

January 27, 1997

7:00 PM

Notice to Readers: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meeting**
4. **Presentations**
 - A. Metro Mayors & Commissioners Youth Award Nominations
 - B. Grail Kister Certificate of Appreciation
 - C. Presentation of 25 Years of Service Award
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
 - A. Property and Liability Excess Insurance
 - B. Stop Loss Insurance for Workers' Comp Program
 - C. Colorado Municipal League Annual Dues
 - D. Household Hazardous Waste Facility Annual Expense
 - E. Bids re Fire Department Replacement Vehicle
 - F. Bids re Loader/Forklift
 - G. CB No. 3 re Ice Arena Project (Merkel-Dixon)
 - H. CB No. 4 re Federal Block Grant Funds (Harris-Dixon)
9. **Appointments and Resignations**
 - A. Resolution No. 8 re Board/Commission Appointments
10. **Public Hearings and Other New Business**
 - A. Tabled Public Hearing re Smith Property Zoning
 - B. Tabled - Councillor's Bill No. 5 re Smith Zoning
 - C. Resolution No. 9 re NTA Leasing Private Activity Bonds
 - D. Standley Lake Lease Extension
 - E. Westminster Promenade and Bridge Design
 - F. Resolution No. 10 re Westminster Boulevard 104th/112th Avenue
 - G. US36/Sheridan Boulevard/92nd Avenue Interchange
 - H. Councillor's Bill No. 6 re Melody Plaza Easement Vacation
 - I. 128th Avenue/Huron Street Project
 - J. Semper Water Treatment Facility Expansion Project Change Orders
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. Financial Report for December, 1996
 - B. Quarterly Insurance Report
 - C. City Council
 - D. Request for Executive Session
 1. Litigation Matter

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, JANUARY 27, 1997 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Allen, Harris, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Harris to accept the minutes of the meeting of January 13, 1997 with no additions or corrections. Councillor Allen requested to abstain as he was not present for the meeting. The motion carried with Councillor Allen abstaining.

PRESENTATIONS:

Mayor Heil and Council presented certificates of achievement to Ilonka Ambrose, Eric Baca, Cory Campanella, Brandy Mixon, Jason Westwood and Sharon Williams for being chosen by the City in the first phase of the Metropolitan Mayors and Commissioners Youth Award.

Mayor Heil presented a certificate of appreciation to Grail Kister in recognition of his dedicated service on the Planning Commission.

Mayor Heil presented a \$2,500 check to Harry Britton for his 25 years of service to the City of Westminster.

Mayor Heil recognized the Standley Lake High School students who were in attendance at the meeting.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Property and Liability Excess Insurance; Stop Loss Insurance for Workers' Comp Program; Colorado Municipal League Annual Dues; Household Hazardous Waste Facility Annual Expense; Bids for Fire Department Replacement Vehicle; bids for Loader/Forklift; Councillor's Bill No. 3 re Ice Arena Project and Councillor's Bill No. 4 re Federal Block Grant Funds. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

A motion was made by Harris and seconded by Allen to adopt the consent agenda items as presented with the recommendation stated on the Council Agenda Memorandums. The motion carried unanimously.

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Smith and seconded by Merkel to adopt Resolution No. 8 making the following appointments to the City's Boards and Commissions:

Environmental Advisory Board: Suzi Walker, Regular member with term to expire 12-31-98, Rich Holston, Regular member with term to expire 12-31-97 and Steve Wagner, Alternate member with term to expire 12-31-97; Library Board: Mary Boston, Regular member and Ted Fleagle, Alternate member, with terms of office to expire 12-31-97; Parks & Recreation Advisory Board: Vicki Atkins, Regular member with term of office to expire 12-31-98 and Ron Dickerson, Alternate member with term of office to expire 12-31-97; Planning Commission: Greg Mann, Regular member with term of office to expire 12-31-98 and Greg Lockridge, Alternate member with term of office to expire 12-31-97; Special Permit and License Board: David Tracy, Regular member with term of office to expire 12-31-98 and William Bernstein, Alternate member with term of office to expire 12-31-97. Upon roll call vote, the motion carried unanimously.

TABLED PUBLIC HEARING ON SMITH PROPERTY ZONING:

A motion was made by Harris and seconded by Smith to remove the Smith Property rezoning public hearing from the Table. The motion carried unanimously.

At 7:20 P.M. the meeting was opened to a public hearing on the rezoning of the Smith Property from Adams County A-1 to City of Westminster O-1, Open District. Planning Manager Larry Hulse entered a copy of the Agenda Memorandum and other related items as exhibits. Terry TenEyck, new owner of the property, requested the property be zoned PUD. No one spoke in opposition. At 7:40 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 5 - SMITH PROPERTY ZONING:

A motion was made by Harris and seconded by Allen to remove Councillor's Bill No. 5, Smith Property Zoning, from the Table. The motion carried unanimously.

A motion was made by Harris and seconded by Allen to pass Councillor's Bill No. 5 on first reading zoning the Smith Property O-1, Open, based on a finding that the zoning meets the requirements of the City Code, including Section 11-2-1, Zoning Map Amendments; and the proposed land use is compatible with existing and proposed land uses in the area. Upon roll call vote, the motion carried with a dissenting vote by Dixon.

RESOLUTION NO. 9 - NTA LEASING PRIVATE ACTIVITY BONDS:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 9 setting forth the City of Westminster's intent to issue Private Activity Bonds to finance the purchase of land, construction and furnishing of the proposed NTA Leasing's new manufacturing facility. Upon roll call vote, the motion carried unanimously.

STANDLEY LAKE LEASE EXTENSION:

A motion was made by Harris and seconded by Dixon to authorize the City Manager to execute the new lease extension with the Farmers Reservoir Irrigation Company in the amount of \$62,316.75 for 1997 and \$64,186.25 for 1998 and charge the expense of this lease to the appropriate budget account in the annual Standley Lake Budget. The motion carried unanimously.

WESTMINSTER PROMENADE AND BRIDGE DESIGN:

A motion was made by Scott and seconded by Merkel to authorize the City Manager to sign a contract with Gould, Evans, Goodman and Associates, P.C., in the amount of \$164,808 for the preparation of construction documents for the Westminster Promenade project; and charge the expense to the appropriate project account in the General Capital Improvement Fund. The motion carried unanimously.

RESOLUTION NO. 10 - WESTMINSTER BOULEVARD, 104TH/112TH AVENUE:

A motion was made by Merkel and seconded by Harris to Table Resolution No. 10 authorizing the expenditure of up to \$404,000 for the acquisition through condemnation, if necessary, of sufficient rights-of-way and parcels for the construction of the Westminster Boulevard project and public parking until the February 10 City Council meeting. The motion carried unanimously.

U.S. 36/SHERIDAN BOULEVARD/92ND AVENUE INTERCHANGE PROJECT DESIGN:

A motion was made by Harris and seconded by Allen to authorize the City Manager to execute an Engineering Design Contract with Felsburg, Holt and Ullevig in the amount of \$553,590 for the U.S. 36/Sheridan Boulevard/92nd Avenue Interchange Project; and charge the expense to the appropriate project account in the General Capital Improvements Fund. Bob Felsburg was present to address Council. The motion carried unanimously.

COUNCILLOR'S BILL NO. 6 - MELODY PLAZA EASEMENT VACATION:

A motion was made by Allen and seconded by Merkel to pass Councillor's Bill No. 6 on first reading vacating the existing 20-foot utility easement with the Melody Plaza Filing No. 2 Subdivision. Upon roll call vote, the motion carried unanimously.

128TH AVENUE AND HURON STREET CONSTRUCTION CONTRACT:

A motion was made by Dixon and seconded by Merkel to authorize the City Manager to sign a contract with Asphalt Specialties Company in the amount of \$2,082,676; authorize the City Manager to sign a Construction Engineering Services Agreement with Kimley-Horn and Associates, Inc. in an amount not to exceed \$162,826; authorize a contingency of \$50,000; and charge \$141,400 of these expenses to the appropriate project account in the Utility Fund and charge the remaining expenses to the appropriate project account in the General Capital Improvement Fund. The motion carried unanimously.

RESOLUTION NO. 11 - SEMPER WATER TREATMENT FACILITY CHANGE ORDERS:

A motion was made by Scott and seconded by Dixon to adopt Resolution No. 11 authorizing the transfer of \$235,805 from the Utility Fund Contingency account to the appropriate Semper Water Treatment Facility Expansion Project account, and authorize the City Manager to sign two contract change orders for the Semper Water Treatment Facility (Semper) expansion project; one for \$154,737 for extended overhead costs by the contractor, Centric-Jones Constructors, and the second for \$81,068 for additional construction engineering services by the engineer, HDR Engineering, Inc. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for December 1996 and the Quarterly Insurance Report.

Mayor Heil stated there would be an Executive Session regarding a litigation matter and an update on the Golf Course.

ADJOURNMENT:

The meeting was adjourned at 8:00 P.M.

ATTEST:

Mayor

City Clerk

Date: January 27, 1997

Subject: 1997 Metropolitan Mayors and Commissioners Youth Awards Nominations

Prepared by: Heather Balsler, Management Intern

Introduction

City Council is requested to recognize 10 area youth chosen by the City for the first phase of the Metropolitan Mayors and Commissioners Youth Award.

Summary

The purpose of the Metropolitan Mayors and Commissioners Youth Award is to recognize young people in the community (age 13-19) who have shown outstanding achievement in the areas of direct service, service to the family, service to other youth, service to their community, and service to self through overcoming personal adversity or through positive change.

The selection process is a three part procedure. Each city reviews the nomination form for eligibility and completeness. It is possible that one or more of these youth may live in unincorporated Adams/Jefferson County and not within Westminster's boundaries. However, all of the youth either live in or attend school in Westminster and are required to have a city recognize them if they are to have an opportunity to be a finalist at the next level. If they are chosen as semi-finalists by the County Screening Committee, their names will be forwarded to the Metropolitan Selection Committee who will choose 20 finalists from the metro area. The Denver-metro area banquet will be held on April 27.

Staff Recommendation

Recognize and present certificates of achievement to Ilonka Ambrose, Eric Baca, Cory Campanella, Mark Meehan, Brandy Mixon, Jeremy Pacheo, Nathan Phillips, Amanda Stream, Jason Westwood, and Sharon Williams.

Background Information

The accomplishments of many of our young people today are overlooked. Many young people have overcome personal adversity, created positive change in a difficult environment or in their own quiet way made strides beyond their limitations. Examples could be those students who have been faced with health concerns, financial hardship, family struggles or school difficulties. This award is unique in that it encompasses all youth; youth who have not finished school, youth in traditional classroom settings, youth in group homes, youth in alternative schools and emancipated youth. These young people are the foundation of our future communities, and the efforts they have made to improve themselves and their community today assure that tomorrow will find them as successful and productive citizens.

Accordingly, the City of Westminster would like to recognize the following nominees as young people in our community who have demonstrated outstanding achievement:

Ilonka Ambrose, age 15, attends Pomona High School. Ilonka was nominated by Mary Ann May.

Eric Baca, age 16, attends Pomona High School. Eric was nominated by Judith Nelson.

Cory Campanella, age 14, attends Shaw Heights Middle School. Cory was nominated by Team Odyssey.

Mark Meehan, age 14, attends Hodgkins Middle School. Mark was nominated by Ann Pacek.

Brandy Mixon, age 13, attends Mandalay Middle School. Brandy was nominated by Barry Shapiro.

Jeremy Pacheo, age 14, attends Shaw Heights Middle School. Jeremy was nominated by Mr. Lehtinen, Mrs. Lewis, Mr. Loveless, and Mrs. Collins.

Nathan Phillips, age 17, attends Standley Lake High School. Nathan was nominated by Robert Thoreson.

Amanda Stream, age 17, attends Pomona High School. Amanda was nominated by Dr. John R. Marsico.

Jason Westwood, age 13, attends Scott Carpenter Middle School. Jason was nominated by Tracy Zietlow.

Sharon Williams, age 17, attends Ranum High School. Sharon was nominated by Mary Klinger.

It was determined that all 10 individuals are outstanding youth and worthy of local recognition. These names have been submitted to the Adams/Jefferson County Screening Committees.

The Mayor is to recognize these youth at Monday night's City Council meeting and present them with a MMCYA certificate of achievement.

Respectfully submitted,

William M. Christopher
City Manager

C O N F I D E N T I A L M E M O R A N D U M

TO: Mayor and City Councillors

FROM: Bill Christopher, City Manager

DATE: January 24, 1997

SUBJECT: Metropolitan Mayors and Commissioners Youth Awards

The Mayor and Members of City Council will recognize Westminster area children who have been nominated for a Metropolitan Mayors and Commissioners Youth Award (MMCYA) at the January 27 City Council meeting. The nominees will receive a certificate from the City and have their picture taken at the City Council meeting.

In years past, each nominee has had a short biography read aloud that described the adversity that each has endured and overcome. Due to the often sensitive and confidential nature of many of the nominees' backgrounds, a public airing of some of these kids' difficult pasts has resulted in undue and unintended embarrassment for the nominee. Both the Adams and Jefferson County MMCYA screening committees are recommending that cities avoid possible embarrassment for the nominees by conducting a more general recognition ceremony that does not make mention of each nominee's personal background. County biography committees have been established to draft content sensitive biographies for nominees that make it to the county finals.

Accordingly, this year's recognition by the Westminster City Council will not involve individual biographies, as in years past. Instead, a description of the award and its criteria will be presented, and each nominee's name, age, school and the name of the person who nominated them will be read as they receive their certificate. This approach will avoid making any of the nominees uncomfortable while still allowing them to be recognized as an outstanding youth in the Westminster area.

Date: January 27, 1997
Subject: Presentation of Certificate of Appreciation
Prepared by: Michele Kelley, City Clerk

Introduction

The City Council is requested to present a Certificate of Appreciation in recognition of time dedicated to the City by Grail Kister for his service on the Planning Commission.

Summary

In October, 1996, Grail Kister submitted his resignation from the Planning Commission. A Certificates of Appreciation recognizing the time and efforts of Grail Kister has been prepared to be presented on behalf of the Mayor and entire Council.

Grail has indicated that he will be present at Monday night's meeting to accept this certificate.

Staff Recommendation

Present certificate of appreciation for dedicated service to Grail Kister.

Background Information

Grail Kister was originally appointed to the Planning Commission on January 23, 1984 and has served continuously until his resignation on October 14, 1996. Grail also was appointed as Chairperson of the Planning Commission and served as chair for the past ten years. Grail has recently resigned from the Board because he has moved out of the City.

Respefully submitted,

William M. Christopher
City Manager

Date: January 27, 1997

Subject: Presentation of 25 Years of Service Award

Prepared by: Alex Iacovetta, Utilities Operations Manager

Introduction

City Council action is requested to present a \$2,500 check to Big Dry Creek Water Reclamation Facility, Plant Supervisor Harry Britton, in recognition of his 25 years of service to the City of Westminster. Funds have been specifically allocated in the 1997 Utility Fund Budget for this expense.

Summary

Harry Britton began his career in Westminster on January 2, 1972, when he became employed as a Plant Operator I at the age of 20. The purpose of this agenda memorandum is to recognize his 25 years of outstanding service to the City of Westminster.

Staff Recommendation

Mayor present a \$2,500 check to Harry Britton for his 25 years of service to the City of Westminster.

Background Information

On January 2, 1972, Harry Britton became employed as a Plant Operator I. He was promoted to the position of Plant Operator II on May 29, 1973, and then, on April 1, 1980, he was elevated to Big Dry Creek Water Reclamation Facility Supervisor.

During his 25-year career with the City, Harry Britton has been involved with six Facility construction projects consisting of expansion from 1.0 million gallons daily to 7.5 million gallons daily, incorporation of the original Farmers High Line Effluent Exchange Program in 1978, and various other facility modifications. At the present time, he is the Supervisor of the Big Dry Creek Water Reclamation Facility.

Under Harry's leadership, the Big Dry Creek Water Reclamation Facility has received many awards including:

- * United States Environmental Protection Agency, Region VIII, National Second Place Award, Outstanding Wastewater Treatment Facility Operation and Maintenance, Medium Secondary Wastewater Treatment Category, September 21, 1992.
- * United States Environmental Protection Agency, Region VIII, Excellence Award; Operation, Maintenance, and Management of Publicly Owned Treatment Works, 1992.
- * United States Environmental Protection Agency, Region VIII, Excellence Award, Beneficial Use of Sewage Sludge, 1989.

- * United States Environmental Protection Agency, Region VIII, Excellence Award; Operation, Maintenance, and Management of Publicly Owned Treatment Works, 1986.
- * Rocky Mountain Water Pollution Control Association, State of Colorado, Plant Performance Award, Accomplishing Outstanding Results in Plant Operation Maintenance and Public Relations, 1982.
- * Rocky Mountain Water Pollution Control Association, State of Colorado, Plant Maintenance Merit Award, Harry Britton, Accomplishing Outstanding Results in Wastewater Plant Maintenance, 1986.

In the words of Harry's employees, "Harry gives 100 percent of himself to making Big Dry Creek Water Reclamation Facility the best facility of its kind in the whole world. Harry shows a lot of pride in the Facility as well as the Staff. He always gives credit where credit is due. Harry has always shown the people who work at Big Dry Creek a lot of respect, and he has tried to get to know everyone on a personal level. The real proof of Harry's character is the fact that the majority of the Staff have worked with him for 10 years or more. We feel that there is no better place to work, and there is no one better to work for. Whenever Big Dry Creek loses Harry, the City will lose a great asset."

In addition to his supervisory duties, Harry is involved in a variety activities:

1. Member of the Rocky Mountain Water Environment Federation.
2. Member of the National Water Environment Federation
3. Serves as the City of Westminster representative for the Colorado Wastewater Utility Council.
4. Referees basketball games at a private school for his children.
5. Drives a school bus for the school and church from time to time.

In 1986, City Council passed a Resolution to award individuals who have given 25 years of service to the City with a \$2,500 check. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment.

As stated in the Resolution, the program recognizes the dedicated service of those individuals who have spent most, if not all, of their career with the City.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 27, 1997

Subject: Property and Liability Excess Insurance

Prepared by: Pierrette E. Ray, Risk Manager

Introduction

City Council action is requested to authorize an expenditure for the 1997 contribution to the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for property and liability insurance. Funds are available in the 1997 Property and Liability Fund Budget for this expenditure.

Summary

The City annually purchases insurance to cover its assets (buildings, vehicles, and equipment) and to protect itself from liability exposures resulting from claims brought against the City and its employees. This insurance is purchased through the Colorado Intergovernmental Risk Sharing Agency (CIRSA). The quote from CIRSA for 1997 is \$71,631 which represents an increase of \$5,999 from 1996 as a result of the addition of new properties, vehicles, and equipment.

The alternative to renewing insurance coverages with CIRSA would be to seek quotes from the insurance marketplace. This would most likely cost the City more, both because of the limited number of companies that write governmental entity insurance and because of the commission that would be paid to the broker. Renewing with CIRSA is cost effective and provides the City with insurance protection designed to meet its needs.

Staff Recommendation

Authorize the City Manager to enter into an agreement with the Colorado Intergovernmental Risk Sharing Agency for the purchase of excess insurance, authorize the expenditure of \$71,631 for the City's 1997 property and liability excess coverage, and charge this expense to the Property and Liability Self Insurance Fund.

Background Information

The City of Westminster has been a member of CIRSA since its inception in 1982. CIRSA has grown from the original 18 cities to 143 members of the property and liability pool. CIRSA provides property and liability coverages that are tailored to meet municipal exposures. On January 1, 1988, the City implemented a large retention program electing to pay the first \$100,000 of each property claim, and the first \$150,000 of each liability claim. A reserve fund ensures that funds are available to cover deductible expenses in the event of a catastrophe or a year in which multiple large claims occur. Adequate reserves have been generated by transferring money remaining in the property and liability fund at year end into this reserve fund. The benefit of this process has been to allow for the accumulation of reserves through the normal budgeting process without needing to tap contingency funds. The unaudited fund balance at the end of 1996 was \$3,058,031.35.

The CIRSA quote for 1997 is \$71,631, after receiving a credit of \$9,473 based on the City's loss control audit score and a special one-time only mid year surplus credit authorized by the CIRSA Board of Directors of \$100,255. This contribution represents an increase of \$5,999 over last year's quote.

The City has continued to purchase its excess property and liability coverages with CIRSA for several reasons:

- > CIRSA has provided very favorable quotes for excess insurance.
- > CIRSA was established by municipalities specifically to provide insurance that meets the unique needs of Colorado cities and towns.
- > unlike all brokers and private insurance companies, CIRSA does not charge commissions.
- > CIRSA provides extensive loss control services including training and a film library that are available at no additional cost to its members.

The services provided by CIRSA include all claims handling, loss control and administrative service, and the following excess coverages:

- > Property coverage in excess of \$100,000 to \$201 million (limit shared with all pool members).
- > \$1 million per occurrence aggregate business interruption coverage.
- > Public Officials Liability coverage from \$150,000 to \$5 million per occurrence/aggregate.
- > Police Professional Liability insurance coverage from \$150,000 to \$5 million per occurrence/aggregate.
- > Motor vehicle physical damage from \$100,000 to \$600,000 per occurrence.
- > Motor vehicle liability coverage from \$150,000 to \$600,000 per occurrence.
- > General Liability coverage from \$150,00 to \$600,000 per occurrence.

The success of the City's self insured property and liability program can be attributed to several factors including ongoing employee safety training and other loss control practices, initiated by the individual departments and Risk Management Staff, the efforts of the City Employee Safety Committee, and the City's effective working relationship with the CIRSA claims adjusting staff.

Loss control activities include regular on-site inspections of City facilities, annual defensive driver's training, and the annual snowplow training and "Roadeo" sponsored by the Public Works and Utilities Department. By maintaining a strong focus on loss control, Staff believes that the benefits of the higher self insured retentions continue to outweigh the risk involved over the long term.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 27, 1997

Subject: Stop Loss Insurance for Self Insured Workers' Compensation Program

Prepared by: Pierrette E. Ray, Risk Manager

Introduction

City Council action is requested to authorize the purchase of excess stop loss insurance for the City's self funded workers' compensation program. Funds are available in the 1997 self insured Workers' Compensation Fund, General Services Department Budget for this expenditure.

Summary

As a self-insured employer, the City of Westminster is required by the State of Colorado to purchase excess insurance. For 1997, the best excess insurance quote is \$29,330 from the Genesis Company. Last year's cost for the excess policy was \$32,500.

Staff Recommendation

Authorize the purchase of excess workers' compensation insurance coverage from the Genesis Company for \$29,330 and charge the expense to the appropriate account in the Workers' Compensation Self Insurance Fund.

Background Information

The City has been self insured for workers' compensation for eleven years. This decision was made after research indicated that there were significant improvements in claims management, delivery of medical services and overall cost that could be realized by moving to a self insured position. Being self insured means that an organization is assuming all administrative and financial responsibility for claims of injured employees. To help spread this risk and comply with State regulations, the City purchases excess insurance on a per claim basis.

The City's claim experience has been comparatively good punctuated by some extraordinary claims. These extraordinary claims have occurred in the past seven years and have an impact on both the City's experience factor, a ratio used by the Division of Workers' Compensation insurance to compute taxes paid by the program, and on the budget on this program. A comparison of what the City would have paid to the Colorado Compensation Insurance Authority or other insurance companies over the same period shows that the City would have spent \$5,619,322 in premiums compared with the \$4,658,941 which has been allocated for workers' compensation expenses. Thus, during this eleven year period, the City has saved \$960,381 by being self insured.

The City's overall good performance in the workers' compensation program is, in large part, due to a proactive approach to claims management and a solid loss control program. The coordination of the City's wellness program activities with workers' compensation management is producing solid results.

Also, a close relationship with the physicians who serve as authorized treating physicians for the City's workers' compensation program has clearly had benefits in getting employees back to work and expediting the delivery of good, qualified, competent care.

As required by the State of Colorado Division of Workers' Compensation, the City must annually purchase excess insurance for the plan. At the request of the City's Risk Manager, the City's broker, Arthur J. Gallagher & Company, contacted various insurance companies in the excess insurance marketplace to determine what was available. All insurance companies are prequalified before they are considered for a quote. Each firm was asked to provide the annual cost of coverage for \$5 million, \$10 million and statutory limits. The excess insurance that the City currently has provides stop loss coverage for claim costs in excess of a \$300,000 retention for each claim up to a maximum of \$5 million. For 1997, Staff is recommending that the policy limits be increased to \$10 million. This would provide an additional \$5 million in protection for the City's program at a lower premium than was paid for last year's coverage. The Genesis Company quote for \$10 million is \$29,330. The City's 1996 policy from U.S. F&G with \$5 million in coverage was \$32,500.

Of the three companies that responded to the request for quotes, the Genesis Company had the best bid at \$29,330 for \$10 million in coverage. Other quotes received were from U.S. F&G with quote of \$29,500 for \$10 million, and Safety National Insurance with a quote of \$29,938 for \$10 million in coverage. Staff is recommending that the Genesis Company, the low bidder, be used to place this coverage.

Funds for this expense are available in the 1997 Workers' Compensation Self Insurance Fund.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 27, 1997
Subject: Colorado Municipal League Annual Dues
Prepared by: Mike Simmons, Management Assistant

Introduction

City Council is requested to authorize payment for the City's 1997 membership and dues to the Colorado Municipal League. The funds for this membership have been appropriated in the 1997 Central Charges portion of the City Budget.

Summary

The Colorado Municipal League (CML) provides services to over 200 cities and towns throughout the State. The annual membership dues to CML include subscriptions to the bimonthly magazine, Colorado Municipalities, and to the biweekly CML Newsletter for community officials. Other League services include municipal information services, municipal conferences and workshops, legislative services, administrative agency services, sample ordinances, research and publications. The CML is the main voice of cities at the State Legislature and has been important to cities in advocating and protecting their interests.

The City of Westminster's 1997 dues, which are based on population, assessed valuation, and sales tax collections, total \$34,465.01, an increase of \$1,669.23 over the 1996 dues. These funds have been included in the 1997 budget which was previously approved and adopted by City Council in October 1996.

Staff Recommendation

Authorize the payment of \$34,465.01 for the City's 1997 Colorado Municipal League dues and charge the expense to the appropriate Central Charges budget account in the 1997 Budget.

Background Information

The City of Westminster actively participates in CML meetings and workshops, and extensively utilizes the various services offered by the League. CML lobbies legislation on behalf of municipalities throughout the State, distributes two publications that provide information on timely topics and trends, hosts workshops and meetings on important municipal issues, and performs research as requested by member jurisdictions.

Over 200 cities and towns are members of CML and pay dues on an annual basis. CML's formula for arriving at a municipality's dues payment is based on a per capita charge using Department of Local Affairs population estimates, a fraction of the assessed valuation figures from the State Division of Property Taxation, and a fraction of state sales tax collections for the calendar year 1995.

As in previous years, the annual CML dues are included in the City Budget. City Council action is required because the expense is over \$25,000.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 27, 1997
Subject: Household Hazardous Waste Facility Annual Expense
Prepared by: Susan Nachtrieb, Environmental Compliance Coordinator

Introduction

City Council action is requested to authorize the expenditure for the invoice from the Jefferson County Household Hazardous Waste Storage Authority in the amount of \$26,712 for Westminster's portion of the 1997 operating costs for the Jefferson County Household Chemical Collection Center. Funds for this expense have been specifically budgeted for in the 1997 General Fund Central Charges budget.

Summary

The City of Westminster continues to actively participate in the management of the Jefferson County Household Chemical Collection Center. As part of the 1993 Intergovernmental Agreement (IGA) with Jefferson County and other Jefferson County Cities, Westminster agreed to fund a portion of the annual operating cost of the facility. Westminster's portion of the operating costs is based on a percentage of the overall Jefferson County population which is currently calculated at 15.53%. Funding levels have remained steady, with no increase in the budget since operations began in 1994.

Staff Recommendation

Authorize the payment of \$26,712 as the City's share of expenses for the Jefferson County Household Chemical Collection Center and charge the expense to the appropriate Central Charges General Fund budget.

Background Information

The Jefferson County Household Chemical Collection Center opened to the public in December 1994. Located in Golden, the facility serves three main functions:

- * Serves as a temporary repository for citizens to dispose of their household hazardous wastes.
- * A secured locker within the facility is available for the temporary storage of orphaned waste that has been abandoned on City property.
- * The secured locker is also available for the temporary storage of hazardous evidentiary waste obtained by the Police Department.

The facility is open Wednesdays and Saturdays to all Westminster citizens and Jefferson County residents for the collection and disposal of their household hazardous waste.

To date, the facility has collected over 16,000 gallons of paint, 7000 gallons of used motor oil, 8000 batteries, 21,000 gallons of antifreeze, and over 900 tires.

All of these products have been recycled. Overall, the facility has diverted the disposal of approximately 90 tons of toxic household chemicals from the local landfills.

As part of the IGA, two in-City household chemical roundups are planned for Westminster this year, with the first one scheduled for Saturday, May 31, at the Municipal Service Center. These in-City chemical roundups provide a convenient location for Westminster citizens to drop off their unwanted household chemicals. This event was very successful in September 1995 and May 1996, with over 250 vehicles participating in each event. This year, we plan to extend the event hours in hopes of serving at least 350 vehicles during these one-day events.

The facility also provides a Drop and Swap program, which is now in full swing. This program provides the public with the opportunity to pick up, free of charge, household chemicals (e.g. fertilizers, wood stains, home cleaners, etc.) that are judged to be safe and still usable for their intended purpose.

This entire program continues to grow in popularity with the public and the facility is now receiving nationwide recognition for its efforts in pollution prevention. The program has received several recent awards including:

1996 DRCOG Local Government Innovations Award: First Place in Cooperative Service Delivery

1996 National Association of Counties Achievement Award in the Environmental Protection and Energy category

Honorable Mention for the 1996 Colorado Municipal League Award

Honorable Mention from Colorado Recycles (a non-profit recycling group) as Government Recycler of the Year for 1996.

These awards demonstrate the hard work, efforts and commitment of the Jefferson County Household Hazardous Waste Storage Authority to provide a quality environmental program.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: January 27, 1997
Subject: Bids re Replacement Fire Department Vehicle
Prepared by: Ed Hopkins, Battalion Chief and Gary Casner, Purchasing/Telecommunications Officer

Introduction

City Council action is requested to award the bid for one 1997 GMC Yukon, a full size four wheel drive vehicle, as a replacement for a similarly equipped 1989 Chevrolet Blazer. Funds are available and have been specifically allocated in the 1997 Fire Department budget for this expense.

Summary

Formal bids in accordance with City Charter bidding requirements were obtained for this purchase. The new vehicle will replace an existing vehicle in the Fire Department fleet, a 1989 four wheel drive Chevrolet Blazer with major mechanical and rusting problems.

The low bid in the amount of \$28,832 is being recommended for this purchase.

Staff Recommendation

Award the bid for one four wheel drive GMC Yukon to Fogle Oldsmobile in the amount of \$28,832 and charge the expense to the appropriate 1997 Fire Department budget account.

Background Information

City Council previously allocated funds in the 1997 Fire Department budget for a replacement vehicle. The vehicle to be replaced is a four wheel drive 1989 Chevrolet Blazer. This vehicle has 79,000 miles on it and has a number of mechanical components which are in need of replacement. These include the engine, transfer case, and transmission as well as smaller subsystems in the vehicle such as brakes and electrical problems.

Additionally, the vehicle has extensive body rust damage and is in need of a paint job. The cost of these refurbishments would be approximately \$18,000. As it would not be reasonable to invest this much money in an eight year old vehicle, funds were requested in the 1997 budget for the replacement of this vehicle.

The replacement vehicle is a four wheel drive, four door Yukon made by GMC. This vehicle was requested so that there would be room for the various pieces of equipment used by the Fire Department and the ability to have four wheel drive for emergencies within the City.

Formal bids in accordance with City Charter bidding requirements were requested from area distributors of this type of vehicle with the following results:

Fogle Oldsmobile	\$28,832
Johnson Auto Plaza	\$30,396.91
Burt Chevrolet	\$30,489.32

Bids re Replacement Fire Department Vehicle

Page 2

The low bid from Fogle Oldsmobile meets all of the City's specifications for this bid. The cost of the vehicle, \$28,832, is within the amount previously allocated by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 27, 1997
Subject: Bids re Loader/Forklift
Prepared by: Jack Rudey, Utility Supervisor and Gary Casner, Purchasing/Telecommunications Officer

Introduction

City Council action is requested to award the bid for a loader/forklift to be used at the Municipal Service Center by Public Works & Utilities and Parks, Recreation & Libraries employees. Funds are available and have been specifically allocated in the 1997 Water Fund, Public Works and Utilities Budget for this expense.

Summary

The multiple purpose loader/forklift will be utilized on a daily basis by the Utilities, Street, and Parks Divisions to load, unload and move a variety of materials and equipment at the Municipal Services Center. This purchase will eliminate the need to keep a loader or backhoe in the yard for loading purposes and will eliminate production delays when equipment must be recalled from projects to handle unannounced deliveries of large equipment and materials.

Formal bids in accordance with City Charter bidding requirements were obtained for the purchase. The low bid meets specifications and is being recommended.

The cost of this piece of equipment is within the amount previously approved by City Council for this expense.

Staff Recommendation

Award the bid for one loader/forklift to the low bidder, Colorado Equipment Company of Colorado in the amount of \$62,332.75 and charge the expense to the appropriate 1997 Public Works and Utilities budget account.

Background Information

City Council previously allocated funds in the 1997 Budget for the purchase of a loader/forklift for use at the Municipal Service Center. This piece of equipment will be used to load equipment and supplies on City vehicles. It will be used by employees from Water, Wastewater, Streets and Parks Division crews.

Formal bids in accordance with City Charter bidding requirements were solicited from area distributors of this type of equipment with the following results:

Colorado Equipment Company	\$62,332.75
Center Equipment Company	\$71,332.25

Bids re Loaders/Forklift
Page 2

The low bid from Colorado Equipment Company is for a 524 Grade All loader/forklift. The City currently has Grade All equipment in the fleet. It has proven to be very reliable equipment. The bid from Colorado Equipment Company meets all of the City's requirements and is within the amount previously allocated by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 27, 1997
Subject: Resolution No. re Appointments Boards
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to make several appointments to various Boards and Commissions where vacancies now exist.

Summary

At the December, 1996 Council Meetings, City Council reappointed Board and Commission members where terms of office were expiring on December 31, 1996. As part of that process there were several Board and Commission members that did not wish to be reappointed.

Also, Mary Ann Archer has been moved to the prestigious position of Emeritus Status on the Special Permit and License Board after having served on this Board for 20 years, and a regular member will need to be appointed. In addition, Marc Lee has resigned from the Library Board and this vacancy also needs to be filled at this time.

City Council completed interviews with the new 1997 applicants for the new cycle of the Boards and Commissions Pool. In addition, there is a carry-over from the 1996 "pool" of 23 applicants. A copy of the matrix of each individual's preference on appointments is attached.

Per Council's direction, in most cases an alternate is being moved to a regular member position and the new appointee is being appointed as an alternate member. The only exception is Steve Wagner who is currently serving as a regular member of the Environmental Advisory Board. He has requested to be changed to an alternate member. Therefore, on the Environmental Advisory Board, the current alternate member, Suzi Walker is being moved to a regular member and the new appointee, Rich Holston is also appointed as a regular member.

Staff Recommendation

Adopt Resolution No. making appointments to the various Boards and Commissions.

Background Information

A single resolution has been prepared per Council's recommendation to formally make the appointments to the various Board and Commission vacancies at this time.

Respectfully submitted,

William M. Christopher, City Manager

Attachments

RESOLUTION

RESOLUTION NO.
SERIES OF 1997

INTRODUCED BY COUNCILLORS

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, Currently there are several vacancies on various Boards and Commissions; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint the following individuals to the City of Westminster Boards and Commissions as listed below with the terms of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Suzi Walker (moved from Alternate member to Regular member)	Environmental Advisory Board	12-31-98
Steve Wagner (moved from Regular member to Alternate member)	Environmental Advisory Board	12-31-97
Rich Holston (Regular member)	Environmental Advisory Board	12-31-97
Mary Boston (moved from Alternate member to Regular member)	Library Board	12-31-97
Ted Fleagle (Alternate member)	Library Board	12-31-97
Vicki Atkins (moved from Alternate member to Regular member)	Parks & Rec Advisory Board	12-31-98
Ron Dickerson (Alternate member)	Parks & Rec Advisory Board	12-31-97
	Planning Commission (moved from Alternate member to Regular member)	12-31-98
	Planning Commission (Alternate member)	12-31-97
David Tracy (moved from Alternate member to Regular member)	Special Permit & License Board	12-31-98
William Bernstein (Alternate member)	Special Permit & License Board	12-31-97

Passed and adopted this 27th day of January, 1997.

ATTEST:

Mayor

City Clerk

Date: January 27, 1997

Subject: TABLED - Smith Property Public Hearing and Zoning

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested to remove from the Table, hold a public hearing and pass the attached Councillor's Bill on first reading zoning the Smith property to O-1, Open, which was annexed in November of 1996.

Summary

On October 28, 1996, the City Council passed on first reading Councillor's Bill No. 71 annexing the remaining 8.3 acres of the Smith property. (Second reading and approval of the annexation were acted upon November 11, 1996). At that time, action on the question of zoning for the property was tabled to the January 27 hearing of 1997 in order to allow the applicant time to submit application for a Planned Unit Development (PUD) zone. At this time, no application has been received by the Staff.

State Statutes concerning annexation specify that a municipality must assign a zoning district to annexed land within 90 days of the annexation. In order to meet that requirement action must be taken at the January 27th meeting to zone the Smith property. Staff continues to recommend that the property be zoned O-1 (Open).

The new owner of the property is Terry TenEyck of Carlson Realty.

Mr. TenEyck closed on the property on January 21, 1997. Mr. TenEyck is still of the opinion that the property should not be zoned O-1, but PUD. This tabled hearing was published for O-1 zoning, and other than the concept sketch for senior housing that was submitted to Staff in October, no application has been submitted for establishing a PUD zoning. The O-1 zoning designation is appropriate at this time until an application to change the zoning to PUD is received and considered by the Planning Commission and City Council.

Staff Recommendation

1. Remove from the Table and hold a public hearing on the rezoning of the Smith Property from Adams County A-1 to City of Westminster O-1, Open District.
2. Remove from the Table and pass Councillor's Bill No. on first reading zoning the Smith property O-1, Open based on a finding that the zoning meets the requirements of the City Code, including Section 11-2-1, Zoning Map Amendments; and the proposed land use is compatible with existing and proposed land uses in the area.

Background Information

The agenda memorandum for the October 28, 1996, hearing of the City Council is attached in order that City Council may become reacquainted with the issues regarding the annexation of the Smith property.

At that hearing, Mr. Terry TenEyck objected to the proposed zoning and asked for additional time to submit a PUD for the property. The owner of record at the time the property was annexed was the Helen M. Smith Trust. Mr. TenEyck has indicated that he is the new owner of the property as of January 21, 1997. As Mr. TenEyck indicated in his testimony in October, he prefers PUD as the zoning designation, not O-1.

The O-1 "Open" zoning district is recommended with this unilateral annexation. This district allows for agricultural and residential use, similar to the current Adams County zoning designation of A-3. The O-1 district is appropriate until the owner or subsequent developer applies for rezoning to PUD and prepares a site specific Preliminary Development Plan for the City's consideration. This practice of using the O-1 district as a holding zone until specific development plans are submitted has been the City's practice for many years. An example would be the "Foster" property, a large tract located between Sheridan and Federal Boulevards south of 120th AVenue which was zoned O-1 when it was annexed and will be ultimately zoned as a PUD when an end user has solidified plans for the property. Staff fully expects that the property will be zoned as a PUD in the future when all application materials have been submitted and property notices give to change the zoning from O-1 to PUD.

The Council agreed to table the issue and instructed City Staff to enter into negotiations to purchase the property. Negotiations are on-going but no agreement has been reached at this time.

Because of the time constraints imposed by State Statutes, the City must now assign a zone district to the property. If at some subsequent time the applicant wishes to submit an application for rezoning, he may still do so.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN SECTION 8, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Adams County A-1 to City of Westminster O-1 zoning has been proposed by the City for its approval pursuant to Westminster Municipal Code section 11-2-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 2 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code sections 11-2-1, 12-2-1, 12-2-2, and 12-8-7.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Adams County A-1 to City of Westminster O-1--Open.

A tract of land in the northeast quarter of Section 8, Township 2 South, Range 68 West of the Sixth Principal Meridian, in the City of Westminster, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the north quarter corner of said Section 8; thence along the west line of said northeast quarter S00°01'09"W, 1320.80 feet to the true point of beginning;

Thence N89°34'27"E, 50.00 feet to a point on the easterly right of way line of Federal Boulevard; thence continuing N89°34'27"E, 449.95 feet; thence S00°25'33"W, 754.94 feet; thence S39°43'11"W, 70.82 feet; thence N80°16'49"W, 416.52 feet to the east right of way line of Federal Boulevard; thence along said line and parallel to the west line of said northeast quarter S00°01'09"W, 585.33 feet to a point on the south line of said quarter; thence along said south line S89°41'51"W, 50.00 feet to the southwest corner of said quarter; thence along the south line of the northwest quarter of said Section S89°40'26", 100.00 feet to a point on the west right of way line of Federal Boulevard; thence along said line and parallel to said west line N00°01'09"E, 1320.77 feet; thence N89°34'27"E, 100.00 feet to the true point of beginning.

Said tract contains 548,424 square feet or 12.590 acres more or less.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

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INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of January, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of February, 1997.

ATTEST:

Mayor

City Clerk

Date: January 27, 1997

Subject: Resolution No. re NTA Leasing Private Activity Bonds

Prepared By: Susan Grafton, Economic Development Manager
Becky Johnson, Economic Development Specialist

Introduction

City Council action is requested to adopt the attached Inducement Resolution setting forth the City of Westminster's intent to issue Private Activity Bonds, from the statewide pool of the State of Colorado, to finance the development of NTA Leasing's new manufacturing facility in Park Centre.

Summary

NTA Leasing, a partnership of 4 owners of the Genesee Group, is currently negotiating the purchase of land in Park Centre for the construction of their new manufacturing facility. The company is seeking \$2.0 million in Private Activity Bonds (PAB) from the State of Colorado state wide pool, for the acquisition of the property and the construction of their new facility. At the January 13, 1997 City Council meeting, Council approved a letter of support signed by the Mayor to enhance the possibility of award of Private Activity Bonds from the State of Colorado PAB pool for NTA Leasing. As a preliminary step toward the possible issuance by the City of Private Activity Bonds for NTA Leasing, the City must "induce" the project through the adoption of an Inducement Resolution as required by state and federal laws. The adoption of the attached Inducement Resolution will then allow the City to apply for an allocation from the State of Colorado PAB pool to increase the City's \$2.2 million PAB allocation to the total \$4.2 million needed to finance the NTA Leasing project.

By passing this resolution, the City assumes no duty to issue the bonds and the right to further negotiate the terms of any actual bond issue is retained.

Staff Recommendation

Adopt Resolution No. setting forth the City of Westminster's intent to issue Private Activity Bonds to finance the purchase of land, construction and furnishing of the proposed NTA Leasing's new manufacturing facility.

Background Information

NTA Leasing is requesting from the State of Colorado statewide pool the authority to issue up to \$2.0 million of Private Activity Bonds (PAB) for the acquisition of land and construction of a manufacturing facility in Park Centre. The exact site has not been selected, as negotiations are still in process between NTA Leasing and Eagle Creek Properties, a Park Centre land owner.

The Colorado Revised Statutes authorize the application to the statewide pool after the local allocation has been designated. The use of the local allocation for senior housing will allow NTA Leasing to apply to the State for PABs from the statewide balance.

The Inducement Resolution is a prerequisite for the City to formally authorize the application to the State for additional allocation from the statewide balance.

The City will not be obligated for payment of any fees or expenses for bond counsel or for any other fees and expenses related to the issuance of these bonds.

NTA Leasing Project

City Staff has been meeting and communicating regularly with representatives of NTA Leasing (a.k.a. The Genesee Group), since August 1996 concerning location of their corporate offices and manufacturing facility in Westminster. NTA Leasing has decided to construct a 50,000 to 60,000 s.f. facility in Park Centre that will house two wholly owned subsidiaries known as Genesee Wester, Inc. and Key Products, Inc.

Genesee Wester, Inc. has been providing high quality, high volume Class A metal forming products since 1946. The company produces brackets, geometric metal shapes, and ultra-thin metals for small stampings.

Key Products, Inc. was incorporated in Colorado in 1988 and is a premier designer and manufacturer of custom binders and accessories. The company produces computer related items, such as binders/slipcase sets, angle/slipcase sets, disk holders, as well as custom binders, pad holders, tabs, and other such items.

The new combined manufacturing facility is estimated to cost \$2.25 million and will employ as many as 65 employees with an annual payroll of \$1.15 million to \$1.3 million. A 3% to 5% growth rate is projected.

This project will contribute to the diversification of the City's economy by providing primary job employment.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997 _____

A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE BONDS; AND DECLARING ITS INTENT TO REIMBURSE CERTAIN CAPITAL EXPENDITURES BY ISSUING BONDS.

WHEREAS, NTA Leasing, a Texas partnership (the "Company"), has requested that the City of Westminster, Colorado (the "City"), issue tax-exempt bonds (the "Bonds"), and loan the proceeds thereof to the Company to finance the costs of a manufacturing facility, including the acquisition of land and the construction and equipment of the facility within the City in the Park Center Corporate Park at the intersection of 124th Street and Pecos (the "Project") to be owned and operated by the Company; and

WHEREAS, the City desires to encourage the Company to proceed with the Project in order to further the purposes of the County and Municipality Development Revenue Bond Act, as amended (the "Act"); and

WHEREAS, no costs of the Project to be paid or reimbursed with proceeds of the Bonds were paid by the Company more than 60 days prior to the date of this Resolution, other than preliminary expenditures (not exceeding 20% of the aggregate issue price of the Bonds) and such preliminary expenditures do not include costs of land acquisition or site preparation or other costs of construction or acquisition of the Project.

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

Section 1. APPROVAL OF THE PROJECT; FINDINGS. Based upon the information supplied by the Company, the City hereby approves the Project and makes the following findings in connection therewith:

A. The Project constitutes a "project" for purposes of the Act in that it consists of a manufacturing enterprise (as further defined in the Act).

B. The Project will promote the public purposes of the Act and the health, safety, welfare, convenience and prosperity of the inhabitants of the State of Colorado by promoting industry and the development of trade and other economic activity through the inducement of the Company to acquire and construct the Project in the City.

Section 2. DECLARATION OF OFFICIAL INTENT TO FINANCE CAPITAL EXPENDITURES. The City hereby approves the Company's request and the issuance of the Bonds for the Project and declares its intention and reasonable expectation to use the proceeds of the Bonds to pay the costs of the Project and to reimburse the Company for expenditures for costs of the Project to the extent permitted by federal tax regulations and the Act, such Bonds to be issued in compliance with the Act, and to be payable solely from the revenues of the City to be derived from loan payments or other payments by the Company. The City anticipates that the principal amount of the Bonds will not exceed \$2,000,000.

Section 3. NO LIABILITY OF CITY. The Bonds shall be special, limited obligations of the City and shall never constitute the debt or indebtedness of the City within the meaning of any provision or limitation of the Constitution or statutes of the State of Colorado, and shall not constitute nor give rise to a pecuniary liability or financial obligation of the City or a charge against the City's general credit or taxing powers, nor shall the Bonds ever be deemed to be an obligation of any officer, agent or employee of the City in such person's individual capacity, and no such person shall be subject to personal liability by reason of the issuance of the Bonds.

Section 4. INDEMNITY AND COSTS. The Company will indemnify and hold harmless the City and all of its officers, agents or employees as will be set forth in the transaction documents. No costs are to be borne by the City in connection with this transaction.

Section 5. AUTHORITY. For purposes of the Act, the Bonds shall be issued pursuant to an ordinance of the City Council hereafter to be adopted.

Section 6. INCIDENTAL ACTION. The proper officials of the City are hereby authorized and directed to take or approve the taking of such actions as may be necessary or appropriate on its part in order to accomplish the purposes of this Resolution and to preserve the ability of the Company to finance its capital expenditures in accordance with the federal tax regulations, including applying to the Colorado Department of Local Affairs for an allocation of the private activity bond ceiling from the statewide balance or from any other available allocation.

Section 7. NO OBLIGATION OF CITY. The agreements of the City set forth above are expressly conditioned upon the ability and willingness of the City to issue the Bonds as tax-exempt obligations under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder as existing on the date of the issuance of the Bonds. Nothing contained in this Resolution shall be construed as requiring the City to issue the Bonds, and the decision to issue the Bonds shall be in the complete discretion of the City.

Section 8. EFFECTIVE DATE; REPEAL. This Resolution shall take effect immediately upon its adoption, and all prior resolutions or portions thereof inconsistent herewith are hereby repealed.

PASSED AND ADOPTED this 27th day of January, 1997.

CITY OF WESTMINSTER, COLORADO

ATTEST: _____
Mayor

City Clerk

Date: January 27, 1997

Subject: Resolution No. re Westminster Boulevard,
104th/112th Avenue

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to adopt the attached Resolution authorizing the acquisition of rights-of-way needed for the construction of the Westminster Boulevard project and a parcel needed to provide public parking in the vicinity of the Westminster Promenade on the Ryan property through condemnation proceedings, if necessary; and authorizing the expenditure of an amount not to exceed \$404,000 for the purchase of rights-of-way, easements, parcels, legal fees and closing costs associated with the land purchases needed for the Westminster Boulevard improvements. Funds for this expense are available in the 1997 General Capital Improvement Fund and then the Sales and Use Tax Bond issue recently approved by voters for transportation improvements.

Summary

On November 25, 1996, Council authorized the City Manager to execute a business assistance agreement with Northpoint LLC pertaining to the Promenade Project. The Promenade project consists of a 24-Screen AMC Theatre and "retail village" fronting on or having access to a pedestrian "Promenade."

Simultaneous with the construction of the AMC Theatre and Promenade shops, the City will build Westminster Boulevard (Pierce Street) from 104th Avenue to 112th Avenue. This new street will be a four-lane minor arterial with raised median and will have double left and double right turns at the 104th Avenue intersection. The street will be depressed where the Promenade bridge crosses over the street, keeping the Promenade at approximately the same elevation as it crosses over the street.

Westminster Boulevard has been designated on the City's Comprehensive Roadway Plan as a minor arterial since 1994 and has been designed to traverse the Northwest Business Park immediately north of the Promenade. Two signalized access

points are proposed off of Westminster Boulevard into the Phase I Promenade development; one approximately 650-feet north of 104th Avenue and the second approximately 1200-feet further north. There will be no street connections to Westminster Boulevard from the existing Sheridan Green Subdivision. This was the overwhelming preference of the area residents who attended a public meeting in 1996 to review the proposed street project .

In order to minimize the negative impacts of Westminster Boulevard on the adjacent residents, a 130-foot bermed and planted buffer will be provided between the road curb and the rear lot line of the western most row of Sheridan Green lots. The landscaping will be installed during the first planting season after the roadway is completed (Spring of 1998).

This roadway project requires the acquisition of right-of-way from two separate landowners, Donald Ryan, the owner of property immediately north of the Westminster Promenade project, and REUAS, Inc., the owners at the northwest corner of 112th Avenue and Pierce Street. Westminster Boulevard, 104th to 112th Avenue

Page 2

Furthermore, a parcel of land will be needed from the Ryan ownership to provide public parking.

Negotiations for the purchase of these parcels need to begin immediately to keep this project on schedule. Every effort will be made to acquire these parcels through negotiations. However, authorization for condemnation is requested to assure the start of this project by early 1997.

Staff Recommendation

Adopt Resolution No. authorizing the expenditure of up to \$404,000 for the acquisition through condemnation, if necessary, of sufficient rights-of-way and parcels for the construction of the Westminster Boulevard project and public parking; and charge

this expense to the appropriate project account in the General Capital Improvement Fund.

Background Information

Since the opening of the 104th Avenue/U.S. 36 Interchange, the City has considered the feasibility of a roadway connection that

would provide quick access to the highway for residents of Sheridan Green Subdivision and other subdivisions to the north of 112th Avenue. Currently, motorists from these areas must travel east to Sheridan Boulevard, south to 104th Avenue, then west to U.S. 36, thus adding considerable distance to their trips and contributing to the air pollution problems of the Denver metro area.

A logical, more direct route to U.S 36 would be provided by an extension of Westminster Boulevard (Pierce Street) from 104th Avenue (on the west side of the Butterfly Pavilion) through Northpoint Subdivision and along the west side of Sheridan Green Subdivision to 112th Avenue. On August 28, 1995, Council authorized the final design of this road. The construction plans are nearing completion and construction is anticipated to begin in April, 1997.

The Westminster Boulevard project includes the construction of a four-lane minor arterial with raised landscaped medians, similar to Sheridan Boulevard between 104th Avenue and 112th Avenue. As part of this project, signals will be installed at 104th Avenue, the two Promenade entrances and 112th Avenue. In addition, the main feature of this project will be the pedestrian "Promenade" bridge which will allow pedestrians to cross Westminster Boulevard without traffic conflicts.

A title commitment is being prepared and negotiations are under way for the two properties that must be acquired in order to construct this project as well as another parcel that is needed to provide public parking on the Ryan property. The negotiator will attempt to reach agreement with the property owners within the next few weeks. If the negotiations cannot be successfully completed in a timely fashion so as to threaten the project schedule, it is recommended that the City invoke its Right of Eminent Domain to secure the property rights needed. The attached Resolution authorizes the City Attorney to proceed with condemnation of the parcels should negotiations fail.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. INTRODUCED BY COUNCILLORS
SERIES OF 1997 _____

WHEREAS, the City of Westminster has determined that it is necessary to the public, health, safety and welfare to obtain land to accommodate the construction of Westminster Boulevard between 104th Avenue and a point approximately 600-feet north of 112th Avenue and to accommodate the construction of a public parking lot in the vicinity of this roadway; and

WHEREAS, appraisals will be prepared by a professional company experienced in performing appraisals to determine the fair market value for the parcels; and

WHEREAS, the City will make an earnest good faith offer of purchase for the subject parcels; and

WHEREAS, a municipal public purpose exists to acquire the property. A delay in the acquisition of the rights-of-way, easements and parcels could result in a delay in the construction of Westminster Boulevard thus creating a hardship on the general population of the City of Westminster wishing to access and use the proposed road; and

WHEREAS, legal counsel for the City of Westminster deems it to be in the best interest of the City to acquire the property by the City's right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcels described in this resolution is commenced, immediate possession by the City will be necessary for the public

health, safety and welfare due to bidding and construction deadlines.

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

1. The City Manager is hereby authorized to establish the

minimum just compensation to be offered to acquire the property;
and

2. City Staff is authorized to cause and shall cause negotiations to be initiated to acquire the parcels and interests identified in Exhibit A on the basis of the appraised value, or such higher amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation, and the City Manager is hereby authorized to acquire such parcels consistent with applicable law, including the execution of all documents necessary to complete this purchase; and

3. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the property in question, including proceeding with condemnation of the property in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the property should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request immediate possession of the property; and

4. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the property in questions, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The expenditure amount not to exceed \$404,000 and the costs shall be charged to the Westminster Boulevard (Pierce Street) Project Account of the General Capital Improvement Project Fund; and

5. The City Engineer is hereby authorized to amend the legal description of the parcels to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of construction.

PASSED AND ADOPTED this 27th day of January, 1997.

Mayor

ATTEST:

Date: January 27, 1997
Subject: Standley Lake Lease Extension
Prepared by: Rod Larsen, Open Space Supervisor

Introduction

City Council action is requested to authorize the City Manager to execute a new recreation lease agreement with Farmers Reservoir Irrigation Company (FRICO). This lease agreement would be a two year extension of the original lease, which is due to expire in February 1997. This extension is necessary if Standley Lake Recreation Area is to be operated by City of Westminster Staff in 1997.

Summary

Current negotiations are underway between FRICO and Jefferson County on the purchase of the recreational rights needed to develop Standley Lake into a regional park. Delays in these negotiations require the City of Westminster and FRICO to extend their current lease agreement. A two-year extension would allow adequate time for negotiations to be completed between FRICO and Jefferson County.

Based on the existing lease, which has a 3% annual increase, the 1997 lease payment will be \$62,316.75, with the 1998 payment being \$64,186.25. Payments will be made on a quarterly basis rather than yearly, thereby reducing City of Westminster's obligation if negotiations are finalized before the end of the two-year lease. The cost of this lease will be absorbed through revenues brought in from park admissions and motor boat permit fees.

Staff Recommendation

Authorize the City Manager to execute the new lease extension with the Farmers Reservoir Irrigation Company in the amount of \$62,316.75 for 1997 and \$64,186.25 for 1998 and charge the expense of this lease to the appropriate budget account in the annual Standley Lake Budget.

Background Information

In 1994, Jefferson County Open Space (JCOS) allocated \$2.5 million for the design and construction of the first phase of the Standley Lake Recreation Area Improvement Project. Phase I includes a boat ramp, trails, campgrounds, access roads from 100th Avenue, and restrooms. The majority of these improvements occur on the north side of Standley Lake with a trail link to the south shore picnic and trailhead area completed by JCOS in 1996. Construction drawings are in the final stage of development and JCOS is prepared to bid out the project as soon as land acquisition is complete.

Jefferson County is also the lead agency for securing land acquisitions and water based recreation rights from the Farmers Reservoir and Irrigation Company (FRICO). Negotiations are progressing slower than anticipated, but are expected to be finalized in the first half of 1997.

Extending the lease for an additional two years should adequately cover any unforeseen circumstance that may extend the Standley Lake Improvement Project. The City Attorney's Office has reviewed the extension agreement and has provided wording to achieve TABOR (Amendment No. 1) compliance.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

AMENDMENT TO AGREEMENT FOR LEASE OF STANDLEY LAKE

THIS AMENDMENT is made this ____ day of _____, 19__, to the Agreement dated February 28, 1992, between **THE FARMERS RESERVOIR AND IRRIGATION COMPANY** ("FRICO") and **THE CITY OF WESTMINSTER** ("Westminster").

WHEREAS, FRICO and Westminster entered an Agreement on February 28, 1992, for the lease to Westminster to certain lands known as "Standley Lake" for a term beginning February 1, 1992, and ending February 1, 1997, (the "Agreement"); and

WHEREAS, the Parties wish to extend the term of the lease and make certain changes therein.

NOW, THEREFORE, the Parties agree as follows:

1. Section 1 is amended by the extension of the term from February 1, 1992, through January 31, 1999.
2. Section 2, first paragraph, is amended to read:

2. RENTAL. The base rent for the Subject property leased herein shall be the sum of Sixty-Two Thousand Three-Hundred Sixteen Dollars and Seventy-Five Cents (\$62,316.75) for the year beginning February 1, 1997, and Sixty-Four Thousand One-Hundred Eighty-Six Dollars and Twenty-Five Cents (\$64,186.25) for the year beginning February 1, 1998. The base rent shall be increased by three percent (3%) compounded annually each year this lease is extended beyond January 31, 1999. The base rental shall be paid to FRICO in four equal installments on February 1st, May 1st, August 1st, and November 1st of each year during the term of the lease. Westminster's obligations for rental payments and all other financial obligations of Westminster pursuant to this Agreement, are subject to annual appropriation. Failure to make such appropriations in a timely manner shall be grounds for FRICO to terminate this Agreement.
3. All other terms and provisions of the Agreement shall remain in full force and effect.

**FARMERS RESERVOIR AND
IRRIGATION COMPANY**

CITY OF WESTMINSTER

4800 West 92nd Avenue
Westminster, CO 80030

By: _____

By: _____

Title: _____

Title: _____

Attest:

Attest:

Title: _____

City Clerk

Approved as to Legal Form:

City Attorney

Date: January 27, 1997

Subject: U.S. 36/Sheridan Boulevard/92nd Avenue Interchange

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Engineering Design Contract with Felsburg, Holt and Ullevig (FHU) in the amount of \$553,590 for the U.S. 36/Sheridan Boulevard/92nd Avenue Interchange Project. Funds for this expense are available in the U.S. 36/92nd Avenue/Sheridan Boulevard Interchange Project of the General Capital Improvement Fund.

Summary

The subject of this Agenda Memorandum is the design of the U.S. 36 Interchange with Sheridan Boulevard and 92nd Avenue. The recent bond issue included funds for this significant design effort, which would secure the necessary approvals needed to allow the City to construct these improvements in future years. This interchange design will include some non-traditional concepts, and because of this, it is important to have a firm representing the City that is vastly experienced in interchange design and extremely knowledgeable of Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHA) procedures.

Staff firmly believes that FHU should be selected to perform the complex work necessary to secure construction approval for such an interchange from the governing authorities. Mr. Steve Holt, the Principal-in-Charge on this project, is a nationally recognized expert in this field who is held in high regard by the CDOT Staff. City Staff had previously earmarked \$600,000 within the \$15 million street bond issue for this interchange design effort. Staff is comfortable that the \$553,590 fee proposed by FHU for all of the work associated with this interchange approval process is fair.

Staff Recommendation

Authorize the City Manager to execute an Engineering Design Contract with Felsburg, Holt and Ullevig in the amount of \$553,590 for the U.S. 36/Sheridan Boulevard/92nd Avenue Interchange Project; and charge the expense to the appropriate project account in the General Capital Improvements Fund.

Background Information

In 1991, Felsburg, Holt and Ullevig (FHU) was hired by the City to prepare a Comprehensive Roadway Master Plan. This Plan was a "big picture" look at the City to identify areas needing roadway system improvements. It identified the area around the Westminster Mall as a high priority for roadway system improvements. Based upon the results of this Study, Staff decided to focus on this "high priority" area, and therefore, in January, 1995, the City hired FHU to identify more specific improvements in the area generally bounded by Sheridan Boulevard on the east, Harlan Street on the west, 92nd Avenue on the north and 88th Avenue on the south.

One of the specific projects identified that would provide significant relief to the traffic congestion within the Westminster Center area is U.S. 36/Sheridan Boulevard/92nd Avenue interchange improvement. Funds for the design of such improvements were included in the bond issue approved by Westminster citizens in November of 1996.

This design of the U.S. 36 Interchange by FHU would include all studies addressing noise pollution, air pollution, environmental issues and drainage that are required in CDOT's approval process.

This effort also includes the preparation of plans that will allow the City to construct the interchange in the future. The fee requested by FHU (\$553,590) is approximately eight percent (8%) of the anticipated cost of construction and is consistent with design fee percentages that the City pays on most other capital improvement projects.

Staff believes that Felsburg, Holt and Ullevig is the most logical choice to perform this study due to their strong familiarity with the City's entire roadway system and their excellent reputation with the Colorado Department of Transportation.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: January 27, 1996

Subject: Councillor's Bill No. re Melody Plaza Easement Vacation

Prepared by: Richard Borchardt, Civil Engineer

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading to vacate an existing 20-foot utility easement located in the Melody Plaza Filing No. 2 Subdivision south of 121st Avenue between Delaware Street and Melody Drive.

Summary

The Official Development Plan (ODP) for Melody Plaza Filing No. 2 allows for an 80-unit hotel to be built in Phase I of the development on the south side of 121st Avenue between Delaware Street and Melody Drive. The proposed building location necessitates the vacation of an existing 20-foot utility easement that was previously dedicated to the public. The sanitary sewer within the existing utility easement will be relocated with the construction of the development and a new easement dedicated along the new alignment. The attached vicinity map shows the location of the existing 20-foot utility easement, the new utility easement and the building pad.

City Staff is in agreement with the owner's request that the subject easement be vacated. Naturally, this vacation will be contingent upon receipt of the new utility easement along the alignment of the new utilities, and the attached ordinance includes language to make the easement vacation contingent upon the receipt of the new utility easement. The City Charter mandates that Council must approve vacations via ordinance.

Staff Recommendation

Pass Councillor's Bill No. on first reading vacating the existing 20-foot utility easement with the Melody Plaza Filing No. 2 Subdivision.

Background Information

The ODP for Melody Plaza Filing No. 1 was approved on July 19, 1985. The construction of Melody Plaza Filing No. 1 included the installation of a sanitary sewer main along with the dedication of a 20-foot wide utility easement across the future filing of Melody Plaza Filing No. 2. The location of said sanitary sewer line was established according to the site planning and information available at that time.

The ODP for Melody Plaza Filing No. 2 was approved on January 3, 1997. The site planning for the Melody Plaza Filing No. 2 includes an 80-unit hotel in Phase I of the development. The location of the 80-unit hotel pad conflicts with the existing sanitary sewer and utility easement that were previously installed. The ODP for Melody Plaza Filing No. 2 included the relocation of the existing sanitary sewer line and the dedication of a new utility easement along the new alignment.

The owner has requested that the existing utility easement be vacated so he can proceed with the dedication of the new easement with the plat for Melody Plaza Filing No. 2.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING A UTILITY EASEMENT WITHIN THE MELODY PLAZA P.U.D.

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, a certain 20-foot wide utility easement located within Melody Plaza Filing No. 2 Subdivision was previously dedicated to the public by a Utility Easement Agreement recorded in Adams County Clerk and Recorder's Office in Book No. 3094, Page 595; and

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the easement parcel described in Section 2 hereof.

Section 2. A 20-foot wide utility easement being more particularly described as follows:

A parcel of land situated in the southwest one-quarter of Section 34, Township 1 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, County of Adams, State of Colorado, being more particularly described as follows:

Commencing at the southwest corner of said southwest one-quarter of Section 34, whence the south one-quarter corner of said Section 34 bears N89°37'30"E, a distance of 2639.77 feet, said line forming a basis of bearings for this description; thence N00°32'00"W along the west line of said southwest one-quarter a distance of 379.00 feet; thence N89°37'30"E, a distance of 596.00 feet to the northwest corner of Melody Plaza Subdivision, Filing No. 1, a subdivision plat recorded at Reception No. B618339, File No. 16, Map 374 of the Adams County Records; thence N89°37'30"E along the north line of said Melody Plaza Subdivision, Filing No. 1, a distance of 312.83 feet to the northeast corner of Melody Plaza Subdivision, Filing No. 1 to the True Point of Beginning, said point being the centerline of an existing 20-foot utility easement recorded at Book 3094 at Page 595;

Thence along the perimeter of said 20-foot easement the following five (5) courses and distances:

- 1) N00°32'00"W, a distance of 10.00 feet;
- 2) N89°37'30"E, a distance of 208.70 feet to a point on the westerly boundary line of Delaware Street;
- 3) S00°32'00"W along said westerly line a distance of 20.00 feet;
- 4) Thence S89°37'30"W, a distance of 208.70 feet to a point on the easterly boundary line of said Melody Plaza Subdivision, Filing No. 1;
- 5) Thence N00°32'00"W along said east line a distance of 10.00 feet to the True Point of Beginning.

Said Parcel of land contains 4174 square feet or 0.096 acres, more or less

Section 3. This ordinance shall take effect upon its passage after second reading and upon the provision of the new utility easement along the new alignment of the sanitary sewer for the City-owned and maintained utilities upon the property.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of January, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of February, 1997.

ATTEST:

Mayor

City Clerk

Date: January 27, 1997
Subject: 128th Avenue and Huron Street Construction Contract
Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to award the construction contract for the 128th Avenue and Huron Street Project to Asphalt Specialties Company in the amount of \$2,082,676. City Council action is also requested to authorize the expenditure of \$141,400 from the appropriate project account in the Utility Fund to pay for the reclaimed water line being installed as part of this project. City Council action is further requested to authorize the City Manager to execute a contract with Kimley-Horn and Associates, Inc. in an amount not to exceed \$162,826 for construction engineering services relating to this project. Finally, the authorization of a project contingency of \$50,000 is requested. Funds are available for these expenses in the appropriate project account in the General Capital Improvement Fund and the Utility Fund.

Summary

Construction of the 128th Avenue and Huron Street Intersection Improvement Project is scheduled to begin in mid-March, pending Council's approval of this Notice of Award.

Nine contractors submitted bids on this project with the low bid of \$2,082,676.25 being submitted by Asphalt Specialties Company. It is recommended that City Council award the contract to Asphalt Specialties Company.

Council action is also requested to authorize the City Manager to sign a Construction Engineering Services Agreement with Kimley-Horn and Associates, Inc., the current design consultant on the project, in the amount of \$162,826. This amount is approximately 7.8% of the construction cost, which compares favorably with such contracts on previous capital improvement projects.

Further Council action is requested authorizing the expenditure of \$141,400 from the Utility Fund Account. This amount will fund the 36-inch reclaimed water line which is being installed as part of this project. Installing this portion of the line now will prevent unnecessary excavation of the intersection in the future when the extension of this line is installed.

Staff Recommendation

Authorize the City Manager to sign a contract with Asphalt Specialties Company in the amount of \$2,082,676; authorize the City Manager to sign a Construction Engineering Services Agreement with Kimley-Horn and Associates, Inc. in an amount not to exceed \$162,826; authorize a contingency of \$50,000; and charge \$141,400 of these expenses to the appropriate project account in the Utility Fund and charge the remaining expenses to the appropriate project account in the General Capital Improvement Fund.

Background Information

This project consists of the construction of street, drainage, traffic control and selected utility improvements necessary to reconstruct the 128th Avenue and Huron Street intersection within the City of Westminster. These arterial streets are experiencing heavy traffic flow, most noticeably in the morning and evening "rush hour" peak times. The current average daily traffic (ADT) on Huron Street is 11,000 vehicles while 128th Avenue experiences 8,000 vehicles per day. In the year 2010, the ADT for Huron Street is expected to rise to 27,000 vehicles and 128th Avenue to 20,000 vehicles. This intersection is an important link for the City as it conveys traffic not only from the northern limits of Westminster but also from the surrounding entities of Broomfield, Thornton and unincorporated Adams County.

According to the Westminster Comprehensive Roadway Master Plan, both Huron Street and 128th Avenue are classified as principal arterial streets. The construction drawings for the project include building a four-lane facility including any necessary auxiliary lanes along Huron Street and 128th Avenue for a distance of 400 feet in the west, north and east and to 123rd Avenue to the south. Signal improvements, selected utility improvements, walks and drainage improvements are also included as part of this project.

The construction package for this project was advertised in The Daily Journal for one month and bids were opened on January 9, 1997. Nine contractors submitted bids, and the bid results are as follows:

<u>Bidder</u>	<u>Amount of Bid</u>
Asphalt Specialties Company	\$2,082,676.25
GE McKim Civil Contractors	2,097,186.05
Hamon Contractors, Inc.	2,140,101.15
Brannan Sand & Gravel Company	2,195,125.73
Bituminous Roadways of Colorado	2,327,123.41
TARCO, Inc.	2,335,552.55
Tierdahl Construction Company	2,369,369.00
Duran Excavating, Inc.	2,396,373.265
Wycon Construction Company	2,634,317.00
Engineer's Estimate	\$2,225,999.62

Kimley-Horn and Associates, Inc., the City's engineering consultant, has reviewed the results of the bidding procedures and recommends that the low bidder, Asphalt Specialties Company, be awarded the contract for construction in the amount of \$2,082,676. Both City Staff and the design consultant are familiar with Asphalt Specialties Company and believe that the company is very capable of performing this type of project. Staff also recommends that a construction contingency of \$50,000 be authorized to account for any unforeseen change orders or force account items.

Capital improvements projects as significant as this usually demand full-time inspection, surveying and materials testing services. Due to other duties, the City is not adequately staffed to provide these services "in-house." In almost all cases, it is best to retain the design consultant to provide construction engineering services on that project. Such a contractual relationship eliminates any potential for "finger pointing" between consultants whenever problems arise in the field.

It also allows the most informed individuals on a particular project to actually inspect the progress of the work. To assure that a firm does not take advantage of this practice, Staff checks proposed construction services against generally accepted industry standards relating to a fair percentage of the value of the work being constructed. Depending upon the size of the construction project, construction services fees should usually fall into the range of 5% to 15% of the cost of the construction.

For the 128th Avenue and Huron Street Project, Kimley-Horn's proposed fee of \$162,826 or 7.8% of the expected cost of this project is fair to the City.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: January 27, 1997

Subject: Resolution No. re Semper Water Treatment Facility Change Orders

Prepared by: Judy Ding, Utilities Projects Engineer

Introduction

City Council action is requested to adopt the attached Resolution which authorizes a transfer from the Utility Fund Contingency Account to the Semper Water Treatment Facility Expansion Account, and authorize the City Manager to sign two contract change orders for the Semper Water Treatment Facility (WTF) expansion project. Funds for this transfer are available in the 1996 Utility Fund Contingency account.

This transfer is for two change orders: 1) \$154,737 for extended overhead costs by the contractor, Centric-Jones Constructors; and 2) \$81,068 for additional construction engineering services by the engineer, HDR Engineering, Inc.

Summary

The contractual construction finish date for the Semper Water Treatment Facility (Semper) expansion project was extended by 99 days in a previous change order to replace sludge removal equipment approved by City Council on November 25, 1996. As requested in the November 25, 1996, City Council Agenda Memorandum, this time extension required extended overhead costs by the contractor and additional construction engineering services by the engineer, which have since been negotiated by the City and contracting parties. The time extension and associated costs in the two pending change orders are a result of the design and construction problems that have caused a delay in completing the construction of the clearwell and high service pump station. City Staff recommends that a change order for \$154,737 be approved for the construction contract with Centric-Jones, due to the delay caused by repairs to the clearwell; and a change order for \$81,068 be approved for the engineering contract with HDR for the Semper expansion project.

Staff Recommendation

Adopt Resolution No. authorizing the transfer of \$235,805 from the Utility Fund Contingency account to the appropriate Semper Water Treatment Facility Expansion Project account, and authorize the City Manager to sign two contract change orders for the Semper Water Treatment Facility (Semper) expansion project; one for \$154,737 for extended overhead costs by the contractor, Centric-Jones Constructors, and the second for \$81,068 for additional construction engineering services by the engineer, HDR Engineering, Inc.

Background Information

Total project change orders that exceed 10 percent of the original project agreement must be approved by City Council.

The original construction project price was \$11,057,000 and the total of approved change orders to date is \$2,786,547, which is a 25.2 percent increase over the original contract price; therefore, the change order to cover the contractor's extended overhead costs through April 10, is being presented to City Council at this time. The daily cost for extended overhead was reduced in negotiations from \$2,459 to \$1,563, which covers the contractor's cost to maintain a construction trailer on site, equipment, and core personnel.

The original engineering project price was \$829,873 and the total of approved change orders to date is \$82,900, which is a 10 percent increase over the original contract price. The change order was negotiated with HDR to account for reduced level of construction inspection and engineering services as the project completion nears.

Funds for both of these change orders are available in the 1996 Utilities Contingency Fund. Funding both change orders out of the contingency fund is recommended due to the fact that the clearwell and high service pump station construction is still incomplete as a result of unresolved design and construction issues. The clearwell initially experienced severe leakage due to failure of the outlet pipe to floor slab connection. This problem was corrected by modifying the connection design detail and repairing the connection. The engineer, Rothberg, Tamburini, & Winsor, maintains that the failure was due to improper construction. The contractor, Centric-Jones, retained engineering consultants who conclude that the engineering design did not adequately account for the differential settlement reported in the soils report. The City retained an independent forensic engineering firm who also concluded that the engineering design was inadequate for the differential settlement that was experienced. Additionally, the close proximity and the related function of the high service pump station has subjected the building to some deleterious conditions.

City Staff and Attorneys are diligently working toward resolution of the situation. The City has retained a team of independent consultants including a land surveyor, a geotechnical engineer, and a structural engineer to provide additional information on the condition of the soils at the site and to determine the long-term effects on the structures and any remedial work that may be required.

If there is delay of the authorization of these change orders, some elements of the construction project at the water treatment facility including Filters 21-26, the replacement of the sludge removal equipment, and the high service pump station and clearwell will not be finished. Filters 21-26 were required to meet Colorado Department of Public Health and Environment filtration rate requirements. The new sludge removal equipment is required to provide reliable continuous sludge removal to eliminate the slugs of sludge released to Metro Wastewater Reclamation District. There is urgency in finishing these construction elements in order for the City to be prepared for the 1997 high water demand.

The City's forensic engineering report indicates the fault was in the design of the clearwell. Centric-Jones and HDR have demonstrated willingness to complete the job and have been responsive to the City's needs on this project. Both are experienced specialty firms with intimate working knowledge of the Semper expansion and can successfully complete the project.

The Semper expansion project is approximately 80 percent complete at this time. If these change orders are not approved, the City could incur additional costs of approximately \$250,000 for another contractor to mobilize at the job site, and at the same time lose approximately 2 months time in identifying and contracting with a suitable contractor. Also, the City could incur costs of approximately \$140,000 for a new engineer to familiarize themselves with the project, review plans and specifications, and provide construction engineering services. Due to the potentially litigious circumstances of this project, it would be difficult to find a competent engineering firm that would assume any liability in order to protect the City's best interest.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

SEMPER WATER TREATMENT FACILITY CHANGE ORDERS - CONTINGENCY TRANSFER

WHEREAS, City Council has previously authorized the Semper Water Treatment Facility Expansion, and

WHEREAS, It is in the best interest of the City of Westminster and its citizens to promote the wise and efficient use of scarce water resources, and

WHEREAS, City Council supports transfers from the Utility Fund due to unanticipated or additional costs, and

WHEREAS, the Utility Fund Contingency currently has a balance of \$700,000

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that:

\$235,805 be transferred from the Utility Fund Contingency to the appropriate Semper Water Treatment Facility Expansion Project account as listed in the City Council Agenda Memorandum dated January 27, 1997, for the purpose of extended overhead costs by Centric-Jones Constructors and additional construction engineering service by HDR Engineering, Inc.

Passed and adopted this 27th day of January, 1997.

ATTEST:

Mayor

City Clerk

Date: January 27, 1997
Subject: Financial Report for December 1996
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1996 transactions through December, 1996.

Summary

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs Appropriations
3. Sales Tax Detail

General Fund revenues represent 103% of the total budget estimate while General Fund expenditures and encumbrances represent 97% of the 1996 appropriation.

Utility Fund revenues represent 149% of the total budget estimate. Most of this excess is due to the one-time reimbursement from DOE in the amount of \$8,147,000 for the creation of the Standley Lake Authority. Utility Fund expenditures and encumbrances represent 91% of the 1996 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment.

The Sales and Use Tax Fund revenues represent 113% of the total budget estimate, while expenditures and encumbrances in that fund represent 100% of the 1996 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 18% from the same period last year and increased 14% year-to-date.

The Open Space Fund revenues represent 120% of the total budget estimate while expenditures and encumbrances in that fund represent 96% of the 1996 appropriation.

The Golf Course Fund revenues represent 96% of the total budget estimate while expenditures and encumbrances in that fund represent 94% of the 1996 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures.

The General Reserve Fund revenues consist of interest earnings of \$126,359 while expenditures and encumbrances in that fund consist of \$256,708. These expenses relate to a transfer to the Golf Course Fund for architectural design for Countrydale. The appropriated balance of \$2,550,000 includes \$100,000 for Mall Revitalization and \$1,639,000 for Emergency Reserve as required by the Colorado Constitution.

Theoretically, 100% of revenues and expenditures should be realized after twelve months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background Information

Section 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: January 27, 1997
Subject: Quarterly Insurance Report
Prepared By: Nancy Winter, Risk Management Specialist

Introduction

The following is a list of third party claims filed with the City from October 1, 1996 through December 31, 1996. No Council action is required at this time.

Summary

The information provided on each claim includes the claim number, date of loss, claimant's name and address, a brief summary of the claim and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. All of the claims listed in this report are in compliance with City Ordinance No. 1411 of 1984.

Staff Recommendation

Staff is not recommending any action at this time.

Background Information

The Risk Management Division received the following claims during the fourth quarter of 1996:

1. WS16696056 Date of Loss: August 1, 1996. Lake Plaza Shopping Center, 9000-9134 West 88th Avenue, Westminster, CO 80030. Owners of the Lake Plaza Shopping Center allege that a water main break caused damage to the center and that subsequent repairs to the water line were made improperly. Claimants seek \$18,981 in damages. CIRSA is investigating the claim.
2. WS04146061 Date of Loss: October 3, 1996. Marilyn Gunn, 9595 North Pecos, #348, Thornton, CO 80221. Ms. Gunn alleges that the City violated the Americans With Disabilities Act when she was terminated from her employment with the City. CIRSA will keep the claim on file until damages are specified or the claim is dropped.
3. WS01016062 Date of Loss: April 24, 1996. Cheryl Anderson, 3734 West 80th Drive, Westminster, CO 80030. Ms. Anderson alleges that her pawn shop has lost value due to City Council's rezoning of the area in which her shop is located. CIRSA is investigating the claim.
4. WS12516063 Date of Loss: September 13, 1996. Devon Chumara, 9100 Vance Street, #525, Westminster, CO 80030. Ms. Chumara alleges that the her vehicle was damaged when a City employee driving a City vehicle struck Ms. Chumara's vehicle at a stop light. CIRSA denied the claim.

5. WS10356064 Date of Loss: July 17, 1996. Randolph Quintana, 6338 West 71st Avenue, Arvada, CO 80003. Mr. Quintana alleges that he suffered injuries as a result of his vehicle being struck by a vehicle driven by a suspect who was being pursued by a Westminster police officer. Claimant seeks over \$10,000 in damages. CIRSA is investigating the claim.

6. WS16686065 Date of Loss: October 21, 1996. Brannan Sand and Gravel, 4800 Brighton Boulevard, Denver, CO 80216. Brannan Sand and Gravel alleges that a company truck was damaged when a backhoe operated by a City employee struck the truck as it moved through a construction site. CIRSA settled the claim for \$1,664.76 in damages.

7. WS03126066 Date of Loss: October 29, 1996. Patricia Hennessy, P.O. Box 372, Morrison, CO 80465. Ms. Hennessy alleges that she suffered injuries when she tripped over broken sidewalk at a construction project at 72nd Avenue and Lowell Boulevard. Claimant has not yet specified damages. CIRSA is investigating the claim.

8. WS12606067 Date of Loss: November 24, 1996. Owen Boosey, 8200 Washington, #195, Denver, CO 80224. Mr. Boosey alleges that he suffered injuries when he fell on a drill while playing basketball at City Park Recreation Center. Claimant seeks \$150,000 in damages. CIRSA is investigating the claim.

9. WS10356068 Date of Loss: November 24, 1996. Jan Cornell, 7167 West 83rd Way, Arvada, CO 80003. Ms. Cornell alleges that her vehicle was damaged when it was struck by a vehicle being driven by a Westminster police officer. CIRSA is investigating the claim.

10. WS03116069 Date of Loss: July/August 1996. Louie J. Elarie, 7901 West 101st Avenue, Westminster, CO 80021. Mr. Elarie alleges that the City damaged his well during the 101st/100th Avenue construction project, and also that the City acted in bad faith with regard to negotiating adequate compensation for Mr. Elarie for the acquisition of his land. Claimant seeks \$64,856 in damages. CIRSA is investigating the claim.

11. WS10346070 Date of Loss: December 3, 1996. Shapoor Ardalan, 440 London Avenue, Lafayette, CO 80026. Mr. Ardalan alleges that he suffered injuries when a Westminster police officer, directing traffic around an accident on I-36, directed Mr. Ardalan into the HOV lane where Mr. Ardalan's vehicle was struck by an RTD bus. CIRSA is investigating the claim.

12. WS16686071 Date of Loss: August 23, 1996. Career Enrichment Park, 7300 Lowell Boulevard, Westminster, CO 80030. Adams County School District 50 alleges that the City is responsible for a sewer backup that flooded the basement of the Career Enrichment Park when a contractor working on street improvement crushed the sewer line. The School District seeks \$75,000 in damages. CIRSA is investigating the claim.

13. WS13606072 Date of Loss: December 31, 1996. Lori and David Carver, 8026 Decatur Street, Westminster, CO 80030. Mr. and Mrs. Carver allege that a sewer backup caused by the failure of a lift station pump caused damage to their home. CIRSA is investigating the claim.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 27, 1997
Subject: Bids re Parks Trucks
Prepared by: Rich Dahl, Park Services Manager and Gary Casner, Purchasing/Telecommunications Officer

Introduction

City Council action is requested to award the bid for two pickup trucks to be used by the Park Services Division for maintenance and construction of parks, open space, and trails within the City. Funds have been specifically allocated and are available in the 1997 General Fund, Parks, Recreation and Libraries Department budget for this expense.

Summary

Formal bids in accordance with City Charter bidding requirements were obtained for this purchase.

The two pickup trucks to be purchased were previously approved by City Council in the 1997 Budget.

The low bid is being recommended for this purchase.

Staff Recommendation

Award the bid for two pickup trucks to Transwest GMC in the amount of \$33,060 and charge the expense to the appropriate 1997 Parks, Recreation and Libraries budget account.

Background Information

The Park Services Division has experienced a dramatic increase in areas of responsibility for park maintenance, trails, open space and right-of-way operations in the past three years. As such, City Council approved funds in the 1997 Park Services budget to purchase additional maintenance vehicles.

The two trucks being requested will be used to transport equipment, personnel and supplies for mowing operations, Open

Space/Trail maintenance and weekend trash removal and shelter clean up.

Formal bids in accordance with City Charter bidding requirements were obtained from area distributors with the following results:

Transwest GMC	\$33,060
Burt Chevrolet	\$33,359.74
Fogle Oldsmobile	\$34,738
Johnson Auto Plaza	\$35,725.04

The low bid from Transwest GMC meets all of the City's specifications for this bid. The cost of the two vehicles, \$33,060, is within the amount previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager