C.D. No. 79-386), identified maintenance and operation responsibilities for the traffic signals at 104th Avenue and Grant Street, 104th Avenue and Washington Street, 120th Avenue and Grant Street, and 120th Avenue and Washington Street.
RESOLUTION

A RESOLUTION TERMINATING AN INTERGOVERNMENTAL AGREEMENT AND APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE CITY OF NORTHGLENN FOR TRAFFIC SIGNAL OPERATION AND MAINTENANCE.

WHEREAS, the City and the City of Northglenn (Northglenn) are political subdivisions of the State of Colorado; and

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution and Section 29-1-201, et seq., of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and

WHEREAS, on December 3, 2013, City Council approved Resolution C.D. No. 2013-186, an Intergovernmental Agreement between the City and Northglenn for Traffic Signal Maintenance (Prior Agreement) pursuant to Section 4.18 of the City Charter; and

WHEREAS, the existing traffic signals along 104th Avenue at Ura Lane, Quivas Street, Grant Street, Washington Street, Marion Street, 1800 E. 104th Avenue, Irma Drive, and York Street; along 120th Avenue at Grant Street, Pennsylvania Street, Washington Street, and Washington Center Parkway; and along 112th Avenue at York Street and Fox Run Parkway are jointly situated within the jurisdictional boundaries of the City and Northglenn; and

WHEREAS, the City and Northglenn desire to replace and supersede the Prior Agreement and enter into a new Intergovernmental Agreement for the purpose of governing the operation and maintenance of the jointly situated traffic signals referenced above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. The Prior Agreement is hereby superseded in its entirety by the new Intergovernmental Agreement, which is in substantially the same form as that attached hereto.

2. The City Manager is hereby authorized to execute, and the City Clerk to attest, the attached Intergovernmental Agreement.
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on _________________, 2019.

CITY OF THORNTON, COLORADO

______________________________
Jan Kulmann, Mayor

ATTEST:

______________________________
Kristen N. Rosenbaum, City Clerk
INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF THORNTON AND THE CITY OF NORTHGLENN FOR
TRAFFIC SIGNAL OPERATION AND MAINTENANCE

This Intergovernmental Agreement ("Agreement") entered into this ___ day of
__________, 2019, is by and between the City of Thornton ("Thornton"), located
at 9500 Civic Center Drive, Thornton, CO 80229, and the City of Northglenn
("Northglenn"), located at 11701 Community Center Drive, Northglenn, CO 80233,
singularly as "Party" or collectively the "Parties."

I. RECITALS

A. Section 18(2)(a) of Article XIV of the Colorado Constitution and Section 29-1-201,
et seq., of the Colorado Revised Statutes authorize and encourage governments
to cooperate by contracting with one another for their mutual benefit; and

B. The Parties recognize that this plan is for the mutual benefit and welfare of their
respective citizens and will promote an efficient and cost effective approach to traffic
signal operation, maintenance, repair and replacement; and

C. The Parties having previously entered into one or more traffic signal maintenance
agreements, wish to consolidate into this Agreement all of the previous traffic signal
maintenance agreements to facilitate a better administration and maintenance
arrangement of jointly situated traffic signals; and

D. The Parties now wish to enter into an Intergovernmental Agreement to govern the
operation and maintenance of the traffic signals as described and depicted in Exhibit
A, which is attached and incorporated by this reference into this Agreement.

THEREFORE, in consideration of the promises and conditions contained herein the
Parties agree as follows:

II. TRAFFIC SIGNALS BETWEEN THORNTON AND NORTHGLENN

A. The Parties acknowledge the following:

1. One-half (50%) of each of the intersections located at (a) 104th Avenue and
   Ura Lane, (b) 104th Avenue and Quivas Street, (c) 104th Avenue and Grant
   Street, (d) 104th Avenue and Washington Street, (e) 104th Avenue and
   Marion Street, (f) 104th Avenue at Broadstone, (g) 104th Avenue and Irma
   Drive, (h) 112th Avenue and Fox Run Parkway, (i) 120th Avenue and Grant
   Street, (j) 120th Avenue and Pennsylvania Street, (k) 120th Avenue and
   Washington Street, and (l) 120th Avenue and Washington Center Parkway
   are situated in Thornton, and the remaining half (50%) are situated in
   Northglenn; and
2. Three-quarters (75%) of the intersection located at 104th Avenue and York Street is situated in Thornton and the remaining one-quarter (25%) is situated in Northglenn; and

3. One-quarter (25%) of the intersection located at 112th Avenue and York Street is situated in Thornton and the remaining three-quarters (75%) is situated in Northglenn.

III. PREVIOUS AGREEMENTS

A. The Parties hereby terminate the Intergovernmental Agreement dated December 3, 2013, for the traffic signals listed in Section III.B.

B. Intergovernmental Agreement dated December 3, 2013 ("Prior Agreement"), for the traffic signals located at the intersections of: (a) 104th Avenue and Ura Lane; (b) 104th Avenue and Quivas Street; (c) 104th Avenue and Grant Street; (d) 104th Avenue and Washington Street; (e) 104th Avenue and Marion Street; (f) 104th Avenue at Broadstone; (g) 104th Avenue and Irma Drive; (h) 120th Avenue and Grant Street; (i) 120th Avenue and Pennsylvania Street; (j) 120th Avenue and Washington Street; (k) 120th Avenue and Washington Center Parkway; (l) 104th Avenue and York Street; and (m) 112th Avenue and York Street.

C. The Parties hereby terminate the Prior Agreement for the traffic signals listed in Section III.B and agree this Agreement shall supersede the Prior Agreement.

IV. TRAFFIC SIGNAL OPERATION AND MAINTENANCE RESPONSIBILITIES

A. Maintenance of Traffic Signal and Control Devices.

1. Under this Agreement, maintenance means all labor and materials necessary to ensure that the traffic signal will function as it was designed, including associated hardware, pavement markings at the traffic signals (stop bars, crosswalks, yield triangles, and lane use control lines in the intersection), traffic control signs attached to the traffic signals, street name signs attached to the traffic signals, illuminated street name signs attached to the traffic signals, and the painting of exterior fixtures and surfaces of the traffic signal poles.

2. Capital replacement shall include any equipment installation, replacement, modification, or alteration outside of routine maintenance and operation and must be mutually agreed upon in writing by the Parties.

3. The Parties agree that all preventative maintenance, repairs and changes shall be performed in accordance with the requirements of The Manual on Uniform Traffic Control Devices, latest edition, as revised and updated, and generally accepted engineering principles.
4. Parties shall not seek reimbursement from one another for costs to maintain and operate the traffic signals and pertinent traffic control devices listed in Sections IV.B.1 and IV.C.1.

5. Before the permanent deactivation/removal of any traffic signal, or control device from operation, it must be mutually agreed upon in writing by the Parties.

B. Thornton.

1. Thornton shall provide maintenance for the traffic signals located at the intersections of: (a) 104th Avenue and York Street; (b) 112th Avenue and York Street; (c) 112th Avenue and Fox Run Parkway; (d) 120th Avenue and Grant Street; (e) 120th Avenue and Pennsylvania Street; (f) 120th Avenue and Washington Street; and (g) 120th Avenue and Washington Center Parkway.

2. Thornton in its sole discretion retains the right to modify or alter the operation of the traffic signals and pertinent traffic control devices at the intersections a, b, c, d, e, f and g listed in Section IV.B.1 above, whether consideration of such modifications or alterations are self-initiated or in response to Northglenn’s recommendations to modify or alter any one or more of the same.

3. Thornton will give Northglenn written notice and an opportunity to review Thornton’s proposed alterations to the operation of the traffic signals and pertinent traffic control devices before implementing its proposed alterations.

C. Northglenn.

1. Northglenn shall provide maintenance for the traffic signals located at the intersections of: (m) 104th Avenue and Ura Lane; (n) 104th Avenue and Quivas Street; (o) 104th Avenue and Grant Street; (p) 104th Avenue and Washington Street; (q) 104th Avenue and Marion Street; (r) 104th Avenue at Broadstone; and (s) 104th Avenue and Irma Drive.

2. Northglenn in its sole discretion retains the right to modify or alter the operation of the traffic signals and pertinent traffic control devices at the intersections m, n, o, p, q, r, and s, listed in Section IV.C.1 above, whether consideration of such modifications or alterations are self-initiated or in response to Thornton’s recommendations to modify or alter any one or more of the same.
3. Northglenn will give Thornton written notice and an opportunity to review Northglenn’s proposed alterations to the operation of the traffic signals before and pertinent traffic control devices implementing its proposed alterations.


1. Thornton shall be responsible for three-quarters (75%) and Northglenn shall be responsible for one-quarter (25%) of such capital replacement costs for the traffic signal at the 104th Avenue and York Street intersection.

2. Thornton shall be responsible for one-quarter (25%) and Northglenn shall be responsible for three-quarters (75%) of such capital replacement costs for the traffic signal at the 112th Avenue and York Street intersection.

3. Capital replacement costs shall be borne equally by the Parties for the traffic signals located at the intersections of: 120th Avenue and Grant Street; 120th Avenue and Pennsylvania Street; 120th Avenue and Washington Street; and 120th Avenue and Washington Center Parkway intersections.

4. Capital replacement of the traffic signals located at the intersections of 104th Avenue and Ura Lane; 104th Avenue and Quivas Street; 104th Avenue and Grant Street; 104th Avenue and Washington Street; 104th Avenue and Marion Street; and 104th Avenue and Irma Drive must be mutually agreed upon in writing by the Parties. The Parties are equally responsible for the capital replacement costs for these traffic signals.

5. Capital replacement, capital replacement costs and permanent deactivation/removal from operation of the traffic signal located at the intersection of 112th Avenue and Fox Run Parkway shall be at the sole discretion of Northglenn.

6. Capital replacement, capital replacement costs and permanent deactivation/removal from operation of the traffic signal located at the intersection of 104th Avenue at Broadstone shall be at the sole discretion of Thornton.

E. Traffic Signals Color Standard

1. Thornton color standard shall be used for the traffic signals located at the intersections of: 104th Avenue and Marion Street; 104th Avenue at Broadstone; 104th Avenue and York Street; 112th Avenue and York Street; 112th Avenue and Fox Run Parkway; 120th Avenue and Grant Street; 120th Avenue and Pennsylvania Street; 120th Avenue and Washington Street; and 120th Avenue and Washington Center Parkway. The Thornton color standard shall be satin finish Mocha Brown (Color
number 10075, Federal Standard 595C Colors, January 2008) unless otherwise approved in writing by the Thornton Traffic Engineer or designee.

2. Northglenn color standard shall be used for the traffic signals located at the intersections of: 104th Avenue and Ura Lane; 104th Avenue and Quivas Street; 104th Avenue and Grant Street; 104th Avenue and Washington Street; and 104th Avenue and Irma Drive. The Northglenn color standard shall be painted Federal Green (Federal Color FS 34108) unless otherwise approved in writing by the Northglenn Traffic Engineer or designee.

F. Jurisdictional Logos and Street Name Signs.

1. Jurisdictional logos on street name signs attached to the traffic signals located at the 104th Avenue and Marion Street; 104th Avenue at Broadstone; 104th Avenue and York Street; 112th Avenue and York Street; 112th Avenue and Fox Run Parkway; 120th Avenue and Grant Street; 120th Avenue and Pennsylvania Street; 120th Avenue and Washington Street; 120th Avenue and Washington Center Parkway; 104th Avenue and Ura Lane; 104th Avenue and Quivas Street; 104th Avenue and Grant Street; 104th Avenue and Washington Street; and 104th Avenue and Irma Drive intersections shall continue to be maintained as existing and in accordance with Section IV of this Agreement.

2. Should either Party desire to change existing logos on the street name signs attached to traffic signal poles situated in their jurisdictional boundary to reflect their respective jurisdictional boundary, the desiring Party shall be responsible for all costs to change the logo.

3. Should either Party desire to install illuminated street name signs to the traffic signal poles situated in their jurisdictional boundary if none currently exist, the desiring Party shall be responsible for all costs to furnish and install the illuminated street name signs.

V. MISCELLANEOUS TERMS

A. Litigation. Each Party hereto shall be responsible for any suits, demands, costs, or actions at law resulting from its own acts or omissions.

B. Notice. Any notice required or permitted by this Agreement shall be in writing, and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given at the address set forth below, or at such address as has been previously furnished in writing, to the other Party. Such notice shall be deemed to have been given when deposited in the United States mail.

Thornton:
C. Integration and Amendment. This Agreement represents the entire Agreement among the Parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the Parties.

D. Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in the County of Adams, State of Colorado.

E. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Agreement is held to be unconstitutional or invalid for any reason, such holding shall not affect the validity, enforceability, or constitutionality of the remaining provisions of this Agreement. The Parties hereby declare that they would have accepted this Agreement and each part hereof irrespective of the fact that any one part e declared unconstitutional or invalid.

F. Waiver. A waiver by either Party to this Agreement or a breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either Party.

G. Paragraph Captions. The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit, or describe the scope or intent of this Agreement.

H. Additional Documents or Action. The Parties agree to execute any additional or take any additional action that is necessary to carry out this Agreement.

I. Governmental Immunity. The Parties acknowledge that each Party, their officers and employees, are relying on, and do not waive or intend to waive, by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as it is from time to time amended, or otherwise available to the Parties, their officers, or employees.
J. **Terms.** The terms of this Agreement shall remain in full force and effect until such time as either party provides the other with notice of intent to terminate or upon mutual agreement of the Parties.

K. **Non-Appropriation.** In the event that a party fails to appropriate funds for the continuation of this agreement for any fiscal year past the first fiscal year, such party may, at the beginning of the fiscal year for which the City Council body does not appropriate such funds and upon thirty (30) days prior written notice, terminate this agreement without penalty and thereupon be released of further obligations pursuant thereto.

L. **Effective Date.** This Agreement will become effective as of the last date of execution by the Parties hereto.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK
IN WITNESS WHEREOF, Thornton and Northglenn have executed this Agreement to be effective as of the date first above written.

CITY OF THORNTON

Kevin S. Woods, City Manager

ATTEST:

Kristen N. Rosenbaum, City Clerk

APPROVED AS TO LEGAL FORM:

Luis A. Corchado, City Attorney

CITY OF NORTHGLENN

ATTEST:

Antonio B. Esquibel, Mayor

Johanna Small, City Clerk

APPROVED AS TO LEGAL FORM:

Corey Y. Hoffmann, City Attorney
Exhibit A

Proprietary Information - Not For Resale

Digital Data Produced by the City of Thornton GIS Project. This map is representational only, and does not determine exact locations or boundaries of any districts or properties. It is not intended to be relied upon for any legal descriptions or other land use documents.

12450 Washington St
Thornton, Colorado 80241-2405
(720) 977-6210

9/2/2019
1 inch = 2,173 feet

Hatching denotes % of Thornton capital replacement costs. Solid denotes % of Northglenn capital replacement costs.
SYNOPSIS:

The State Legislature enacted the Elevator and Escalator Certification Act (Act) in 2007 delegating to the Division of Oil and Public Safety (OPS) the authority to oversee elevator and escalator inspection and licensing throughout the State and to provide rules and regulations for implementation of the Act.

Pursuant to the Act, the OPS is required to enter into a Memorandum of Agreement (MOA), which constitutes an Agreement between the OPS and the City, to recognize the City as a qualified local authority having jurisdiction to regulate and make arrangements for the inspection of elevators and escalators located within the City.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the resolution to allow the City to enter into an MOA with the State of Colorado to govern the regulation of elevators and escalators within the City until June 30, 2023.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the resolution to allow the City to enter into an MOA with the State of Colorado to govern the regulation of elevators and escalators within the City until June 30, 2023.
2. The alternative to not approving the resolution would be to turn the inspection program over to the State to monitor, which would reduce the current level of service provided. In addition, it would subject the City-owned elevators to higher costs to maintain.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The City was a member of the Denver Regional Council of Governments’ (DRCOG) Elevator Program, which had been the City's third-party inspection agency for over 20 years. DRCOG eliminated this program and the City has entered into a contract with Colorado Code Consultants to continue the program as it was originally established. The City has been able to keep the cost of mechanical conveyance inspections to a minimum for its own elevators as well as for other City building owners by continuing the program through Colorado Code Consultants.
This would be the second resolution approving this MOA with the State of Colorado. The first resolution was approved on November 18, 2008.
RESOLUTION

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT, DIVISION OF OIL AND PUBLIC SAFETY AND THE CITY PERMITTING THE CITY TO INSPECT ELEVATORS AND ESCALATORS WITHIN THE CITY.

WHEREAS, the Colorado Department of Labor And Employment, Division of Oil and Public Safety (OPS) and the City (Parties) may contract with each other for their mutual benefit; and

WHEREAS, pursuant to Article 14 of the Colorado Constitution and the Colorado Revised Statutes, governmental organizations are authorized and encouraged to cooperate by contracting with one another for a common purpose; and

WHEREAS, pursuant to the Colorado Elevator and Escalator Certification Act (Act), OPS has been delegated the authority to oversee the elevator and escalator inspections and licensing throughout the State and to provide rules and regulations for implementation of the Act; and

WHEREAS, pursuant to the Act, OPS is required to enter into a Memorandum of Agreement (MOA), which constitutes an Agreement between OPS and the City to recognize the City as a qualified local authority having jurisdiction to regulate and make arrangements for the inspection of conveyances such as elevators and escalators located within the City pursuant to the Act; and

WHEREAS, the City entered into an MOA with OPS for elevator and escalator inspections in 2013 that will expire in 2019 and now wishes to enter into a new and updated MOA for the Parties mutual benefit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. The MOA attached hereto and incorporated herein by this reference as Exhibit A, constituting an MOA between OPS and the City, is hereby approved.

2. The City Manager is hereby authorized to execute, and the City Clerk to attest, said MOA.
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on __________________________, 2019.

CITY OF THORNTON, COLORADO

_______________________________________________
Jan Kulmann, Mayor

ATTEST:

_______________________________________________
Kristen N. Rosenbaum, City Clerk
THIS MEMORANDUM OF AGREEMENT ("MOA") is entered into by the Colorado Department of Labor and Employment, Division of Oil and Public Safety ("OPS"). 633 17th Street, Suite 500, Denver, Colorado 80202-3610 and the City of Thornton ("Authority Having Jurisdiction" or "AHJ") located at 9500 Civic Center Drive, Thornton, CO 80229 (collectively referred to as the "Parties").

I. BACKGROUND

The Elevator and Escalator Certification Act (the 'Act'), Title 9, Article 5.5, Sections 101 through 120, Colorado Revised Statutes (C.R.S.), declares that "in order to ensure minimum safety standards throughout Colorado, the regulation of conveyances is a matter of statewide concern". Conveyance Regulations, 7 Colorado Code of Regulations [CCR] 1101-8, have been promulgated to implement the requirements in the Act, and associated policies and guidance have been developed to further clarify requirements in regulations.

The Act allows a local authority having jurisdiction (AHJ) to enter into an MOA with OPS to regulate conveyances that are located within its territory (city, county or city and county) of authority. Following OPS's approval of the AHJ's conveyance standards and execution of this MOA, the AHJ will be considered an Approved AHJ.

Any reference in this MOA to a statute, regulation, or other authority shall be interpreted to refer to such authority then current, or as may have been changed or amended since the execution of this MOA. Documents incorporated herein and by reference to this MOA may be viewed on the OPS website at www.colorado.gov/ops.

II. AUTHORITY AND PURPOSE

The principle authority for this MOA is contained in §9-5.5-112 (2), C.R.S. The Parties have entered into this MOA to:

- Identify the responsibilities of each party for ensuring the safety of conveyances within the AHJ’s territory of authority through compliance with the Act, regulations, and associated policies and guidance;
- Formalize the cooperative working relationships between the Parties; and
- To provide procedures for communications, exchange of information, and resolution of problems as necessary to carry out the provisions of the Act and regulations.

III. EFFECTIVE DATE AND TERM

This MOA shall be effective on 12/21/2019 upon the satisfaction of OPS that the AHJ has developed a program that can adequately regulate conveyances within its territory as of the date set forth on OPS's signature page below. This MOA will terminate on 6/30/2023, unless terminated sooner as specified herein.

IV. RESPONSIBILITIES OF OPS

A. OPS shall approve the AHJ entering into this MOA.
B. OPS shall adopt nationally recognized conveyance safety standards.
C. OPS shall require that all newly installed and existing conveyances in the State of Colorado are registered with OPS. This process will include the collection of a one-time registration fee from the conveyance owner.
D. OPS shall require that all conveyance contractors, mechanics, emergency or temporary mechanics, and inspectors conducting work in the State of Colorado are licensed through OPS.

V. RESPONSIBILITIES OF THE AHJ

A. The AHJ shall operate and enforce a conveyance regulation program within its territory of authority with standards equal to or more stringent than those within current OPS statute and regulation.
B. The AHJ shall relay information regarding conveyances within its territory to the OPS on an annual frequency. This information shall be submitted to OPS no later than February 28th of each calendar year and shall include information from the previous calendar year. The information and information format shall be determined by the OPS and shall be incorporated by reference herein to this MOA.
C. The AHJ shall, in cooperation with OPS, establish a schedule for the AHJ to initially adopt standards listed in §9-5.5-112 (1), C.R.S. Following this initial adoption, the AHJ shall remain current in adoption of future standard versions within 12 months from the date at which OPS adopts the standard.

D. The AHJ shall ensure that all new and existing conveyances regulated by OPS within the territory of the AHJ are registered with OPS prior to issuing a Certificate of Operation for those conveyances.

E. The AHJ shall be responsible for ensuring that all conveyances within the AHJ territory are operating under a current Certificate of Operation.

F. When AHJ's conveyance audit inspector(s) perform inspections and/or audits and the conveyance inspector or mechanic (person) is present, the AHJ's conveyance audit inspectors will verify that the person is licensed with OPS. If the person is not licensed through OPS, the AHJ shall notify OPS immediately in order that OPS can initiate enforcement actions.

G. Within 24 hours of notification received by the AHJ, the AHJ shall notify OPS of any accident resulting in injury to an individual arising from or relating to a conveyance within the AHJ's territory.

H. If the AHJ utilizes a subcontractor in the performance of its responsibilities under this MOA, the AHJ shall ensure that the subcontractor holds all required licenses and/or certification to perform their responsibilities, and maintains adequate insurance coverage at all times while performing their responsibilities.

I. The AHJ shall, in its discretion and in conformance with AHJ's ordinances, rules, regulations, and procedures, issue a construction permit to the conveyance owner or conveyance contractor prior to the installation or alteration of a regulated conveyance.

J. If allowed per AHJ regulations, the AHJ shall review and make determination of approval or denial for all Alternate Materials and Methods Requests (AMMR - code variances) submitted by conveyance owners or contractors. The AHJ must notify the OPS on all AMMR determinations.

VI. ACCESS TO INFORMATION

A. To the extent allowed by law, each party shall make available to the other party, at no cost, information regarding conveyances within its territory. Requests for information shall not impose an unreasonable resource burden on the other party.

B. Upon reasonable notice to the AHJ during the term of this MOA, and to the extent allowed by law, OPS may inspect and review AHJ's records with regard to this MOA.

VII. TERMINATION

Either party may terminate this MOA for convenience by notifying the other party in writing, as described in Section VIII C of this MOA, of its intent to terminate this MOA. Such termination shall be effective thirty (30) calendar days following notice. Notwithstanding the above, OPS may terminate this MOA immediately if the AHJ fails to satisfactorily perform its responsibilities hereunder during the term of this MOA.

VIII. GENERAL PROVISIONS

A. Legal Authority
The Parties represent that each possesses actual, legal authority to enter into this MOA. The Parties further represent that each has taken all actions required by its applicable law, procedures, rules, or by-laws to exercise that authority, and to lawfully authorize its undersigned signatory to execute this MOA and bind that party to its terms. The person or persons signing this MOA, or any attachments or amendments hereto, also represent(s) that such person(s) possesses actual, legal authority to execute this MOA, and any attachments or amendments hereto, on behalf of that party.

B. Notice of Pending Litigation
Unless otherwise provided for in this MOA, the AHJ shall notify the OPS individuals, as listed below in C, within five (5) business days after being served with a summons, complaint, or other pleading in a case which involves any services provided under this MOA and which has been filed in any federal or state court or administrative agency.

C. Notice Procedure
All notices required to be given under this MOA shall be in writing and shall be deemed given when personally served or three (3) calendar days after deposit in the United States Mail, certified mail, return receipt requested, and addressed to the following parties or to such other addressee(s) as may be designated by a notice complying with the foregoing requirements. If sent by facsimile, notice shall be deemed given at the time of completion of the transmission of the facsimile with facsimile machine confirmation of transmission to the correct facsimile number of all pages of the notice.
D. Independent Contractor
Neither AHJ nor any agent or employee of AHJ shall be or shall be deemed to be an agent or employee of OPS.

E. Adherence To Applicable Laws.
At all times during the term of this MOA, both Parties shall comply with all applicable federal and state laws, regulations, rules, or procedures, as these provisions currently exist or may hereafter be amended, all of which are incorporated herein by reference and made a part of the terms and conditions of this MOA.

F. Venue.
The Parties agree that exclusive venue for any action related to this MOA shall be filed in the City and County of Denver, Colorado.

G. Governmental Immunity Act
No term or condition of this MOA shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions, of the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., or the Federal Tort Claims Act, 28 U.S.C. 2671 et seq., as applicable, as now or hereafter amended.

H. Entire Understanding
This MOA is the complete integration of all understandings between the Parties. No prior or contemporaneous addition, deletion, or other amendment shall have any force or effect whatsoever, unless embodied in a writing executed and approved by the Parties. No subsequent novation, renewal, addition, deletion, or other amendment shall have any force or effect unless embodied in a written contract executed and approved by the Parties.

IX. ELECTRONIC RECORDS
The Parties agree not to deny the legal effect or enforceability of the MOA solely because it is in electronic form. The Parties agree not to object to the admissibility of the Agreement in the form of an electronic record, or a paper copy of an electronic document, on the ground that it is an electronic record or that it is not in its original form or is not an original.

X. NON-APPROPRIATION
AHJ's direct and indirect financial obligations under this MOA are subject to annual appropriation by AHJ's City Council. If AHJ does not appropriate funds for the continuation of this MOA beyond the current calendar year, this MOA shall automatically terminate without penalty and with no further obligation to OPS.
XI. APPROVALS

The Parties hereto have executed this MOA.

<table>
<thead>
<tr>
<th>City of Thornton</th>
<th>Colorado Department of Labor and Employment Division of Oil and Public Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kevin S. Woods, City Manager</td>
<td>By: Mahesh Albuquerque, Director</td>
</tr>
<tr>
<td>Attest: Kristen N. Rosenbaum, City Clerk</td>
<td>Date: ____________</td>
</tr>
<tr>
<td>APPROVED AS TO LEGAL FORM:</td>
<td></td>
</tr>
<tr>
<td>Luis A. Corchado, City Attorney</td>
<td></td>
</tr>
</tbody>
</table>
COUNCIL COMMUNICATION

Meeting Date: December 17, 2019  
Agenda Item:  
Agenda Location: Consent Calendar  
Goal(s): Legal Review:  
1st Reading  
2nd Reading  

Subject: A resolution consenting to the filing of an application to change the use of Colorado Agricultural Ditch Company and Lower Clear Creek Ditch Company shares with the Water Court.

Recommended by: Brett Henry  
Approved by: Kevin S. Woods  
Presenter(s): Emily Hunt, Deputy Infrastructure Director  

SYNOPSIS:

The City has acquired 25.2 additional shares in the Colorado Agricultural Ditch Company and 13.5 additional shares in the Lower Clear Creek Ditch Company. The senior water rights associated with these shares are decreed for agricultural purposes. In order to use these shares in the City’s municipal water supply system, the City must file an application in Water Court to change the use from agricultural to municipal and other uses, and to change the point of diversion, the place of storage, and the place of use of the water rights. These changed water rights will help support current demands and plan for future demands.

RECOMMENDATION:

Staff recommends Alternate No. 1, approval of the resolution to provide additional water supplies to meet current and future demands.

BUDGET/STAFF IMPLICATIONS:

Expenditures over the course of the application are anticipated to be $200,000 in legal and engineering fees for filing and prosecuting the application. Funds for the expenditures are budgeted in the Water Fund.

ALTERNATIVES:

1. Approve the resolution, which will allow the filing of a change of use of water rights.
2. Do not approve the resolution and the City will not be able to use these shares in its municipal water supply system.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The change of use of the water rights will provide approximately 200 acre-feet of additional, easily utilized, source of water supply in the City’s raw water system. The change of use of the water rights in Water Court will take approximately two years to complete and involves ongoing engineering analyses and legal work.

After change, these water shares will be diverted from Clear Creek at the Colorado Agricultural Ditch and Lower Clear Creek Ditch headgates and delivered to West Gravel Lakes for treatment at the Wes Brown Water Treatment Plant before being distributed in the City’s treated water system.
The City currently owns 68.5 percent of the Lower Clear Creek Ditch Company (219.29 out of 320 total shares) and 65.5 percent of the Colorado Agricultural Ditch Company (171.95 out of 262.5 total shares).

Resolution C.D. No. 94-238 established that applications for change of use of water rights shall require the consent of City Council.
RESOLUTION

A RESOLUTION CONSENTING TO THE FILING OF AN APPLICATION TO CHANGE THE USE OF COLORADO AGRICULTURAL DITCH COMPANY AND LOWER CLEAR CREEK DITCH COMPANY SHARES WITH THE WATER COURT.

WHEREAS, the City owns and operates an integrated raw water supply system; and

WHEREAS, the City has acquired shares in the Colorado Agricultural Ditch Company and shares in the Lower Clear Creek Ditch Company (Water Rights); and

WHEREAS, the City intends to change the use of these Water Rights from agricultural to municipal and other uses and to change the point of diversion, the place of storage, and the place of use of in order to use these Water Rights in the City's treated water system; and

WHEREAS, the City intends to divert and use these Water Rights to meet current and future demands; and

WHEREAS, City Council desires that the City take the steps necessary to file for and complete the change of Water Rights in the District Court, Water Division 1, Colorado.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. City Council consents to the filing of an application to change the use of Colorado Agricultural Ditch Company and Lower Clear Creek Ditch Company shares with the District Court, Water Division 1, Colorado.

2. The City Manager or his designee is authorized and directed to prepare and to file an application for change of use of the Water Rights to municipal and other uses and to change the point of diversion; the place of storage; and the place of use of said Water Rights in the District Court, Water Division 1, Colorado, and to take such actions as may be necessary or convenient to further the interests of the City in carrying out the purpose of this resolution, including but not limited to, filing amendments, including adding additional shares, or changes to, or diligence on such application.

3. The City Manager or his designee is authorized to enter into negotiations for any additional agreements, which may be necessary or advisable to prosecute and implement the change of use of water rights, provided that Council shall not conclude any such agreement requiring approval by Council except upon separate authorization.
4. The City Manager or his designee is authorized to employ all persons necessary to carry out the purpose of this resolution, including legal counsel and engineering consultants.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on ________________, 2019.

CITY OF THORNTON, COLORADO

Jan Kulmann, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk
SYNOPSIS:

The Standley Lake Park Intergovernmental Agreement (IGA) among the cities of Westminster, Thornton, and Northglenn (the Parties), dated November 28, 1994, was set to expire on November 28, 2019. This resolution would extend the IGA for a period of one year. The extension is to allow the Parties to negotiate allowable boating activities at Standley Lake Park in order to adequately protect Standley Lake from potential mussel infestation. A mussel infestation would degrade water quality and increase maintenance issues to the Parties’ raw water systems.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of an amendment to the IGA to allow for a one-year extension of its term to allow additional time to negotiate allowable boating activities at Standley Lake to protect against mussel infestation.

BUDGET/STAFF IMPLICATIONS:

None

ALTERNATIVES:

1. Approve the amendment to the IGA to allow for a one-year extension of its term.
2. Do not approve the amendment to the IGA and let the agreement expire.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The IGA was set to expire on November 28, 2019 after its initial term of 25 years. The Parties signed the IGA in 1994. The Parties also signed a prior agreement regarding recreation at Standley Lake in 1992, which the 1994 IGA superseded. The IGA has a 25-year renewal provision. However, rather than exercising that renewal provision, the Parties have agreed to extend the IGA for a one-year period to negotiate allowable boating activities at Standley Lake Park in order to adequately protect Standley Lake from potential mussel infestation so that such resolution can be incorporated into any IGA renewal.

The City of Westminster implemented a boat ban in March 2019 to prevent potential infestation of zebra and quagga mussels to Standley Lake. Westminster officials had discovered some boat permit holders were not following the boat tagging rules, which could potentially introduce mussels into Standley Lake. The mussels are an invasive species and spread very rapidly once introduced, degrading water quality.
and causing maintenance issues. According to the Colorado Parks and Wildlife, there are no waters currently positive for zebra or quagga mussels in Colorado.

Effective December 2, 2019, Westminster implemented a permanent ban on trailered boating on Standley Lake to prevent the risk of a zebra and quagga mussel infestation.

Both Westminster and Northglenn approved the one-year IGA extension at their respective Council meetings on October 28, 2019.
RESOLUTION

A RESOLUTION APPROVING AN AMENDMENT TO THE STANDLEY LAKE PARK INTERGOVERNMENTAL AGREEMENT AMONG THE CITY OF WESTMINSTER, CITY OF NORTHGLENN, AND CITY OF THORNTON, DATED NOVEMBER 28, 1994, TO ALLOW FOR A ONE-YEAR EXTENSION OF ITS TERM.

WHEREAS, Standley Lake serves as water storage for drinking water supplies for the cities of Westminster, Thornton, and Northglenn (the Cities); and

WHEREAS, the Cities wish to maintain a high quality water supply in Standley Lake for drinking water supplies and other uses; and

WHEREAS, on November 28, 1994, the Cities entered into an Intergovernmental Agreement (IGA) concerning Standley Lake Park to allow creation of the park and to allow certain recreation and land uses in and around Standley Lake consistent with protection of Standley Lake water quality as a top priority; and

WHEREAS, by its own terms, the IGA was set to expire on November 28, 2019 unless it is renewed or extended; and

WHEREAS, the IGA has a 25-year renewal provision. However, rather than exercising that renewal provision, the Cities have agreed to extend the IGA for a one-year period to negotiate allowable boating activities at Standley Lake Park in order to adequately protect Standley Lake from potential mussel infestation so that such resolution can be incorporated into any IGA renewal; and

WHEREAS, it is prudent and necessary for the City to protect the water quality of Standley Lake; and

WHEREAS, an infestation of zebra and quagga mussels would degrade water quality and create maintenance issues to the Cities’ raw water systems; and

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution and sections 29-1-201, et seq., and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. City Council hereby approves an amendment to the IGA to allow for a one-year extension of its term, a copy of which is attached hereto and incorporated herein by this reference, and the Mayor is authorized and directed to execute, and the City Clerk to attest said amendment.
2. The IGA amendment shall not become effective unless and until executed by all Cities thereto.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on ______________________, 2019.

CITY OF THORNTON, COLORADO

Jan Kulmann, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk
AMENDMENT TO THE STANDELEY LAKE PARK INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WESTMINSTER, THE CITY OF THORNTON, AND THE CITY OF NORTHGLENN
DATED November 28, 1994

The City of Westminster, City of Thornton, and City of Northglenn agree to amend Section 18.d. of the Intergovernmental Agreement described above as follows:

1. Section 18.d., Term of Agreement, shall be modified as set forth below with new language appearing in underline and deleted language appearing in strikethrough:

18. Term of Agreement.

   d. The term of this Agreement is for a twenty-five years initial term. After the initial term, this Agreement is hereby extended for one year. Following the one year extension, this Agreement and may be renewed, by agreement of the Cities, for a successive twenty-five year period.

2. The effective date of this Amendment is November ___, 2019.

3. All other terms and conditions of the Intergovernmental Agreement shall remain in effect.

SIGNATURE PAGE FOLLOWS
CITY OF WESTMINSTER

By: ____________________________
    Donald M. Tripp, City Manager

Attest: __________________________
        City Clerk

Approved as to form:

_______________________________
        City Attorney

CITY OF THORNTON

By: ____________________________
    ____________, Mayor

Attest: __________________________
        Kristen N. Rosenbaum, City Clerk

Approved as to form:

_______________________________
        Luis A. Corchado, City Attorney

CITY OF NORTHGLENN

By: ____________________________
    Antonio B. Esquibel, Mayor

Attest: __________________________
        Johanna Small, City Clerk

Approved as to form:

_______________________________
        Corey Y. Hoffmann, City Attorney
COUNCIL COMMUNICATION

Subject: A resolution authorizing the City to petition the Adams County District Court for the exclusion of the Adams County 88th Avenue Open Space Annexation from the South Adams County Fire Protection District.

Recommended by: Luis A. Corchado
Approved by: Kevin S. Woods
Presenter(s): Shaun McCullough, Assistant City Attorney

SYNOPSIS:

The City annexed the Adams County 88th Avenue Open Space Site (Property), Resolution C.D. No. 2018-147.

This property is within the South Adams County Fire Protection District (District) boundary and is intended to provide recreational opportunities and improve and protect wildlife habitat.

This resolution authorizes the City to submit a petition to the Adams County District Court to exclude the property from the District and the City Attorney to negotiate with the District a stipulated plan for exclusion of the Property to submit to the District Court along with the petition.

The Property, when excluded, will no longer be included within the District service area since the property is located within the City and will receive fire protection and emergency medical services from the City at the same or at a higher level of service than offered by the District.

The owner of the property, Adams County, is a tax-exempt entity, so there are no tax implications to the District from this exclusion.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the resolution to exclude this property from the District, since the City can provide fire protection and emergency medical services to the property, and to authorize the City Attorney to negotiate with the District the terms of the petition, stipulation and order to be filed with the District Court seeking exclusion of the property in accordance with State Law.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the resolution.
2. Do not approve the resolution.
3. Approve the resolution with modifications made by City Council.
BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The City has annexed properties within the District in the past and has cooperated with the District to exclude such properties from the District. In addition, on March 20, 2018, the City and Adams County entered into an Intergovernmental Agreement providing that the City is to petition the Adams County District Court to exclude the property from the District boundaries upon completion of the annexation process.
RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO PETITION THE ADAMS COUNTY DISTRICT COURT FOR THE EXCLUSION OF THE ADAMS COUNTY 88TH AVENUE OPEN SPACE ANNEXATION FROM THE SOUTH ADAMS COUNTY FIRE PROTECTION DISTRICT.

WHEREAS, the City annexed real property, referred to hereafter as the Property, through the Adams County 88th Avenue Open Space Annexation, Resolution C.D. No. 2018-147; and

WHEREAS, the legal description of the Property is attached hereto and incorporated herein by this reference as Exhibit A; and

WHEREAS, the Property is currently included in the boundaries of the South Adams County Fire Protection District (District); and

WHEREAS, the City can provide fire protection and emergency response services to the Property by virtue of its annexation into the City and, therefore, the Property should be excluded from the District's boundaries; and

WHEREAS, the fire protection and emergency response services provided by the City are of the same or a higher level of service than offered by the District; and

WHEREAS, the District does not possess any assets on the Property proposed for exclusion; and

WHEREAS, it is in the best interest of the City to have the Property excluded from the District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. That pursuant to Colorado Revised Statutes §§ 32-1-502 and 503, the City may petition the Adams County District Court for exclusion of the Property, described in Exhibit A, from the District's boundaries.

2. That the City agrees to provide the fire protection and emergency response services presently provided by the District to all the Property on and after the effective date of the exclusion order.

3. That the City Attorney is hereby authorized and directed to represent the City and negotiate a petition for exclusion and any necessary stipulation with the District to be filed with the Adams County District Court to secure exclusion of the Property, as provided herein.
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on ________________, 2019.

CITY OF THORNTON, COLORADO

Jan Kulmann, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk
EXHIBIT A

ADAMS COUNTY 88TH AVENUE OPEN SPACE
LEGAL DESCRIPTION

A PORTION OF SECTION 19, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 19; THENCE NORTH 88°31′00″ EAST ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 30.03 FEET,

THENCE SOUTH 00°53′33″ WEST PARALLEL WITH WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 45.04 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE LINE PROLONGED OF SOUTH 00°53′33″ WEST A DISTANCE OF 1165.96 FEET;

THENCE NORTH 89°06′27″ WEST, A DISTANCE OF 30.00 FEET TO THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 19;

THENCE SOUTH 00°53′33″ WEST ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 1429.27 FEET TO THE CENTER CORNER OF SAID SECTION 19;

THENCE SOUTH 00°53′32″ WEST ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 381.19 FEET;

THENCE SOUTH 41°06′13″ WEST, A DISTANCE OF 886.24 FEET;

THENCE NORTH 00°09′43″ EAST, A DISTANCE OF 275.91 FEET;

THENCE SOUTH 88°42′50″ WEST, A DISTANCE OF 604.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF RIVERDALE ROAD;

THENCE SOUTH 29°29′37″ WEST, A DISTANCE OF 522.08 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, THE DELTA OF SAID CURVE IS 20°49′17″, THE RADIUS OF SAID CURVE IS 158.04 FEET, THE CHORD OF SAID CURVE BEARS SOUTH 19°04′59″ WEST, 57.12 FEET;

THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 57.43 FEET TO THE END OF SAID CURVE;
THENCE SOUTH 08°40'20" WEST, A DISTANCE OF 346.09 FEET TO A PARCEL OF LAND DESCRIBED IN BOOK 2486, PAGE 886, ADAMS COUNTY RECORDS AND SHOWN IN THE LAND SURVEY PLAT-EXHIBIT "C" SOUTH PLATTE RIVER BIKE PATH, RECORDED RECEPTION NO. 93-006, IN THE LAND SURVEY PLATS, ADAMS COUNTY RECORDS;

THENCE SOUTH 71°09'01" EAST, ALONG THE SOUTH LINE OF SAID PARCEL OF LAND, A DISTANCE OF 458.76 FEET TO THE PUBLIC SERVICE COMPANY RIGHT-OF-WAY LINE AS DESCRIBED IN BOOK 996, PAGE 585, ADAMS COUNTY RECORDS;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND AND ALONG SAID PUBLIC SERVICE COMPANY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1) NORTH 28°55'31" EAST A DISTANCE OF 518.71 FEET;

2) NORTH 41°06'13" EAST A DISTANCE OF 17.76 FEET TO THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19;

THENCE ALONG THE PUBLIC SERVICE COMPANY RIGHT-OF-WAY LINE AS DESCRIBED IN BOOK 996, PAGE 585, ADAMS COUNTY RECORDS, THE FOLLOWING THREE COURSES:

1) NORTH 87°46'15" EAST ALONG SAID NORTH LINE A DISTANCE OF 288.71 FEET;

2) SOUTH 41°06'13" WEST, A DISTANCE OF 193.47 FEET;

3) SOUTH 28°55'31" WEST A DISTANCE OF 810.39 FEET TO THE NORTHWEST CORNER OF COOLEY GRAVEL PIT SUBDIVISION-4TH FILING, AS SHOWN IN RECEPTION NO. A045393, ADAMS COUNTY RECORDS;

THENCE ALONG THE NORTHWESTERLY LINE OF SAID COOLEY GRAVEL PIT SUBDIVISION-4TH FILING THE FOLLOWING THREE (3) COURSES:

1) SOUTH 81°03'53" EAST A DISTANCE OF 1030.30 FEET TO THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 19;

2) NORTH 00°53'32" EAST ALONG SAID WEST LINE, A DISTANCE OF 391.84 FEET;

3) NORTH 89°36'31" EAST A DISTANCE OF 663.44 FEET;
THENCE ALONG THE PREVIOUS CITY OF THORNTON CITY LIMITS LINE AS SHOWN IN THE ANNEXATION MAP TO THE CITY OF THORNTON COLORADO IN RECEPTION NO. 200800017906, ADAMS COUNTY RECORDS, THE FOLLOWING EIGHTEEN (18) COURSES:

1) NORTH 00°41'02" EAST A DISTANCE OF 442.09 FEET;
2) NORTH 29°03'53" EAST A DISTANCE OF 91.00 FEET;
3) NORTH 42°57'13" EAST A DISTANCE OF 81.27 FEET;
4) NORTH 30°41'43" EAST A DISTANCE OF 79.43 FEET;
5) NORTH 89°14'34" EAST A DISTANCE OF 162.60 FEET;
6) NORTH 07°19'34" EAST A DISTANCE OF 166.12 FEET;
7) NORTH 13°05'15" WEST A DISTANCE OF 183.44 FEET;
8) NORTH 00°50'34" WEST A DISTANCE OF 240.61 FEET;
9) NORTH 15°45'55" WEST A DISTANCE OF 67.02 FEET;
10) NORTH 20°41'23" WEST A DISTANCE OF 686.94 FEET;
11) NORTH 11°58'54" EAST A DISTANCE OF 242.93 FEET;
12) NORTH 28°22'25" EAST A DISTANCE OF 230.86 FEET;
13) NORTH 41°10'37" EAST A DISTANCE OF 244.03 FEET;
14) NORTH 71°21'07" EAST A DISTANCE OF 100.87 FEET;
15) NORTH 77°37'01" EAST A DISTANCE OF 205.52 FEET;
16) NORTH 85°19'51" EAST A DISTANCE OF 52.68 FEET;
17) NORTH 01°05'18" EAST A DISTANCE OF 37.07 FEET;
18) NORTH 88°30'19" EAST A DISTANCE OF 1316.04 FEET TO THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 19;

THENCE NORTH 00°17'03" EAST ALONG SAID EAST LINE, A DISTANCE OF 1910.37 FEET TO THE NORTHWESTERLY LINE OF THE PUBLIC SERVICE COMPANY RIGHT-OF-WAY AS DESCRIBED IN BOOK 1009 AT PAGES 105 AND 106, ADAMS
COUNTY RECORDS, SAID NORTHWESTERLY RIGHT-OF-WAY LINE BEING 3.69 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 19;

THENCE SOUTH 41°06'13" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 56.12 FEET TO THE SOUTH RIGHT-OF-WAY LINE EAST 96TH AVENUE AS SHOWN ON THE PLAT OF COOLEY GRAVEL PIT SUBDIVISION AS RECORDED IN FILE 14, MAP 138, ADAMS COUNTY RECORDS;

THENCE SOUTH 88°31'00" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 2,578.85 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE PUBLIC SERVICE COMPANY RIGHT-OF-WAY AS DESCRIBED IN BOOK 1009 AT PAGES 105 AND 106, AND SHOWN ON THE PLAT OF COOLEY GRAVEL PIT SUBDIVISION RECORDED IN FILE 14 AT MAP 138, ADAMS COUNTY RECORDS.

CONTAINS 183.520 ACRES MORE OR LESS, EXCLUDING THE PUBLIC SERVICE COMPANY RIGHT-OF-WAY

BASIS FOR BEARINGS:

COUNCIL COMMUNICATION

<table>
<thead>
<tr>
<th>Meeting Date:</th>
<th>Agenda Item:</th>
<th>Agenda Location:</th>
<th>Goal(s):</th>
<th>Legal Review:</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 17, 2019</td>
<td>10K</td>
<td>Consent Calendar</td>
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</tbody>
</table>

Subject: An ordinance vacating the East 126th Avenue Right-of-Way, east of Lafayette Street, for a distance of approximately 139 feet.

Recommended by: Jeff Coder
Approved by: Kevin S. Woods
Presenter(s): Grant Penland, Planning Director

SYNOPSIS:

The Applicant, Kevin Blumhardt, desires to vacate the existing East 126th Avenue Right-of-Way (ROW) East of Lafayette Street for an approximate distance of 139 feet.

In 1992, the Huffy Business Park Subdivision Plat dedicated ROW for a cul-de-sac on the property to provide access to a private drive. With anticipation of redevelopment, the cul-de-sac ROW is no longer needed for a public roadway or public purposes.

The vacation of this ROW will not impact any connecting land or access to the property in the future.

RECOMMENDATION:

Staff recommends Alternative No. 1, to grant acceptance of the vacation of the existing East 126th Avenue ROW.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the East 126th Avenue ROW vacation.
2. Deny the approval of the East 126th Avenue ROW vacation.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The property was subdivided as part of the Town of Eastlake on June 22, 1911.

The property was annexed on February 16, 1971 by Ordinance No. 399 and zoned Industrial-1 by Ordinance No. 402.

The property was rezoned to Residential at some point in the 1980's, as evidenced by the change to the Comprehensive Plan Future Land Use Map to Mid-Density Residential on October 14, 1985 by Resolution C.D. No. 85-368.

The property was subdivided within the City by Ordinance No. 2204 on October 12, 1992 and recorded on November 4, 1992.
The property was categorically rezoned to Business Park (BP) in the City-wide zoning transition on January 25, 1993 by Ordinance No. 2230 and the Comprehensive Plan Future Land Use Map designation was changed to Business Park to match the zoning by Resolution C.D. No. 95-066 on June 12, 1995.

A Specific Use Permit and Development Permit for a light industrial manufacturing facility were approved on October 6, 1998.

A rezoning to Planned Development was approved by City Council on September 9, 2019 by Ordinance No. 3541.
INTRODUCED BY: ________________

AN ORDINANCE VACATING THE EAST 126TH AVENUE RIGHT-OF-WAY, EAST OF LAFAYETTE STREET, FOR A DISTANCE OF APPROXIMATELY 139 FEET.

WHEREAS, the East 126th Avenue Right-of-Way (ROW), was granted to Adams County on June 22, 1911 as part of the Eastlake Subdivision Plat (Reception Number 19897); and was subsequently annexed into the City in 1971; and

WHEREAS, the ROW was dedicated to the City by the Huffy Business Park Subdivision, recorded on November 4, 1992 (Reception Number B1101857) in the official records of the Clerk and Recorder, County of Adams, State of Colorado; and

WHEREAS, a portion of the East 126th Avenue ROW, as described in Exhibit A, attached hereto and incorporated by this reference, is no longer necessary for City use.

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

1. The ROW hereby described in Exhibit A located within the City of Thornton, County of Adams, State of Colorado, is hereby vacated.

2. The City Council finds that:
   a. The ROW hereby vacated is no longer necessary for the public use and convenience.
   b. No land adjoining the ROW to be vacated will be left without an established access connecting said land with another established public road.

3. That the City Clerk is directed to record this ordinance with the County of Adams once the ordinance becomes effective.

4. This ordinance shall take effect on the date of final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on ________________, 2019.

PASSED AND ADOPTED on second and final reading on ________________, 2020.
CITY OF THORNTON, COLORADO

______________________________
Jan Kulmann, Mayor

ATTEST:

______________________________
Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM

______________________________
Luis A. Corchado, City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, and Thornton Active Adult Center after first and second readings.

Published on the City's official website after first reading on _____________, 2019, and after second and final reading on _____________, 2020.
EXHIBIT A

SITUATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY OF THORNTON, COUNTY OF ADAMS STATE OF COLORADO.

A PARCEL OF LAND BEING ALL OF EAST 126TH AVENUE RIGHT OF WAY AS DEDICATED BY HUFFY BUSINESS PARK SUBDIVISION, RECORDED AT RECEPTION NO. B1101857 OF THE ADAMS COUNTY RECORDS, SITUATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 35,
THENSE NORTH 00'12'30" WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 790.83 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EAST 126TH AVENUE AND THE POINT OF BEGINNING;

THENSE ALONG THE PERIMETER OF SAID RIGHT OF WAY THE FOLLOWING FOUR (4) COURSES:
1) CONTINUING NORTH 00'12'30" WEST ALONG SAID WEST LINE, A DISTANCE OF 60.00 FEET;
2) NORTH 65'30'11" EAST, A DISTANCE OF 60.00 FEET TO A POINT OF CURVATURE;
3) ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 239.38 FEET, SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 228'35'26", AND A CHORD WHICH BEARS SOUTH 00'12'06" EAST A CHORD DISTANCE OF 109.37 FEET;
4) NORTH 65'54'24" WEST, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 13,163 SQUARE FEET OR 0.30 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 35, NORTH 00'12'30" WEST, AS SHOWN ON THE PLAT OF HUFFY BUSINESS PARK SUBDIVISION.

PREPARED BY: AARON MURPHY
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
303.623.6300
ILLUSTRATION FOR EXHIBIT A

SITUATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 1 SOUTH,
RANGE 68 WEST OF THE 6TH P.M., COUNTY OF ADAMS STATE OF COLORADO.

HUFFY BUSINESS PARK SUBDIVISION
REC. NO. B1101857

POINT OF BEGINNING
126TH AVE

NORTH 1/4
COR. SEC. 35

W LINE NE 1/4 SEC. 35 N00°7'30"W
N00°7'30"W
60.00'

BASIS OF BEARINGS
N65°30'11"E
60.00'

PARCEL CONTAINS
13,163 SQ. FT.
OR 0.30 AC. ±

L=239.38'
R=60.00'
D=228°35'26"
ChB=500'12'06"E
ChL=109.37'

POINT OF COMMENCEMENT
CENTER 1/4
COR. SEC. 35

SCALE: 1"=50'

NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.
IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.
NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHEK SMITH

10/29/2019
BY: AWE
DRAWN BY: JAF

HUFFY BUSINESS PARK SUBDIVISION

ILLUSTRATION

1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarriskocherSmith.com
COUNCIL COMMUNICATION

Meeting Date: December 17, 2019
Agenda Item: 11A
Agenda Location: Public Hearings
Goal(s): _
Legal Review: ___ 1st Reading ___ 2nd Reading

Subject: A resolution approving an Amendment to the Service Plan for York Street Metropolitan District and the First Amendment to the Intergovernmental Agreement between the City and York Street Metropolitan District regarding the Service Plan for the District.

Recommended by: Jeff Coder
Approved by: Kevin S. Woods
Ordinance previously introduced by:

Presenter(s): Ty Robbins, Planner

SYNOPSIS:

York Street Metropolitan District (District) is requesting a Service Plan amendment to increase the District’s total debt issuance limitation from $3,840,000 to $5,340,000. The debt increase is being requested to cover the costs of public improvements associated with the Fairfield development, which are estimated to be $6,000,000.

A revised Intergovernmental Agreement (IGA) between the City and the District has also been submitted to reflect the changes to the Service Plan.

The application conforms to the form and content of the City’s model metropolitan district forms, the criteria of Chapter 66 of the Thornton City Code, and Colorado State law. The City Attorney’s Office reviewed the application and determined it complies with City and State regulations.

RECOMMENDATION:

Staff recommends Alternative No. 1, to approve the Amendment to the Service Plan for the District and the First Amendment to the IGA because the amendments will enable the District to pay for public improvements associated with the development.

BUDGET/STAFF IMPLICATIONS:

The District is exempt from sales and use taxes but has stated in the previously approved Service Plan and IGA that it will not exercise this provision when purchasing materials and services within the City.

ALTERNATIVES:

1. Approve the resolution approving the Service Plan Amendment and the First Amendment to the IGA.
2. Do not approve the resolution.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

What is a Metropolitan District?
Title 32 of the Colorado Revised Statutes provides for the creation of a local governmental entity called a special district. A metropolitan district is a type of Title 32 special district that has the
authority to issue debt for the construction and maintenance of public improvements and to impose a mill levy for repayment of that debt.

Analysis:

The District consists of approximately 35 acres and is located entirely within the City, generally located south of East 152nd Avenue and west of York Street. This is a residential district containing a total of 107 units within the District boundaries.

The District was previously organized to finance the public improvements for the project known as Fairfield. The types of public improvements permitted to be financed by the District are described in the Colorado State Statutes, subject to the limitations described in the existing Service Plan. The District's current total debt issuance limitation is $3,840,000 as stated in the original Service Plan. The District has identified a total of approximately $6,000,000 in required public improvements and is therefore requesting an increase of $1,500,000 for a total of debt issuance limitation of $5,340,000.

For debt service, the maximum mill levy that may be imposed upon taxable property within the District's boundaries shall not exceed 50 mills; however, this maximum shall not apply when the total amount of debt is equal to or less than 50% of the District's assessed valuation. There is no maximum mill levy limit that may be imposed by the District upon taxable property within the District for operations and maintenance. If the method of calculating assessed valuation is changed by law, the maximum mill levy may be increased or decreased to reflect such changes.

The revised IGA between the City and the District, which is the document that establishes the specific powers, authority, limitations, and requirements granted to the District, contains amended language to reflect the new debt limitation in accordance with the proposed changes to the Service Plan.

Public Notice:

The public hearing notice for the request to amend the Service Plan was published on the City's official website on November 13, 2019; at City Hall, the Margaret W. Carpenter Recreation Center, and the Thornton Active Adult Center on November 14, 2019; and in the Northglenn-Thornton Sentinel on November 21, 2019. Notices were sent by first class mail on November 18, 2019 to property owners within the proposed service area of the District and to surrounding taxing entities.

History:

A Service Plan for the District and IGA between the City and the District were approved by City Council on September 8, 2015, by Resolution C.D. No. 2015-130.
AFFIDAVIT OF POSTING

LEGAL NOTICE OF PUBLIC HEARING

State of Colorado )
County of Adams ) ss.

I, Sheri Woodson, being first duly sworn upon oath depose and say that I did, on November 13, 2019, post legal notice of the City Council of the City of Thornton, CO, for a public hearing regarding an amendment for the York Street Metropolitan District, PLMDT201901480, by the City Council. The property is generally located south of E. 152nd Avenue and west of York Street.

This hearing will be held on December 17, 2019 at 7:00 p.m. at the Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton CO.

The legal notice was posted at the following location, pursuant to City Code Section 2-1:


Signed: ____________________________ Date: 11-13-19
Sheri Woodson
Title: Administrative Specialist III

Subscribed and sworn to before me by ____________________________ in the County of Adams, State of Colorado, This ___ day of November, 2019.

Notary Public

Melissa Beary
Notary Public
State of Colorado
Notary ID 20084002595
My Commission Expires 01/23/2020
NOTICE OF CITY COUNCIL PUBLIC HEARING
PLMDT201901480

PUBLIC NOTICE IS HEREBY GIVEN that there has been filed with the City Clerk, City of Thornton, Adams County, Colorado, an Amendment to Service Plan and related documents for the York Street Metropolitan District (the "District"). A map of the District along with the proposed Amendment to Service Plan are now on file at the City of Thornton City Hall, 9500 Civic Center Drive, Thornton, Colorado, 80229-4326, and are available for public inspection.

NOTICE IS HEREBY FURTHER GIVEN that the City Council of the City of Thornton, Adams County, Colorado, will hold a public hearing at 7:00 pm, or as soon as possible thereafter, on Tuesday, December 17, 2019, in the Council Chambers at the Thornton City Hall, 9500 Civic Center Drive, Thornton, Colorado, to consider approval of the Amendment to Service Plan.

The District consists of approximately thirty-five (35) acres of residential land and is located entirely within the City of Thornton, and is generally located south of E. 152nd Avenue and west of York Street.

The District was previously organized as a metropolitan district to finance the construction of certain public improvements for the Fairfield Subdivision and has the authority to impose a mill levy for repayment of debt and for limited administrative, operation and maintenance purposes. The purpose of the Amendment to Service Plan is to increase the total debt issuance limitation commensurate with public improvements costs.

For debt service, the maximum mill levy that may be imposed upon taxable property within the District's boundaries shall not exceed fifty (50) mills; however, this maximum shall not apply when the total amount of debt is equal to or less than fifty percent (50%) of the District's assessed valuation. There is no maximum mill levy limit that may be imposed by the District upon taxable property within the District for operations and maintenance. If the method of calculating assessed valuation is changed by law, the maximum mill levy may be increased or decreased to reflect such changes.

NOTICE IS FURTHER GIVEN that any protests or objections to the District's proposed Amendment to Service Plan must be submitted in writing to the City Council of the City of Thornton at or prior to the hearing, or any continuance or postponement thereof, in order to be considered. All protests and objections to the Amendment to Service Plan, as proposed, shall be deemed waived unless presented in writing at the time and manner specified above.

If you are disabled and need reasonable accommodation to attend or participate in the meeting, please notify the City's ADA Coordinator at 303-538-7245 at least eight (8) hours in advance and arrangements will be made to provide reasonable accommodation. TDD access is available through Colorado Relay at 711 or you can also email the City Development Department at CityDevelopment@ThorntonCO.gov.

Heidi K. Williams, Mayor

ATTEST: Kristen N. Rosenbaum, City Clerk
APPROVED AS TO FORM: Luis A. Corchado, City Attorney
PUBLISHED: November 21, 2019
AFFIDAVIT OF POSTING

PUBLIC NOTICE

State of Colorado )
County of Adams ) ss.

I, Lori Leppel, being first duly sworn upon oath depose and say that I did, on November 14, 2019, post the PUBLIC NOTICE of the City Council of the City of Thornton, Colorado, for the Public Hearing concerning an Amendment to the Service Plan and related documents for the York Street Metropolitan District (the "District"). This hearing will be held December 17, 2019, at 7:00 p.m. at the Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton, Colorado, a copy of which posted Notice is attached hereto and posted at the following locations:

1. Thornton City Hall, 9500 Civic Center Dr.
2. Margaret W. Carpenter Recreation Center, 11151 Colorado Blvd.
3. Thornton Active Adult Center, 9471 Dorothy Blvd.

Signed: ___________________________  Date: __11/14/19___

Administrative Specialist

Subscribed and sworn to before me by Lori Leppel, in the County of Adams, State of Colorado, this 14 day of November, 2019.

Notary Public

My Commission Expires

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THERESA EVenson
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20194023630
MY COMMISSION EXPIRES 06/20/2023
NOTICE OF CITY COUNCIL PUBLIC HEARING
PLMDT201901480

PUBLIC NOTICE IS HEREBY GIVEN that there has been filed with the City Clerk, City of Thornton, Adams County, Colorado, an Amendment to Service Plan and related documents for the York Street Metropolitan District (the "District"). A map of the District along with the proposed Amendment to Service Plan are now on file at the City of Thornton City Hall, 9500 Civic Center Drive, Thornton, Colorado, 80229-4326, and are available for public inspection.

NOTICE IS HEREBY FURTHER GIVEN that the City Council of the City of Thornton, Adams County, Colorado, will hold a public hearing at 7:00 pm, or as soon as possible thereafter, on Tuesday, December 17, 2019, in the Council Chambers at the Thornton City Hall, 9500 Civic Center Drive, Thornton, Colorado, to consider approval of the Amendment to Service Plan.

The District consists of approximately thirty-five (35) acres of residential land and is located entirely within the City of Thornton, and is generally located south of E. 152nd Avenue and west of York Street.

The District was previously organized as a metropolitan district to finance the construction of certain public improvements for the Fairfield Subdivision and has the authority to impose a mill levy for repayment of debt and for limited administrative, operation and maintenance purposes. The purpose of the Amendment to Service Plan is to increase the total debt issuance limitation commensurate with public improvements costs.

For debt service, the maximum mill levy that may be imposed upon taxable property within the District's boundaries shall not exceed fifty (50) mills; however, this maximum shall not apply when the total amount of debt is equal to or less than fifty percent (50%) of the District's assessed valuation. There is no maximum mill levy limit that may be imposed by the District upon taxable property within the District for operations and maintenance. If the method of calculating assessed valuation is changed by law, the maximum mill levy may be increased or decreased to reflect such changes.

NOTICE IS FURTHER GIVEN that any protests or objections to the District's proposed Amendment to Service Plan must be submitted in writing to the City Council of the City of Thornton at or prior to the hearing, or any continuance or postponement thereof, in order to be considered. All protests and objections to the Amendment to Service Plan, as proposed, shall be deemed waived unless presented in writing at the time and manner specified above.

If you are disabled and need reasonable accommodation to attend or participate in the meeting, please notify the City's ADA Coordinator at 303-538-7245 at least eight (8) hours in advance and arrangements will be made to provide reasonable accommodation. TDD access is available through Colorado Relay at 711 or you can also email the City Development Department at CityDevelopment@ThorntonCO.gov.

CITY COUNCIL OF THE
CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST: Kristen N. Rosenbaum, City Clerk
APPROVED AS TO FORM: Luis A. Corchado, City Attorney
PUBLISHED: November 21, 2019
NOTICE OF CITY COUNCIL PUBLIC HEARING
PLMDT201901480

PUBLIC NOTICE IS HEREBY GIVEN that there has been filed with the City Clerk, City of Thornton, Adams County, Colorado, an Amendment to Service Plan and related documents for the York Street Metropolitan District (the "District"). A map of the District along with Service Plan are now on file at the City of Thornton City Hall, 9500 Civic Center Drive, Thornton, Colorado, 80229, and are available for public inspection.

NOTICE IS HEREBY FURTHER GIVEN that the City Council of Adams County, Colorado, will hold a public hearing at 7:00 pm, or as soon as possible thereafter, on Tuesday, December 17, 2019, in the Council Chambers at the Thornton City Hall, 9500 Civic Center Drive, Thornton, Colorado, to consider approval of the Amendment to Service Plan.

The District consists of approximately thirty-five (35) acres of residential land and is located entirely within the City of Thornton, and is generally located south of E. 152nd Avenue and west of York Street.

The District was previously organized as a metropolitan district to finance the construction of certain public improvements for the Fairfield Subdivision and has the authority for limited administrative, operation and maintenance purposes. The Service Plan is to increase the total debt issuance limitation commensurate with the increased debt service.

For debt service, the maximum mill levy that may be imposed by the District's boundaries shall not exceed fifty (50) mills; however, this maximum amount of debt is equal to or less than fifty percent (50%) of the District's maximum mill levy limit that may be imposed by the District upon operations and maintenance. If the method of calculating assessable value is changed, the maximum mill levy may be increased or decreased to reflect such changes.

NOTICE IS FURTHER GIVEN that any protests or objections to Service Plan must be submitted in writing to the City Council of Thornton, or any continuance or postponement thereof, in order to be considered to the Amendment to Service Plan, as proposed, shall be deemed without time and manner specified above.

If you are disabled and need reasonable accommodation to attend or participate in the meeting, please notify the City's ADA Coordinator at 303-538-7245 at least eight (8) hours in advance. TDD access is available and can also email City Development Department at CityDevelopment@ ThorntonCO.gov.

ATTEST: Kristen N. Rosenbaum, City Clerk
APPROVED AS TO FORM: Luis A. Corchado, City Attorney
PUBLISHED: November 21, 2019
CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the following NOTICE OF PUBLIC HEARING for the York Street Metropolitan District was mailed on Monday, November 18, 2019, by placing same in envelopes with U.S. Mail, first-class postage prepaid and addressed as set forth below:

SEE EXHIBIT A

Dated November 18, 2019.

By: Marisa Davis

STATE OF COLORADO )
CITY AND ) ss.
COUNTY OF DENVER )

The foregoing instrument was acknowledged before me this 18th day of November, 2019, by Marisa Davis as an individual.

WITNESS my hand and official seal.

My commission expires: 8/19/2023

Notary Public

SONJA STEELE
(SNARAY PUBLIC
STATE OF COLORADO
NOTARY ID 20194031486
MY COMMISSION EXPIRES AUGUST 19, 2023
Exhibit A

NOTICE OF CITY COUNCIL PUBLIC HEARING
PLMDT201901480

PUBLIC NOTICE IS HEREBY GIVEN that there has been filed with the City Clerk, City of Thornton, Adams County, Colorado, an Amendment to Service Plan and related documents for the York Street Metropolitan District (the "District"). A map of the District along with the proposed Amendment to Service Plan is now on file at the City of Thornton City Hall, 9500 Civic Center Drive, Thornton, Colorado, 80229-4326, and is available for public inspection.

NOTICE IS HEREBY FURTHER GIVEN that the City Council of the City of Thornton, Adams County, Colorado, will hold a public hearing at 7:00 pm, or as soon as possible thereafter, on Tuesday, December 17, 2019, in the Council Chambers at the Thornton City Hall, 9500 Civic Center Drive, Thornton, Colorado, to consider approval of the Amendment to Service Plan.

The District consists of approximately thirty-five (35) acres of residential land located entirely within the City of Thornton, and is generally located south of E. 152nd Avenue and west of York Street.

The District was previously organized as a metropolitan district to finance the construction of certain public improvements for the Fairfield Subdivision and has the authority to impose a mill levy for repayment of debt and for limited administrative, operation and maintenance purposes. For debt service, the maximum mill levy that may be imposed by the District upon taxable property within the District's boundaries shall not exceed Fifty (50) mills; however, this maximum shall not apply when the total amount of debt is equal to or less than fifty percent (50%) of the District's assessed valuation. There is no maximum mill levy limit that may be imposed by the District upon taxable property within the District for operations and maintenance. If the method of calculating assessed valuation is changed by law, the maximum mill levy may be increased or decreased to reflect such changes.

NOTICE IS FURTHER GIVEN that any protests or objections to the District's proposed Amendment to Service Plan must be submitted in writing to the City Council of the City of Thornton at or prior to the hearing, or any continuance or postponement thereof, in order to be considered. All protests and objections to the Amendment to Service Plan, as proposed, shall be deemed waived unless presented in writing at the time and manner specified above.

If you are disabled and need reasonable accommodation to attend or participate in the meeting, please notify the City's ADA Coordinator at 303-538-7245 at least eight (8) hours in advance and arrangements will be made to provide reasonable accommodation. TDD access is available through Colorado Relay at 711 or you can also email the City Development Department at CityDevelopment@cityofthornton.net.
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<thead>
<tr>
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<th>Name 2</th>
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<td>C/O Carmen Castillo</td>
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Brian Wayne and  
Polly Ann Jones  
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4350 S Monaco St  
Denver, CO 80237-3400

Mark A And  
Jennifer L Simmons  
2000 E 150th Ct  
Thornton, CO 80602-7478

Vasquez Jesus And  
Denice Garcia  
2020 E 150th Ct  
Thornton, CO 80602-7478

Quincy and  
Melanie Pryor  
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Thornton, CO 80602-7478

Kevin and  
Tamara Lynn Kuzio  
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Mark A and  
Lisa Zeller  
2080 E 150th Ct  
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Dusten Gurule  
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Thornton, CO 80602-7483

Sreeramulu Velukuru  
15024 Vine St  
Thornton, CO 80602-7483

Venkata Jyothi Prasad Totakura  
15044 Vine St  
Thornton, CO 80602-7483

Leann Marie Lopez and  
Joan F Butkovich  
15064 Vine St  
Thornton, CO 80602-7483

Jessica Valenzuela Reynosa  
15070 Gaylord St  
Thornton, CO 806027477

Richmond American Homes Of Colorado Inc  
4350 S Monaco St  
Denver, CO 80237-3400

Fairfield Homeowners Association Inc  
8700 Turnpike Dr Ste 230  
Westminster, CO 80031-7029

Fairfield Homeowners Association Inc  
8700 Turnpike Dr Ste 230  
Westminster, CO 80031-7029

Crystal Michelle and  
Michael Christopher Salyers  
15146 Vine Way  
Thornton, CO 80602-7472

Jacob Rowzee and  
Lyndsey Roberts  
15142 Vine Way  
Thornton, CO 80602

Nathaniel Charles Mcwilliams and  
Lindsay Nicole Dighero  
15136 Vine Way  
Thornton, CO 80602-7472

Kelli Lyn and  
Karen Elaine Wildman  
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Recendez Arturo and  
Ramirez Andy Gomez  
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Iris Reiko Perkins  
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Qingchen Chen and  
Lichai Lin  
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Jonathan and  
Christen Gill  
15102 Vine Way  
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Maria S and  
Everardo L Torres  
15101 Gaylord St  
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Krishaprasad Govardhanam  
Radhika Dingiri  
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Michele L Green  
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Sudheer and  
Praveena Ponugoti  
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Faqueer S Ahmad and  
Maria M Ruacho Renteria  
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John N Jr and  
Yong S Tuccio  
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Denver, CO 80237-3400

Erin Nicole and Jason Troy Arellano
2088 E 151st Ave
Thornton, CO 80602-7475

Richmond American Homes Of Colorado Inc
4350 S Monaco St
Denver, CO 80237-3400

Selvaraj Dhanujratna and Selvam Saravanan
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Lana Marie and Erik Roger Peterson
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Thornton, CO 80602-7475

Bishnu Bahadur Basnet
2048 E 151st Ave
Thornton, CO 80602-7475

Ajinkya Kulkarni and Ketki Muley
2038 E 151st Ave
Thornton, CO 80602-7475

Lauren Kathryn and Zico Aaron Ramnarine
1924 E 150th Pl
Thornton, CO 80602-7481

Patricio Guadalupe and Mirza Ivonne Medina
1921 E 150th Ct
Thornton, CO 80602-7479

Richmond American Homes Of Colorado Inc
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Denver, CO 80237-3400

Thao Huynh and Alex Tran
1961 E 150th Ct
Thornton, CO 80602-7479

Orlando and Jessica J Edwards
1981 E 150th Ct
Thornton, CO 80602-7479

The Memaster-Morin Family Revocable Trust
C/O Therese Morin And Shaun McMaster
2001 E 150th Ct
Thornton, CO 80602-7478

Som and Phothong Sidara
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Thornton, CO 80602-7479

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David George Dyck and Sarah Alicia Montoya
2061 E 150th Ct
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Madan Sitaula
2084 E 150th Pl
Thornton, CO 80602-7474

Boyd McMaster
2064 E 150th Pl
Thornton, CO 80602-7474

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Denver, CO 80237-3400

Brady L and Amanda K Hollaway
2024 E 150th Pl
Thornton, CO 80602-7474

Richmond American Homes Of Colorado Inc
4350 S Monaco St
Denver, CO 80237-3400

Michael James and Kimberly Rae Degrazio
1964 E 150th Pl
Thornton, CO 80602-7481

Clarence Edwin and Liliana Teresa Gamble
1944 E 150th Pl
Thornton, CO 80602-7481

Adams County Board Of County Commissioners
4430 S Adams County Pkwy
Brighton, CO 80601

Cundall Farms Metro
White Bear Ankee Tanaka & Waldron
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Eagle Shadow Metro Dist No 1
Spencer Fane & Grimshaw Llp
1700 Lincoln St Ste 2000
Denver, CO 80203

Eastcreek Farm Metro
White Bear Ankee Tanaka & Waldron
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Fallbrook Metropolitan District
Lisa A Jacoby
141 Union Blvd Ste 150
Lakewood, CO 80228-1898

Fallbrook Villas Metro
Spencer Fane & Grimshaw Llp
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Denver, CO 80203
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<td>Spencer Fane &amp; Grimshaw Llp</td>
<td>Paul A Hindman Executive Dir</td>
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<td>9500 Civic Center Dr</td>
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<td>2480 W 26th Ave Ste 156-B</td>
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<th>Village At Thorncreek Metro</th>
<th>Weda (North Huron)</th>
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<tr>
<td>White Bear Ankele Tanaka &amp; Waldron</td>
<td>Collins Cockrel &amp; Cole</td>
<td>Finance Dept</td>
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<tr>
<td>2154 E Commons Ave Ste 2000</td>
<td>390 Union Blvd Ste 400</td>
<td>4800 W 92nd Ave</td>
</tr>
<tr>
<td>Centennial, CO 80122</td>
<td>Denver, CO 80228-1556</td>
<td>Westminster, CO 80031</td>
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<tr>
<th>Westminster</th>
<th>Willow Bend Metro District</th>
<th>York Street Metro</th>
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<td>Finance Dept</td>
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<td>141 Union Blvd Ste 150</td>
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<tr>
<td>4800 W 92nd Ave</td>
<td>8390 E Crescent Pkwy Ste 300</td>
<td>Lakewood, CO 80228-1898</td>
</tr>
<tr>
<td>Westminster, CO 80031</td>
<td>Greenwood Village, CO 80111</td>
<td></td>
</tr>
</tbody>
</table>
Sent: Tuesday, December 3, 2019 10:50 AM
To: City Development <citydevelopment@cityof Thornton.net>; ElectedOfficials <ElectedOfficials@cityof Thornton.net>
Subject: [EXTERNAL] Mill Levy Taxes

Hello,

Please see the attached request. The note we got from the City Council is a levy for improvements to the new Fairfield subdivision which is a brand new, almost complete neighborhood. There is no explanation what the significant mill levy taxes will do for this brand new area nor does the neighborhood need “financing for the construction of certain public improvements” as stated on the note we got from you. The letter is very vague. I recommend you apply/impose any and all of the mill levy repayment plan for whatever it is you are talking about on the Colorado Oil Company that is also imposing and decreasing the values of our new homes in Fairfield along with these new taxes.

Ben Zeller
City of Thornton
9500 Civic Center Drive
Thornton, CO 80229-4326

RE: Notice of Public Hearing (PLMDT 201901480)
I am writing you to request my property at 15133 Vine Way, Thornton, Colorado be excluded from the York Street Metropolitan District (the "District").

On Friday, November 22, 2019, I received a Notice from the District’s attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment.

No justification has been provided describing the need for the increase or as to what use the District would use the additional funds.

The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all of the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary.

I would also assert that the Notice the District provided is inadequate to put home owners on notice of the potential impact of the proposed Amendment. It would seem the proposed Debt Limit increase would likewise require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments.

It would seem fair, reasonable and necessary that the District be required to provide some information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment, including, but not limited to the potential impact to home owners. In the absence of this information, the proposed action would appear to be a violation of Due Process under the United States Constitution and potential a violation of Colorado State Law.

Our homes are the single largest investment most of us will make in our lives. Allowing a quasi-governmental entity to increase our tax obligation without proper notice and justification based is not fair, just or reasonable. It will decrease the value of our properties to new buyers (as will the largest approved fracking project in Adams County, ‘The Ivey pad’ that will also decrease the values of the homes in Fairfield subdivision. The Fairfield homeowners are preparing to become very vocal about this including all forms of media and social media and their VOTES!
Sent: Wednesday, December 4, 2019 12:34 PM  
To: Attorney <Attorney@cityofthornton.net>  
Subject: [EXTERNAL] I am writing you to request my property at 1880 east 150th court Thornton, Colorado be excluded from the York Street Metropolitan District (the “District”).

City of Thornton  
9500 Civic Center Drive  
Thornton, CO 80229-4326

RE: Notice of Public Hearing (PLMDT 201901480)

I am writing you to request my property at 1880 east 150th court Thornton, Colorado be excluded from the York Street Metropolitan District (the “District”).

On Friday, November 22, 2019, I received a Notice from the District’s attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment.

Upon further investigation, the sole purpose of the proposed Amendment was to increase the District’s Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%. However, no justification has been provided describing the need for the increase or as to what use the District would use the additional funds.

The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all of the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary.

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Our homes are the single largest investment most of us will make in our lives. Allowing a quasi-governmental entity to increase our tax obligation without proper notice and justification based is not fair, just or reasonable.

Thank you

John Kirylo

1880 east 150th court Thornton Colorado 80602

720-530-7673
12/1/2019

City of Thornton
9500 Civic Center Drive
Thornton, CO 80229-4326

RE: Notice of Public Hearing (PLMDT 201901480)
I am writing you to request my property at 1880 east 150th court Thornton, Colorado be excluded from the York Street Metropolitan District (the “District”).

On Friday, November 22, 2019, I received a Notice from the District’s attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment.

Upon further investigation, the sole purpose of the proposed Amendment was to increase the District’s Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%. However, no justification has been provided describing the need for the increase or as to what use the District would use the additional funds.

The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all of the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary.

I would also assert that the Notice the District provided is inadequate to put home owners on notice of the potential impact of the proposed Amendment. It would seem the proposed Debt Limit increase would likewise require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments.

It would seem fair, reasonable and necessary that the District be required to provide some information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment, including, but not limited to the potential impact to home owners. In the absence of this information, the proposed action would appear to be a violation of Due Process under the United States Constitution and potential a violation of Colorado State Law.

Our homes are the single largest investment most of us will make in our lives. Allowing a quasi-governmental entity to increase our tax obligation without proper notice and justification based is not fair, just or reasonable.

Thank you
John Krylo
1880 east 150th court Thornton Colorado 80602

720-530-7673
December 5, 2019

City of Thornton City Hall
9500 Civic Center Drive
Thornton, CO 80229-4326

RE: Notice of Public Hearing (PLMDT 201901480)

We are writing you to request our property at 1960 E 150th CT, Thornton, Colorado be excluded from the York Street Metropolitan District (the “District”).

On Friday, November 22, 2019, we received a Notice from the District’s attorney, Miller & Associates Law offices, LLC stating the District seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment. Upon further investigation, the sole purpose of the proposed Amendment was to increase the District’s Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%. However, no justification has been provided describing the need for the increase or as to what use the District would use the additional funds. The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary. I would also assert that the Notice the District provided is inadequate to put homeowners on notice of the potential impact of the proposed Amendment. It would seem the proposed Debt Limit increase would likewise require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments.

It would seem fair, reasonable and necessary that the District be required to provide some information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment, including, but not limited to the potential impact to homeowners. In the absence of this information, the proposed action would appear to be a violation of Due Process under the United States Constitution and potential a violation of Colorado State Law.

Our homes are the single largest investment most of us will make in our lives, and the property tax burden and mill levy in the Fairfield community is already among the highest in the state. Allowing a quasi-governmental entity to increase our tax obligation without proper notice and justification based is not fair, just or reasonable.

Sincerely,

Brian Jones
Polly Jones
City of Thornton  
City Council  
9500 Civic Center Drive  
Thornton, CO. 8022

RE: Notice of Public Hearing (PLMDT 201901480)

I am writing you to request my property at 15064 Vine St., Thornton, Colorado be excluded from the York Street Metropolitan District (the “District”).

On Saturday, November 23, 2019, I received a Notice from the York Street Metro District’s attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. This Notice contained no description of the proposed Amendment/changed or justification for the proposed Amendment to the Service Plan.

Upon further review, the sole purpose of the proposed Amendment was to increase the District’s Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%. However, no justification or explanation describing the need for the increase or as to what use the District would use the additional collected funds.

The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. Without knowing the logistics, the every day observer, it see the land within the District Boundary Map has all of the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be
rict Land, it is difficult to believe such an increase is fair, reasonable or necessary.

I would also assert that the Notice the District provided is inadequate to put home owners on notice of the potential impact of the proposed Amendment. It would seem the proposed Debt Limit increase would likewise require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments.

It would seem fair, reasonable and necessary that the District be required to provide some information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment. This including, but not limited to the potential impact to home owners. In the absence of this information, the proposed action would appear to be a violation of Due Process under the United States Constitution and a violation of Colorado State Law.

Our homes are the single largest investment most of us will make in our lives. Allowing a quasi-governmental entity to increase our tax obligation without notice and justification based is not fair, just or reasonable.

Thank you,

[Signature]

LeAnn Lopez
Homeowner
15064 Vine St.
Thornton, CO. 80602
City of Thornton  
9500 Civic Center Drive  
Thornton, CO 80229-4326

RE: Notice of Public Hearing (PLMDT 201901480)

I am writing you to request my property at 2001 E 150th Court, Thornton, Colorado be excluded from the York Street Metropolitan District (the “District”).

On Friday, November 22, 2019, I received a Notice from the District’s attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment.

Upon further investigation, the sole purpose of the proposed Amendment was to increase the District’s Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%. However, no justification has been provided describing the need for the increase or as to what use the District would use the additional funds.

The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary.

I would also assert that the Notice the District provided is inadequate to put home owners on notice of the potential impact of the proposed Amendment. It would seem the proposed Debt Limit increase would likewise require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments.

It would seem fair, reasonable and necessary that the District be required to provide some information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment, including, but not limited to the potential impact to home owners. In the absence of this information, the proposed action would appear to be a violation of Due Process under the United States Constitution and potential a violation of Colorado State Law.

Our homes are the single largest investment most of us will make in our lives. Allowing a quasi-governmental entity to increase our tax obligation without proper notice and justification based is not fair, just or reasonable.

Yours truly,

Therese Morin
December 3, 2019

City of Thornton
9500 Civic Center Drive
Thornton, CO 80229-4326

RE: Notice of Public Hearing (PLMDT 201901480)

I am writing you to request that my property at 15069 High St, Thornton, Colorado be excluded from the York Street Metropolitan District (the “District”). On Friday, November 22, 2019, I received a Notice from the District’s attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment. Upon further investigation, the sole purpose of the proposed Amendment was to increase the District’s Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%. However, no justification has been provided describing the need for the increase or as to what use the District would use the additional funds. The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all of the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary. I would also assert that the Notice the District provided is inadequate to put home owners on notice of the potential impact of the proposed Amendment. It would seem the proposed Debt Limit increase would likewise require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments. It would seem fair, reasonable and necessary that the District be required to provide some information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment, including, but not limited to the potential impact to home owners. In the absence of this information, the proposed action would appear to be a violation of Due Process under the United States Constitution and potential a violation of Colorado State Law. Our homes are the single largest investment most of us will make in our lives. Allowing a quasi-governmental entity to increase our tax obligation without proper notice and without justification is not fair, just, or reasonable.

Regards,

Benjamin Van’t Hul
15069 High St. Thornton, CO
RE: Notice of Public Hearing (PLMDT 201901480)

I am writing you to request my property at 1861 E 150th Court Thornton, Colorado 80602 be excluded from the York Street Metropolitan District (the “District”).

On Friday, November 22, 2019, I received a Notice from the District’s attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment.

Upon further investigation, the sole purpose of the proposed Amendment was to increase the District’s Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%. However, no justification has been provided describing the need for the increase or as to what use the District would use the additional funds.

The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all of the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary.

I would also assert that the Notice the District provided is inadequate to put home owners on notice of the potential impact of the proposed Amendment. It would seem the proposed Debt Limit increase would likewise require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments.

It would seem fair, reasonable and necessary that the District be required to provide some information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment, including, but not limited to the potential impact to home owners. In the absence of this information, the proposed action would appear to be a violation of Due Process under the United States Constitution and potential a violation of Colorado State Law.

Our homes are the single largest investment most of us will make in our lives. Allowing a quasi-governmental entity to increase our tax obligation without proper notice and justification based is not fair, just or reasonable.

Thank you,

Peter Sweeney
To Whom It May Concern:

Please consider this our written notice to request exclusion of our property located at 15137 Vine Way, Thornton, Colorado from the York Street Metropolitan District (the "District").

On Friday, November 22, 2019, we received a Notice from the law firm of Miller & Associates stating that the District seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment. The Amendment would increase the District’s Debt Limit from $3.84 million to $5.34 million, an increase of nearly 40%. However, no justification has been provided for such a significant increase to our development. The Notice the District provided is inadequate to put homeowners on notice of the potential impact of the proposed Amendment as we would likely be required to pay increased taxes. We note that our property taxes are already extremely high and likely among the highest in the state. We would also note that our development is almost completely built out and all infrastructure has already been installed.

It is fair, reasonable and necessary that the District should be required to provide some information about the nature of the proposed Amendment and further evidence for such a significant increase to the District’s Debt Limit.

Sincerely,

Luka and Jennifer Znidarcic
Hello,

Please see the attached request. The note we got from the City Council is a levy for improvements to the new Fairfield subdivision which is a brand new, almost complete neighborhood. There is no explanation what the significant mill levy taxes will do for this brand new area nor does the neighborhood need “financing for the construction of certain public improvements” as stated on the note we got from you. Very vague and annoying to say the least. What are you talking about?? I recommend you apply/impose any and all of the mill levy repayment plan for whatever it is you are talking about on the Colorado Oil Company that is also imposing and decreasing the values of our new homes in Fairfield along with these new taxes.

Mark Zeller
City of Thornton  
9500 Civic Center Drive  
Thornton, CO 80229-4326  

RE: Notice of Public Hearing (PLMDT 201901480)  
I am writing you to request my property at 2080 E. 150th Ct., Thornton, Colorado be excluded from the York Street Metropolitan District (the “District”).  

(the below statement was copied from our neighborhood facebook page but is right on and reflects our opinion as well so I am sending this with my notice to be excluded from the “YORK STREET METROPOLITAN DISTRICT”.

On Friday, November 22, 2019, I received a Notice from the District’s attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment.  
No justification has been provided describing the need for the increase or as to what use the District would use the additional funds.
The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all of the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary.
I would also assert that the Notice the District provided is inadequate to put home owners on notice of the potential impact of the proposed Amendment. It would seem the proposed Debt Limit increase would likewise require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments.
It would seem fair, reasonable and necessary that the District be required to provide some information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment, including, but not limited to the potential impact to home owners. In the absence of this information, the proposed action would appear to be a violation of Due Process under the United States Constitution and potential a violation of Colorado State Law.

Our homes are the single largest investment most of us will make in our lives. Allowing a quasi-governmental entity to increase our tax obligation without proper notice and justification based is not fair, just or reasonable. It will decrease the value of our properties to new buyers (as will the largest approved fracking project in Adams County, ‘The Ivey pad’ that will also decrease the values of the homes in Fairfield subdivision. The Fairfield homeowners are preparing to become very vocal about this including all forms of media and social media and their VOTES!
City of Thornton
9500 Civic Center Drive
Thornton, CO 80229-4326

RE: Notice of Public Hearing (PLMDT 201901480)

We are writing to request our property at 15146 Vine Way, Thornton, Colorado 80602 be excluded from the York Street Metropolitan District (the "District").

On Friday, November 22, 2019, we received a Notice from the District's attorney, Miller & Associates Law Offices, LLC stating the district seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment. Upon further investigation, the sole purpose of the proposed Amendment is to increase the District's Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%. However, no justification is provided describing the need for the increase or how the District will use additional funds.

The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary.

We would also assert that the Notice the District provided is inadequate to put homeowners on notice of the potential impact of the proposed Amendment. It would seem the proposed Debt Limit increase would likewise require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments.

It would seem fair, reasonable and necessary that the District be required to provide information about the nature of the proposed Amendment (e.g. Debt Limit increase) with justification and evidence for the Amendment, including, but not limited to the potential impact to homeowners. In the absence of this information, the proposed action would appear to be a violation of Due Process under the United States Constitution and a potential violation of Colorado State Law.

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Sincerely,

[Signature]
Michael Salyers
Date

[Signature]
Crystal Salyers
Date
December 2nd, 2019

City of Thornton
9500 Civic Center Drive
Thornton, CO 80229-4326

RE: Notice of Public Hearing (PLMDT 201901480)

We are writing you to request our property at 15121 Gaylord St, Thornton, Colorado 80602 be excluded from the York Street Metropolitan District (the “District”).

On Friday, November 22, 2019, we received a Notice from the District’s attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment.

Upon further investigation, the sole purpose of the proposed Amendment was to increase the District’s Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%. However, no justification has been provided describing the need for the increase or as to what use the District would use the additional funds.

The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all of the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary.

We would also assert that the Notice the District provided is inadequate to put home owners on notice of the potential impact of the proposed Amendment. It would seem the proposed Debt Limit increase would likewise require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments.

It would seem fair, reasonable and necessary that the District be required to provide some information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment, including, but not limited to the potential impact to home owners. In the absence of this information, the proposed action would appear to be a violation of Due Process under the United States Constitution and potential a violation of Colorado State Law.

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Richard Green

Michele Green
From: Ty Robbins
Sent: Tuesday, December 10, 2019 4:28 PM
To: [Redacted]
Subject: RE: Public Hearing (PLMDT 2019014780)

Boyd,

City staff’s inquiry with respect to a service plan amendment is confined to whether the metro district’s submission reasonably meets the technical and procedural standards set forth in Colorado law and the City Code. Specifically, staff reviews a metro district’s submission in relation to Chapter 66 of the City Code, and relevant portions of C.R.S. §§ 32-1-202, -203, & -204.5. The documents staff reviewed can be accessed here: https://drive.google.com/drive/folders/1l-XDawgiQwOmZxJu2CipckfbXInJJW7?usp=sharing

The City Council packet pertaining to the Service Plan amendment will be finalized on Friday and made available to the public through the City’s website. I am also happy to e-mail a copy to you once available.

Please let me know if you have questions or would like additional information.

Thank you,

**Ty Robbins**
City of Thornton

---

From: [Redacted]
Sent: Tuesday, December 10, 2019 1:03 PM
To: Ty Robbins <Ty.Robbins@cityofthornton.net>
Subject: [EXTERNAL] RE: Public Hearing (PLMDT 2019014780)

Ty,

I am still looking for answers to the two questions I asked over several weeks ago, which are:

- What legal standard does the staff apply to evaluate if requests are reasonable?
- What evidence did the staff review in this matter to make that determination (if it has been made)? (Please describe the documents with sufficient specificity so that I can request them from the district.)

It seems logical that the City has some legal standard they apply to such requests and they can identify the documents they reviewed in determining the request is reasonable. Generally speaking, this is a requirement for any government and agency action.

Previously, you stated the City Attorney was working on responses to these questions. I was anticipating someone at the city prepared a written report on their review of the District’s request that I could also review.
According to Mr. Carlson, Rachel Walsh was the principle member of Staff that reviewed the request, determined the District had complied with the applicable Statute(s) and recommended the request be submitted to Council for consideration and approval. I am assuming she did so in some type of written form that could be provided in response to the above questions?

Boyd McMaster

Sent from Mail [go.microsoft.com] for Windows 10

From: Ty Robbins
Sent: Monday, December 9, 2019 3:11 PM
To: [REDACTED]
Subject: RE: Public Hearing (PLMDT 2019014780)

Boyd,

I understand that you met with the District president to discuss the proposed amendment in more detail and that he shared some of the information you were requesting in your prior e-mails. Please let me know if there is additional information I can provide.

Ty Robbins
City of Thornton

From: [REDACTED]
Sent: Thursday, December 5, 2019 9:33 PM
To: Ty Robbins <Ty.Robbins@cityofthornton.net>
Cc: [REDACTED]
Subject: [EXTERNAL] RE: Public Hearing (PLMDT 2019014780)

Mr. Robbins,

Good evening. I have not received any responses to my questions, and therefore, I am formally requesting the hearing in the above referenced matter be postponed and/or the City deny the District’s proposed Amendment.

Pursuant to the Notice I received from the District, am required to file an objection to the Proposed Amendment to the Service Plan “no later than 10 days prior to the hearing...in order to be considered,” which is effectively tomorrow, December 6th since the 7th is not a business day. Without answers to the questions I asked from the City Staff, I am unable to evaluate whether or not substantial evidence exists to justify the District’s request or ascertain the City has fully reviewed that evidence. As a result, I am formally requesting the City either:

a) Deny the Proposed Amendment for the reason:
   a. Parties were not provided sufficient and adequate notice of the substance of the District’s proposed Amendment, in that the Notice contained no details, whatsoever regarding the substance of the proposed Amendment;
b. The City has been unable to provide me, a resident of the District, the information upon which the City Staff made a recommendation that the proposed Amendment be approved by the City Council in a timely manner such that I could conduct my own independent legal review;

b) Postpone the hearing until such time as the City is able to respond to my questions, namely:
   - What legal standard does the staff apply to evaluate if requests are reasonable?
   - What evidence did the staff review in this matter to make that determination (if it has been made)? (Please describe the documents with sufficient specificity so that I can request them from the district.)

c) Postpone the hearing until such time as the I have been provided complete and accurate answers to the foregoing questions and am provided an opportunity to conduct a review of the District’s records to ascertain and/or verify the District has fully disclosed all material facts regarding the Proposed Amendment.

I formally request this email be made a formal part of the City’s record to ensure an accurate and complete record and that the City Council formally respond to my request, in the event this matter is not postponed or the District’s proposed Amendment Denied.

Yours Truly,
Boyd McMaster

Sent from Mail[go.microsoft.com] [nam11.safelinks.protection.outlook.com] for Windows 10

From: Ty Robbins
Sent: Monday, December 2, 2019 1:15 PM
To: [Redacted]
Subject: RE: Public Hearing (PLMDT 2019014780)

Boyd,

I misspoke; my apologies. There have been multiple inquiries related to this service plan amendment. We are coordinating with the City Attorney’s office to respond to your questions.

Thank you,

Ty Robbins
City of Thornton

From: [Redacted]
Sent: Monday, December 2, 2019 1:11 PM
To: Ty Robbins <Ty.Robbins@cityofthornton.net>
Subject: [EXTERNAL] Re: Public Hearing (PLMDT 2019014780)
Ty,

Good morning. I would like to ask a clarifying question in response to your email below.

On November 25th, you stated "proposed Service Plan amendment was reviewed thoroughly by city staff to ensure the request is reasonable." I responded to that claim asking what legal standard City Staff applied to their review and what documents City Staff reviewed. Now you are telling me that the City Staff is relying on the District's legal representative to answer my questions about what City Staff reviewed?

I am a little alarmed that the City Staff is consulting the District's attorney to answer my question about what the City Staff reviewed. It leaves me with the impression City Staff did not make an independent review of the District's proposed amendment, which is what you previously asserted to me.

Yours truly,
Boyd McMaster

From: Ty Robbins <Ty.Robbins@cityofthornton.net>
Sent: Monday, December 2, 2019 11:26 AM
To: [Redacted]
Subject: RE: Public Hearing (PLMDT 2019014780)

Boyd,

We are coordinating with the District's legal representative to provide responses to your questions. We will be in touch.

Ty Robbins
City of Thornton

From: [Redacted]
Sent: Tuesday, November 26, 2019 8:40 AM
To: Ty Robbins <Ty.Robbins@cityofthornton.net>
Subject: [EXTERNAL] Re: Public Hearing (PLMDT 2019014780)

Ty,

Good morning. I have some questions regarding your statement below:

1) What legal standard does the staff apply to evaluate if requests are reasonable?
2) What evidence did the staff review in this matter to make that determination (if it has been made)? (Please describe the documents with sufficient specificity so that I can request them from the district.)

Basically, I want to be able to review all evidence the Staff reviewed in the matter prior to the hearing to see if the Staff/City had access to and/or reviewed all of the actions of the District.

Your truly,
Boyd McMaster

From: Ty Robbins <Ty.Robbins@cityofthornton.net>
Sent: Monday, November 25, 2019 4:20 PM
To: [REDACTED]
Subject: RE: Public Hearing (PLMDT 2019014780)

Boyd,

You are correct, the burden of proof is on the District to provide justification for the debt limit increase. The proposed Service Plan amendment was reviewed thoroughly by city staff to ensure the request is reasonable. Ultimately it is up to City Council to approve or deny the Service Plan amendment.

I am happy to put you in touch with a District representative if you have specific questions; otherwise, more detail will be provided at the public hearing and a District representative will be available to answer questions.

Thank you,

Ty Robbins
City of Thornton

From: [REDACTED]
Sent: Monday, November 25, 2019 12:18 PM
To: Ty Robbins <Ty.Robbins@cityofthornton.net>
Subject: [EXTERNAL] Re: Public Hearing (PLMDT 2019014780)

Ty,

Has the District provided any justification for raising the Debt Limit?

The purpose of the District is to finance the construction of Public Improvements. Currently, every lot in the District either has a house on it that has been completed or is in the process of
being completed. Yet, the District is proposing to increase the debt limit by 39.0625%. I would presume if the debt limit is increased either (a) our taxes will be increased or (b) the term of the bond will be extended a number of years. Under either scenario, the individual home owners would be paying the new debt. As a result, the District should have to provide some reasoning and justification for raising the Debt Limit? Otherwise, neither the individual home owners or the City have any information on which to assess the fairness and reasonableness of the request.

I don't understand why the justification is not required to be part of the Notice. The burden of proof should be on the District to provide reasonable notice and not on the individual home owners and City to investigate. Please advise.

Yours truly,
Boyd McMaster

---

From: Ty Robbins <Ty.Robbins@cityofthornton.net>
Sent: Monday, November 25, 2019 11:35 AM
To: [Redacted]
Subject: RE: Public Hearing (PLMDT 2019014780)

Boyd,

As requested, please see attached Amendment to Service Plan as well as the original service plan approved in 2015. Feel free to reach out with questions.

Thank you,

**Ty Robbins**
City of Thornton
303-538-7443

---

From: [Redacted]
Sent: Sunday, November 24, 2019 1:33 PM
To: clerk <clerk@cityofthornton.net>
Subject: [EXTERNAL] Public Hearing (PLMDT 2019014780)

I am writing to request a copy of the York Street Metropolitan District’s Amendment to Service Plan.

I recently received notice that the District is seeking to amend its service plan. However, the Notice provided absolutely no specifics as to the nature of the modification. As a result, I am claiming that the
Notice is inadequate under Colorado State Law and possibly a violation of Due Process, as the proposed modifications could negatively affect my property rights.

As a result, I am officially lodging my objections to the Notice and the proposed Amendments, reserving the right to withdraw my objections pending further review of the actual proposed Amendments.

I am also writing to request a copy of the current Service Plan as well as the proposed Amendments.

Your truly,
Boyd McMaster
2064 E 150th Street
Thornton, CO 80233

Sent from Mail [go.microsoft.com] [eur04.safelinks.protection.outlook.com]
[nam04.safelinks.protection.outlook.com] for Windows 10
City of Thornton
9500 Civic Center Drive
Thornton, CO 80229-4326

RE: Notice of Public Hearing (PLMDT 201901480)

We are writing you to request my property at 15029 High Street Thornton, Colorado be excluded from the York Street Metropolitan District (the "District").

On Friday, November 22, 2019, I received a Notice from the District’s attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment.

Upon further investigation, the sole purpose of the proposed Amendment was to increase the District’s Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%. However, no justification has been provided describing the need for the increase or as to what use the District would use the additional funds.

The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all of the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary.

I would also assert that the Notice the District provided is inadequate to put home owners on notice of the potential impact of the proposed Amendment. It would seem the proposed Debt Limit increase would likewise require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments.

It would seem fair, reasonable and necessary that the District be required to provide some information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment, including, but not limited to the potential impact to home owners. In the absence of this information, the proposed action would appear to be a violation of Due Process under the United States Constitution and potential a violation of Colorado State Law.

Our homes are the single largest investment most of us will make in our lives. Allowing a quasi-governmental entity to increase our tax obligation without proper notice and justification based is not fair, just or reasonable.

Thank you for your consideration.
Stacie Tureson
Greetings Ms. Tureson,

Attached is a letter explaining the purpose of the proposed service plan amendment in more detail. Of particular importance is the fact that your property taxes will not increase as a result of this change to the service plan. I've also attached a memo that provides a general explanation of special districts and what they do.

With regard to your request for your property to be excluded from the District, please note that the City of Thornton does not have the authority to grant such an exclusion. A formal petition for exclusion would have to be provided to either the Board of Directors of the District, pursuant to Section 32-1-501 of the Colorado Revised Statutes (CRS), or to the Adams County District Court pursuant to Section 32-1-502, CRS. Section 32-1-501(1) CRS provides that “the petition shall be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings.” As explained in the attached “Special Districts 101” memo, special districts are quasi-municipal entities, with many similarities to cities and towns. Requesting your property to be excluded from the District is much like requesting that your property be excluded from the City of Thornton. I cannot provide you with legal advice, and would recommend that you retain your own legal counsel to assist you in considering an exclusion petition. Finally, even in the event that the District Court approved your petition, your property would still be subject to the mill levies that the District assesses for the payment of debt. This is because the property still receives the services provided by the public infrastructure that was paid for by the debt instrument.

I hope this email and the attachments answer your questions, but please feel free to contact either Judy Leyshon, the District Manager, or me, if you have further questions.

Sincerely,

Michael E. Davis, Esq.
Miller & Associates Law Offices, LLC
1641 California Street, Suite 300
Denver CO 80202
main: 303 285 5320
direct: 303 285 5322
cell: 720 324 3130
fax: 303 285 5330

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-----Original Message-----
From: [redacted]
Sent: Monday, November 25, 2019 6:58 PM
To: electedofficials@cityofthornton.net; attorney@cityofthornton.net; citydevelopment@cityofthornton.net
Subject: Notice of Public Hearing (PLMDT 201901480)

City of Thornton
9500 Civic Center Drive
Thornton, CO 80229-4326

RE: Notice of Public Hearing (PLMDT 201901480)

We are writing you to request my property at 15029 High Street Thornton, Colorado be excluded from the York Street Metropolitan District (the “District”).

On Friday, November 22, 2019, I received a Notice from the District’s attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. The Notice contained no description of the proposed Amendment or justification for the proposed Amendment.

Upon further investigation, the sole purpose of the proposed Amendment was to increase the District’s Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%. However, no justification has been provided describing the need for the increase or as to what use the District would use the additional funds.

The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all of the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary.

I would also assert that the Notice the District provided is inadequate to put home owners on notice of the potential impact of the proposed Amendment. It would seem the proposed Debt Limit increase would likewise require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments.
It would seem fair, reasonable and necessary that the District be required to provide some information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment, including, but not limited to the potential impact to home owners. In the absence of this information, the proposed action would appear to be a violation of Due Process under the United States Constitution and potential a violation of Colorado State Law. Our homes are the single largest investment most of us will make in our lives. Allowing a quasi-governmental entity to increase our tax obligation without proper notice and justification based is not fair, just or reasonable.

Thank you for your consideration.
Stacie Tureson
From: [Redacted]
Sent: Friday, December 6, 2019 10:02 AM
To: [Redacted]
Cc: City Development <citydevelopment@cityofthornton.net>
Subject: [EXTERNAL] Re: Notice of Public Hearing PLMDT 201901480

Re: Notice of Public Hearing (PLMDT 201901480)

To Whom It May Concern:

I am writing you to request my property at 15070 Gaylord Street Thornton, Colorado 80602 be excluded from the York Street Metropolitan District (the "District").

On Friday, November 22, 2019, I received a Notice from the District's attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. The Amendment will increase the District's Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%.

The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all of the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary.

I would also assert that the Notice the District provided is inadequate to put home owners on notice of the potential impact of the proposed Amendment. It seems the proposed Debt Limit increase would require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments. Please provide additional information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment, including, but not limited to the potential impact to home owners.

As such, please accept my request that my property be excluded from the York Street Metropolitan District. Notice has been sent in the mail to City of Thornton.

Thank you in advance for your time.

Best,

Jessica Valenzuela
Thank you for your response Michael. The attachments provided are helpful and I appreciate the detailed response.

Best,

Jessica

On Fri, Dec 6, 2019 at 1:53 PM wrote:

Greeting Ms. Valenzuela,

Attached is a letter explaining the purpose of the proposed service plan in more detail. Of particular importance is the fact that your property taxes will not increase as a result of this change to the service plan. I’ve also attached a memo that provides a general explanation of special districts and what they do.

With regard to your request for your property to be excluded from the District, please note that the City of Thornton does not have the authority to grant such an exclusion. A formal petition for exclusion would have to be provided to either the Board of Directors of the District, pursuant to Section 32-1-501 of the Colorado Revised Statutes (CRS), or to the Adams County District Court pursuant to Section 32-1-502, CRS. Section 32-1-501(1) CRS provides that “the petition shall be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings.” As explained in the attached “Special Districts 101” memo, special districts are quasi-municipal entities, with many similarities to cities and towns. Requesting your property to be excluded from the District is much like requesting that your property be excluded from the City of Thornton. I cannot provide you with legal advice, and would recommend that you retain your own legal counsel to assist you in considering an exclusion petition. Finally, even in the event that the District Court approved your petition, your property would still be subject to the mill levies that the District assesses for the payment of debt. This is because the property still receives the services provided by the public infrastructure that was paid for by the debt instrument.

I hope this email and the attachments answer your questions, but please feel free to contact either Judy Leyshon, the District Manager, or me, if you have further questions.
Sincerely,

Michael E. Davis, Esq.

Miller & Associates Law Offices, LLC

1641 California Street, Suite 300

Denver CO 80202

main: 303 285 5320
direct: 303 285 5322
cell: 720 324 3130
fax: 303 285 5330

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From: [Redacted]
Sent: Friday, December 06, 2019 10:02 AM
To: [Redacted]
Cc: citydevelopment@cityofthornton.net
Subject: Re: Notice of Public Hearing PLMDT 201901480

Re: Notice of Public Hearing (PLMDT 201901480)

To Whom It May Concern:

I am writing you to request my property at 15070 Gaylord Street Thornton, Colorado 80602 be excluded from the York Street Metropolitan District (the "District").
On Friday, November 22, 2019, I received a Notice from the District's attorney, Miller & Associates Law offices, LLC stating the district seeks to amend the Service Plan. The Amendment will increase the District's Debt Limit from $3.840 million to $5.340 million, an increase of $1.5 million or 39.0625%.

The stated purpose of the District is to finance the construction of Public Improvements in the District, which consists of approximately thirty-five (35) acres of residential land. To the casual observer, it would appear the land within the District Boundary Map has all of the necessary Public Improvements in place, particularly considering all lots have houses constructed on them or in the processes of being finished. So, without an explanation of what additional Public Improvements would be made to the District Land, it is difficult to believe such an increase is fair, reasonable or necessary.

I would also assert that the Notice the District provided is inadequate to put home owners on notice of the potential impact of the proposed Amendment. It seems the proposed Debt Limit increase would require homeowners to pay increased taxes, either in the form of yearly amounts or in the form of adding additional years of payments. Please provide additional information about the nature of the proposed Amendment (e.g. Debt Limit increase) and justification and evidence for the Amendment, including, but not limited to the potential impact to home owners.

As such, please accept my request that my property be excluded from the York Street Metropolitan District. Notice has been sent in the mail to City of Thornton.

Thank you in advance for your time.

Best,

Jessica Valenzuela
Greetings Ms. Green,

I understand that you contacted our office about the proposed service plan amendment for York Street Metropolitan District. Attached is a letter explaining the purpose of the proposed service plan in more detail. Of particular importance is the fact that your property taxes will not increase as a result of this change to the service plan. I’ve also attached a memo that provides a general explanation of special districts and what they do. Also, per your request, I’ve attached a copy of the proposed amendment and a map of the District boundaries.

I hope this email and the attachments answer your questions, but please feel free to contact either Judy Leyshon, the District Manager, or me, if you have further questions.

Sincerely,

Michael E. Davis, Esq.
Miller & Associates Law Offices, LLC
1641 California Street, Suite 300
Denver CO 80202

main: 303 285 5320
direct: 303 285 5322
cell: 720 324 3130
fax: 303 285 5330

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Hello Ty,
Here is my correspondence with Mr. Faqueer Ahmad, who contacted our office directly.

Michael E. Davis, Esq.
Miller & Associates Law Offices, LLC
1641 California Street, Suite 300
Denver CO 80202

main: 303 285 5320
direct: 303 285 5322
cell: 720 324 3130
fax: 303 285 5330

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Hello Mr. Ahmad,

Attached is a letter explaining the purpose of the proposed service plan in more detail. Of particular importance is the fact that your property taxes will not increase as a result of this change to the service plan. I've also attached a memo that provides a general explanation of special districts and what they do.

I hope this email and the attachments answer your questions, but please feel free to contact either Judy Leyshon, the District Manager, or me, if you have further questions.

Sincerely,

Michael E. Davis, Esq.
Miller & Associates Law Offices, LLC
1641 California Street, Suite 300
Denver CO 80202

main: 303 285 5320
Thank you, Marisa.

On Mon, Nov 25, 2019 at 9:25 AM [removed] wrote:

Good morning,

Thank you for contacting us regarding the notice you received regarding the Thornton City Council Public Hearing on the York Street Metropolitan District Service Plan Amendment. Attached is a copy of the notice as mailed to you at 15141 Gaylord St., Thornton, CO 80602 [google.com]. Please let me know if you require any additional information.

Sincerely,

Marisa Davis

Paralegal

Miller & Associates Law Offices, LLC

1641 California Street, Suite 300 [google.com]

Denver CO 80202 [google.com]
direct: 303.285.5308
fax: 303.285.5330

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Best regards,
Faqueer

Faqueer Salahuddin Ahmad
15141 Gaylord St. | Thornton | CO 80602 | USA
Mobile: 720-281-1136 | Email: [obfuscated]
Greetings Mr. Znidarcic,

I understand that you recently contacted the City of Thornton regarding the proposed Service Plan Amendment for York Street Metropolitan District. Attached is a letter explaining the purpose of the proposed amendment in more detail. Of particular importance is the fact that your property taxes will not increase as a result of this change to the service plan. I’ve also attached a memo that provides a general explanation of special districts and what they do.

With regard to your request for your property to be excluded from the District, please note that the City of Thornton does not have the authority to grant such an exclusion. A formal petition for exclusion would have to be provided to either the Board of Directors of the District, pursuant to Section 32-1-501 of the Colorado Revised Statutes (CRS), or to the Adams County District Court pursuant to Section 32-1-502, CRS. Section 32-1-501(1) CRS provides that “the petition shall be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings.” As explained in the attached “Special Districts 101” memo, special districts are quasi-municipal entities, with many similarities to cities and towns. Requesting your property to be excluded from the District is much like requesting that your property be excluded from the City of Thornton. I cannot provide you with legal advice, and would recommend that you retain your own legal counsel to assist you in considering an exclusion petition. Finally, even in the event that the District Court approved your petition, your property would still be subject to the mill levies that the District assesses for the payment of debt. This is because the property still receives the services provided by the public infrastructure that was paid for by the debt instrument.

I hope the attachments answer your questions, but please feel free to contact me if you have further questions.

Sincerely,

Judy L. Leyshon
District Manager
SDMS
Special District Management Services, Inc.
141 Union Boulevard, Suite 150
Lakewood, CO 80228-1898
Work: 303-987-0835

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of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any examination, use, dissemination, distribution or copying of this communication or any part thereof is strictly prohibited. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy this communication. Thank you.
Greetings Mr. Zeller,

I understand that you recently contacted the City of Thornton regarding the proposed Service Plan Amendment for York Street Metropolitan District. Attached is a letter explaining the purpose of the proposed amendment in more detail. Of particular importance is the fact that your property taxes will not increase as a result of this change to the service plan. I've also attached a memo that provides a general explanation of special districts and what they do.

I hope the attachments answer your questions, but please feel free to contact me if you have further questions.

Sincerely,

Judy L. Leyshon
District Manager
141 Union Boulevard, Suite 150
Lakewood, CO 80228-1898
Work: 303-987-0835

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Greetings Mr. Kirylo,

I understand that you recently contacted the City of Thornton regarding the proposed Service Plan Amendment for York Street Metropolitan District. Attached is a letter explaining the purpose of the proposed amendment in more detail. Of particular importance is the fact that your property taxes will not increase as a result of this change to the service plan. I’ve also attached a memo that provides a general explanation of special districts and what they do.

With regard to your request for your property to be excluded from the District, please note that the City of Thornton does not have the authority to grant such an exclusion. A formal petition for exclusion would have to be provided to either the Board of Directors of the District, pursuant to Section 32-1-501 of the Colorado Revised Statutes (CRS), or to the Adams County District Court pursuant to Section 32-1-502, CRS. Section 32-1-501(1) CRS provides that “the petition shall be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings.” As explained in the attached “Special Districts 101” memo, special districts are quasi-municipal entities, with many similarities to cities and towns. Requesting your property to be excluded from the District is much like requesting that your property be excluded from the City of Thornton. I cannot provide you with legal advice, and would recommend that you retain your own legal counsel to assist you in considering an exclusion petition. Finally, even in the event that the District Court approved your petition, your property would still be subject to the mill levies that the District assesses for the payment of debt. This is because the property still receives the services provided by the public infrastructure that was paid for by the debt instrument.

I hope the attachments answer your questions, but please feel free to contact me if you have further questions.

Sincerely,

Regards,

Judy L. Leyshon
District Manager
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Greetings Mr. Zeller,

I understand that you recently contacted the City of Thornton regarding the proposed Service Plan Amendment for York Street Metropolitan District. Attached is a letter explaining the purpose of the proposed amendment in more detail. Of particular importance is the fact that your property taxes will not increase as a result of this change to the service plan. I’ve also attached a memo that provides a general explanation of special districts and what they do.

I hope the attachments answer your questions, but please feel free to contact me if you have further questions.

Sincerely,

Judy L. Leyshon
District Manager

141 Union Boulevard, Suite 150
Lakewood, CO 80228-1898
Work: 303-987-0835

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Greetings Mr. Jones,

I understand that you recently contacted the City of Thornton regarding the proposed Service Plan Amendment for York Street Metropolitan District. Attached is a letter explaining the purpose of the proposed amendment in more detail. Of particular importance is the fact that your property taxes will not increase as a result of this change to the service plan. I’ve also attached a memo that provides a general explanation of special districts and what they do.

With regard to your request for your property to be excluded from the District, please note that the City of Thornton does not have the authority to grant such an exclusion. A formal petition for exclusion would have to be provided to either the Board of Directors of the District, pursuant to Section 32-1-501 of the Colorado Revised Statutes (CRS), or to the Adams County District Court pursuant to Section 32-1-502, CRS. Section 32-1-501(1) CRS provides that “the petition shall be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings.” As explained in the attached “Special Districts 101” memo, special districts are quasi-municipal entities, with many similarities to cities and towns. Requesting your property to be excluded from the District is much like requesting that your property be excluded from the City of Thornton. I cannot provide you with legal advice, and would recommend that you retain your own legal counsel to assist you in considering an exclusion petition. Finally, even in the event that the District Court approved your petition, your property would still be subject to the mill levies that the District assesses for the payment of debt. This is because the property still receives the services provided by the public infrastructure that was paid for by the debt instrument.

I hope the attachments answer your questions, but please feel free to contact me if you have further questions.

Sincerely,

Judy L. Leyshon
District Manager

141 Union Boulevard, Suite 150
Lakewood, CO 80228-1898

Work: 303-987-0835
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Greetings York Street Metropolitan District Resident,

Thank you for your recent inquiry about the proposed amendment to the York Street Metropolitan District service plan. This letter provides additional information about the proposed amendment.

First, and foremost, the City Council’s approval of the service plan amendment will NOT result in an increase of your property taxes. The District’s service plan sets a maximum limit of 50,000 mills for debt service, subject to legislatively-approved “Gallagher Adjustments”, and the amendment does NOT change this maximum limit.

Colorado law provides for the creation of entities called “special districts” which can provide the financing necessary to help fill-in some of the gap between the cost of regional public infrastructure that counties and municipalities may provide to new development and the local infrastructure actually needed to make a new development viable and successful. York Street Metropolitan District (the “District”) is one of more than 2,800 such special districts in Colorado.

The purpose of the service plan amendment is to increase the District’s “Total Debt Issuance Limitation” from $3,840,000 to $5,340,000. The Total Debt Issuance Limitation was initially approved by the Thornton City Council on September 8, 2015, based on the estimated debt capacity of the District at that time, which preceded the construction of any homes in the development. The current financing model for the District shows that the District’s debt capacity has increased to $5,236,813 based on actual assessed property values.

(collectively, the “2017 Bonds”). The aggregate principal amount of the 2017 Bonds was $2,963,000, which is $877,000 less than the $3,840,000 Total Debt Issuance Limitation provided in the Service Plan. The proceeds from the 2017 bonds were used to pay a portion of the cost of construction for streets, and water, sewer, storm drainage and park facilities within the District. The actual independently-certified cost of these public improvements was more than $4.6 million when the 2017 Bonds were issued. Since that time, the cost of additional public improvements has been certified in the amount of more than $993,000, bringing the total certified costs of the improvements to more than $5.5 million.

Based on the current estimated debt capacity of more than $5.2 million, the board of directors determined that it’s in the District’s best interest to re-finance the 2017 Bonds to lower the average interest rate from approximately 6.25% to 3.8%, and simultaneously increase the total borrowed amount to approximately $5.1 million to pay for the completed public improvements. This increased debt amount requires that the Total Debt Issuance Limitation in the service plan be increased, thus the need for the service plan amendment. As stated above, the service plan amendment will NOT result in an increase in your property taxes.

I sincerely hope that this explanation answers your questions about the service plan amendment. If you have additional questions, please feel free to contact me directly by email at jleyshon@sdmsi.com.

Sincerely,

Judy L. Leyshon

Judy L. Leyshon
District Manager
METROPOLITAN DISTRICTS IN COLORADO

County and municipal governments are often constrained in their ability to provide public infrastructure to new development projects. The revenues of most cities and counties are insufficient to pay for new streets, transportation facilities, water, sewer and storm drainage facilities, and park and recreation projects, some or all of which may be needed for a new development, and it is difficult to obtain the voter approval that is required under what is commonly referred to as the TABOR Amendment to the Colorado Constitution to incur city- or county-wide debt to pay for such public infrastructure improvements. Many cities and counties in Colorado also have a policy that new development should “pay its own way,” which means that existing tax base should not be used to develop new projects in spite of the fact that cities and counties benefit from new development. Colorado law provides for the creation of entities called special districts which can provide the financing necessary to fill in a portion or all of the gap between the cost of regional public infrastructure that counties and municipalities may provide to new development and the remaining regional and local infrastructure actually needed to make a new development viable and successful.

A. **Powers of a metropolitan district.**

There are many types of special districts in Colorado, including water and sanitation districts, school districts, park and recreation districts and metropolitan districts. Special districts may be provide only one type of service, such as park and recreation services, or they may provide multiple services, in which case they are called metropolitan districts. Metropolitan districts and can (and must) be created to provide any two or more of the following services:

1. street improvements
2. water facilities and services
3. sanitation facilities and services
Metropolitan districts are often mistakenly described as “quasi-governmental” entities; this is incorrect, metropolitan districts are “quasi-municipal” entities, which means they are local governments in the same sense as cities, towns and counties, and school districts. Metropolitan districts are quasi-municipal entities because they have all the same powers as a municipality except the “police power,” which is the power to create laws or ordinances the violation of which could result in being sentenced to time in jail. Because they are local governments, they are publicly accountable, which means, among other things, that they must hold open meetings, give notice of all meetings, keep minutes and other records, hold elections for the governing board of directors, adopt annual budgets, and submit to annual financial audits.

Once created, a metropolitan district has perpetual existence and:

a. can acquire or construct public infrastructure;

b. may operate and maintain public infrastructure or may dedicate some or all of the infrastructure it has constructed to appropriate cities or counties for operation and maintenance;

c. can enter into contracts with other governments or with private entities;

d. may borrow money and incur debt for the payment of infrastructure costs;

e. may buy, sell and encumber real and personal property; and

f. to have management, control and supervision of the affairs of the district.
B. Revenue-Raising Powers

A metropolitan district has various financial powers given to it under Colorado statutes, including the power to levy taxes within its boundaries and the power to assess fees for the services it provides. Metropolitan districts are also empowered to issue tax-exempt bonds and other debt obligations to pay for public improvements.

The tax levy is the rate of tax applied to the assessed value of all the property within the district’s boundaries. The “assessed value” of property is that portion of the total “actual value” of property that can be assessed for property taxes. “Actual value” is a value assigned to property by the Assessor in each County; often, but not always, it approximates market value. Currently in Colorado, 29% of commercial market value and 7.96% of residential property assessed for property taxes. The assessed value of a $100,000 home, for example, would be 7.94% of $100,000, or $7,940. If the total assessed value of property within the boundaries of a metropolitan district was $10,000,000, and the district’s tax levy rate was 25 mills, then the district would collect $250,000 in annual property tax revenue (25 mills x $10,000,000 assessed value = $250,000). A district can utilize all or a portion of its revenues from mill levies to issue bonds or other forms of debt to pay for its public infrastructure. A district may impose a mill levy for property taxes only on property within its physical boundaries.

Apart from imposing property taxes, a metropolitan district can also assess fees, rates, tolls and other charges for the services it provides in order to raise revenue. Until paid for the property on which a fee assessed, district fees constitute a perpetual lien upon the property. A metropolitan district can issue revenue bonds that are repayable from the fees, rates, tolls and other charges. A district may also issue bonds payable from multiple sources of revenues, for example from a combination of property taxes and fees, or from multiple fees imposed on property. A district may impose fees for its facilities and services wherever those fees and services are utilized and regardless of whether the property served is within its boundaries.
RESOLUTION

A RESOLUTION APPROVING AN AMENDMENT TO THE SERVICE PLAN FOR YORK STREET METROPOLITAN DISTRICT AND THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND YORK STREET METROPOLITAN DISTRICT REGARDING THE SERVICE PLAN FOR THE DISTRICT.

WHEREAS, pursuant to the provisions of Chapter 66 of the Thornton City Code (City Code) and the Special District Act, Part 2 of Article 1, Title 32, C.R.S., an Amendment to the Service Plan for York Street Metropolitan District (District), attached as Attachment A, and a First Amendment to Intergovernmental Agreement between the City and the District regarding the Service Plan for the District, attached as Attachment B, has been submitted to the City for the District whose District boundaries are wholly within the corporate limits of the City; and

WHEREAS, the original District Service Plan was approved by City Council on September 8, 2015 after which the District was organized in November 2015; and

WHEREAS, the Amendment to Service Plan modifies the original Service Plan to increase the total debt issuance limitation; and

WHEREAS, City Council has conducted a public hearing on December 17, 2019, regarding the Amended Service Plan; and

WHEREAS, the City previously entered into an Intergovernmental Agreement (IGA) with the District on September 8, 2015; and

WHEREAS, an amended IGA between the City and the District has been prepared to reflect the increased debt issuance limitation identified in the amended Service Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. The City Council determines that the requirements of Chapter 66 of the Thornton City Code and the requirements of Sections 32-1-202(2), 32-1-203(2), and 32-1-204.5, C.R.S. have been satisfied by the Amendment to Service Plan for the District and the First Amendment to the IGA regarding the Service Plan for the District.

2. The City Council determines that the City's notification requirements have been complied with regarding the public hearing on the Amendment to the Service Plan.

3. In accordance with the requirements of Chapter 66 of the Thornton City Code, the City Council hereby finds that:
a. There is sufficient existing and projected need for organized service in the area to be served by the District.
b. The existing service in the area to be serviced by the proposed District is inadequate for present and projected needs.
c. The District is capable of providing economical and sufficient service to the area within the proposed boundaries.
d. The area included within the District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

4. In accordance with the requirements of Chapter 66 of the City Code, the City Council also finds that:
   a. The service standards of the District are compatible with the service standards of the City.
   b. The Amendment to the Service Plan will be in the best interests of the area to be served.

5. The City Council's findings are based solely upon the evidence in the Amendment to the Service Plan as presented at the public hearing and the City has not conducted any independent investigation of the evidence. The City makes no guarantee as to the financial viability of the District or the achievability of the results.

6. The Amendment to the Service Plan for the District is hereby approved. The terms, provisions, and limitations of the Amendment to the Service Plan have been incorporated in the First Amendment to IGA.

7. The First Amendment to the IGA, attached hereto and incorporated herein by this reference, is hereby approved, but shall not be effective until executed by the City and the District.

8. The City Council's approval of the Amendment to the Service Plan and First Amendment to the IGA is not a waiver or a limitation upon any power, which the City Council is legally permitted to exercise with respect to the property subject to the District.

9. The City Manager is hereby authorized to sign, and the City Clerk to attest, the First Amendment to the IGA.
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on _____________, 2019.

CITY OF THORNTON, COLORADO

__________________________
Jan Kulmann, Mayor

ATTEST:

__________________________
Kristen N. Rosenbaum, City Clerk
ATTACHMENT A

AMENDMENT TO SERVICE PLAN
FOR
YORK STREET METROPOLITAN DISTRICT

IN THE CITY OF THORNTON, COLORADO

Original Submission: AUGUST 28, 2019
Revised Submission: NOVEMBER 5, 2019
INTRODUCTION

The York Street Metropolitan District (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado. The City of Thornton, Colorado (the "City") approved the Service Plan for the District and the related Intergovernmental Agreement (the "IGA") on September 8, 2015 (the "Service Plan").

This Amendment to the Service Plan (the "Amendment") is submitted pursuant to §§ 32-1-101, et seq., C.R.S., as amended, and the requirements of the City.

This Amendment is proposed to amend, in part, the following sections of the Service Plan: (1) Article V, Part A, Paragraph 16 (Total Debt Issuance Limitation); and (2) Article VI, Part A (General).

I. PURPOSE OF AMENDMENT
The purpose of this Amendment is to increase the District’s Total Debt Issuance Limitation to $5,340,000 from $3,840,000.

II. REVISION TO THE SERVICE PLAN

(1) Article V, Part A, Paragraph 16, of the Service Plan is hereby deleted and replaced in its entirety with the following:

"The District shall not issue Debt in excess of Five Million Three Hundred Forty Thousand Dollars ($5,340,000) (the "Total Debt Issuance Limitation")."

(2) The third sentence in Article VI, Part A, of the Service Plan is hereby deleted and replaced in its entirety with the following:

"The total Debt that the District shall be permitted to issue shall not exceed Five Million Three Hundred Forty Thousand Dollars ($5,340,000) and shall be permitted to be issued on a schedule and in such year or years as the District determines shall meet the needs of the Financial Plan referenced above and phased to serve development as it occurs."

III. EFFECT OF AMENDMENT
This Amendment is in addition to all of the provisions of the Service Plan. Except as specifically modified herein, the Service Plan of the District remains effective.

IV. RESOLUTION OF APPROVAL
The District incorporates the City Council for the City of Thornton’s Resolution approving this Amendment, including any conditions of approval.
FIRST AMENDMENT TO 
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF THORNTON AND 
YORK STREET METROPOLITAN DISTRICT 
REGARDING THE SERVICE PLAN FOR THE DISTRICT 

This FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF THORNTON AND YORK STREET METROPOLITAN DISTRICT REGARDING THE SERVICE PLAN FOR THE DISTRICT (this "Amendment") is entered into this ___ day of ______, 2019, by and between the CITY OF THORNTON, COLORADO (the "City"), and YORK STREET METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado (the "District"), collectively referred to herein as the "Parties." Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Service Plan.

RECITALS

WHEREAS, pursuant to the District's Service Plan approved by the City on September 8, 2015 (the "Service Plan"), the City and the District entered into an Intergovernmental Agreement of the same date (the "Agreement"), and

WHEREAS, the Service Plan and the Agreement prohibit the District from issuing Debt in excess of $3,840,000; and

WHEREAS, the District previously issued its General Obligation (Limited Tax Convertible to Unlimited Tax) Bonds, Series 2017A and its Subordinate General Obligation Limited Tax Bonds, Series 2017B (collectively, the "2017 Bonds") in the aggregate principal amount of $2,963,000 in compliance with the provisions of the Service Plan, the Agreement and applicable state and federal law; and

WHEREAS, the District desires to issue bonds in 2019 (the "2019 Bonds") for the purposes of refunding the 2017 Bonds and paying for a portion of the costs of completed Public Improvements; and

WHEREAS, the Total Debt Issuance Limitation must be increased in order for the District to issue the 2019 Bonds;

NOW, THEREFORE, for and in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Section 16 of the Agreement is hereby deleted in its entirety and replaced with the following:

   "The District shall not issue Debt in excess of Five Million Three Hundred Forty Thousand Dollars ($5,340,000)."

2. Except as expressly provided in this Amendment, all terms, conditions and provisions of
the Agreement shall remain unchanged and are hereby re-affirmed in their entirety by the Parties.

IN WITNESS WHEREOF, the City and the District have executed this Amendment to be effective as of the day and year first above written.

YORK STREET METROPOLITAN DISTRICT,
a quasi-municipal corporation and political subdivision of the State of Colorado

Blake Carlson, President

Attest:

CITY OF THORNTON

Kevin S. Woods, City Manager

Attest:

City Clerk

APPROVED AS TO FORM:

City Attorney
COUNCIL COMMUNICATION

Meeting Date: December 17, 2019
Agenda Item: 12A
Agenda Location: Action Items
Goal(s): 
Legal Review: 
--- 1st Reading
--- 2nd Reading

Subject: A motion approving the process for filling the Ward 4 vacancy.

Recommended by: Robb Kolstad
Approved by: Kevin S. Woods
Ordinance previously introduced by:

Presenter(s): Kristen Rosenbaum, City Clerk

SYNOPSIS:

This motion approves a process and timeline for filling the Ward 4 vacancy. Based on the proposed timeline, the vacancy will be filled by February 4, 2020. The proposed process is consistent with the process Council has used to fill prior Council vacancies.

RECOMMENDATION:

Staff recommends Alternative No. 1, Council make a motion setting the process and timeline for filling the Ward 4 vacancy.

A proposed motion is, “I make a motion to approve the process for filling the Ward 4 Vacancy as presented by the City Clerk.”

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Make a motion setting the process and timeline for filling the Ward 4 vacancy.
2. Make a motion setting a different process and timeline for filling the Ward 4 vacancy.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The proposed process and timeline for filling the Ward 4 vacancy is as follows:

December 20, 2019
Deadline for submitting applications allows at least 30 days for advertising
Applicants are screened for minimum qualifications by City Clerk (Charter 4.4, Qualifications)

January 7, 2020
All applications will be given to Council at a Planning Session. Council screens applications and determines who to interview and interview questions.

January 14 and/or 21, 2020
Council conducts interviews and provides direction on who to appoint

January 28, 2020
Meeting to appoint new Councilmember

February 4, 2020
Special Meeting to Swear in new Councilmember
City Charter Section 4.5B states, "If a vacancy occurs in the office of Councilmember, the Council shall appoint an eligible person to fill such vacancy to serve the remainder of the term of office that was vacated. Such appointment shall be by a majority of the members of the Council in office at the time."

As a result of the November 5, 2019 Election, there is a vacancy in Ward 4.

Staff began advertising for the Ward 4 vacancy on November 19, 2019.

At the December 10, 2019 Planning Session, staff reviewed the proposed process and timeline for filling the vacancy.