

February 9, 1998
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**
Star Spangled Banner sung by Daniel Wegner
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Proclamation re Earle Towne's 90th Birthday
 - B. Citizen Commendation - John Mann
 - C. Citizen Commendation - Stephanie Lopez
 - D. Proclamation re Rotary International Youth Exchange
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. Bids re Customer Service Concrete Replacement Program
 - B. Bids re Asphalt Materials
 - C. JeffCo Household Hazardous Waste Facility Annual Expense
 - D. CB No. 2 re Comp Land Use Plan Amendments (Scott-Atchison)
 - E. CB No. 3 re Animal Control (Smith-Allen)
9. **Appointments and Resignations**
 - A. Resolution No. 6 re Appointments to Boards and Commissions
10. **Public Hearings and Other New Business**
 - A. Resolution No. 7 re Church Ranch ROW Annexation
 - B. Resolution No. 8 re Bull Canal Annexation
 - C. Resolution No. 9 re Egging Property Annexation
 - D. Harris Park Shops Parking
 - E. 1998 Standley Lake Recreation Program
 - F. Resolution No. 10 re Exchange of Water Rights & Property Agreements
 - G. MSC Gasoline Recovery System Operating & Maintenance Contract
 - H. Heritage at Westmoor Golf Course Improvements
11. **Old Business and Passage of Ordinances on Second Reading**
None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**

- A. City Council
- B. Request for Executive Session

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 9, 1998 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Boy Scout Troop #324 led Council, Staff and the audience in the Pledge of Allegiance and Daniel Wegner sang the Star Spangled Banner.

ROLL CALL:

Present at roll call were Mayor Heil and Councillors Allen, Atchison, Dixon, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Mayor Pro Tem Merkel.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Scott to accept the minutes of the meeting of January 26, 1998 with no additions or corrections. Mayor Heil requested to abstain as she was not present at the meeting. The motion carried with 5 aye votes and Mayor Heil abstaining.

A motion was made by Allen and seconded by Scott to accept the minutes of the meeting of January 29, 1998 with no additions or corrections. Councillor Dixon requested to abstain as she was not present at the meeting. The motion carried with 5 aye votes and Councillor Dixon abstaining.

PRESENTATIONS:

Mayor Heil and Sergeant Darrell Tygart presented a proclamation to Earle Towne in recognition of his 90th Birthday proclaiming February 10, 1998 as Earle Towne Day.

Mayor Heil and Sergeant Darrell Tygart presented Citizen Commendations to John Mann for his assistance in the apprehension of a sexual assault suspect, with John Mann also receiving recognition from the Lakota Sioux Nation; and Stephanie Lopez for her honesty and integrity for returning a bank deposit bag from Foot Action.

Mayor Heil presented a Proclamation to representatives of the Westminster Rotary Club proclaiming February 13-15, 1998 as Rotary International Youth Exchange Orientation Weekend in the City.

CITY COUNCIL COMMENTS:

Councillor Scott stated that the City was blessed to have so much talent at tonight's Council meeting.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: **Customer Service Concrete Replacement Program bids** - Authorize City Manager to sign a contract with the low bidder, Concrete Express, Inc. in the amount of \$401,521; authorize a \$20,000 contingency amount and charge expense to the appropriate 1998 Department of Public Works and Utilities Street Division budget account; **Asphalt Materials Bid** - Award the bid to Select-A-Mix Inc., for purchase of asphalt at the unit prices indicated on the bid tabulation on an as-needed basis and up to a maximum of \$250,000, and charge the expense to the appropriate 1998 Street Division account; **Jefferson County Household Hazardous Waste Facility Annual Expense** - Authorize the payment of \$36,272 as the City's share of expenses for the Jefferson County Household Chemical Collection Center and charge expense to the appropriate Central Charges General Fund budget;

Councillor's Bill No. 2 re Comprehensive Land Use Plan Amendments; and **Councillor's Bill No. 3** re Animal Control.

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 Atchison and seconded by Dixon to adopt the Consent Agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 6 - BOARDS AND COMMISSIONS APPOINTMENTS:

A motion was made by Atchison and seconded by Scott to adopt Resolution making the following appointments to the City's Boards and Commissions: **Board of Building Code Appeals** - Steven Fenimore as alternate member with term of office to expire 12/31/99; **Election Commission** - Jeff Van Meighem as regular member with term of office to expire 12/31/99; **Environmental Advisory Board** - Yvonne Martin, Mark Wellington and Kenneth Miller as regular members with terms of office to expire 12/31/99; **Human Services Board** - Ariane Kirby as regular member with term of office to expire 12/31/98; **Open Space Advisory Board** - Ken Eichel as an alternate member and Randal Tucker as a regular member, with terms of office to expire 12/31/99; **Parks & Recreation Advisory Board** - Ron Dickerson from alternate to regular member with term to expire 12/31/98 and Armene Brown as alternate member with term of office to expire 12/31/99; **Personnel Board** - Colleen Peace from alternate to regular member and B. David Smith as alternate member with terms of office to expire 12/31/99; **Planning Commission** - Michael Crocker from alternate to regular member with term of office to expire 12/31/98 and Simmons Buntin as alternate member with term of office to expire 12/31/99; **Special Permit & License Board** - Tim Kauffman as an alternate member with term of office to expire 12/31/99, and Carole Pool and Michael Condon as regular members with terms of office to expire 12/31/98; **Transportation Commission** - Jara Raphaelson as an alternate member and Bob June as a regular member, with terms of office to expire 12/31/99. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 7 - CHURCH RANCH BOULEVARD ROW ANNEXATION PETITION:

A motion was made by Allen and seconded by Atchison to adopt Resolution No. 7 accepting the annexation petition submitted by the City of Westminster and make the findings required by State Statute on the sufficiency of the petition; and set the date of March 23, 1998 for the annexation hearing. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 8 - BULL CANAL AREA ROW ANNEXATION PETITION:

A motion was made by Scott and seconded by Smith to adopt Resolution No. 8 accepting the annexation petition submitted by the City of Westminster and make the findings required by State Statute on the sufficiency of the petition; and set the date of March 23, 1998 for the annexation hearing. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 9 - EGGING PROPERTY ANNEXATION PETITION:

A motion was made by Dixon and seconded by Atchison to adopt Resolution No. 9 accepting the annexation petition submitted by Gerhard and Ruth Egging and make the findings required by State Statute on the sufficiency of the petition; and set the date of March 23, 1998 for the annexation hearing. Upon roll call vote, the motion carried unanimously.

HARRIS PARK SHOPS PARKING:

A motion was made by Smith and seconded by Atchison to authorize the City Manager to purchase 7233-7237 Lowell Boulevard at a cost of \$150,000; authorize up to \$25,000 for tenant relocation assistance; and authorize the balance of the budgeted \$250,000, being not less than \$75,000, for design, building demolition and parking lot construction within allowable administrative contract levels; and charge expenses to the appropriate General Capital Improvement Account. The motion carried unanimously.

1998 STANDLEY LAKE RECREATION PROGRAM:

A motion was made by Atchison and seconded by Dixon to adopt Alternative Two as described in the Agenda Memorandum for the 1998 Standley Lake Recreation Area fee structure. The motion carried unanimously.

RESOLUTION NO. 10 - EXCHANGE OF WATER RIGHTS & PROPERTY AGREEMENTS:

A motion was made by Allen and seconded by Scott to adopt Resolution No. 10 authorizing the City Manager to sign agreements with CAMAS Colorado Inc., and South Adams County Water and Sanitation District regarding the exchange of land and water assets. Upon roll call vote, the motion carried unanimously.

GASOLINE RECOVERY SYSTEM OPERATIONS AND MAINTENANCE CONTRACT:

A motion was made by Scott and seconded by Allen to authorize the City Manager to execute a contract with Delta Environmental Consultants, Inc., to perform the annual operations and maintenance work on the Gasoline Recovery System at the Municipal Service center; and authorize a budget of \$47,500, with the expenses to be charged to the appropriate project account in the Fleet Maintenance budget. The motion carried unanimously.

HERITAGE AT WESTMOOR GOLF COURSE IMPROVEMENTS:

A motion was made by Dixon and seconded by Atchison to authorize the expenditure of \$725,000 to Westfield Development Company for the relocation of the Dry Creek Valley Ditch through the clubhouse site and a portion of the golf course as shown on the project map and the construction of the spine road golf cart underpass; and authorize the City Manager to sign an engineering services contract with Nolte and Associates in the amount of \$80,000 to provide engineering design services for the ditch piping and other drainage improvements for the Heritage Golf Course with the expenses to be charged to the appropriate project account in the General Capital Improvement Fund. The motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 7:50 P.M.

ATTEST:

Mayor

City Clerk

Date: February 9, 1998
Subject: Proclamation re Earle Towne Day
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to proclaim Tuesday, February 10th as Earle Towne Day in the City of Westminster.

Summary

This Proclamation has been prepared to recognize Earle Towne on his 90th Birthday. Earle has been a Westminster resident for over 53 years.

Earle Towne was elected to the Westminster City Council in 1954 serving on City Council from April 19, 1954 thru January 20th, 1955. Earle's law enforcement career spanned 20 years in Westminster. He was appointed Westminster Town Marshall on October 29, 1954; Assistant Police Chief on February 1, 1955; appointed Acting Chief of Police on August 13, 1959; and Chief of Police for the City of Westminster in November, 1959. He served as Chief of Police until his retirement on August 1, 1974.

Earle also served on the Special Permit and License Board for the City from February of 1986 thru December of 1988.

Staff Recommendation

City Council present Earle Towne with the proclamation proclaiming February 10th as Earle Towne Day in the City of Westminster.

Background Information

Earle's family has indicated that they will escort him to Monday night's meeting to accept this proclamation.

Earle and his wife Laura have been active supporters of Westminster throughout the 53 years they have resided in the community. Earle has kept in regular contact with various City officials and Police Department personnel over the years since his retirement. His interest in the community has been most appreciated. It is most appropriate to recognize and congratulate him on his milestone birthday.

Respectfully submitted,

William M. Christopher
City Manager
Attachment: Proclamation

WHEREAS, Earle Towne was born on February 3, 1908 in Massena, Iowa; and

WHEREAS, Earle Towne began his law enforcement career as a guard at the State penitentiary in Lincoln, Nebraska; then a training instructor for guards at the Nebraska Ordnance Plant, then a Police Officer for the City of Lincoln; and

WHEREAS, Earle Towne moved to Westminster in 1949 and served as a Westminster City Council member from April 19, 1954 thru January 20th, 1955; and

WHEREAS, Earle Towne was appointed Westminster Town Marshall on October 29, 1954; and

WHEREAS, Earle Towne was then appointed Assistant Police Chief of the Westminster Police Department on February 1, 1955; and

WHEREAS, Earle Towne was appointed Acting Chief of Police of the Westminster Police Department by City Manager Phil Roan on August 13, 1959; and

WHEREAS, Earle Towne was appointed Chief of Police for the City of Westminster by City Manager Phil Roan in November, 1959 and served as Chief of Police until his retirement on August 1, 1974; and

WHEREAS, Earle Towne has been a member of the International Association of Chief's of Police, the Metro Law Enforcement Association, Adams County Peace Officers Association, National Peace Officers Association and a member of the Masonic Lodge #176 AF&AM; and

WHEREAS, Earle Towne served as a member of the City of Westminster Special Permit and License Board for over 12 years; and

WHEREAS, Earle Towne's family include his wife Laura; Four daughters, eight grandchildren, five great granddaughters and three great grandsons; and

WHEREAS, Earle Towne served as President of the Colorado Association of Chief's of Police; Received the District 50 Chamber of Commerce Law Enforcement Service Award in 1973 and received the Lifetime Achievement Award from the Adams County Bar Association at the Annual Adams County Law Day Breakfast in 1992; and

NOW, THEREFORE, I, Mayor Nancy M. Heil, on behalf of the entire City Council and Staff of the City of Westminster, Colorado, do hereby proclaim Tuesday, February 10, 1998 as

EARLE TOWNE DAY

in the City of Westminster in recognition of Earle Towne's 90th birthday and hereby officially recognize his lifetime of selfless service to the Westminster Community. The City of Westminster would also like to wish Earle Towne a year full of love, health and happiness followed by many more years of the same.

Signed this 9th day of February, 1998.

Nancy M. Heil, Mayor

Date: January 26, 1998

Subject: Citizen's Commendation re John Mann

Prepared by: Darrell Tygart, Sergeant
Dan Montgomery, Chief of Police

Introduction

City Council is being asked to recognize Mr. John Mann for his courage and quick thinking in the apprehension of a sexual assault suspect.

Summary

On October 1, 1997, Mr. John Mann was working on a construction project at the new Hampton Inn Motel. At this time, he observed several police officers chasing a male suspect in his direction. As the suspect approached, Mr. Mann forcefully apprehended him and held him until the officers arrived.

Staff Recommendation

Formally recognize Mr. John Mann for his quick thinking, and courageous actions on October 1, 1997. (The victim involved in this case is a native American and there will be a short ceremony for Mr. Mann given by several tribal members of the Lakota Sioux Nation immediately following the Council presentation to also recognize the efforts of Mr. Mann.)

Background Information

On October 1, 1997, at approximately 1:15 p.m., Ms. Kelly Prosser entered the women's restroom in the bank building located at 9191 Sheridan Boulevard. Ms. Prosser was immediately accosted by a male suspect who was armed with some type of knife and wearing a Halloween mask. The suspect then attempted to forcefully sexually assault her. Ms. Prosser screamed and fought her assailant, and he subsequently ran from the bank in an easterly direction.

Bank employees, who heard the victim's screams, immediately followed the suspect from the bank and notified a Westminster Police Officer, who was coincidentally in traffic on Sheridan Boulevard. This officer radioed for additional help and several police officers became involved in a foot pursuit of the suspect.

The suspect ran toward the construction area of the new Hampton Inn Motel, where John Mann was working as a construction worker. Mr. Mann observed that the officers were obviously trying to apprehend this suspect and that they were all headed in his direction. With a complete disregard for his own safety, Mr. Mann forcefully apprehended the suspect and held him until the officers could arrive and take him into custody.

Citizen's Commendation re John Mann

Page 2

The suspect was identified as Charles Alan Berger, who pled guilty to the charge of sexual assault and received a lengthy prison sentence.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 26, 1998
Subject: Citizen Commendation re Stephanie Lopez
Prepared by: Darrell Tygart, Sergeant
Dan Montgomery, Chief of Police

Introduction

City Council is being asked to recognize Stephanie Lopez, who resides in Arvada, for her honesty and integrity.

Summary

On January 3, 1998, Stephanie Lopez found a bank bag in the parking lot of the Westminster Mall. This bank bag, which contained over \$3,000, was ultimately returned to its rightful owner by Ms. Lopez.

Staff Recommendation

City Council formally recognize Stephanie Lopez for her honesty, integrity and quick thinking on January 3, 1998.

Background Information

On January 3, 1998, Stephanie Lopez had been shopping at the Westminster Mall and found a bank deposit bag from the Foot Action store in the parking lot. Ms. Lopez recovered the bank deposit bag and responded to the Arvada Police Department to turn the bag in.

At about this same time, Officer Kevin Beren of the Westminster Police Department, was taking a report from an employee of the Foot Action Store who was reporting a bank deposit bag containing over \$2,000 in cash and \$1,000 in miscellaneous checks missing. This employee was unsure where or when he had lost the bank deposit bag.

An Officer from the Arvada Police Department contacted Officer Beren and arrangements were made for Ms. Lopez to transport the bank deposit bag to the Westminster Police Department. While at the Westminster Police Department, the Manager from Foot Action inventoried the contents of the bank deposit bag in the presence of Ms. Lopez and Officer Beren. The contents were found to be intact and complete.

It is Staff's recommendation that Ms. Lopez be recognized for her honesty and integrity in attempting to locate and return the bank deposit bag and its contents to its rightful owner. This level of honesty is indeed a bright spot in our community, and the actions of Ms. Lopez are sincerely appreciated.

Respectfully submitted,

William M. Christopher
City Manager

Date: February 9, 1998

Subject: Proclamation re Rotary International Youth Exchange

Prepared by: Bill Christopher, City Manager

Introduction

The Westminster Rotary Club will be hosting Rotary International exchange students throughout District 5450 and 5470 starting Friday evening February 13 through Sunday, February 15. A total of 42 exchange students from all over the world will be in Westminster for the District youth exchange orientation.

Summary

Rotary International has sponsored for over 35 years an International Youth Exchange Program to foster world understanding and provide youth of the world an opportunity to experience firsthand the values, traditions and families in a foreign country. The Westminster Rotary Club will be hosting on February 13 through 15 forty two (42) Rotary exchange students from District 5450 and 5470. The youth exchange students will be attending orientation sessions at the Career Enrichment Park. Most of these students have arrived in America since the first of the new year.

The Westminster Rotary Club will be hosting an International dinner and dance for the students and Westminster host families on Saturday evening at the City Park Recreation Center.

A proclamation has been prepared to proclaim "Rotary International Youth Exchange Orientation Weekend" in Westminster from Friday, February 13 through Sunday, February 15, 1998.

Staff Recommendation

City Council proclaim February 13 through February 15, 1998 as Rotary International Youth Exchange Orientation Weekend in Westminster, Colorado.

Background Information

One of the most successful Rotary International programs has been the Youth Exchange Program which fosters an opportunity for youth to become acquainted with customs, values and people from another country which in turn nurtures world understanding. The Westminster Rotary Club has been very active hosting Rotary exchange students from many different countries throughout the world as well as sponsoring Westminster area youth to foreign countries for a year of exchange since the club's inception in 1960.

Rotary youth exchange student orientation sessions are held twice a year for inbound students from countries throughout the world. The purpose of the orientation sessions are to acquaint the students with a variety of Rotary protocols, standards, expectations, and information about the United States.

The Westminster Rotary Club has the privilege of hosting the District 5450 and 5470 exchange student's winter orientation starting February 13 through February 15.

A total of 42 exchange students from the two respective districts will arrive in Westminster on Friday evening and depart Sunday afternoon. Orientation sessions will be held at the Career Enrichment Park compliments of School District No. 50. An international dinner and dance will be hosted by the Westminster Rotary Club on Saturday evening at the City Park Recreation Center compliments of the City of Westminster. Area Rotary families from the Westminster Rotary Club will host the students in their homes on Friday and Saturday nights. These host families and their families are invited to attend the international dinner and dance along with all Rotary Club members and their families. Representatives from the District Youth Exchange Program, who will be conducting the orientation sessions, will be in attendance as well.

Westminster Rotary Club members Jerry English and Jim Bennett are co-chair for the orientation weekend host committees. This activity is one of several activities under the guidance of the club's International Services committee chaired by Bill Christopher. Representatives from the Westminster Rotary Club will be present at Monday night's City Council meeting to accept the proclamation.

The proclamation has been prepared to recognize this event in the Westminster community and to express best wishes for a successful and enjoyable experience by the youth and the committee while in Westminster.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: February 9, 1998
Subject: Customer Service Concrete Replacement Program Bids
Prepared by: Ray Porter, Street Operations Coordinator

Introduction

City Council action is requested to award the bid for the 1998 Customer Service Concrete Replacement Program. Funds have been specifically allocated in the 1998 Department of Public Works and Utilities Street Division Budget for these expenses.

Summary

Formal bids were solicited in accordance with City Charter bidding requirements for the 1998 Customer Service Concrete Replacement Program. Bid Documents were obtained by eight contractors and five bids were received. Concrete Express, Inc., is the low bidder at \$401,521.

The low bidder, Concrete Express, Inc., meets all of the City bid requirements and has done quality work in the Cities of Greenwood Village, Aurora, Denver, and Adams County and Jefferson County during 1996 and 1997.

City Staff estimated a cost increase of 5% for 1998 concrete work. The actual bid cost will increase over 1997, at an average of 5.5%.

The cost of cement increased 5% in Colorado over 1997.

Staff Recommendation

Authorize the City Manager to sign a contract with the low bidder, Concrete Express, Inc., in the amount of \$401,521; authorize a \$20,000, contingency amount; and charge the expense to the appropriate 1998 Department of Public Works and Utilities Street Division budget account.

Background Information

City Council approved funds in the 1998 Street Operations Budget to replace 13,800 linear feet of deteriorated concrete curbs, gutters, sidewalks, and crosspans at 268 locations from the "Citizen's Request For Concrete Repairs" priority list for a total expense of \$350,000.

This program also includes \$40,000 for a Crossspan Replacement Program at 10 intersections, and \$10,000 for the 50/50 Citizen Cost Sharing Program at 25 properties.

The total annual funds generated from the existing \$.60 per month "concrete charge" is \$141,000. These funds are used as partial funding for the Concrete Replacement Program.

Alternatives to this project may be:

- > Bid the Street Improvement Concrete Replacement Project with the Customer Service Concrete Replacement Program.
 - a. The small contractors will be eliminated from bidding the larger project.
 - b. Unit costs for concrete replacement would likely increase significantly, due to the lack of competition for the bid.
 - c. Bidding the larger contract would require an extended construction period into November/December, increasing the possibility of not completing the contract in 1998.
 - d. Only one bid would be necessary for what is now two projects. City administrative costs would decrease.

- > Bid the two Concrete Replacement Programs with the Asphalt Rehabilitation Project:
 - a. General contractor administrative costs would increase and a double profit margin for the general and sub-contractor would be realized.
 - b. Unit costs for concrete replacement would increase by at least 25%, resulting in a total estimated cost increase for concrete work in 1998 of \$250,000.
 - c. Only one bid would be necessary for what is now three projects. City administrative costs would decrease.

The following sealed bids were received:

Contractor

1. Concrete Express, Inc.	\$401,521
2. Rives Enterprises	\$421,895
3. S&D Construction	\$425,770
4. Concrete Works of Colorado	\$458,533
5. Stackholm Construction	\$514,573
6. Citywide Enterprises, Inc.	No Bid
7. New Design Construction	No Bid
8. Total Concrete	No Bid

City Staff Estimate \$399,018

Respectfully submitted,

William M. Christopher
City Manager

Date: February 9, 1998
Subject: Asphalt Materials Bid
Prepared by: Ray Porter, Street Projects Coordinator

Introduction

City Council action is requested to award the bid for asphalt purchases during 1998. Funds are available and were specifically allocated in the 1998 Street Division Budget for this expense.

Summary

City Council previously approved funds in the 1998 Street Division Budget for the purchase of asphalt materials. These materials are used for all types of street maintenance repairs. Adams County School District 50 also participated in the bid for their anticipated asphalt materials purchases of 200 tons.

Formal sealed bids were solicited from seven (7) asphalt vendors in accordance with City Charter requirements.

Select-A-Mix, Inc., is the low bidder, once the price per ton is adjusted for the round-trip haul, for asphalt to be purchased on an as-needed basis in 1998. The total amount to be spent is \$250,000, for an estimated 14,385 tons of different grades of asphalt.

Staff Recommendation

Award the bid to Select-A-Mix, Inc., for purchase of asphalt at the unit prices indicated on the bid tabulation on an as-needed basis and up to a maximum of \$250,000, and charge the expense to the appropriate 1998 Street Division account.

Background Information

An alternative for 1998 asphalt purchasing would be to award the bid to the lowest bidder without calculating the City's hauling costs. Awarding the bid to Hot Mix, Inc., would mean a 460 ton increase in the amount of asphalt purchased for \$250,000, due to lower per ton prices. After calculating the round-trip haul, Hot Mix, Inc.'s, price is \$0.25 per ton higher. The bid stated that the roundtrip mileage to the asphalt plants would be considered when awarding the bid.

The results of the bidding were as follows:

Asphalt Materials Bid

Page 2

	Asphalt <u>*Grade"S"</u>	Asphalt <u>**Grade"SX"</u>	Credit Recycled <u>Asphalt</u>	Round Trip <u>Haul</u>
1. Hot Mix, Inc.	\$17.25/ton	\$17.50/ton	\$1.00/ton	22 mi.
2. Brannan Sand & Gravel	\$17.50/ton	\$17.75/ton	0	20 mi.
3. Bituminous Roadways	\$17.25/ton	\$18.25/ton	\$1.00/ton	20 mi.
4. Select-a-Mix	\$17.90/ton	\$18.10/ton	0	12 mi.
5. Asphalt Paving	\$18.00/ton	\$18.50/ton	0	24 mi.
6. Western Mobile Denver Paving	\$21.50/ton	\$22.00/ton	0	11 mi.
Staff Estimate	\$18.00/ton	\$18.00/ton	\$1.00/ton	n/a

* Grade "S" Asphalt; course aggregate does not exceed 1"

** Grade "SX" Asphalt; course aggregate does not exceed 3/4"

The 1998 asphalt materials bid reflects an 8.5% price increase over 1997 asphalt prices. The increase is due to the rising cost of liquid asphaltic cement to the suppliers. The round-trip distance to Select-A-Mix, Inc., versus the other five (5) bidders was calculated for cost efficiency. The results of the adjusted cost comparison for the six (6) suppliers bidding are as follows:

	Average Price Per Ton With <u>Round-Trip Haul</u>
1. Select-A-Mix, Inc. \$19.60/ton	\$19.85/ton
2. Hot Mix, Inc.	
3. Bituminous Roadways \$19.90/ton	
4. Brannan Sand & Gravel Co.	\$20.35/ton
5. Asphalt Paving \$20.97/ton	\$23.35/ton
6. Western Mobile Denver Paving	

Select-A-Mix, Inc., is the low bidder, after hauling costs are added and unit prices are adjusted. The City has purchased asphalt from Select-A-Mix, Inc., in past years. The plant is fully automated and the mix design meets City specifications. Street Division Staff has inspected the facility and does not anticipate any problems with the quality of materials or the service that Select-A-Mix, Inc., can provide.

Respectfully submitted,

William M. Christopher
City Manager

Date: February 9, 1998

Subject: JeffCo 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 \$36,272 for Westminster's portion of the 1998 operating costs for the Jefferson County Household Chemical Collection Center. Funds for this expense have been specifically budgeted in the 1998 General Fund Central Charges budget account.

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 were increased this year to all participating entities, which is the first increase in four years.

Staff Recommendation

Authorize the payment of \$36,272 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 public property.
- * The secured locker is also available for the temporary storage of hazardous evidentiary waste obtained by the local law enforcement agencies.

To date, the facility has collected 300,000 pounds of household hazardous wastes and has served over 2,000 Jefferson County residents.

Overall, the facility has diverted the disposal of approximately 125 tons of toxic household chemicals from our local landfills and public rights-of-way.

As part of the IGA, a household chemical roundup is scheduled for Westminster each year at the Municipal Service Center. This in-City chemical roundup provides a convenient location for Westminster citizens to drop off their unwanted household chemicals. This event was very successful in September 1995, May 1996, and May 1997, with over 300 vehicles participating in the May 1997 event. The City is planning the roundup event for May this year.

The facility also provides a Drop and Swap program. 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.

The operations are currently being reviewed to determine what improvements and additional controls are justified. A follow up report is anticipated which will be presented to City Council when it is ready.

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 Jefferson County Household Hazardous Waste Storage Authority is dedicated to providing a safe, secure, and quality recycling program which serves the Jefferson County municipalities and all of Westminster's citizens.

Respectfully submitted,

William M. Christopher
City Manager

Date: February 9, 1998
Subject: Resolution No. re Board and Commission Appointments
Prepared by: Michele Kelley, City Clerk

Introduction

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

Summary

During November and December, 1997, City Council reappointed Board and Commission members where terms of office were expiring on December 31, 1997. As part of that process, there were some Board and Commission members who did not wish to be reappointed.

One omission from the reappointments made in November was Bob June on the Transportation Commission, and his reappointment is included within the attached Resolution.

In addition, several resignations have been received in the last few weeks as follows: Clenton Kayl from the Planning Commission, Dan Noreen from the Parks and Recreation Advisory Board, John Reiss from the Transportation Commission and JoAnn Shipp from the Human Services Board.

On February 2nd City Council completed interviews with the new 1998 applicants for the new cycle of the Boards and Commissions Pool. In addition, there are 10 applicants who wish to be considered from the 1997 "pool". A copy of the matrix of each individual's preference on appointments is attached.

Staff Recommendation

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

Background Information

A single Resolution has been prepared per Council's deliberations from the February 2 review session to formally appoint new members to the various Board and Commission vacancies and accept the resignations at this time.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, Currently there are 15 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; and

WHEREAS, Resignations have been received from Clenton Kayl of the Planning Commission, Dan Noreen of the Parks and Recreation Advisory Board, John Reiss of the Transportation Commission and JoAnn Shipp of the Human Services Board.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby hereby accept the resignations of Clenton Kayn, Dan Noreen, John Reiss and JoAnn Shipp and 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>
Steven Fenimore (Alternate member)	Board of Building Code Appeals	12-31-99
Jeff Van Meighem (Regular Member)	Election Commission	12-31-99
Yvonne Martin (Regular member)	Environmental Advisory Board	12-31-99
Mark Wellington (Regular member)	Environmental Advisory Board	12-31-99
Kenneth Miller (Regular member)	Environmental Advisory Board	12-31-99
Ariane Kirby (Regular member)	Human Services Board	12-31-98
Ken Eichel (Alternate member)	Open Space Advisory Board	12-31-99
Randal Tucker (Regular member)	Open Space Advisory Board	12-31-99
Ron Dickerson (Moved from Alternate to Regular Member)	Parks & Recreation Advisory Bd	12-31-98
Armene Brown (Alternate Member)	Parks & Recreation Advisory Bd	12-31-99

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Colleen Peace (Moved from Alternate to Regular Member)	Personnel Board	12-31-99
B. David Smith (Alternate Member)	Personnel Board	12-31-99
Michael Crocker (Moved from Alternate to Regular Member)	Planning Commission	12-31-98
Simmons Buntin (Alternate Member)	Planning Commission	12-31-99
Tim Kauffman (Alternate Member)	Special Permit & License Board	12-31-99
Carole Pool (Regular member)	Special Permit & License Board	12-31-98
Michael Condon (Regular Member)	Special Permit & License Board	12-31-98
Jara Raphaelson (Alternate member)	Transportation Commission	12-31-99
Bob June (Regular Member)	Transportation Commission	12-31-99

Passed and adopted this 9th day of February, 1998.

ATTEST:

City Clerk

Mayor

Date: February 9, 1998
Subject: Resolution No. re Church Ranch Boulevard Annexation
Prepared By David Falconieri, Planner III

Introduction:

City Council action is requested on the attached resolution concerning finding compliance of the proposed petition requesting annexation of the recently completed extension of Church Ranch Boulevard between Wadsworth Boulevard and Wadsworth Parkway with statutory requirements and establishing a hearing date.

Summary:

The construction of the new extension of Church Ranch Boulevard between Wadsworth Boulevard and Wadsworth Parkway has been completed and staff is recommending that the right-of-way be annexed into the City (see attached exhibit). The majority of the property which has been proposed for annexation is owned by the City, the exceptions being a portion of the Burlington Northern Railroad right-of-way, and a small parcel of land on the south side of the Diamond Shamrock property. Those lands may be included in the petition in accordance with Section 31-12-107 C.R.S.

The annexation of the right-of-way will bring the entire roadway into the jurisdiction of the City to provide emergency services. This will also allow the City to control access permits from adjacent properties in accordance with the City's access plan for the street. The petition has been signed by the City Manager because the City is the owner of more than 50% of the land proposed for annexation.

Staff Recommendation:

Adopt Resolution No. accepting the annexation petition submitted by the City of Westminster and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of March 23, 1998, for the annexation hearing.

Background Information:

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) of the C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.

2. An allegation that the requirements of Section 31-12-104 and 31-12-105 of the C.R.S. have been met. (These Sections are to be reviewed by the Council at a formal public hearing).
3. Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed. (In this case, the City Manager as representative of the City of Westminster, signer of the petition, owns more than 50% of the property).
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has found that the petition complies to the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time Council will review the merits of the proposed annexation.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, a copy of which is attached hereto and incorporated herein by reference, for the annexation of certain territory therein-described to the City; and

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the petition and accompanying map are in substantial compliance with Sections 31-12-101, et.seq., Colorado Revised Statutes, as amended.

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107(1).

2. City Council hereby establishes March 23, 1998, 7:00 p.m., at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108(1).

2. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108(2).

Passed and adopted this 9th day of February, 1998.

ATTEST:

Mayor

City Clerk

Date: February 9, 1998
Subject: Resolution No. re Bull Canal Annexation
Prepared By Mark E. Geyer, Planner II

Introduction:

City Council action is requested on the attached resolution concerning finding compliance of the proposed petition requesting annexation of the Bull Canal area north of 128th Avenue and west of Huron Street (vicinity map attached) with statutory requirements and establishing a hearing date.

Summary:

The City has purchased open space property north of 128th Avenue along Big Dry Creek, and Staff is now recommending that this property, and a few smaller parcels owned by Farmers Reservoir and Irrigation Company (FRICO), Public Service Company (PSCo), Casa De Vista Mobile Home Park and existing right-of-way along 128th Avenue and Huron Street now be annexed into the City. The majority of the property proposed for annexation is owned by the City (66.733 acres), the exceptions being 9.446 acres owned by FRICO, 0.386 acres owned by PSCo, and 2.4889 acres owned by Casa De Vista. Those lands may be included in the petition in accordance with Section 31-12-107 C.R.S.

The annexation of the right-of-way will bring the existing 128th Avenue and Huron Street under the jurisdiction of the City as it pertains to emergency services. The annexation will allow City Staff to control access permits from adjacent properties in accordance with the City's access plan for streets. The petition has been signed by the City Manager because the City is the owner of more than 50% of the land proposed for annexation.

Staff Recommendation:

Adopt Resolution No. accepting the annexation petition submitted by the City of Westminster Staff and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of March 23, 1998, for the annexation hearing.

Background Information:

This annexation originally included three properties south of 128th Avenue. Two of those property owners strongly objected to annexation creating the need to separate the process into two areas, the Bull Canal Area and the Egging Area. The Egging petition is being presented separately, but is concurrent with the Bull Canal Area petition.

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) of the C.R.S.

In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 of the C.R.S. have been met. (These Sections are to be reviewed by the Council at a formal public hearing).
3. Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed. (In this case, the City Manager as representative of the City of Westminster, signer of the petition, owns more than 50% of the property).
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has found that the petition complies to the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time Council will review the merits of the proposed annexation.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, a copy of which is attached hereto and incorporated herein by reference, for the annexation of certain territory therein-described to the City; and

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the petition and accompanying map are in substantial compliance with Sections 31-12-101, et.seq., Colorado Revised Statutes, as amended.

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107(1).

2. City Council hereby establishes March 23, 1998, 7:00 p.m., at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108(1).

2. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108(2).

Passed and adopted this 9th day of February, 1998.

ATTEST:

Mayor

City Clerk

Date: February 9, 1998
Subject: Resolution No. re Egging Annexation
Prepared By Mark E. Geyer, Planner II

Introduction:

City Council action is requested on the attached resolution concerning finding compliance of the proposed petition requesting annexation of the Egging property south of 128th Avenue and west of Huron Street (vicinity map attached) with statutory requirements and establishing a hearing date.

Summary:

The property owners petitioning for annexation, Gerhard and Ruth Egging, were originally included in the Bull Canal annexation. The Egging's property (3.6 acres) was one of three lots, south of 128th Avenue, that were part of the original annexation. The other two property owners did not wish to participate in the City initiated annexation which has resulted in the division of the Bull Canal and Egging areas into two separate petitions. The Bull Canal area, north of 128th Avenue is being presented to City Council in a separate agenda memo but both will be processed concurrently.

Staff Recommendation:

Adopt Resolution No. accepting the annexation petition submitted by Gerhard and Ruth Egging and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of March 23, 1998, for the annexation hearing.

Background Information:

This annexation originally included the Bull Canal area north of 128th Avenue and the three properties south of 128th Avenue. Two of those property owners south of 128th Avenue strongly objected to annexation creating the need to separate the process into two areas, the Bull Canal Area and the Egging Area. The Bull Canal Area petition is being presented separately but is concurrent with the Egging property petition.

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) of the C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.

2. An allegation that the requirements of Section 31-12-104 and 31-12-105 of the C.R.S. have been met. (These Sections are to be reviewed by the Council at a formal public hearing).
3. Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed. (In this case, Gerhard and Ruth Egging own 100% of the property to be annexed.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has found that the petition complies to the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time Council will review the merits of the proposed annexation.

Respectfully Submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, a copy of which is attached hereto and incorporated herein by reference, for the annexation of certain territory therein-described to the City; and

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the petition and accompanying map are in substantial compliance with Sections 31-12-101, et. seq., Colorado Revised Statutes, as amended.

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107(1).

2. City Council hereby establishes March 23, 1998, 7:00 p.m., at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108(1).

2. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108(2).

Passed and adopted this 9th day of February, 1998.

ATTEST:

Mayor

City Clerk

Date: February 9, 1998
Subject: Harris Park Shops Parking
Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to authorize expenditures for property acquisition, tenant relocation, and demolition and parking lot construction at 7233-7237 Lowell Boulevard to serve the Harris Park Shops. Funds have been appropriated in the 1998 General Capital Improvement Fund for this purpose.

Summary

The improvements to Lowell Boulevard north of 72nd Avenue necessitated acquisition of additional right-of-way from the seven separate ownerships that make up the Harris Park Shops. This resulted in a loss of approximately 35 parking spaces at the center. The City was successful at negotiating the right-of-way acquisition without any damages being assessed.

In the fourth quarter of 1996, Council reviewed several alternatives for a public parking lot in the immediate area to replace the parking loss experienced at the Harris Park Shops. The recommended site at 7233-7237 Lowell Boulevard (Parcel No. 57) was determined to have the best location and operational characteristics for parking to benefit the shopping center and other local businesses. In conjunction with the proposed acquisition, the Council also supported relocation assistance for any existing tenants that would be displaced. Staff estimated the cost for relocation assistance for the three effected businesses at about \$25,000.

A total of \$250,000 was budgeted in the 1998 Capital Improvement Fund for the project. Staff is recommending acceptance of the owner's purchase price of \$150,000. Another \$25,000 will be used to provide relocation benefits to the displaced businesses. The remaining \$75,000 will be used to demolish the buildings, and design and construct the parking area itself. A contract for parking lot construction should be able to be bid by early summer with completion of the parking lot possible in the third quarter of the year.

Staff Recommendation

Authorize the City Manager to purchase 7233-7237 Lowell Boulevard at a cost of \$150,000; authorize up to \$25,000 for tenant relocation assistance; and, authorize the balance of the budgeted \$250,000, being not less than \$75,000, for design, building demolition and parking lot construction within allowable administrative contract levels; charge the expenses to the appropriate General Capital Improvement Account.

Background Information

In 1997, street and utility improvements at 72nd Avenue and Lowell Boulevard were completed. The project included the acquisition of right-of-way along the west side of Lowell Boulevard between 72nd Avenue and 73rd Avenue. Located immediately North of the 7-11 store, is a linear shoppette, known as the Harris Park Shops, comprised of seven different narrow-frontage lots under separate ownership. Parking for the shopette's business patrons is shared along the building frontage, but no agreement or reciprocal easements exist for use as shared parking. Although the right-of-way necessary for the improvements along Lowell Boulevard was relatively narrow, it was sufficient to eliminate the row of parking that had been established nearest the street. That reduction was approximately 35 spaces out of the 80 or more available in the shoppette. Fortunately, the City was able to negotiate settlement and compensation for the right-of-way from the owners without condemnation and without any assessment of damages related to the reduction in parking.

At a Study Session in late 1996, Staff presented several alternatives for replacing some of that parking by purchasing property in the area and converting it into a public parking area. Of the several sites considered, the property at 7233-7237 Lowell Boulevard (Parcel 57) was perceived to be the best option. It was centrally located, providing the best opportunity for use by the shoppette customers along with patrons of the Valente Shopping Center, which had also lost several parking spaces to the project. The site also improved pedestrian and traffic circulation for business customers in the general area, since it takes access from both Lowell Boulevard and the alley between Lowell Blvd. and Meade Street. The parking lot layout needs to be refined, but an additional 28 spaces can be provided once the buildings on this 12,000 square foot site are removed. Council was also apprised of the potential need to assist effected businesses in relocating. Council concurred that the budget should include relocation assistance as necessary to adequately compensate the businesses.

City Council expressed support for the preferred alternative and an appraisal was prepared. The City has come to agreement with the owner to purchase the property at a cost of \$150,000. Relocation assistance to the three businesses in the building is estimated at \$25,000. Demolition of the existing buildings, and design and construction of the parking lot, is estimated to cost an additional \$75,000 to \$100,000.. A total of \$250,000 was budgeted in the 1998 General Capital Improvement Fund based on these estimates. If approved by Council, Staff will proceed to secure site design services and get proposals for demolition of the buildings. A contract for the parking lot construction should be ready to bid this summer. It is anticipated that award of the construction contract will need Council's approval at that time.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: February 9, 1998
Subject: 1998 Standley Lake Recreation Program
Prepared by: Richard Dahl, Park Services Manager
Rod Larsen, Open Space Supervisor

Introduction

City Council action is requested to adopt the recreational fee structure for boating and lake access permits at the Standley Lake Recreation Area for 1998.

Summary

1998 marks the final year of a two year lease extension negotiated by the City with Farmers Reservoir and Irrigation Company (FRICO) to operate Standley Lake prior to being purchased by Jefferson County Open Space (JCOS) as a regional park. Once the purchase is complete JCOS will convey the property to the City of Westminster to be owned, managed and maintained as a City facility. The price for the land and recreation rights has been reached by both FRICO and JCOS but details involving the Standley Lake dam expansion are still being resolved. Staff anticipates completion of the negotiations and conveyance of the property in the first half of 1998.

A condition of the conveyance by JCOS to the City is that Jefferson County residents be considered "resident" under any permit structure the City adopts in the future. Staff estimates that \$22,000 in revenues will be lost under this agreement and has re-examined the 1998 Standley Lake operating budget to reduce expenses and minimize fee increases.

1997 revenues were \$330,355 with expenses held at \$327,201 (estimated) to insure costs did not exceed revenues.

As part of the 1998 budget process, City Council approved the following Standley Lake operating budget:

Personal Services	\$224,973
Contractual Services	\$133,135
Commodities	<u>\$12,300</u>
Total	\$370,408

Staff is recommending a reduction in the 1998 Standley Lake operating budget to \$345,680 while recommending an increase of five dollars (\$5) in resident and non-resident boating permits with other fees adjusted as outlined in Alternative Two. This option holds down expenses while adjusting for the loss in revenues anticipated with sales to Jefferson County (non-City) residents.

Alternatives	Existing Fees		
	Alternative <u>ONE</u>	Alternative <u>TWO</u>	Alternative <u>THREE</u>
Resident Boat Permit	\$490	\$495	\$530
Non-resident Boat Permit	\$620	\$625	\$625
Sail/Fishing Permit	\$ 90	\$100	\$100
Lake Access	\$145	\$145	\$150
Walk-in Season	\$ 60	\$ 60	\$ 65
Special Use*	\$ 3	\$ 3	\$ 5
Daily Boat	\$ 10	\$ 10	\$ 15
Senior Day Permit	\$ 3	\$ 5	\$ 5
Total Estimated Revenue	\$330,335	\$345,680	\$370,408

* Special Use - fee for non-fishing uses, such as jogging, walking, and service group (ie, Boy Scouts) events

Staff Recommendation

Adopt ALTERNATIVE TWO as described in the agenda memorandum for the 1998 Standley Lake Recreation Area fee structure.

Background Information

The Intergovernmental Agreement (IGA) adopted by Northglenn, Thornton, and Westminster on November 28, 1994, allows for 600 permits to be issued for power boats. Fifty of these permits, evenly split between Northglenn and Thornton, are sold to their residents at the resident rate.

In 1997, while 600 permits were available, 555 permits were sold, of which 316 were residents and 239 were non-residents. Once Jefferson County residents are eligible for "resident" rates, the majority if not all permits sold will be "resident."

After JCOS conveys the land and recreation rights of approximately 2,000 acres to the City, Phase I improvements to Standley Lake for the regional park, funded by JCOS at \$2.5 million, will begin. These improvements include a boat ramp, trails, campgrounds, access roads from 100th Avenue, and permanent restroom facilities.

On December 9, 1991, City Council approved a five-year Standley Lake recreation lease with the Farmers Reservoir and Irrigation Company (FRICO). Although 1996 was the last year of the lease, an extension was granted by FRICO due to the on-going negotiations with JCOS. On January 27, 1997, City Council approved the two-year lease extension with FRICO. The 1998 lease payment is \$64,186, paid quarterly, which is paid by revenues brought in by park admissions and motor boat permit fees.

The City of Westminster has leased Standley Lake from FRICO as a recreation facility since the mid-1960s. The Standley Lake Recreation Area provides a variety of recreation activities including powerboating, water skiing, sailing, camping, picnicking, fishing, hiking, bicycling, wildlife viewing, and nature study.

The Department of Parks, Recreation, and Libraries' primary concern in the operation of Standley Lake is to ensure the safety and health of the visitors using the recreation area as well as to protect the water quality.

Providing 24-hour security, staffing for 16 hours of day use, and contracting portable toilet facilities and trash collection represent 96% of the operating budget. The other 4% is used to purchase medical supplies, signage, and materials to maintain grounds and structures. Because Standley Lake is a 24-hour, 7 day-a-week program, the staffing and contractual service levels are necessary regardless of the number of people using the facility, which can vary depending on the time of day, weather conditions, and the month.

In 1985, the Department of Parks and Recreation issued 1,200 power boat permits at Standley Lake. Since that time, water quality issues have prompted the City to re-evaluate the long-term impact which power boat uses have upon the water at Standley Lake. Because of these concerns, City Council has reduced the number of boat permits available and has pursued a conservative approach when dealing with water quality. In 1992, a voluntary boat emissions inspection program was started with support from local boat dealers who provided the service at no charge to lake participants. This program became mandatory in 1993 and all power boats using Standley Lake must pass an emissions inspection before they are granted access to the lake. Water quality sampling from Standley Lake has indicated the 600 powerboat permits approved for 1998, along with the other protective measures regulating recreational activities, have been successful in preventing any water quality degradation.

Respectfully submitted,

William M. Christopher
City Manager

Attachment:

Date: February 9, 1998

Subject: Resolution No. re Exchange of Water Rights and Property Agreements

Prepared by: Mike Happe, Water Resources Engineer

Introduction

City Council action is requested to adopt the attached Resolution authorizing the City Manager to execute agreements with CAMAS Colorado, Inc., ("CAMAS") and South Adams County Water and Sanitation District ("South Adams") concerning an exchange of water rights and property. Funds for these agreements are available in the Water Purchases account in the Water and Wastewater Fund.

Summary

Staff has negotiated an agreement with CAMAS (formerly Cooley Sand and Gravel Company), for an exchange where CAMAS transfers ownership of 7.5 shares of Farmers Reservoir and Irrigation Company (FRICO) shares in Standley Lake, 31 shares of Manhart

Ditch Company water rights, 40.875 shares of the Wellington Reservoir Company, 48.715 shares of Burlington Ditch Reservoir and Land Company and 30.69 acres of land located just north of I-76 and just east of Tennyson Street to Westminster (see attached map). The water rights represent 33 acre feet of firm yield. Westminster, in exchange will pay CAMAS \$288,500 and agree to provide 290 acre feet of treated effluent per year to CAMAS from the Metropolitan Water Reclamation Facility.

The Agreement with South Adams transfers ownership of the Burlington and Wellington water rights that Westminster will receive from CAMAS to South Adams for a payment from South Adams to Westminster of \$671,925.

Westminster will receive 7.5 shares of FRICO to be used in Standley Lake for Westminster's municipal needs, 31 Shares of Manhart Ditch water that will be used in conjunction with the Jim Baker Reservoir facility, 30.69 acres of land on which Westminster will construct additional storage to be used in conjunction with the Jim Baker Reservoir and a net of \$383,175 in cash. Westminster will give up 290 acre feet of treated effluent out of approximately 13,000 acre feet that is produced annually.

The gravel lake storage will help Westminster pay required return flows to the Clear Creek and South Platte river systems, which will free up water at Westminster's Big Dry Creek Wastewater Reclamation Facility for use in Westminster's new reclaimed water project.

In summary, the City will get approximately 33 acre feet of firm water supply at Standley Lake, 30 acre feet of water to pay required returns, land to build potentially as much as 300 acre feet of storage, and \$383,175 in cash. The City will give up 290 acre feet of effluent at the Metropolitan Water Reclamation facility.

Staff Recommendation

Adopt Resolution No. _____ authorizing the City Manager to sign agreements with CAMAS Colorado, Inc., and South Adams County Water and Sanitation District regarding the exchange of land and water assets.

Background Information

Westminster Staff and representatives from CAMAS began discussions this fall regarding the potential for trading treated effluent for CAMAS's Farmers Reservoir and Irrigation Company (FRICO) shares in Standley Lake. CAMAS wanted to maximize the amount of treated effluent it could obtain in the South Platte River in order to meet its augmentation requirements to make up for water depletions they cause to the South Platte River resulting from its mining activities.

CAMAS wanted to divest itself of several assets in order to obtain the treated effluent and cash payments. CAMAS offered Westminster a package that included the 7.5 shares of FRICO plus the 31 shares of Manhart, the 40-plus shares of Burlington and Wellington shares, and land that it owned located just south of the existing Jim Baker Reservoir site. Westminster was interested in all of the parts of this proposal, with the exception of the Burlington and Wellington shares. Those water rights are not very useful to Westminster, due to their location on the South Platte River.

South Adams, however, is able to utilize the Burlington and Wellington water rights. Therefore, Westminster began discussions with them on a three-way deal. South Adams agreed to purchase the Burlington and Wellington rights from Westminster, allowing Westminster to finalize the agreement with CAMAS.

The net of \$383,175 in cash that Westminster will receive from this deal can be utilized in the construction of storage on the CAMAS site that Westminster will be obtaining. This storage will be utilized in Westminster's system to help Westminster pay obligations to the South Platte River that otherwise would be paid with Big Dry Creek Wastewater Reclamation Facility effluent. This will free up this water for use in Westminster's planned reclaimed water system.

Once the agreements are executed, Westminster will do an environmental assessment of the CAMAS land and review title of the land and water rights before closing. If there is any environmental liability associated with the land or title defects with the land or water rights, Westminster will not be obligated to close.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. _____

INTRODUCED BY COUNCILMEMBERS

SERIES OF 1998

WHEREAS, CAMAS Colorado, Inc., an Indiana corporation, which does business in Colorado as Cooley Sand and Gravel ("CAMAS"), owns the real property identified in Exhibit A, attached hereto, and certain water rights identified in Exhibit B, attached hereto; and

WHEREAS, South Adams Water and Sanitation District ("South Adams") is a special district that provides water and sewer services within its service area; and

WHEREAS, the City of Westminster owns and generates fully consumable wastewater effluent at its wastewater treatment plants; and

WHEREAS, CAMAS and South Adams are willing to enter into exchange agreements whereby CAMAS will convey the property and water rights identified in Exhibits A and B to the City in exchange for a cash payment and a specified volume of effluent, and the City will sell the water rights listed in Exhibit C to South Adams; and

WHEREAS, the proposed exchanges will result in the improvement of the capacity, efficiency, and service of the City's water and wastewater utility system as required by section 14.2 of the City Charter;

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

1. The City Manager is hereby authorized to execute the attached Exchange Agreement with CAMAS, the attached Purchase and Sale Agreement with South Adams, and the deeds and closing documents required to be executed on behalf of the City in order to comply with the requirements of those agreements. He is further authorized to incur reasonable and normal fees and costs in connection with the closings on the property rights described in the agreements.

PASSED AND ADOPTED this 9th day of February, 1998.

Mayor

ATTEST:

City Clerk

Date: February 9, 1997

Subject: Gasoline Recovery System Operations and Maintenance Contract

Prepared by: Robert L. Booze, Utilities Services Supervisor
Susan Nachtrieb, Environmental Compliance Coordinator

Introduction

City Council action is requested to award a Contract to Delta Environmental Consultants, Inc., for the purpose of conducting the continued operations and maintenance work for the Gasoline Recovery System at the Municipal Service Center; authorize the City Manager to renew the Operations and Maintenance Contract between the City of Westminster and Delta Environmental, Inc.; and, authorize a budget of \$47,500 for the contract. Funds are available for these services in the 1998 General Fund, Fleet Maintenance Budget.

Summary

In June 1997, the Department of Public Works and Utilities began contracting with Delta Environmental Consultants, Inc., to operate and maintain the Gasoline Recovery System at the Municipal Service Center. This work includes all routine operations of the system, including monitoring, sampling, and cleaning the system in order to meet the State water quality discharge permit and performing maintenance and repairs to the system for a twelve-month period.

Staff Recommendation

Authorize the City Manager to execute a contract with Delta Environmental Consultants, Inc., to perform the annual operations and maintenance work on the Gasoline Recovery System at the Municipal Service Center; and authorize a budget of \$47,500, with the expenses to be charged to the appropriate project account in the Fleet Maintenance budget.

Background Information

On May 23, 1986, gasoline contamination was detected in ground water during a geotechnical evaluation at the Municipal Service Center. In June 1986, temporary collection wells were installed. In November, a Gasoline Recovery System was constructed and, in December, gasoline recovery became a 24-hour operation.

The operation of the Municipal Service Center Gasoline Recovery System has evolved through several Consulting Engineering firms: Chen Northern, Inc., Terracon, and, presently, Delta Environmental Consultants, Inc. In April 1997, due to Delta's experience in remediation of contaminated ground water and their immediate availability, Delta was selected to assist the City when the interceptor trench sump well collapsed, which halted the collection and treatment of the contaminated ground water.

Delta has been awarded two previous contracts, including the System Modifications contract and a Feasibility Study contract to evaluate alternatives to accelerate the cleanup of contaminated ground water. Due to Delta's expertise and familiarity with this project and the considerable man-hours already spent maintaining the treatment equipment, it recommended that Delta's Operations and Maintenance contract be renewed for 1998.

An alternative to renewing this contract would be for City Staff to take over the operations and maintenance of the system, however, no one on Staff has this type of remediation expertise. It is important to have technically skilled and experienced remediation personnel operating and maintaining this system in order to avoid costly penalties and fines associated with violating the State water quality discharge permit.

Respectfully submitted,

William M. Christopher
City Manager

Date: February 9, 1998

Subject: Heritage at Westmoor Golf Course Improvements

Prepared by: Bill Walenczak, Director of Parks, Recreation and Libraries

Introduction

City Council action is requested to authorize the expenditure of \$725,000 to Westfield Development Company, for the relocation of the Dry Creek Valley Ditch and spine road golf cart underpass related to the Heritage Golf Course project, and to Nolte Engineers, Inc. in the amount of \$80,000 for engineering testing, observation and design work related to the piping and re-routing of the Dry Creek Valley ditch as well as completing engineering on the golf course. Funds are available for these expenses in the appropriate project accounts in the Heritage Golf Course General Capital Improvement fund.

Summary

The relocation of the Dry Creek Valley Ditch through the Heritage clubhouse site and a portion of the golf course and the construction of the spine road golf cart underpass are necessary to complete the spine road improvements and to complete the relocation of the Dry Creek Valley Ditch, based on the golf course design by Michael Hurdzan. The ditch work needs to be completed prior to the Ditch Company starting delivering water on April 1, 1998. This work is being performed by the developer, Westfield Development Company, as part of the Westmoor Office Park project. The City is obligated to pay for \$453,000 of this amount per the Countrydale Business agreement approved by City Council on July 28, 1997. The remaining \$272,000 is for piping a large section of ditch on the new golf course due to the location of the main irrigation pond, as well as drainage pipe installation along hole #10. Westfield competitively bid out piping installation as part of the spine road improvements.

Staff is also recommending that City Council approve a contract with Nolte Engineering, Inc. in the amount of \$80,000 to do the necessary engineering and design work related to the piping of the Dry Creek ditch, as well as engineering work on the golf course including pond construction, drainage design and the like. Nolte has provided unit pricing for this work which amounts to 6.8% of the construction estimates which is well within the standard range of expenses typically charged for this type of engineering work.

Alternatives

City Council could reject this proposal and instruct Staff to re-evaluate other options with regard to ditch piping. However, Staff is of the opinion that no other alternatives are viable at this time. A delay on this action would result in putting off this work until late fall, which would also delay the opening of the new golf course to the year 2000.

Staff Recommendation

Authorize the expenditure of \$725,000 to Westfield Development Company for the relocation of the Dry Creek Valley Ditch through the clubhouse site and a portion of the golf course as shown on the project map and the construction of the spine road golf cart underpass. Authorize the City Manager to sign an engineering services contract with Nolte and Associates in the amount of \$80,000 to provide engineering design services for the ditch piping and other drainage improvements for the Heritage Golf Course with the expenses to be charged to the appropriate project account in the General Capital Improvement Fund.

Background Information

On July 28, 1997, City Council approved the Countrydale Business Park/Golf Course Business Agreement which represents the financial obligations and commitments on the part of both Westfield Development Company and the City of Westminster.

A key provision of the agreement requires the developer and the City to participate in the funding of the spine road and spine road improvements, including, water line and sewer line to the clubhouse, ditch relocation, golf cart underpass, and landscaping. This action will fulfill some of the City's obligations to the agreement.

Respectfully submitted,

William M. Christopher
City Manager

Attachment