AGENDA
Planning Session
Training Room
December 10, 2019
5:45 p.m.

I. CALL TO ORDER, REVIEW OF AGENDA, AND STAFF COMMENTS

II. COUNCIL DISCUSSION

III. BRIEFINGS
   A. Presentation Regarding the Colorado Department of Transportation Safety Plan Update for I-25 (Estimated 30 Minutes)
   B. Financing Discussion for 2020 Certificates of Participation and 2020 Water Revenue Bonds (Estimated 30 Minutes)
   C. Third Quarter Financial Status (Estimated 10 Minutes)
   D. Discussion Regarding Appointment of Council Representatives to Various Boards and Commissions (Estimated 10 Minutes)
   E. Discussion Regarding the Ward 4 Vacancy (Estimated 10 Minutes)
   F. Discussion Regarding an Intergovernmental Agreement between Adams County and the City Regarding the Steele Street Extension from East 86th Avenue to East 88th Avenue and Design of the Welby Road Intersection Improvements at East 88th Avenue (Estimated 10 Minutes)
   G. Discussion Regarding a Resolution Superseding Resolution C.D. No. 2018-028 and Approving Relocated Temporary and Perpetual Easements to Xcel Energy, Declaring a Different Portion of Approximately 10 Acres of Farm 24 as Surplus Property, and Authorizing its Disposition (Estimated 10 Minutes)
   H. Metropolitan District Overview (Estimated 20 Minutes)
PLANNING SESSION COMMUNICATION

Meeting Date: December 10, 2019

Agenda Item: A

Agenda Location: N/A

Goal(s): N/A

Legal Review:

1st Reading

2nd Reading

Subject: Presentation Regarding the Colorado Department of Transportation Safety Plan Update for I-25

Recommended by: Jeff Coder

Approved by: Kevin S. Woods

Ordinal previously introduced by:

Presenter(s):
Jeff Coder, Deputy City Manager – City Development
Kent Moorman, Regional Transportation Engineer
Paul Jesaitis, CDOT Region 1 Director
Angie Drumm, CDOT Region 1 Deputy Director of Traffic & Safety

SYNOPSIS:

The City and the Colorado Department of Transportation (CDOT) will present on I-25 improvements and provide an update regarding the I-25 Road Safety Audit (RSA) implementation results, to date, between US 36 and 112th Avenue.

The RSA includes an independent, multidisciplinary team who reviews crash history, engages stakeholders, identifies potential road safety issues, and develops implementable measures to improve safety on a specific roadway.

The City is the primary enforcement and responding agency for the portions of I-25 in the City regarding police, fire, and ambulance services.

In 2016, staff noticed an increase in crashes on the City’s portions of I-25 south of 104th Avenue with the tolling of the I-25 Express Lanes. As I-25 is a CDOT highway, staff provided the crash information to CDOT with a request to investigate the causes and implement solutions to reduce the crashes.

Express Lanes are managed lanes, one in each direction on I-25, that provide congestion relief and travel reliability. In the I-25 Express Lanes, transit vehicles, motorcycles, and high occupancy vehicles with three or more occupants (one driver and two passengers) travel free with other vehicles tolled depending on the time of day.

RECOMMENDATION:

For information only.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

For information only.
BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

In 2011, CDOT received the approval or Record of Decision (ROD) on the Final Environmental Impact Statement (FEIS) for I-25 between US 36 and Wellington, Colorado.

In 2012, CDOT, the City, and others applied for and received a Federal Transportation Investment Generating Economic Recovery Grant to implement an interim managed lane solution, not implementing all of the FEIS, to reduce congestion and improve travel reliability.

In 2013, CDOT began the construction on the I-25 interim solution that included managed lanes and completed construction in 2015.

In 2014, CDOT completed the final I-25 Planning, Environmental, and Linkage (PEL) study between US 36 and State Highway 7. The study refined the FEIS.

In 2016, staff expressed concern to CDOT on the increase in crashes in the City on I-25 when comparing crashes before construction of the I-25 Express Lanes between US 36 and 120th Avenue and after the opening of the I-25 Express Lanes. When CDOT compared I-25 to other express lanes and managed lanes in the State, crash rates on I-25 were higher. As a result, CDOT conducted an RSA in 2017 and included staff from the Federal Highway Administration, CDOT, the City, Northglenn, and Westminster.

The RSA report provided many suggested actions that encompassed engineering, education, and enforcement, and range in cost from pavement marking and signing improvements to implementing the approved Planning, Linkage, and Environmental recommendations. Implementation of the RSA report action items, or next steps, is the responsibility of CDOT.

CDOT is in the process of developing 30 percent plans and completing the environmental assessment on I-25 between US 36 and 104th Avenue. The latest cost estimate is approximately $230 million. At present, CDOT has chosen to fund other projects.
Provide City Council an update on implementation results of the I-25 Road Safety Audit (RSA)
Agenda

- Location
- City Involvement for I-25 Improvements
- Colorado Department of Transportation (CDOT) RSA Implementation Results
I-25 between US 36 and 112th Avenue
City Involvement

- Provided crash data
- Participated in RSA
- Participating in new design
- Advocating for resources
- Pursuing project funding
City Development Department

Questions
Discussion of I-25 North Metro
2017 Road Safety Audit
November 2019 Update

December 10, 2019
I-25 ROAD SAFETY AUDIT (RSA)

- Initiated by CDOT
  - Limits: US 36 to 112\textsuperscript{th} Ave (Community Center Drive)
  - City of Thornton expressed concerns regarding safety on I-25
  - RSA - Formalized process defined by FHWA to assess roadway safety
  - Key Stakeholders: Local Agencies, Law Enforcement, CDOT, FHWA
  - Engagement | Site Visits | Analyses | Input | Comments
  - Final report issued December 2017
  - RSA Summary Updates: June 2019 & November 2019

- Safety Performance
  - Safety is beginning to trend in a better direction as of 2018 CDOT crash data, monitoring continues.

- Operational Performance
  - Operational benefits are beginning to be realized; however, monitoring in this area continues as well.
Key Implemented Improvements

• Public Ed Outreach - Media, Variable Message Boards (VMS), Social Media
• Law enforcement pull-out areas to facilitate safer and effective enforcement.
• Improved signage, striping & markings for better driver guidance & smoother operation.
• Rumble Strips installed to improve compliance with managed lane ingress / egress zones.
• Coordination with RTD to improve bus operations to aid safety improvements.
• Enhanced law enforcement visibility - Ongoing effort funded by HPTE.
• Improved Express Lane dynamic sign messaging.
• Active Traffic Management (ATM) system implementation.
• Traffic Incident Management Plan (TIMP) - Finalizing for this corridor in mid-Nov, 2019.

Future Improvement Goals

Reconstruct roadway to full template.

Advanced traffic management system - Variable Speed Limit (VSL) investigation ongoing.

Managed lane ingress / egress zone modifications
I-25 RSA Limits Crash Rates by Year

- **Year 2012**: Total Crash Rate (per MVT) = 1.12
- **Year 2013**: Total Crash Rate (per MVT) = 1.37
- **Year 2014**: Total Crash Rate (per MVT) = 2.15
- **Year 2015**: Total Crash Rate (per MVT) = 2.19
- **Year 2016**: Total Crash Rate (per MVT) = 2.47
- **Year 2017**: Total Crash Rate (per MVT) = 2.75
- **Year 2018**: Total Crash Rate (per MVT) = 2.94

- **Mid 2018 Updated Linear Trendline of Annual Crash Rate**
- **End 2018 Updated Linear Trendline of Annual Crash Rate**
I-25 North Metro RSA | November 2019 Update
Region 1 Traffic

I-25 RSA Limits Crash Totals & Volumes by Year
PLANNING SESSION COMMUNICATION

Meeting Date: December 10, 2019
Agenda Item: B
Agenda Location: N/A
Goal(s): N/A
Legal Review: 1st Reading

Subject: Financing Discussion for 2020 Certificates of Participation and 2020 Water Revenue Bonds

Recommended by: Kim Newhart
Approved by: Kevin S. Woods
Presenter(s): Kim Newhart, Interim Finance Director
Jim Manire, Financial Advisor

Ordinance previously introduced by: ____________

SYNOPSIS:

Staff, along with the City’s Financial Advisor, will present information regarding the financing of the Active Adult Center and construction improvements to the Margaret W. Carpenter Recreation Center, as well as, financing for the Thornton Water Treatment Plant.

RECOMMENDATION:

Staff recommends Alternative No. 1, bring forward one ordinance for Certificates of Participation (COPs) and one for Water Revenue Bonds, at a future Council meeting, for formal consideration.

BUDGET/STAFF IMPLICATIONS:

In the Parks and Open Space Fund, the 2020 Budget includes an appropriation for one year of debt service ($2.28M) and one-time issuance costs ($200,000).

In the Water Fund, the 2020 Budget includes amendment for an appropriation for one year of debt service ($1.56M) and one-time issuance costs ($500,000).

ALTERNATIVES:

1. Bring forward one ordinance for Certificates of Participation (COPs) and one for Water Revenue Bonds, at a future Council meeting, for formal consideration.
2. Do not bring forward the ordinances, at a future Council meeting, for formal consideration.

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

City Council adopted a resolution on April 23, 2019 expressing the intent of the City to reimburse for expenditures related to financing construction of the new Active Adult Center.

City Council adopted a resolution on April 23, 2019 expressing the intent of the City to reimburse for expenditures related to financing construction improvements to the Carpenter Recreation Center.

City Council adopted a resolution on November 28, 2017 expressing the intent of the City to reimburse for expenditures related to financing construction of a new water treatment plant.
Financing Discussion
2020 Certificates of Participation (COPs)
2020 Water Revenue Bonds

December 10, 2019
Agenda

- Background and Intro to Debt
  - When debt is issued
  - Planning for Debt
  - Debt Decisions
  - Types of Debt
  - Bond Ratings
  - Debt Market

- City’s Debt
  - Upcoming Transactions
  - Council Approval
  - Ordinance with parameters

- Questions
When Debt is Issued

- Cities plan for the acquisition and construction of capital infrastructure to meet the near-term and long-term needs of their citizens.
- Debt financing can be used for larger projects which exceed current resources.
- Debt financing can also be used to assign repayment costs over a longer period, so that current residents don’t assume the full cost of serving future residents.
Planning for Debt

- Cities approach capital planning as an ongoing and iterative process.
- Through the development and approval of the annual budget, City Council and City staff can evaluate the impacts and the alternatives that are available to finance capital projects. Financing sources include:
  - Current Reserves
  - Existing revenue from taxes, fees, and rate structures
  - Grants and other contributions
  - Bond proceeds from the issuance of debt
Debt Decisions

- Long-term debt is used by cities to pay construction costs or acquisition costs for high-priority projects to address current and future needs of the community
  - Basic service needs (example: water treatment plant)
  - Priority project (example: recreation center)
  - Debt is not used to fund ongoing operations
Types of Governmental Debt

- General Obligation (GO) Debt
  - Supported by property tax revenues
  - Requires an election
  - Used selectively by some Colorado cities (Thornton has no GO Debt)

- Sales Tax Revenue Bonds
  - Can be supported by general sales and use tax revenues
  - Can sometimes be supported by limited or dedicated sales and use tax revenues
  - Requires an election
  - Used regularly by Colorado cities (Thornton Parks and Open Space)
Types of Governmental Debt

- Lease Financings and Certificates of Participation (COPs)
  - Collateralized financing
  - Payments subject to annual appropriation (not considered debt obligations)
  - Election not required
  - Used frequently by Colorado cities (Thornton Police Building, 2018 Public Safety Facility, Trailwinds Recreation Center)
Enterprise Debt and Tax Increment Financing Debt

- **Enterprise Revenue Bonds**
  - Supported by City water, sewer, or other utility revenues, for system improvements
  - No election required for Tax Payers Bill of Right’s (TABOR) enterprise debt
  - Used frequently by Colorado cities (Thornton Water System and Sewer System Improvements)

- **Tax Increment Revenue Bonds**
  - Supported by incremental tax revenues within defined project areas
  - No election required
  - Issued by urban renewal authorities including Thornton Development Authority (TDA)
Most city debt is rated by at least one credit agency

- The two major bond rating agencies are Moody’s and S&P (Standard & Poor’s)
- Most debt issued by Colorado cities falls into rating categories of “A” (upper-medium grade) or “AA” (high grade)
- Ratings are specific to each type of debt (Water debt and COPs may have different ratings)
- Private debt is typically not rated, but remains subject to State requirements and City Charter provisions
Debt Markets

- Most city debt is sold in the public markets
  - Bond underwriters will purchase bonds from a City and re-sell them to investors in the public market (similar to stock market)
  - Bond underwriters are regulated by the Securities and Exchange Commission (SEC) and other agencies, which indirectly regulates cities and other governmental borrowers

- Cities may occasionally seek debt financing from a private lender or a State agency
  - To be evaluated on a case-by-case basis if beneficial to the City
  - Private debt is typically not rated, but remains subject to State requirements and City Charter provisions
The City’s Bonds and COPs have earned excellent credit ratings from Moody’s and S&P, and the market demand for the City’s debt has been consistently strong.

Summary of outstanding debt:
- $72,960,000 COPs (rated Aa3/AA-)
- $30,030,000 Water Enterprise Debt (rated Aa2/AA)
- $35,385,000 TDA Tax Increment Debt (rated A+)

Historically, the City has also issued Parks and Open Space Debt and Wastewater Enterprise Debt
Upcoming Transactions

- Two new financings are planned for 2020:
  - Approximately $30 million of COPs to finance a new Active Adult Center and Aquatic/Pool Improvements to the Margaret W. Carpenter Recreations Center
  - Approximately $90 million of Water Enterprise Bonds for long-term financing of the new Water Treatment Plant
Council Approval

- Financing ordinances require approval of the Council
- Ordinances are scheduled for consideration at regular Council meetings, in advance of the planned marketing dates for bonds or COPs
- The ordinances establish financial limits (or “parameters”) for the final transactions
- The ordinances authorize staff to finalize the terms of the transactions so long as the ordinance parameters are not exceeded
Ordinance with Parameters
(permits staff to act when ready)

Certificates of Participation
- Repaid by 12/31/2038 (Parks and Open Space tax expires 2038)
- Annual payments less than or equal to $2.3M
- Estimated principal less than or equal to $30M
- Parks and Open Space Fund
- Competitive sale
- Reimbursement resolution 04/23/19 for up to $20M Active Adult Center
- Reimbursement resolution 04/23/19 for up to $20M for the Margaret W. Carpenter pool renovations
- Margaret W. Carpenter Recreation Center is leased as collateral

Revenue bonds (pledged revenues)
- 30yr Debt
- Annual payments less than or equal to $5.3M
- Estimated principal less than or equal to $90M
- Water Fund
- Competitive sale
- Reimbursement resolution 11/28/17 for up to $100M
Questions?
COUNCIL UPDATE COMMUNICATION

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

1st Reading 2nd Reading

Subject: Third Quarter Financial Status

Recommended by: Kim Newhart

Approved by: Kevin S. Woods

Presenter(s): Kim Newhart, Interim Director of Finance
Erika Senna, Budget Manager

Ordinance previously introduced by:

SYNOPSIS:

Review financial activity and status from the third quarter of 2019.

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.
Agenda

• Process Overview
• Financial Update
• Questions
Process Overview

- Monthly Financials are prepared for Council and included in the packet
  - Informational purposes, no council action
  - Timing: reporting on the previously closed month
  - Non audited numbers until year-end financials
Process Overview

• Monthly Report
  – Format
  – Why it’s important

• Quarterly Financial Update
  – Actual versus budget
  – Changes to projections
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<th>2018 (1)</th>
<th>2019</th>
<th>2019 Projection</th>
<th>2019 Budget</th>
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<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Sales, Use &amp; Other Taxes</td>
<td>$64,387,250</td>
<td>$70,349,037</td>
<td>$104,671,879</td>
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<td>Property Tax</td>
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<td>13,301,817</td>
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<td>Licensing &amp; Permits</td>
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<td>4,822,833</td>
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<td>Grants &amp; Intergovernmental</td>
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<td>11,823,077</td>
<td>15,767,046</td>
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<td>Charges for Services</td>
<td>10,001,169</td>
<td>13,371,033</td>
<td>17,054,282</td>
<td>16,363,231</td>
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<td>Other Revenues</td>
<td>4,163,320</td>
<td>4,606,820</td>
<td>5,268,645</td>
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<td><strong>Total Revenues</strong></td>
<td>107,569,229</td>
<td>118,430,636</td>
<td>161,692,888</td>
<td>160,845,818</td>
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<td><strong>Expenses</strong></td>
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<td>General Government</td>
<td>23,848,018</td>
<td>25,240,179</td>
<td>35,169,885</td>
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<td>Police</td>
<td>26,583,739</td>
<td>27,875,117</td>
<td>39,813,442</td>
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<td>Fire and Ambulance</td>
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<td>8,534,507</td>
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<td>Streets, Traffic and Engineering</td>
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<td>Capital Outlay</td>
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<td>Debt</td>
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<td>664,122</td>
<td>4,554,406</td>
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<td>Contractual Obligations</td>
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<td>913,210</td>
<td>2,354,127</td>
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<td><strong>Total Expenses</strong></td>
<td>115,627,414</td>
<td>109,666,662</td>
<td>212,282,944</td>
<td>213,121,606</td>
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<td>Net Transfers In</td>
<td>5,200,580</td>
<td>4,559,326</td>
<td>6,298,782</td>
<td>6,298,782</td>
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<tr>
<td>Change in Fund Balance</td>
<td>$(2,857,604)</td>
<td>$13,323,300</td>
<td>$(44,291,274)</td>
<td>$(45,977,006)</td>
</tr>
</tbody>
</table>
Financial Update

Revenues

– Sales & Use Tax

• Retail Sales remitted through September 30 are up year to date 8.7%, slightly above the projected 8.5%. Sales tax excluding Marijuana and Denver Premium Outlets is up 3.3%.

• Consumer use tax is down compared to 2018. The majority of this decline is related to the licensing of Amazon and Denver Premium Outlets. These businesses, as well as a few others, reported over $1.8 million in consumer use tax in October 2018 alone. On average the City receives about $200,000 a month in consumer use tax.
Financial Update

Revenues

– Charges for Services

• Up 33.7% or $3,369,864 compared to 2018. Thorncreek Golf Course was closed for renovations the first half of 2018 and has 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.
Expenditures

– Operating

• Operating expenses in the Governmental Funds are at 70.2% of the 2019 Budget, and are up 3.7% or $3,474,391 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 $1 million in utility costs in 2019.
Questions?
PLANNING SESSION COMMUNICATION

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

Subject: Discussion Regarding Appointment of Council Representatives to Various Boards and Commissions

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

Ordinance previously introduced by:

SYNOPSIS:

Council will discuss and give direction regarding who will represent the City for 2020 and 2021 on various external boards and commissions. Attachment A lists the 2018-2019 appointees. Attachment B provides descriptions of each board or commission that Council will be appointing member to as well as other outside organizations. A resolution appointing the 2020-2021 representatives will need to be brought forward for Council's action at a future Council meeting.

RECOMMENDATION:

Staff recommends Alternative No. 1, Council give direction regarding who will be the 2020-2021 representatives to the various external boards and commissions.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Give direction regarding who will be the 2020-2021 representatives to the various external boards and commissions.
2. Provide direction to bring forward a resolution only appointing representatives for the 2020 calendar year.

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

Council establishes, by resolution, the councilmembers who will represent the City on designated external boards and commissions. In 2011, Council provided direction to appoint representatives for two-year terms, starting in 2012.
## Current Council Representatives on Outside Boards and Commissions

<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&lt;br&gt;Alternate – John Cody, Economic Development Director</td>
</tr>
<tr>
<td>Adams County Community Transit Policy Council</td>
<td>Member – Lisa Ranalli, Older Adult Program Manager</td>
</tr>
<tr>
<td>Airport Coordinating Committee (ACC)</td>
<td>Member – Sherry Goodman&lt;br&gt;Member – Sam Nizam</td>
</tr>
<tr>
<td>Colorado Municipal League Policy Committee (CML)</td>
<td>Member – Jessica Sandgren&lt;br&gt;Member – Alternate – Jessica Sandgren</td>
</tr>
<tr>
<td>Denver Regional Council of Governments (DRCOG)</td>
<td>Member – Jessica Sandgren&lt;br&gt;Alternate – Jacque Phillips</td>
</tr>
<tr>
<td>E-470 Highway Authority</td>
<td>Member – Jessica Sandgren&lt;br&gt;Alternate – Jessica Sandgren</td>
</tr>
<tr>
<td>I-25 Coalition (Weld County)</td>
<td>Member – Mayor Kulmann&lt;br&gt;Alternate – Mayor Kulmann</td>
</tr>
<tr>
<td>I-25 Corridor Mayors Group</td>
<td>Member – Jessica Sandgren&lt;br&gt;Alternate – Sam Nizam</td>
</tr>
<tr>
<td>North Area Transportation Alliance (NATA)</td>
<td>Member – Jessica Sandgren&lt;br&gt;Alternate – Sam Nizam</td>
</tr>
<tr>
<td>Rocky Flats Stewardship Council</td>
<td>Member – Mayor Kulmann&lt;br&gt;Alternate – James Boswell, Water Quality Policy Manager</td>
</tr>
<tr>
<td>School District 27-J Capital Facilities Foundation</td>
<td>Member –</td>
</tr>
</tbody>
</table>
ADAMS COUNTY ECONOMIC DEVELOPMENT, INC. (ACED) - ACED is a private, non-profit corporation that fosters business development in Adams County. It is funded in part, by private sector memberships. The Board of Directors is composed of public and private sector members, and its chair is elected from the private sector membership. The public entities include each of the municipalities in Adams County as well as the County itself. The Board employs a professional staff to carry out its policies and accomplish its goals. ACED’s Vision, Mission, and Primary Goals are as follows:

Vision: To attract, retain, and serve the primary businesses in Adams County
Mission: Primary businesses thrive on the relationships, information and resources provided by ACED’s dynamic public/private partnership with the business community, municipalities and Adams County.
Primary Goals: Champion Adams County as a primary business location and advocate for our primary business employers as a convener, connector and catalyst.

The board usually meets on the first Thursday of every other month from 11:00 a.m. to 1:00 p.m.

The City’s representative is Councilmember Jacque Phillips and Economic Development Director John Cody serves as the staff alternate.

Why City should be represented: ACED is a contact point for businesses looking to develop in Adams County and the City needs to ensure that business inquiries are directed to the City as well as the County. ACED negotiates county incentives on behalf of the Board of County Commissioners and in coordination with the City.

ADAMS COUNTY COMMUNITY TRANSIT POLICY COUNCIL - The Council was established in 2000 and is renewed annually through an IGA with Adams County. It is comprised of representatives from the cities of Thornton, Westminster, Northglenn, Commerce City, Federal Heights and Adams County. The purpose is to assure adequate transportation services for seniors and the disabled in Adams County. The policy council provides oversight of federal and local City match dollars.

The City’s staff representative is Lisa Ranalli, Older Adult Services Manager. Meetings are held every other month and an annual retreat for developing new goals and objectives is held each November.

Why City should be represented: The City should be involved in this program to ensure that the City continues to receive funding for the transit services that are provided to Thornton seniors. This group submits a grant to DRCOG for transportation services for Adams County and provides coordination of this effort. The Thornton Senior Center receives funding through this program to help offset the cost of transportation program.
AIRPORT COORDINATING COMMITTEE - This Committee was established in 1988 through an IGA among Adams County and the cities of Aurora, Brighton, Commerce City, Federal Heights, Westminster, and Thornton. The City of Westminster withdrew in late 2013. The Committee is comprised of the five Adams County Commissioners and two elected officials from each of the cities. The purpose of the Committee is to coordinate the participation of the above parties in, and as they may be affected by, the operation of Denver International Airport (DIA). The two primary areas of coordination are with respect to noise (and enforcement of the noise standards) and planning/development on DIA. The IGA provides for the coordination of the parties in planning and environmental review processes as well as preparation for and to undertake litigation or other actions. The IGA also provides for the sharing of fees, costs, and other expenses among the parties. With Westminster’s withdrawal, the City’s share will be 5.0%.

In 2014 and 2015, the ACC and representatives from Denver negotiated an amendment to the land use provisions in the IGA between Adams County and Denver which provided for a one-time payment of $10 million from Denver and sharing of 50% of the revenue from the new development on DIA on Designated Development Parcels as authorized pursuant to the IGA. The amendments to the IGA between Adams County and Denver were approved by the voters in both counties at the November 2015 election. The amendment requires Denver to pay Adams County, on an annual basis by March 31 of each year, 50% of the revenue derived from Denver taxes on the development or use of any Development Parcel. Denver is also required to provide an annual report to the ACC regarding land development and revenue generation. Included in the amendment was a provision providing for the creation of a Regional Planning and Marketing Entity, by separate intergovernmental agreement among the ACC and Denver. The purpose of the new regional entity is to promote and market development opportunities on and around the New Airport and assist in coordinating land use and infrastructure planning efforts by the respective jurisdictions on and around DIA.

In December 2015, the ACC also revised the 1988 agreement amongst themselves to address issues pertaining to land use, revenue sharing, and other provisions that were included in the IGA amendments. Discussions in 2017 and 2018 focused on the creation of a Regional Planning and Marketing Entity and development at Aerotropolis. In mid-2018, Adams County Board of Commissioners filed suit against Denver alleging that DA underestimated the noise impact through the use of an outdated, archaic aircraft noise modeling system. The lawsuit is seeking Denver to stop using the outdated modeling program and requesting DIA be ordered to install a new airport noise monitoring system. It is anticipated that discussions in 2019 will focus on the lawsuit as well as the development on and near DIA.

Thornton’s current elected representatives are Councilmembers Sherry Goodman and Sam Nizam.

Why City should be represented: The City is there to represent the interests of the city particularly with respect to airport noise and enforcement of the noise violation provisions. While the planning aspect is important, with an eye towards directing development within Adams County rather than just Denver, because of the City’s
distance from DIA, this aspect isn’t as important as airport noise. The actions of the Committee impact the City—financially as well as operationally.

Expectation of the representative: In the past, the entities participating in this Committee have wanted to present a united position to Denver as it relates to DIA. The City’s representatives to this Committee need to be able to separate the issues from the emotion since there is a great deal of distrust between Adams County and City/County of Denver. There are also different and competing interests between the Adams County members, particularly as it relates to potential development around DIA. In 2019, the Committee will meet quarterly, unless a special meeting is called.

COLORADO MUNICIPAL LEAGUE (CML) POLICY COMMITTEE - CML’s primary role is to represent cities’ interests in the Colorado legislature. In that role, they act to secure the enactment of legislation that will be beneficial to municipalities and oppose legislation that might injure them. CML is governed by a 19-member Executive Board who is elected by the member cities. The Policy Committee, one of several advisory committees, is responsible for reviewing legislative proposals and recommending to the CML Executive Board positions on a wide variety of legislation affecting municipalities. Issues that will be prevalent in the 2018 sessions include affordable housing; transportation funding; urban renewal; sales and use tax as it relates to internet sales; and public safety.

The Policy Committee generally meets shortly before the start of each legislative session in an all day meeting (usually on Friday). Workshops are also held during the session from time to time to review key municipal issues being considered by the legislature.

The current representative is Councilmembers Jessica Sandgren. There is not currently not a second representative or alternative appointed to this Committee.

Why City should be represented: The Policy Committee consists primarily of other elected officials from around the State. Because this is a statewide organization, the interests of the metro area cities need to be represented in a state that is primarily agricultural outside of the front-range.

Expectation of the representative: To be familiar with the various legislative issues and proposals that CML is proposing to take a position on and provide timely and influential feedback of the City’s position to the CML Executive Committee, directly, as well as through the Policy Committee. Additionally, the City has become more actively involved in submitting proposed legislation to CML for that entity to carry on behalf of cities.

DENVER REGIONAL COUNCIL OF GOVERNMENTS (DRCOG) - DRCOG is Denver metro area's regional transportation planning commission. The DRCOG Board of Directors is comprised of representatives from the counties and cities within the Denver metro area. Its mission and vision are as follows:
Mission: The Denver Regional Council of Governments is a planning organization where local governments collaborate to establish guidelines, set policy and allocate funding in the areas of:

- Transportation and Personal Mobility
- Growth and Development
- Aging and Disability Resources

Vision: Our region is a diverse network of vibrant, connected, lifelong communities with a broad spectrum of housing, transportation and employment, complemented by world-class natural and built environments.

DRCOG regularly meets the third Wednesday of each month at 6:30 p.m.

Thornton's representative is Councilmember Jessica Sandgren and Councilmember Jacque Phillips is the alternate.

Why City should be represented: There are three primary areas that DRCOG focuses on: transportation, regional planning, and senior services. With regard to transportation, the primary reason for having City representation on DRCOG is because this agency determines how transportation dollars will be spent in the DRCOG area.

In addition to transportation, DRCOG is also a hub for federal monies related to senior services. The three primary programs that are run through DRCOG are nutrition (meals on wheels program), in-home services, and grants to provide transportation for seniors. The City typically accesses the transportation grants through the Adams County Council.

The third area that is overseen by DRCOG is regional planning. As part of the Metro Vision planning, DRCOG has established an urban growth boundary/area for the Denver region to promote an orderly, compact and efficient pattern of future development. DRCOG uses this UGB/A to increase the region’s overall density. As a perimeter growth community, DRCOG’s goals to densify are frequently in conflict with the City’s goals to have good planned development but development that is appropriate for a primarily residential, suburban community.

**Expectation of the representative:** To become familiar with the representatives of the DRCOG Board and their positions on issues presented by DRCOG staff and be able to influence policy decisions and present/propose alternative solutions. The three areas the representatives are expected to promote Thornton’s interests are: transportation, regional growth (to ensure DRCOG growth policies don’t prohibit our ability to grow in a manner as planned by Council), and senior services.

**DRCOG committees** - DRCOG standing committees include:

- Advisory Committee on Aging
- Executive Committee
- Finance and Budget Committee
- Performance and Engagement Committee
- Regional Transportation Committee (RTD, CDOT, DRCOG)
Transportation Advisory Committee (all staff)

**E-470 HIGHWAY AUTHORITY** - The E-470 Public Highway Authority is a political subdivision of the State of Colorado, formed in 1985 to construct and maintain a 46-mile toll highway running generally to the east of I-25. The highway consists of four segments from 120th to I-25. The eight-member Board of Directors consists of elected officials of the cities of Aurora, Brighton, and Commerce City and Thornton; the Town of Parker; and Adams, Arapahoe, and Douglas counties. Ex-officio members include CDOT, RTD, and DRCOG. Affiliates include Weld County, the cities of Arvada, Greeley and Lone Tree, and the City/County of Broomfield. The Board provides direction and considers recommendations from staff related to the construction and operation of the highway.

The Board usually meets on the second Thursday of each month at 9:00 a.m.

There is not currently a Council representative appointed to this Authority. **Councilmember Jessica Sandgren** is the alternate.

*Why City should be represented:* Thornton is a member of the Authority and will benefit from the construction of the Quebec Street Interchange.

*Expectation of representative:* To be familiar with the issues and decisions the E-470 Authority will be making and how they impact Thornton; to voice Thornton’s issues and work with the other representatives to provide viable solutions.

**NORTH I-25 COALITION** - This group includes: Adams, Larimer and Weld Counties; City/County of Broomfield; CDOT; towns of Berthoud, Evans, Erie, Firestone, Frederick, Johnstown, Mead, Milliken, Windsor, and Timnath; and the cities of Dacono, Erie, Firestone, Fort Collins, Longmont, Loveland, Thornton, Westminster, and Wellington. This group was formed to discuss transportation needs for the North I-25 Corridor from Thornton to the Wyoming border. Representatives from the offices of Senator Gardner and Bennet and Representatives Polis, Perlmutter and Buck normally attend.

This group meets monthly on the first Wednesday of the month. Thornton’s representative is **Mayor Jan Kulmann** and there is currently not an alternative to this Coalition.

*Why City should be represented:* In order for the plans of this group to integrate with the City’s plans, it is important that Thornton be represented to convey our interests, and to maintain open communication. The North I-25 Coalition also has been very active legislatively to push for transportation funding within this corridor. N I-25 is an important freight corridor for our businesses.

**I-25 CORRIDOR MAYORS GROUP** - This group includes Weld County, Longmont, Erie, and other south Weld County governments. It also includes Broomfield, Northglenn, and Thornton. This group has been working together to take steps to
enhance planning and cooperation in the next tier of metropolitan growth, which is outside of the DRCOG planning area.

This group meets very infrequently as most already attend the North I-25 Corridor monthly meetings. Attendees include representatives from Weld County and the cities of Dacono, Erie, Firestone, Frederick, Longmont, and Thornton. Topics include roadways and transit and other growth-related issues.

Thornton’s representative is the Mayor and the alternate is the Mayor pro tem.

Why City should be represented: In order for the plans of this group to integrate with the City’s plans, it is important that Thornton be represented on this group and to maintain open communication.

NORTH AREA TRANSPORTATION ALLIANCE (NATA) - NATA is a partnership of public and private entities in the North I-25 Corridor working to identify, develop, advocate, and lobby for transportation solutions that will enhance mobility, drive economic development, and reduce traffic congestion in the north metro area. NATA meetings are scheduled for the fourth Thursday of the month and are scheduled to begin at 7:30 a.m. The following communities are members of NATA: cities of Brighton, Commerce City, Dacono, Erie, Federal Heights, Firestone, Frederick, Longmont, Northglenn, Thornton and Westminster; City and County of Broomfield; the Metro North Chamber; and Adams County Economic Development (ACED). Each member has a representative and an alternate, one of whom must be an elected official.

Why City should be represented: The north I-25 corridor is the major transportation corridor for the City and future improvements in this area will have a significant impact on future economic development and congestion relief for people living and working in Thornton. NATA provides a collective voice to promote and obtain improved transportation within the NATA area in the form of passenger rail, bus service, and highway improvements in the north I-25 Corridor. The NATA area includes communities located north of I-70, east of Highway 287, west of US 85 and south of the Boulder/Larimer County line extended.

Expectation of representative: To become familiar with the major transportation needs/issues of Thornton and the north area; provide information to City Council; represent Thornton and NATA’s interests in various arenas. The expectation is that the City’s representative will advocate Thornton’s transportation priorities within NATA.

Thornton’s elected representative is Councilmember Jessica Sandgren and alternate is Councilmember Sam Nizam.

ROCKY FLATS STEWARDSHIP COUNCIL - The Rocky Flats Stewardship Council was formed in February 2006 and superseded the Rocky Flats Coalition of Local Governments. The Stewardship Council provides ongoing local government and community oversight of the post-closure management of Rocky Flats, the former nuclear weapons plant northwest of Denver. There are ongoing management needs that remain vital to ensuring long-term protection of human health and the environment.
The Rocky Flats Stewardship Council includes elected officials from ten municipal governments neighboring Rocky Flats, three community organizations, and one individual. In addition to working with DOE, the Environmental Protection Agency and the Colorado Department of Public Health and Environment, the Stewardship Council also works with the United States Fish and Wildlife Service on issues related to the management of the Rocky Flats National Wildlife Refuge. The City of Thornton became a member of the Rocky Flats Stewardship Council in 2012.

The Rocky Flats Stewardship Council Board of Directors meets no less than four times per year. Board meetings are open to the public. Meetings are held at the Rocky Mountain Metropolitan Airport (formerly the Jefferson County Airport), in the Mount Evans Room. Meetings start at 8:30 a.m. and generally last 3 hours.

*Expectation of the representative.* The expectation is to represent Thornton’s interests in keeping pollution out of Standley Lake.

Thornton’s representative is **Mayor Jan Kulmann** and the staff alternate is **James Boswell, Water Quality Policy Manager**.

**SCHOOL DISTRICT 27-J CAPITAL FACILITIES FOUNDATION** - The purpose of the Capital Facilities Foundation is to promote and assist in the development, financing and acquisition of educational facilities and improvements, which will benefit the residents of Adams County, Weld County, the City of Brighton, the City of Commerce City and the City of Thornton. The primary goal of the Foundation is to address a shortfall between the bonding capacity of the district and the capital construction needs of the district for new schools.

The Foundation meets on the second Thursday of each month at 2:00 p.m. at the Educational Services Center.

*Expectation of the representative.* The expectation is that Thornton’s representative will advocate for adequate resources to be provided to Thornton residents which includes planning for future expansion of services and areas within which the parties can collaborate on services and facilities.

There is not currently a Council representative appointed to this Foundation.
**PLANNING SESSION COMMUNICATION**

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**Subject:** Discussion Regarding the Ward 4 Vacancy Process

**Recommended by:** Robb Kolstad

**Presenters:** Kristen Rosenbaum, City Clerk

**Approved by:** Kevin S. Woods

**Ordinance previously introduced by:**

**SYNOPSIS:**

Staff will review the attached proposed process and timeline for filling the Ward 4 vacancy. The proposed timeline shows the vacancy filled by February 4, 2020. Once Council has determined the process, a motion will need to be made and passed at a formal Council meeting.

**RECOMMENDATION:**

Staff recommends Alternative No. 1, Council make a motion, at a future Council meeting, accepting the proposed process and timeline for filling the Ward 4 vacancy.

**BUDGET/STAFF IMPLICATIONS:**

None.

**ALTERNATIVES:**

1. Make a motion, at a future Council meeting, accepting the proposed process and timeline for filling the Ward 4 vacancy.
2. Make a motion, at a future Council meeting, setting a different process and timeline for filling the Ward 4 vacancy.

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

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.
Charter 4.5(b), “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 vote of the members of the Council in office at the time.”
Proposed Process/Timeline for Filling the Ward 4 Vacancy

Proposed timeline fills vacancy by February 4, 2020

November 19, 2019  Began advertising on Facebook, Twitter, the City’s website, Cable 8, etc.
December 10, 2019  Council reviews the process for filling vacancy
December 17, 2019  Council votes on the process for filling the vacancy
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 of Thornton – 2019 Ward 4 Vacancy Timeline

**Fill by February 4, 2020**

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PLANNING SESSION COMMUNICATION

Meeting Date: December 10, 2019
Agenda Item: F
Agenda Location: N/A
Goal(s): N/A
Legal Review: N/A
1st Reading
2nd Reading

Subject: Discussion Regarding an Intergovernmental Agreement between Adams County and the City Regarding the Steele Street Extension from East 86th Avenue to East 88th Avenue and Design of 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). The Project will be constructed to City standards and specifications. 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, bring forward a resolution, at a future Council meeting, to approve 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 and construction oversight, and will lead the annexation process.

ALTERNATIVES:

1. Direct staff to bring forward a resolution, at a future Council meeting, to approve the IGA, which will allow ADCO to construct the Project.
2. Do not approve the IGA, which may result in ADCO cancelling the Project and, if ADCO proceeds, 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 86th Avenue then north to 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 will 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 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 88\textsuperscript{th} Avenue. This would potentially better the level of service of East 88\textsuperscript{th} 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.

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.
Thornton/Adams County Intergovernmental Agreement

City Council Planning Session
December 10, 2019
Purpose

• Discuss an Intergovernmental Agreement (IGA) between Adams County (ADCO) and the City regarding the design, construction, ownership, and maintenance of the Steele Street Extension Project (Project)
Agenda

• Vicinity Map
• Facts
• Location of Improvements
• Recommendation
Facts

• Improvements will provide connection on Steele Street between East 86th and East 88th Avenues
• ADCO to finance design, right-of-way, and construction improvements
• ADCO to lead design and construction effort of Project with City oversight
• Projects will be constructed to City standards and specifications
• ADCO expects to complete Project by end of 2020
• City to own and maintain Project
Location of Improvements

"old" WELBY ROAD
AND 88TH AVENUE
INTERSECTION PRELIMINARY DESIGN

CONSTRUCT NEW
CONNECTION

UNINCORPORATED
ADAMS COUNTY

CHAPARRAL
VILLAGE

THORNTON
ESTATES

CITY OF
THORNTON

Legend
- Red = City/County Boundary Line
- Yellow = Proposed Steele Street Alignment

EAST 86TH AVENUE
Recommendation

• Bring forward a resolution authorizing an Intergovernmental Agreement (IGA) between Adams County (ADCO) and the City regarding the Steele Street Extension Project (Project)
PLANNING SESSION COMMUNICATION

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Subject: Discussion Regarding a Resolution Superseding Resolution C.D. No. 2018-028 and Approving Relocated Temporary and Perpetual Easements to Xcel Energy, Declaring a Different Portion of Approximately 10 Acres of Farm 24 as Surplus Property, and Authorizing its Disposition

Recommended by: Brett Henry  
Approved by: Kevin S. Woods

Synopis:

On February 27, 2018, Council passed Resolution C.D. No. 2018-028 approving temporary and perpetual easements to Xcel Energy (Xcel), declaring approximately 10 acres of Farm 24 as surplus property, and authorizing its disposition (see Farm 24 Vicinity Map and Exhibit A). The easements and 10 acres of land were to allow Xcel to build its proposed Avery Substation (Substation). As part of the permitting process with the Town of Windsor (Windsor), Xcel held public meetings to present the proposed Substation location. Following public comment, Windsor requested Xcel relocate the Substation to a different location on Farm 24. Because the location of the easements and the 10-acre site have moved, a resolution is required to supersede Resolution C.D. No. 2018-028 and to grant the relocated easements and to declare a different portion of approximately 10 acres of Farm 24 as surplus property and authorize its disposition.

Recommendation:

Staff recommends Alternative No. 1, bring forward a resolution, at a future Council meeting, to supersede Resolution C.D. No. 2018-028 and to grant relocated easements to Xcel, declare a different portion of approximately 10 acres of Farm 24 as surplus property, and authorize its disposition.

Budget/Staff Implications:

The City would receive revenue from the fair market value sale of the land and easements of approximately $400,000, plus additional consideration for the relocated Substation site. The additional consideration is yet to be determined. This revenue would go into the Water Fund and be available for partially funding the Thornton Water Project (TWP). Xcel will pay subdivision costs.

Alternatives:

1. Bring forward a resolution, at a future Council meeting, to supersede Resolution C.D. No. 2018-028 and grant relocated easements to Xcel, declare a different portion of approximately 10 acres of Farm 24 as surplus property, and authorize its disposition.
2. Do not bring forward a resolution at a future Council meeting, which may result in Xcel exercising its right of eminent domain, resulting in excessive staff time and legal costs.
BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

During negotiation with Windsor on an IGA for the annexation of Farm 24, Windsor expressed its desire for the Substation to be located on the Farm 24 site. This would give Windsor control over the review and approval process for the Substation and power lines.

In 2017, Xcel conducted extensive studies and held several public meetings in an effort to select a site for its proposed Substation. Three alternative sites were identified and presented to the public and impacted local governmental entities. The location on the Farm 24 was selected as the preferred site. Staff consulted with the surrounding towns and determined that the consensus was for the Substation to be located on the Farm 24 site. Staff worked closely with Xcel and Windsor to locate the Substation and power lines so that the impact to the surrounding properties was minimized.

Windsor thereafter reviewed and approved the original proposed Substation location and on February 27, 2018 Council approved Resolution C.D. No. 2018-028 approving temporary and perpetual easements to Xcel and declaring approximately 10 acres of Farm 24 as surplus property and authorizing its disposition, see Exhibit A.

On February 25, 2019, Xcel presented its Substation location plan to the Windsor Town Board. Because of significant opposition from residents to the Substation location and requests that the site be moved further northwest, on March 20, 2019 Xcel withdrew its application for the Substation location identified in Resolution C.D. No. 2018-028.

Xcel and Windsor have identified a new Substation location on Farm 24 (see Exhibit B) for the Substation and power lines that is believed to be acceptable to the surrounding property owners.
Farm 24

Vicinity Map
Purpose

A discussion regarding temporary and perpetual easements to Xcel Energy and declare approximately 10 acres on Farm 24 as surplus property and authorize its disposition.

Agenda

- History
- Issue
- Recommendation
History

- In January 2018, the City entered into an Intergovernmental Agreement with the Town of Windsor annexing Farm 24 into Windsor for a proposed Xcel Energy substation.

- In February 2018, easements and approximately 10 acres on Farm 24 were declared surplus and disposition was authorized for sale to Xcel for its substation.

- In February 2019, neighboring residents objected to the location of the substation on this portion of Farm 24 and requested it be moved northwest.
History (continued)

• In response to this request, Xcel & Windsor identified approximately 10 acres further north and west on Farm 24 to locate the substation. This resulted in the easements being relocated also.

• The City initially expected to receive approximately $400,000 from the sale of the land and easements to Xcel. This relocated site will increase the sale price of the land and easements by an amount yet to be determined.
FEBRUARY 2018 PROPOSED SUBSTATION LOCATION
OCTOBER 2019 PROPOSED SUBSTATION LOCATION
Issue

• Bring forward a resolution to approve relocated easements and declare approximately 10 relocated acres on Farm 24 as surplus and authorize its disposition.

• Do not approve the resolution and Xcel may exercise its rights of eminent domain.
Recommendation

Bring forward a resolution to supersede C.D. 2018-028 granting temporary and perpetual easements and declaring approximately 10 acres as surplus and authorize disposition to Xcel Energy.

Questions?
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Subject: Metropolitan District Overview

Recommended by: Jeff Coder  
Approved by: Kevin S. Woods

Ordinance previously introduced by:

Presenters: Jeff Coder, Deputy City Manager

SYNOPSIS:

Staff will provide City Council with an educational overview of Metropolitan Districts in preparation for the Metropolitan District application scheduled for public hearing on December 17, 2019. Generally, this presentation describes the statutory requirements and the role of City Council and staff in approving Metropolitan Districts in Thornton.

RECOMMENDATION:

This item is for informational purposes only.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

This item is for informational purposes only.

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

What is a Metropolitan District?

Title 32 of the Colorado Revised Statutes allows for the creation of a local governmental entity called a “special district” which can provide specific public services that counties and municipalities may be unable to provide. A Metropolitan District is one type of special district that can be organized to provide any two or more services as allowed per state law. In Thornton, Metropolitan Districts typically provide for the construction and maintenance of streets, water, sanitary sewer, parks, recreation, and landscaping. In more recent years, Metropolitan Districts have also sought authority to take on covenant control and architectural/design review services that were traditionally handled by a homeowner's association.

Developers establish Metropolitan Districts to finance the infrastructure necessary to support a new subdivision. The functions of a Metropolitan District can include both the construction and the ongoing operation and maintenance of public improvements. A Metropolitan District has various financial powers including the power to tax and/or assess fees for the services it provides and to issue tax-exempt bonds to help pay for public improvements. The eligible electors within the boundaries of the Metropolitan District must first vote in an election to authorize the Metropolitan District to incur any
general obligation or revenue indebtedness. New and ongoing development within the subdivision increases the assessed value of the property within the district’s boundaries, and provides the tax base necessary to generate the revenue required to make payments on the outstanding bonds.

Metro Districts in Thornton
There are 37 developments in Thornton that are served by approximately 52 Metropolitan Districts as shown on the map included as Attachment A. The Metropolitan Districts that serve these subdivisions can be set up as a single district or as a multiple district structure in which there is more than one district covering a subdivision, typically to cover different phases or uses of a development. An example of a single district structure is Mayfield Metropolitan District, which serves Mayfield Subdivision. An example of a multiple district structure is Parterre Metropolitan District Nos. 1-8 which is intended to serve different areas of Parterre Subdivision.

Formation of a Metropolitan District in Thornton
Per State law, the organizer of a proposed Metropolitan District is required to submit a service plan to the City for approval by City Council at a public hearing. The service plan describes the proposed district services and how the services will be funded. After the service plan is approved by City Council, a petition for the organization of the district is filed in the appropriate district court. The court directs that the question of the organization of the district be submitted to the eligible electors (property owners, their spouses, and residents) within the district boundaries at an election. Organizational elections are held in November in all years, and also in May in even years only. If a majority of the eligible electors of the district vote in favor of the district's organization, the court will order the district organized.

The City also requires that the Metropolitan District enter into an Intergovernmental Agreement (IGA) with the City prior to issuing any debt. The IGA identifies the powers that are granted to the district. The IGA can be approved at the time of the public hearing for the service plan, or at any time subsequent to the service plan approval and organization of the district.

In 2007, City Council approved an amendment to Chapter 66 of the City Code to align the Code with Colorado Statutes pertaining to the creation of Metropolitan Districts and the City’s underlying philosophy that Metropolitan Districts provide a key financing mechanism to fund necessary local and regional public improvements and facilities. At that time, Council also approved a model form service plan and model form IGA that standardized the language, authorities, and limitations for districts based on State law.

Amendments
The City is also responsible for approving amendments to approved service plans and IGAs. If an existing Metropolitan District desires to make a major material modification to its service plan or change any of the authorizations set forth in the existing IGA, the Metropolitan District must bring the amendment to City Council for approval. Examples of this type of amendment include requests to increase the district’s total debt issuance limitation or maximum debt mill levy, authorize the district to exercise the power of eminent domain, or change the district’s boundaries.

If the Metropolitan District desires to make a minor amendment to the approved service plan such as correcting an error in a service plan exhibit that has no impact on services or the district’s financial abilities, the amendment may be approved administratively by the City Development Department.
City Staff Review and Recommendation

In accordance with Chapter 66 of the City Code, City staff’s role in reviewing the Metropolitan District applications is to determine whether the submitted service plan and IGA comply with the City’s model forms, State law and Chapter 66 of the City Code. If the service plan and IGA comply with these requirements, staff recommends approval of the submittal.

HISTORY:
In 2007, City Council approved an amendment to Chapter 66 of the City Code and a model service plan and model intergovernmental agreement for Metropolitan District applicants.
Metropolitan District Overview

City Council Update
December 10, 2019
What is a Metropolitan District?

• Type of C.R.S. Title 32 special district that has authority to:
  ▪ Issue debt for public improvements, including:
    ➢ streets
    ➢ water
    ➢ sanitary sewer
    ➢ parks, recreation and landscaping
  ▪ Impose a mill levy and fees for repayment of debt
  ▪ Enforce covenant control and architectural / design review
Formation Process for Metro District

• State law requires approval of a service plan by City Council at public hearing
  ▪ Describes proposed services and funding
  ▪ City has model “fill in the blank” service plan

• After City approval, organization of the district voted on by eligible electors at election
  ▪ November election every year
  ▪ May election in even years
City Staff Review

• Applications reviewed by City Development, Finance, City Attorney’s office and outside legal/financial counsel if necessary

• Review for compliance with the City’s model forms, State law, and Chapter 66 of the City Code

• Staff’s recommendation to Council is based solely on compliance with these regulations
# Key Aspects of Service Plan

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Debt Issuance Limitation</td>
<td>- based on public improvements costs</td>
</tr>
<tr>
<td>Maximum Debt Mill Levy</td>
<td>- 50 mills if debt exceeds 50% of Districts assessed valuation;</td>
</tr>
<tr>
<td></td>
<td>- no maximum if debt is equal to or less than 50% of District's assessed valuation</td>
</tr>
<tr>
<td></td>
<td>- Does not apply to mill levy for operations and maintenance</td>
</tr>
<tr>
<td>Maximum Debt Mill Levy Imposition Term</td>
<td>- 40 years</td>
</tr>
<tr>
<td>Disclosure Requirements</td>
<td>- Require disclosure to initial purchasers and information to potential residential buyers</td>
</tr>
</tbody>
</table>
Intergovernmental Agreement (IGA)

• District must enter into IGA with City prior to issuing debt

• Establishes specific powers, authority, limitations, and requirements granted to the District

• City has model “fill in the blank” IGA

• IGA approved either with service plan or any time thereafter
Amendments

City Council approval required for:
- Material modifications to approved service plan
- Any modification to approved IGA

Administrative approval permitted for:
- Minor changes or corrections that do not have material impact