

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1693
Series of 2009

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A BILL FOR AN ORDINANCE ADOPTING A NEW ARTICLE 16 OF CHAPTER 5 OF THE NORTHGLENN MUNICIPAL CODE REGARDING IMPLEMENTATION OF THE EXTENSION OF THE CITY'S 4.0 MILL PROPERTY TAX FOR THE PURPOSE OF REHABILITATING AND RECONSTRUCTING CITY STREETS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Northglenn Municipal Code is amended by the addition thereto of a new Article 16 of Chapter 5 to read as follows:

**ARTICLE 16
USE OF MILL LEVY FOR REHABILITATING AND RECONSTRUCTING CITY
STREETS**

Section 5-16-1. Purpose. It is the purpose of this Article to implement the extension of the 4.0 mill levy, commencing January 1, 2010, for the rehabilitation and reconstruction of City streets as approved by the registered electors of the City of Northglenn. The revenues derived from the 4.0 mill levy are to be used solely for the rehabilitation and reconstruction of city streets, and shall be limited to designing, engineering, paving and constructing such street improvements, including appurtenant and necessary drainage, pedestrian and landscape improvements, and necessary and incidental modifications to utilities as described in this Article.

Section 5-16-2. Definitions. The following terms used in this Article shall have the meaning set forth below

(a) *Appurtenant and necessary* means and includes those improvements that are determined to be a necessary part of the City street being rehabilitated or reconstructed, and which may not be constructed under this Article as a stand-alone project which does not include the rehabilitation or reconstruction of the traveled portion of the City street;

(b) *City Manager* means and includes the City Manager of the City of Northglenn, and any of the City Manager's designees;

(c) *City street* means and includes any public street or public highway within the City, whether owned in fee or by easement, which may include appurtenant sidewalks, crosswalks, bike lanes, traffic calming elements, traffic signals, and utility infrastructure, except for stormwater improvements, that is dedicated to public use;

(d) *Design and engineering* means and includes the administration, coordination, engineering, planning, and construction management of the rehabilitation and reconstruction of City streets;

(e) *Drainage Improvements* means and includes those surface features of a City street, and specifically also including curb and gutter, cross-pans, and drainage chases within the City street, but such improvements shall not include stormwater improvements as defined hereunder;

(f) *Landscape improvements* means and includes grass, ground cover, shrubs, vines, hedges, trees and non-living natural materials commonly used in landscape development, as well as attendant irrigation systems, which are within a City street;

(g) *Mill Levy* means and includes the 4.0 mill levy extension approved by the registered electors of the City on November 3, 2009, the use of which shall be limited to the purposes described in this Article 16 of Chapter 5;

(h) *Pedestrian improvements* means and includes any sidewalks, cross-walks, and traffic calming elements which are within a City street;

(i) *Rehabilitation and reconstruction of city streets* means and includes the design, engineering, paving and constructing of city streets to extend the service life and/or improve load carrying capacity, that exist as of the date of this adoption of this Ordinance in a manner approved by the City Council, and which at a minimum shall include rehabilitation, construction, and/or reconstruction of the traveled portion of a City street to extend the service life typical to the prescribed pavement improvement, and which may include appurtenant and necessary drainage improvements, pedestrian improvements, landscape improvements, and utility improvements;

(j) *Stormwater improvements* means and includes collection systems, piping, including catch basins and manholes, regional detention facilities, water quality ponds, channels, siphons, canals, and drainage ways outside of the boundary of a City street, including energy dissipation and outfall structures;

(k) *Traveled Portion* means and includes the traveled portion of the City street normally used by moving motor vehicle traffic; and

(l) *Utility improvements* means and includes water, sewer, and drainage improvements within a City street.

Section 5-16-3. Mill Levy Imposed. There shall be a mill levy of 4.0 mills imposed for the rehabilitation and reconstruction of City streets.

Section 5-16-4. Street Rehabilitation and Reconstruction Fund Created. There is hereby created a Street Rehabilitation and Reconstruction Fund, under the control of the City Manager, who is authorized to implement and administer the provisions of this Article.

Section 5-16-5. Use of Revenues Received from the Mill Levy.

(a) The Street Rehabilitation and Reconstruction Fund shall hold all funds received by the City from the Mill Levy in a separate account to be established as the Street Rehabilitation and Reconstruction Fund, and make expenditures thereof only for the following purposes:

(1) The design and engineering of the rehabilitation, construction and reconstruction of City streets, including the design and engineering of appurtenant and necessary drainage improvements, pedestrian improvements landscape improvements, and utility improvements.

(2) The rehabilitation, construction and reconstruction of City streets, including rehabilitation and reconstruction of appurtenant and necessary drainage improvements, pedestrian improvements, landscape improvements, and utility improvements.

(b) The City may pledge revenues received in the Street Rehabilitation and Reconstruction Fund and those anticipated to be collected to the retirement of the principal and interest of bonds issued by the City for financing any of the activities and improvements set forth in subsection (a) of this Section 5-16-5.

Section 5-16-6. Limitations on Use of Revenues Received from the Mill Levy.

(a) The use of the revenues in the Street Rehabilitation and Reconstruction Fund shall not be used for the following purposes:

(1) The general maintenance of City streets, which includes any repair, rehabilitation or reconstruction that retards future deterioration and does not improve the load carrying capacity and significantly extend the service life;

(2) Rehabilitation, construction, or reconstruction of stormwater improvements;


(3) Rehabilitation, construction, or reconstruction of capital improvements other than City streets as the same are defined hereunder;

(4) Drainage improvements, pedestrian improvements, landscape improvements, or utility improvements that are not appurtenant and necessary to the rehabilitation, construction, or reconstruction of the traveled portion of a City street.

(b) Notwithstanding the limitations contained in subsection (a) of this Section 5-16-6, the City Manager may combine projects using revenues from the Street Rehabilitation and Reconstruction Fund with projects using revenues from other sources of funding so long as the revenues from the Street Rehabilitation and Reconstruction Fund are only used for the limited purposes authorized by this Ordinance.

Section 2. Effective Date. This Ordinance shall be effective only if the ballot issue seeking voter approval of the extension of the 4.0 mill levy at the November 3, 2009, regular election is approved. If approved, this Ordinance shall go into effect on January 1, 2010. If the registered electors do not approve the extension of the 4.0 mill levy, this Ordinance shall be void and of no force or effect.

INTRODUCED, READ AND ORDERED POSTED this 13th day of August, 2009.



SHERI L. PAIZ
Mayor Pro Tem

ATTEST:



JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2009.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney