



CITY COUNCIL AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 8) and Citizen Presentations (item 13) 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 Meetings
4. Swearing in New City Clerk, Linda Yeager
5. Report of City Officials
 - A. City Manager's Report
6. City Council Comments
7. Presentations
 - A. ICMA Certificate of Distinction for Performance Measurement
8. Citizen Communication (5 minutes or less)

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.

9. Consent Agenda
 - A. Sherwood Park Renovation Construction Contract
 - B. Huron Street Improvements – Change Order for 16 Inch Water Main
 - C. Huron Street, 140th-150th Avenue–Authorization of Expenditures
 - D. Emergency Management Performance Grant
 - E. 2005 Great Outdoors Colorado Grant Applications
 - F. Willowbrook Park Renovation Contract Award
 - G. Purchase of Gasoline and Diesel Fuel for City Vehicles
 - H. Purchase of City Staff Car and Patrol Vehicles
 - I. Outside Legal Assistance for Pension Plan Trust Documents
 - J. Award of Asphalt Materials Bid
 - K. 2005 Water Meter Purchases
 - L. 2005 Wastewater Collection System Maintenance Contract
 - M. Second Reading Councillor's Bill No. 2 re Annexation of the McGuire Property
 - N. Second Reading Councillor's Bill No. 3 re CLUP Amendment re McGuire Property
 - O. Second Reading Councillor's Bill No. 4 re Zoning the McGuire Property
 - P. Second Reading Councillor's Bill No. 5 re Criminal Tampering
 - Q. Second Reading Councillor's Bill No. 6 re Code Amendments re Title, Authority and Liquor Investigations Officer
 - R. Second Reading Councillor's Bill No. 7 re 2005 Computer Replacement and Acquisition Program
 - S. Second Reading Councillor's Bill No. 8 re Replacement Mobile Computers for Police and Fire

10. Appointments and Resignations

11. Public Hearings and Other New Business

- A. Councillor's Bill No. 9 re Neighborhood Traffic Enforcement
- B. Resolution No. 8 re Neighborhood Traffic Enforcement
- C. Resolution No. 9 re IGA re State Historical Fund Grants
- D. Councillor's Bill No.10 re 4th Qtr Supplemental Appropriation
- E. Resolution No. 10 re 144th and I-25 Interchange Right-of-Way Acquisitions
- F. Emergency Roof Replacement at City Park Recreation Center
- G. Resolution No. 11 re Acquisition of FRICO/Marshall Division Shares
- H. IGA to Repay Capital General Fund for North Huron URA Project Expenses
- I. Resolution No. 12 re Heffley and Guildner Property Remediation

12. Old Business and Passage of Ordinances on Second Reading

13. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business

- A. City Council
- B. Executive Session
 1. Attorney/Client Consultation – Holly Park Litigation

14. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 14, 2005 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro-Tem Kauffman and Councillors Dittman, Dixon, and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Michele Kelley, City Clerk, were also present. Absent was Councillor Hicks.

CONSIDERATION OF MINUTES

Councillor Davia moved, seconded by Dixon to approve the minutes of the meeting of January 24, 2005. The motion carried unanimously.

SWEARING IN OF NEW CITY CLERK

Municipal Court Judge John Stipech swore into office Linda Yeager as City Clerk

PRESENTATION TO CITY CLERK

City Council members presented pictures to outgoing City Clerk, Michele Kelley

CITY MANAGER COMMENTS

Brent McFall, City Manager, advised the public that Monday, February 21st City Hall would be closed to observe President's Day, and the City has received a special recognition from the Colorado Municipal Tax Auditors for the City's automated e-payment for sales tax remittance. He also stated an executive session would be held after the Council meeting re Attorney/Client Consultation – Holly Park Litigation.

CITY COUNCIL COMMENTS

Councillor Dixon commented on February being Black History Month.

Mayor McNally commented that she and other local representatives had been in Washington DC last week lobbying the Federal Highway Department regarding FASTRACKS for US 36.

ICMA CERTIFICATE OF DISTINCTION FOR PERFORMANCE MEASUREMENT

City employees, Emily Moon, Aaron Gagne, Abel Moreno and Bob Smith, members of the Performance Measurement Team presented City Council with the International City/County Management Association (ICMA) Certificate of Distinction.

CONSENT AGENDA

The following items were considered as part of the consent agenda: Sherwood Park Renovation Construction Contract: purchase of play equipment and site furniture from GameTime for \$77,999, ontract with Arrow J Landscape & Design, Inc. for \$55,996 for construction work, and \$8,400 contingency, total budget of \$64,395; Huron Street Improvements, Change Order for 16-inch Water Main: with Hamon Contractors, Inc. for \$348,326 for additional water main installation and other construction in Huron Street, 128th to 140th Avenue; change order with Felsburg Holt and Ullevig for Huron Street in the amount of \$23,000; Huron Street Improvements, 140th-150th Avenue; expenditure of up to \$761,000 to relocate utilities that will be in conflict with the planned improvements; expenditure of \$880,000 for ROW acquisition

needed; change order to contract with Transystems, Inc, for \$44,500; Emergency Management Performance Grant - staff to submit an EMPG Application to Colorado Division of Emergency Management; Parks, Recreation and Libraries 2005 Great Outdoors Colorado Grant Applications - authorize Staff to submit two grant applications to the Great Outdoors Colorado (GOCO) 2005 grant program; Willowbrook Park Renovation Contract Award - with T2 Construction for \$81,437 for construction work, \$8,100 contingency for total budget of \$89,537; Gasoline and Diesel Fuel for City Vehicles - Award bid to Gray Oil, authorize maximum expenditure of \$ 408,789; City Staff Cars and Patrol Vehicles Award the State of Colorado bid for one staff car to Daniels Chevrolet, and award the State Bid for eleven patrol vehicles to Lakewood Fordland; Contract for Outside Professional Legal Services for the Pension Plans with Reinhart Boerner Van Deuren Norris & Rieselbach P.C.; Award of Asphalt Materials Bid to Asphalt Specialties Company up to a maximum of \$246,960; Water Meter Purchases - negotiated purchase from National Meter & Automation, Inc. not to exceed \$275,000; Wastewater Collection System Maintenance Program Ace Pipe Cleaning, Inc. for \$549,374 with a 5% contingency budget of \$27,500; 2nd Reading Councillor's Bill No. 2 re Annexation of the McGuire Property; 2nd Second Reading Councillor's Bill No. 3 re CLUP Amendment re McGuire Property; 2nd Reading Councillor's Bill No. 4 re Zoning the McGuire Property; 2nd Reading Councillor's Bill No. 5 re Criminal Tampering; 2nd Reading Councillor's Bill No. 6 re Code Amendments re Title, Authority and Liquor Investigations Officer; 2nd Reading Councillor's Bill No. 7 re 2005 Computer Replacement and Acquisition Program ; 2nd Reading Councillor's Bill No. 8 re Replacement Mobile Computers for Police and Fire

Mayor McNally 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.

Councillor Dixon moved, seconded by Price to adopt the consent agenda items as presented. The motion carried unanimously.

COUNCILLOR'S BILL NO. 9 RE NEIGHBORHOOD TRAFFIC ENFORCEMENT

Councillor Dittman moved, seconded by Dixon to pass Councilor's Bill No. 9 on first reading for 1.0 FTE Traffic Enforcement Technician position and an additional civilian 1.0 FTE Traffic Accident Investigator in the 2005 Police Department budget. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 8 RE NEIGHBORHOOD TRAFFIC ENFORCEMENT:

Councillor Dittman moved, seconded by Dixon to adopt Resolution No. 8 amending the 2005 Staffing and Pay Plans reclassifying the Neighborhood Traffic Specialist position in Community Development to a Traffic Enforcement Technician position in the Police Department, and authorizing an additional 1.0 FTE Traffic Accident Investigator position in the Police Department. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 9 RE IGA RE STATE HISTORICAL FUND GRANTS

Councillor Davia moved, seconded by Price to adopt Resolution No. 9 authorizing the City Manager to execute two IGAs with the State of Colorado concerning the use of State Historical Fund grant funds awarded to the City of Westminster and ratify three prior IGAs. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 10 RE 4th QUARTER SUPPLEMENTAL APPROPRIATION:

Councillor Kauffman moved, seconded by Dittman to pass Councillor's Bill No. 10 on first reading providing for supplementary appropriations to the 2004 budget of the General, General Capital Improvement, Open Space and Utility Funds. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 10 RE 144th & I-25 INTERCHANGE ROW ACQUISITION

Councillor Dittman moved, seconded by Dixon to adopt Resolution No. 10 authorizing City Staff to proceed with the acquisition of rights-of-way and easements on the east side of I-25 necessary for the 144th Avenue and I-25 Interchange project, including the use of eminent domain, if necessary; and authorize up to \$2,700,000 for acquisition costs and all related expenses, which shall be charged to the appropriate project account from the Certificates of Participation funds. Upon roll call vote, the motion carried unanimously.

EMERGENCY ROOF REPLACEMENT AT CITY PARK RECREATION CENTER

Councillor Dixon moved, seconded by Price based on the report and recommendation of the City Manager, determine that the public interest will be best served by awarding this contract to D&D Roofing and ratify the expenditure of \$91,549 for emergency roof replacement over swimming pool areas at City Park Recreation Center. The motion carried unanimously.

RESOLUTION NO. 11 RE ACQUISITION OF FRICO MARSHALL DIVISION SHARES

Councillor Price moved, seconded by Dixon to adopt Resolution No. 11 authorizing the acquisition of 14.04 shares of FRICO Marshall Division stock, and the use of the City's eminent domain power, if necessary. Upon roll call vote, the motion carried unanimously.

IGA WITH WEDA RE PUBLIC IMPROVEMENTS IN NORTH HURON URA

Mayor Pro Tem Kauffman moved, seconded by Davia to authorize the Mayor to execute an Intergovernmental Agreement with the Westminster Economic Development Authority (WEDA) to advance up to \$3,000,000 through the use of short-term cash in the General Capital Improvements Fund for expenses related to public improvements in the North Huron Urban Renewal Area with repayment to the City no later than December 31, 2005. The motion carried unanimously.

RESOLUTION NO. 12 RE THE HEFFLEY AND GUILDNER PROPERTY REMEDIATION

Councillor Dittman moved, seconded by Price to adopt Resolution No. 12 providing funding to the Westminster Housing Authority (WHA) to assist in the environmental remediation and demolition of dilapidated structures on the Heffley and Guildner properties at 69th Avenue and King Street. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 7:32 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Swearing In New City Clerk, Linda Yeager

Prepared By: Michele Kelley, Old City Clerk

Recommended City Council Action:

Municipal Court Judge John Stipech will swear into office Linda Yeager, the newly selected City Clerk.

Summary Statement:

- On February 7, 2005, Linda Yeager began her employment with the City.
- Michele Kelley, the current City Clerk is retiring.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

There is no policy issue identified.

Alternative

There are no alternatives identified.

Background Information

Since the current City Clerk is retiring, the new City Clerk will need to be officially sworn into office.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Presentation of International City/County Management Association (ICMA) Certificate of Distinction for Performance Measurement

Prepared By: J. Brent McFall, City Manager

Recommended City Council Action

Present members of the Performance Measurement Team the International City/County Management Association (ICMA) Certificate of Distinction.

Summary Statement

- The City of Westminster was the recipient of an ICMA Certificate of Distinction at the ICMA's international conference held in San Diego, California in October 2004. The award recognizes the City for exceeding the standards established by the ICMA Center for Performance Measurement.
- Westminster's performance measurement program has also been selected as one of the case studies to be presented at the "ICMA Best Practices 2005" in Austin, Texas in April. Emily Moon, Senior Management Analyst, Kathleen Hix, Organization Support Services Manager and Abel Moreno, Public Works and Utilities Senior Management Analyst will be traveling to Austin to present the program.
- The Best Practices Symposium highlights local government excellence with a focus on small-group discussion. Attendees include local government managers, assistants and staff from throughout the United States and other countries.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified.

Alternative

None identified

Background Information

ICMA is the professional and educational organization for chief appointed managers, administrators, and assistants in cities, towns, counties, and regional entities throughout the world. Since 1914, ICMA has provided technical and management assistance, training, and information resources to its members and the local government community. The management decisions made by ICMA's nearly 8,000 members affect more than 100 million individuals in thousands of communities--from small towns with populations of a few hundred to metropolitan areas serving several million.

The International City/County Management Association holds an international conference each year. This year's conference (90th annual) was held in San Diego, California. As part of the annual conference, the ICMA annual awards program is held to celebrate excellence in local government.

The City of Westminster implemented a structured performance measurement program in 1999 and joined the International City and County Management Association's (ICMA) Center for Performance Measurement in 2002. The City of Westminster's original performance measurement program consisted of the development of a Performance Measurement Team. These team members, representing every City department, worked with departments to provide training and to develop measures for many service areas within the City. Departments provided data to the City Manager's Office every six months. The City's measures were reviewed by the City Manager's Office every six months and published on an annual basis in the budget document. Since joining ICMA, the City's training, measures and reporting have greatly improved.

The City's data analysis efforts have also improved with the creation of the City's performance measurement report, *Take a Closer Look: How Performance Measures Build a Better City*. In *Take a Closer Look*, the City's internal performance measures (showing how the City is meeting the strategic plan's goals) is synthesized and given a comparative context by incorporating CPM template data. The creation of *Take a Closer Look* marked a significant improvement in the City's performance measurement reporting efforts. *Take a Closer Look* emphasizes the City's commitment to constant improvement and reporting to the public on how the City is performing. In prior years, performance measurement data was reporting to the public and City Council in numeric tables in the annual budget document. The new reporting format is more comprehensive and illustrative. City staff strives to make *Take a Closer Look* inviting and informative. A copy of the most recent report is attached.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Sherwood Park Renovation Construction Contract

Prepared By: Julie M. Meenan Eck, Landscape Architect II

Recommended City Council Action

- Authorize the purchase of play equipment and site furniture from GameTime in the amount of \$77,999.
- Authorize the City Manager to execute a contract with Arrow J Landscape & Design, Inc. in the amount of \$55,996 for construction work at Sherwood Park, and authorize an \$8,400 contingency amount for a total budget of \$64,395, and charge the expense to the Park Renovation Capital Improvement Project account.

Summary Statement

- Bids were solicited from three reputable playground companies, with GameTime having the most interesting design and lowest cost.
- GameTime Play Equipment has provided play structures for Faversham Park and Carroll Butts Park, which have proven to be good structures, and have been received well by the children who play on them.
- Bids were solicited from three reputable construction companies, with Arrow J Landscape & Design, Inc. (AJI, Inc.) submitting the lowest bid. Work includes concrete pads, removal of crusher fines trail and replacement with concrete sidewalks.
- AJI, Inc. has successfully completed construction projects for Cotton Creek Park, Amherst Park Phase I & II and Hidden Lake Gateway in the past and most recently was awarded the US 36 and Federal Gateway.
- Staff requested a 15 percent contingency in anticipation of contingency work in the field that may come up, specifically regarding unexpected existing site conditions when replacing the trail with a sidewalk.
- Design Development Staff will be removing the existing play structure, placing the site furniture, performing minor irrigation repairs and turf repair along the new walk.
- Renovations will be completed during the spring of 2005 and overall construction will be finished by mid summer.

Expenditure Required: \$142,394

Source of Funds: General Capital Improvement Park Renovation Program

Policy Issue

Should the City proceed with renovation work at Sherwood Park?

Alternative

City Council could choose to not authorize the renovation work at Sherwood Park. However, the playground does not currently meet federal safety guidelines.

Background Information

Sherwood Park is a 15-acre park located at 11320 Kendall Street. It was originally constructed in 1994. The Parks and Recreation Master Plan recommends replacing play equipment on a 10 to 12-year schedule in order to keep City playgrounds compliant with Federal regulations. Sherwood Park play equipment was identified by Parks Staff as needing replacement due to its outdated design related to today’s more stringent federal safety standards.

Although determined to be a safe playground at the time of installation, Federal guidelines have since been revised to emphasize more safety features on modern day play equipment. The Sherwood Park renovation project consists of replacing the existing play equipment including poured-in-place rubber safety surfacing, new site furniture, new paint on the shelters, and replacement of crusher fines trails with concrete walks. The playground equipment, safety surfacing and concrete work have been bid out separately and will be installed by outside contractors. Design Development Construction Staff will tear down the existing structure and do minor repairs and construction projects as needed.

Bids were received as follows:

Play Equipment:

Rocky Mountain Recreation	\$86,000
Little Tykes Commercial Play Systems	\$83,346
GameTime	\$77,999

Construction Work:

T2 Construction	\$70,689
Millan Brothers, Inc.	\$64,240
Arrow J Landscape	\$55,996

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Huron Street Improvements—Change Order for 16-inch Water Main

Prepared By: Richard Clark, Utilities Operations Manager
Stephen C. Baumann, Assistant City Engineer

Recommended City Council Action

- Authorize a change order to the contract with Hamon Contractors, Inc. in the amount of \$348,326 for additional water main installation and other construction in Huron Street, 128th to 140th Avenue.
- Authorize a change order to the construction engineering contract with Felsburg Holt and Ullevig for Huron Street in the amount of \$23,000.
- Charge the total of \$371,326 to the appropriate project accounts in the Utility Capital Improvement Fund and General Capital Improvement Fund.

Summary Statement

- In the past few years there has been growing interest in the north I-25 area that has resulted in planning and construction of infrastructure improvements in the Huron Street corridor. In June of 2004, the City bid and awarded a \$9,485,016 contract for construction of Huron Street from 128th to 140th Avenue to Hamon Contractors, Inc.
- The City’s water master plan prescribes a 16-inch main in Huron Street from 136th Avenue to 144th Avenue and beyond. With the construction of Huron Street now underway, one half mile of this water main (from 136th Avenue to 140th Avenue) must be installed before the street surface is built. The Huron Street contractor has proposed to install the water main work under change order to the existing contract for \$329,163. This is a reasonable cost, judged comparable to similar work performed for the City in the recent past. Other minor adjustments bring the change order total to \$348,326 and the revised contract total with Hamon to \$9,833,342.
- An increase in construction engineering costs of no more than \$23,000 will result from the additional water main work, and will necessitate a change order to the City’s contract with Felsburg, Holt and Ullevig, Inc. Staff is recommending that the cost of water main construction and the resultant increase in construction engineering costs be paid from the 2005 North Huron Transmission Mains account in the Utility Fund. The balance of the construction contract change order for the street improvement related work will be paid out of the Huron Street project account.

Expenditure Required: \$371,326

Source of Funds: Utility Capital Improvement Fund
General Capital Improvement Fund

Policy Issue

Should the contract for construction of Huron Street from 128th to 140th be amended to add the installation of 16 inch water main for water system upgrades?

Alternative

The City's Water System Master Plan calls for this facility to meet demands that are associated with future development of the north I-25 corridor, so the primary alternative to adding it to the existing contract with Hamon Contractors is to delay the progress on the overall project and bid the work for separate installation on the hopes of securing better pricing or a quicker installation. Staff has compared Hamon's unit prices on the water main components to similar work on other similar projects and they are comparable. In addition, many of the materials being called for in the 16 inch water main work already have unit prices set by the bid in the original contract and are automatically used in Hamon's pricing. Even if the recommended action adds several months to the contract time, the alternative would be no less time consuming, would require a significant coordination effort between different contractors and is likely to result in a higher cost.

Background Information

In June 2004, City Council authorized funding and awarded a \$9,485,016 contract to Hamon Contractors, Inc., (Hamon) for the reconstruction of Huron Street from 128th Avenue to 140th Avenue. Construction of those improvements is now underway and scheduled for completion in late 2005. The next phase of the Huron Street improvements, extending north to 150th Avenue, is in the design phase and approximately 85% complete. Staff is currently projecting construction on the second phase will get underway in the summer of 2005 and finish in the fall of 2006. These projects respond to the increased interest and development pressure in the north I-25 corridor, which will require significant upgrades to the utility and street infrastructure.

Recent modifications to the City's water master plan recommend that a 16-inch water main be installed in Huron Street from 136th Avenue to 144th Avenue to provide system redundancy and meet the planned water demands of the developable properties that lie along I-25. The City's 2005/2006 Budget includes a \$700,000 appropriation for the North Huron Transmission Main. Since the Huron Street construction is underway, the City requested that the contractor, Hamon Contractors, Inc., bid the installation of the 16-inch water main in the portion of that project from 136th Avenue to 140th Avenue. The water main must be installed before the street improvements are completed to be most cost effective and least disruptive. Hamon's proposed price is \$329,263, a reasonable cost and comparable to similar recent contracted installations elsewhere in the City. The unit costs of many of the items needed in this change order were already part of Hamon's original bid together with several small changes related to the street improvement project; the change order to Hamon's contract would total \$348,326 and bring the overall contract cost to \$9,833,342.

Since the additional water line work is on the critical path of construction, it can be argued that it will add time to the project schedule. At award, the contract allowed Hamon until November of 2005 to complete all work. Staff is in discussions with Hamon on the extent of additional time. The issue is that while they may have been able to perform final paving in November of 2005, a month or more postponement caused by the addition of water main work would put final paving in December or January, when it would be too cold to pave. Under worst case circumstances the project may not be complete until spring of 2006 due to the change. Staff will be working with the contractor to avoid such a delay if possible.

The cost of increased construction engineering for the water main installation should be no more than \$23,000, which will be added to Felsburg Holt and Ullevig's (FHU) existing construction engineering contract by change order. The component costs for water main work will be paid from the North Huron Transmission Main account in the Utility Capital Improvement Fund. The balance of the change order would be paid for from the construction contingency for the Huron Street project.

Respectfully submitted,

J. Brent McFall, City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Huron Street Improvements, 140th-150th Avenue-Authorization of Expenditures

Prepared By: Stephen C. Baumann, Assistant City Engineer

Recommended City Council Action

Authorize the expenditure of up to \$761,000 for contracts needed to relocate utilities that will be in conflict with the planned improvements to Huron Street from 140th to 150th Avenue; authorize the expenditure of \$880,000 for right-of-way acquisition needed for the project; authorize a change order to the design engineering contract with Transystems, Inc., in the amount of \$44,500 for surveying and engineering work related to these activities and charge these expenses to the appropriate project account in the General Capital Improvement Fund.

Summary Statement

- With the higher certainty of the proposed development at the northeast corner of Huron Street and 144th Avenue and the growing development interest in the north area in general, infrastructure improvements in the north Huron Street corridor are a top priority for the City. The reconstruction of Huron Street from 128th to 140th is now underway. The continuation of that project, from 140th to 150th Avenue, is being designed now. To begin this next phase of the work in a timely fashion, certain utility work is necessary ahead of the street improvements projects.
- Previously, City Council authorized final design of the Huron, 140th to 150th improvements, now about 85% complete, and passed Resolution 50 (2003), which authorized the City Manager to acquire and/or commence eminent domain proceedings for right-of-way in the Huron corridor. On November 8, 2004 the Westminster Economic Development Authority gave approval of a reimbursement resolution that will allow WEDA to use bond sale proceeds to reimburse itself for capital expenditures it incurs for the project prior to issuing the bonds. Authorization is sought for \$880,000 to secure legal possession of the necessary right-of-way and \$761,000 for the utility undergrounding and other utility relocations and related costs in this phase of the Huron Street project.
- The City's contract with Transystems, Inc. will also need to be adjusted because of the added coordination activities associated with the utility work described above and for the extension of the project limits on 144th Avenue both east and west of Huron St. Staff has negotiated a scope of work and an estimated cost of \$44,500 for this additional engineering work.
- Funds from the General Capital Improvement Fund (GCIF) will be used to pay for these parts of the project. City Council and the WEDA Board will be asked to approve an intergovernmental agreement whereby the City agrees to advance WEDA the funds from the cash in the GCIF for these expenses and WEDA agrees to repay the City from the proceeds of the bonds it will issue. It is currently expected that these bonds will be issued in the middle of April, 2005.

Expenditure Required: \$1,685,500

Source of Funds: General Capital Improvement Fund

Policy Issue

Should the City expend funds to secure the necessary rights-of-way and move forward with utility relocation so as to accomplish these activities ahead of the planned reconstruction of Huron Street, 140th Avenue to 150th Avenue?

Alternative

Alternatives to the recommended action include delaying the utility relocations work to a later date, presumably to the time when the City is ready to start the street improvements themselves. Recognizing that the proposed utility relocations and much of the initial street construction need to happen in the same physical location, these work items don't combine very well and the schedule would have to lengthen to accommodate. The City's has expressed the willingness to accommodate a very aggressive schedule that the Forest City development has proposed. A development opening in the fall of 2006 would be difficult without functional street improvements to Huron Street and to 144th Avenue. The street project will take approximately one year with some variation based on the season when the work begins. The utility relocations being recommended here might take three months and should make it possible to begin in summer 2005 and have the better part of two construction seasons to insure the development site is well served. Delay pushes the start of street work later into the year in 2005 and makes completion in 2006 unlikely.

Background Information

City Council authorized funding and contracts for the Huron Street improvements, 128th Avenue to 140th Avenue in 2004. Construction of those improvements is now underway and is scheduled for completion in early 2006. The next phase of Huron Street improvements, extending north to 150th Avenue, is in the design phase and approximately 85% complete. Under good circumstances, construction on the second phase will get underway in the summer of 2005 and finish in the fall of 2006. These projects respond to the development pressure in the north I-25 corridor, which will require significant upgrades to the utility and street infrastructure.

The next phase of the Huron Street improvements project, from 140th Avenue to 150th Avenue has a significant utility component, both in terms of infrastructure that will be needed to support the planned development and relocations of existing facilities that will conflict with the street reconstruction. Much of the latter work is necessary in advance of the roadway improvements themselves. The conversion of overhead electric and communication lines to an underground location on the new edge of the proposed wider street is best done in advance. Xcel Energy has estimated the cost of the undergrounding portion of this relocation at \$440,000, including credits allowed the City under the franchise agreement with Xcel. Qwest Communications has a high-traffic fiber optic facility in Huron from 140th to 145th Avenue, and a station at 145th Ave that are in conflict with various components of the street improvements and must be moved. Qwest has provided preliminary estimates of from \$215,000 to \$250,000 for this relocation. EnCana Oil and Gas, Inc., operates a large diameter gas pipeline in 144th Avenue through the intersection with Huron Street. An extensive location effort and design engineering have identified several conflicts of that gas line with the proposed storm sewer facilities needed east and west of the intersection. The City is bound to pay the cost of this relocation, estimated to be \$71,000. The utility relocation work totals \$761,000. Costs of survey staking and the additional design engineering made necessary by the utility conflicts are estimated to be \$9,900.

The City's contract with Transystems, Inc., will also need to be modified due to expansion of the project improvements further west and further east on 144th Avenue than originally planned. Neighborhood meetings with the Cheyenne Ridge residents have resulted in extending the 144th Avenue improvements all the way to the west side of Cheyenne Ridge and resulted in additional landscape design. Similarly, the east end of the proposed improvements to 144th Avenue has been moved to approximately 1100 feet east of Huron Street to accommodate the phasing and access needs of the Forest City development. A change order to Transystems' contract in the amount of \$44,500 is being recommended for approval and will bring the total compensation for engineering services to \$416,195.

Much of the utility work described above moves or installs facilities in the proposed right-of-way of new Huron Street. The schedule dictates that the City secure legal possession of the right-of-way to do the utility relocation and this is normally secured by a deposit with the property owner of the fair market value determined by the City's appraiser. It is necessary to secure property from three ownerships along Huron Street, and while City Council gave the City Manager authority to negotiate and acquire or condemn the necessary property rights with the passage of Resolution 50 in 2003, funds for those acquisitions need to be authorized. Appraisals of the necessary right of way are complete in one case and in draft form for the other two purchases. Staff is recommending that a total of \$880,000 be authorized to secure possession of the right-of-way, and to allow for negotiation to a reasonable settlement once the owner's appraisals are received.

In total, authorization is sought for \$1,685,500 using funds appropriated into the Huron Street project account of the General Capital Improvement Fund. The Westminster Economic Development Authority and the City have entered into an agreement that will reimburse the City's costs for these activities when bond proceeds are received.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Item 9 D

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Emergency Management Performance Grant

Prepared By: Mike Reddy, Emergency Management Coordinator

Recommended City Council Action

Authorize staff to submit an Emergency Management Performance Grant (EMPG) Application to the Colorado Division of Emergency Management.

Summary Statement

- The Federal Emergency Management Agency, through the Colorado Division of Emergency Management, is offering Emergency Management Performance Grants (EMPG) to local governments for administrative support and expenses related to the emergency management programs.
- Funding requires soft match that can be achieved through existing budgeted funds for the emergency management program.
- Funds are made available on a cost reimbursement basis through quarterly submittals.
- An annual program paper and quarterly reports are required.
- 2004 EMPG provided \$20,000 to the City of Westminster, Emergency Management Program.

Expenditure Required: \$ 0
Existing 2005 budgeted amounts for emergency management will cover the required soft match.

Source of Funds: Department of Homeland Security, Federal Emergency Management Agency

Policy Issue

Should the City of Westminster apply for 2005 EMPG funds and continue participating in the grant program as in 2004 and in future years, as funds are made available? Should the City use emergency management program budgeted funds as match for the EMPG?

Alternative

The City of Westminster may choose not to pursue EMPG funds, however, these funds have allowed the emergency management program to address key priorities.

Background Information

The Federal Emergency Management Agency, through the Colorado Division of Emergency Management, is offering Emergency Management Performance Grants (EMPG) to local governments with established emergency management programs. Funds may be used for program operations, contractual services, salary and benefits, related to the emergency management program. The grant program has provided funding to counties and municipalities to support local government emergency management priorities projects. The City of Westminster participated in the 2004 EMPG program where funds were used to contract for services including updating resources information, assisting with exercises and purchasing software for the Emergency Coordination Center. Presently, Westminster, Colorado Springs, Aurora, Lakewood and Ft. Collins all participate in the program and receive federal funds ranging from \$18,750 to \$40,000 depending on population. The City of Westminster received \$20,000 in 2004 and can expect a similar amount in 2005 and future years. The EMPG program is relatively flexible; allowing staff to continue to meet City established program priorities and still comply with the federal program requirements. 2005 EMPG funds will be used to accomplish the following projects:

- Emergency Coordination Center equipment purchases
- Contract services for updating emergency plans to achieve compliance with new federal standards
- Design, implement and evaluate a mass casualty exercise in the City of Westminster
- Continue with community education and outreach on family and community preparedness
- Bring the City into compliance with National Incident Management System standards required by Colorado Executive Order D011 04 and Presidential Directive HSPD#5

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 9 E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Parks, Recreation and Libraries 2005 Great Outdoors Colorado Grant Applications

Prepared By: Julie M. Meenan Eck, Landscape Architect II

Recommended City Council Action:

Authorize the Department of Parks, Recreation and Libraries Staff to submit two grant applications to the Great Outdoors Colorado (GOCO) 2005 grant program.

Summary Statement:

- The Parks, Recreation and Libraries Department wishes to pursue two grants from the Great Outdoors Colorado program for the construction of the Armed Forces Tribute Garden located at City Park and a playground located at Westfield Village Park at 115th Avenue and Wolff Street.
- Great Outdoors Colorado requires a letter submitted from the governing body of the applicant organization declaring support, maintenance capabilities, status of the property, and the ability to complete the project with each application.
- Great Outdoors Colorado provides grant money in Colorado for municipalities to acquire, establish, expand, and enhance park, outdoor recreation and environmental education facilities. Each City is allowed to submit two grant applications in each grant cycle.
- Staff recommends requesting a \$150,000 grant from GOCO towards the construction of the Armed Forces Tribute Garden and a \$150,000 grant towards the construction of an accessible children's playground for Westfield Village Park.
- The Parks, Recreation and Libraries Department has the appropriate matching funds in the 2005/2006 Capital Improvement Program for the Armed Forces Tribute Garden and Westfield Village Park projects.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City apply for two grants from Great Outdoors Colorado?

Alternatives

1. Not apply for any grants in this cycle. Staff does not recommend this alternative because this is an opportunity to increase the scope of these projects without increasing funding allocations.
2. Council could choose to pursue other projects, or just apply for one grant.

Background Information

The Department of Parks, Recreation and Libraries has been successful in applying for and receiving grants from Great Outdoors Colorado. In recent years, the City has been awarded \$535,000 from GOCO. These projects include the Westminster Skate Park, the Westminster T-Ball Complex, Sensory Park, Standley Lake, Skyline Vista Park, and Countryside Little League.

The Armed Forces Tribute Garden will be a permanent tribute that will include a dramatic central water feature, seating areas for rest and contemplation, bronze sculptures honoring those who serve or have served, extraordinary walkways with engraved pavers, and beautiful landscaping. This tribute garden is expected to be completed by the end of 2006. Staff has been working with many of the City's community groups that are participating in raising funds to construct the Armed Forces Tribute Garden. The Jefferson Open Space Advisory Committee has recommended awarding a grant to the City for this project. In addition, Staff plans on applying for other grant opportunities to help fund the project and would like to apply to GOCO in the amount of \$150,000.

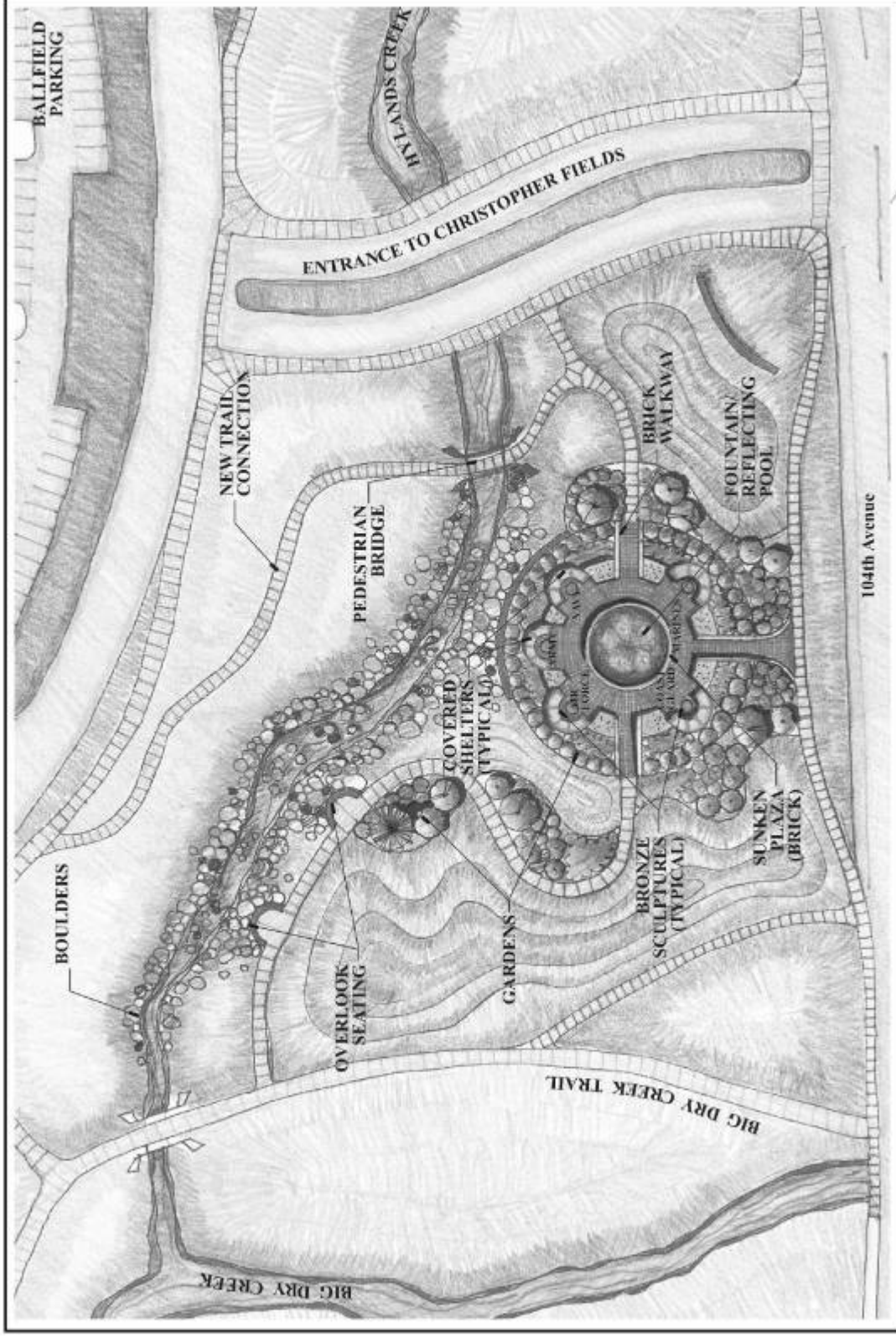
Westfield Village Park, located at 115th Avenue and Wolff Street, is a 25-acre jointly constructed park with Hyland Hills Park and Recreation District. The park will begin construction in the spring of 2005. The master plan features a shelter, play area, tennis court, three soccer fields, three little league fields, restroom enclosures, trails, and a self-contained parking lot. The sports park was designed to serve as a community park with athletic fields, as well as serving the surrounding neighborhoods. City Council approved the Westfield Village Park Master Plan on December 6, 2004. Additional funds are needed to construct the entire master plan as approved. Hyland Hills applied for an Adams County Grant in February. Staff would like to apply for a GOCO grant in the amount of \$150,000 for construction of the play area.

Respectfully submitted,

J. Brent McFall
City Manager

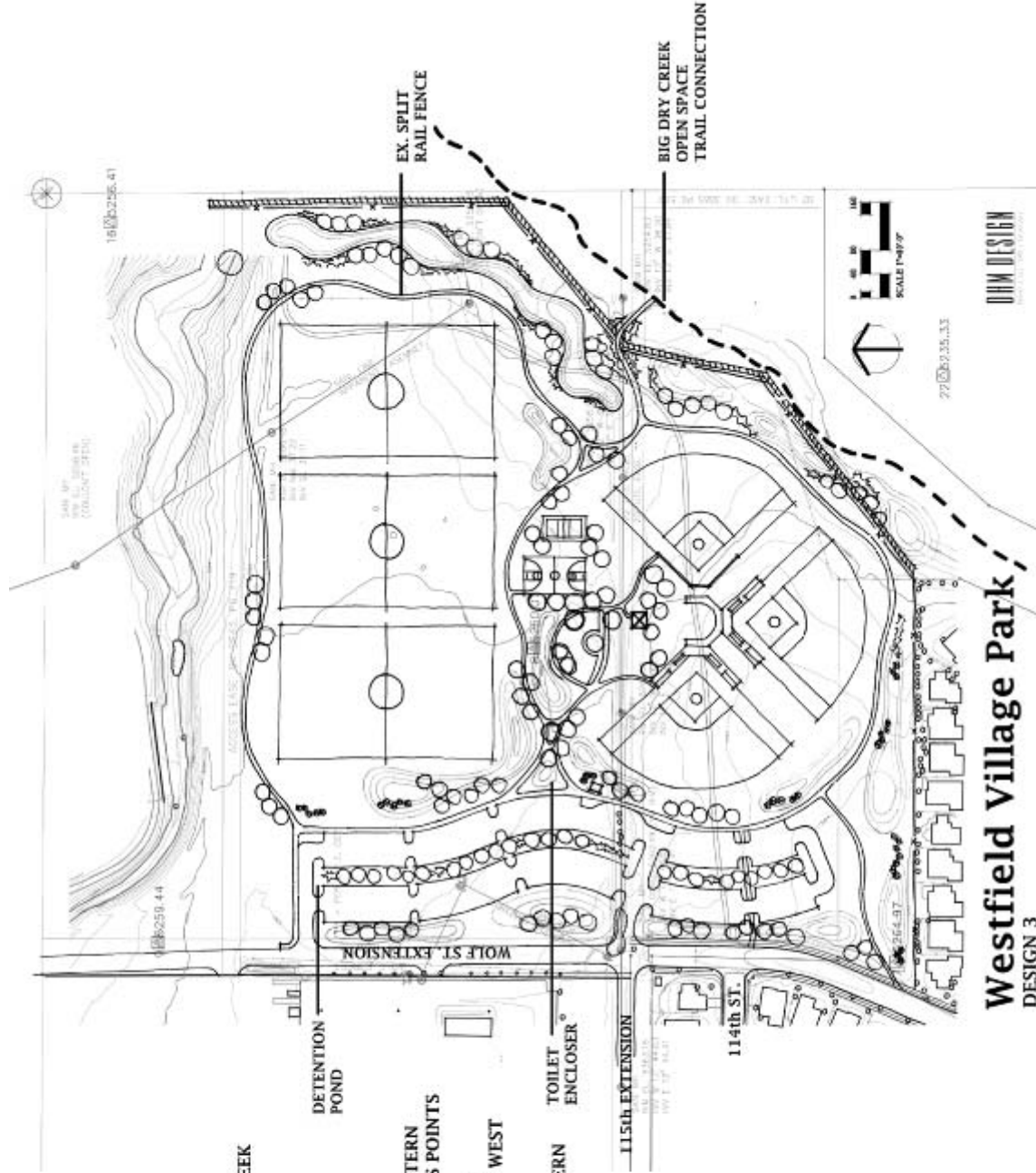
Attachments

Armed Forces Tribute Garden at City Park



WESTMINSTER

Master Plan



PROGRAM ELEMENTS

- 3 CHAMPION SOCCER FIELDS
- 3 LITTLE LEAGUE FIELDS
- PICNIC SHELTER
- AGE SEPERATED PLAYGROUNDS (TODDLER & SCHOOL AGE)
- TRAILS
- TRAIL CONNECTION TO BIG DRY CREEK
- IN-LINE HOCKEY

CHARACTER ELEMENTS

- PARKING LOT LOCATED ALONG WESTERN EDGE WITH TWO VEHICULAR ACCESS POINTS
- 288 SPACES
- CORE AREA IS CENTRALLY LOCATED
- DETENTION POND LOCATED NORTH WEST CORNER
- ALTERED EX. FENCE LINE
- VEGETATIVE BERMING ALONG EASTERN EDGE

Westfield Village Park
DESIGN 3



Agenda Item 9 F

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Willowbrook Park Renovation Contract Award

Prepared By: Kathy Piper, Landscape Architect II

Recommended City Council Action

Authorize the City Manager to execute a contract with T2 Construction in the amount of \$81,437 for construction work at Willowbrook Park, and authorize an \$8,100 contingency amount for a total budget of \$89,537 and charge the expense to the Willowbrook Capital Improvement Project Account.

Summary Statement

- Construction documents were prepared in house.
- Bids were solicited from three reputable construction companies, with T2 Construction submitting the lowest bid.
- T2 Construction has successfully completed construction projects for the City in the past, most recently the City Park entrance median and Carol Butts Park renovation.
- Renovations will be complete by May 2005. The play equipment, shelter, plant material, final grading and amenities will be constructed by the City. Playground safety surfacing will be done by a vendor specializing in this type of surfacing.

Expenditure Required: \$ 89,537

Source of Funds: Capital Improvement Program

Policy Issue

Should the City use park improvement capital improvement funds to renovate Willowbrook Park?

Alternative

City Council could choose to not authorize the construction bid for Willowbrook Park. However, Staff does not recommend this as the existing playground is in need of renovation. Public access to the playground is now limited due to the new apartment development that was recently completed.

Background Information

Willowbrook Park playground was originally constructed in 1992 and is part of an eight-acre park located at 123th Avenue and Huron Street. This park is not irrigated and has limited access. Currently there is a crusher fines trail, but no concrete surfacing throughout the area. The Parks, Recreation and Libraries Department goal is to plan playground replacements on a 10-12 year schedule in order to keep City playgrounds in compliance with current Americans with Disabilities Act (ADA) Standards and other safety standards. Completion of a new apartment complex that surrounds the park provided an additional 2.5 acres for park development.

The Willowbrook Park Renovation Project consists of relocating the playground and plaza site to provide better public access, replacing the existing play equipment including poured-in-place rubber safety surfacing, new site furnishings, shelter, landscaping and irrigation improvements. The playground equipment, shelter, and safety surfacing for this park was bid and purchased by Staff according to City policies. The shelter and play equipment will be installed by the Design Development in-house construction crew, while the safety surfacing will be installed by a qualified contractor who specializes in this type of material.

A bid package was sent out to three construction companies on January 5, 2005, and bids were received on January 18, 2005, as follows:

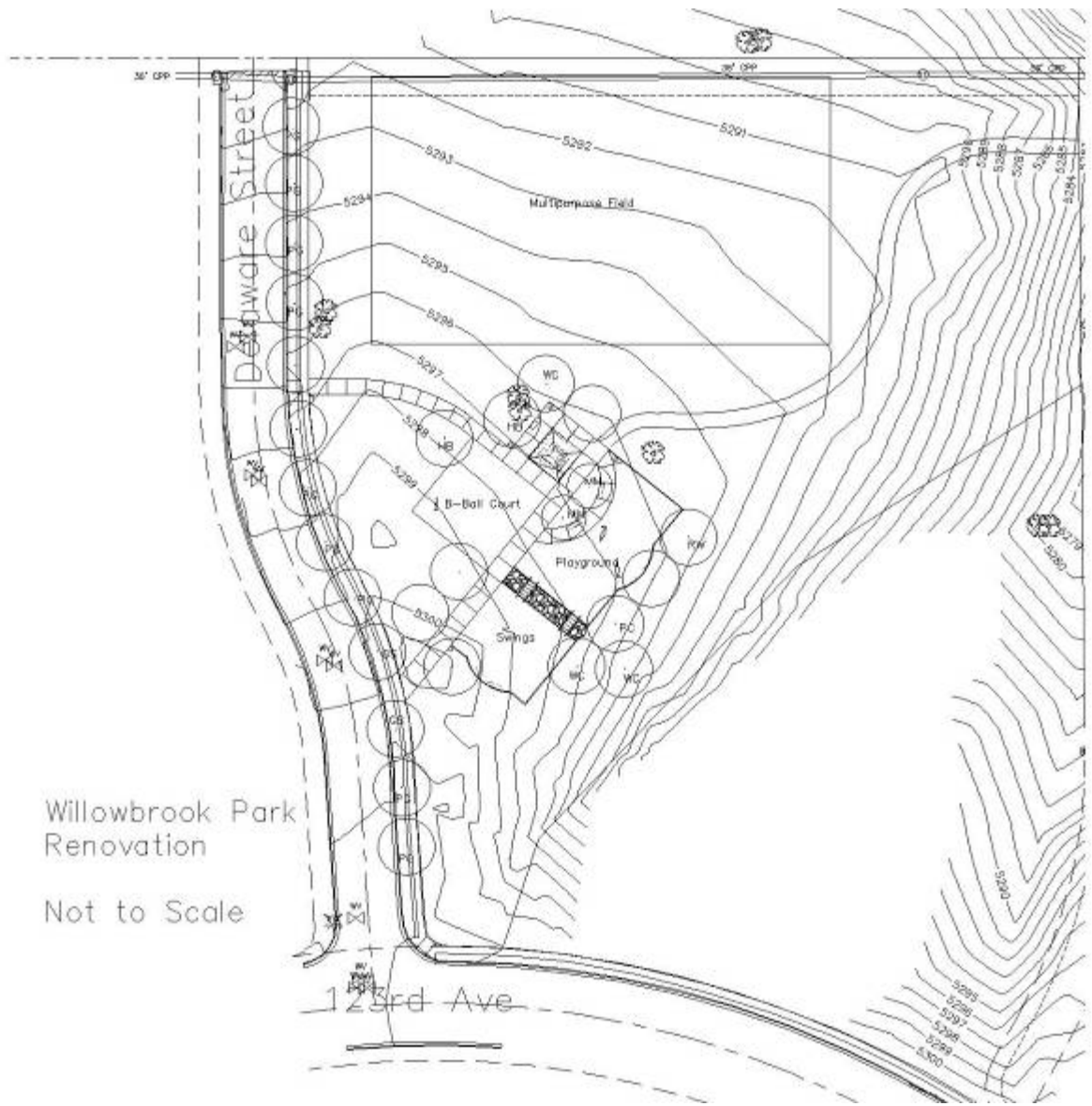
Autumn Landscape	Did not bid
Arrow J Landscape, Inc.	\$ 95,647.60
T-2 Construction	\$ 81,436.67

The bid received from T2 Construction is a good bid meeting the City's specifications.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments (2)



Willowbrook Park
Renovation

Not to Scale

Willowbrook Park Site

Not to scale

Site Location Map





WESTMINSTER
COLORADO

Agenda Item 9 G

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Purchase of Gasoline and Diesel Fuel for City Vehicles

Prepared By: Carl F. Pickett, Purchasing Officer

Recommended City Council Action

Award the bid for unleaded gasoline and diesel fuel to Gray Oil to be delivered on an as-needed basis, authorize a maximum expenditure of \$ 408,789 for this purchase, and charge the expense to the appropriate 2005 Fleet Maintenance Fund Budget.

Summary Statement

- City Council approved \$408,789 to purchase fuel in the 2005 Fleet Maintenance Fund Budget.
- In December 2004, the Multiple Assembly of Procurement Officials (MAPO) awarded Gray Oil a price agreement for gasoline and diesel fuel for 2005. The City has used Gray Oil for the past six months utilizing a bid for fuel by the Regional Transportation District (RTD) that was good until the end of 2004.
- Gray Oil was the low bidder in the MAPO bid for fuel, and is being recommended for award for fuel for 2005.

Expenditure Required: Not to Exceed \$408,789

Source of Funds: Fleet Maintenance Fund, Fleet Maintenance Division

Policy Issue

Should the City utilize the MAPO bid for its fuel purchases for 2005?

Alternative

Do not use the MAPO bid and re-bid fuel. This is not recommended as the volume of fuel used by the City of Westminster is about one tenth the volume of MAPO, and it is very doubtful that better pricing can be obtained.

Background Information

As part of the 2005 Budget, City Council approved the purchase of fuel for the City’s vehicles. For the past six months, the City has used Gray Oil for fuel services through the Regional Transportation District (RTD) bid.

A bid was put out on behalf of MAPO, a cooperative of state, municipal, county, special district, school district or other local government agencies. This is a competitive bid and offers greater volume and lower prices to the City than the City can obtain on its own. Five local vendors responded to MAPO’s Invitation for Bid, and the low bid for both gasoline and diesel fuel is being recommended for award.

The MAPO bid was structured such that the bidders were essentially quoting a price differential above/below the current weekly Oil Price Information Service (OPIS) or the New York Mercantile Exchange (NYMEX) average futures price, depending on whether the fuel would be purchased with either a “floating” or “fixed” price, respectively. The City is choosing to “float” the price until the end of the year, since fixing the price requires committing to a high locked price. (NYMEX +.08) Floating the price means that the gas and diesel prices will fluctuate up and down over the remaining course of the year, just as they do at the gas pump.

The formula to figure weekly pricing is as follows:

Unleaded – Past week average OPIS fuel price less \$0.035 (-3.5 cents per gallon), plus freight and the Colorado Environmental tax.

#2 Diesel – Past week average OPIS fuel price less \$0.035 (-3.5 cents per gallon) plus freight and Colorado Environmental.

The full load freight rates to the City of Westminster are \$.0142 per gallon - Gasoline and \$.0161 per gallon - Diesel Fuel.

Using the above formula, the estimated cost for fuel in the rest of the current year is based on the approximate annual usage and approximate price as follows:

FUEL	APPROXIMATE QUANTITY	APPROXIMATE PRICE	EXTENDED PRICE	VENDOR
Un-Leaded	220,000 gallons	\$1.35 gal	\$297,000	Gray Oil
Diesel	110,000 gallons	\$1.33 gal	\$146,300	Gray Oil

SUBJECT: Purchase of Gasoline and Diesel Fuel for City Vehicles

Page 3

Westminster City Code 15-1-4-A1 specifically states that using a bid by another unit of government is an acceptable form of purchasing for the City.

The not to exceed total cost of \$408,789 is the amount already approved by City Council in the budget process. The total annual estimated cost of \$443,300 is not within the amount approved by City Council for this expense. With the volatility of the fuel market, it was very difficult to predict where costs would be when the budget was submitted in early 2004. If the fuel pricing either remains at its current levels or increases further, Staff may be requesting that Council approve additional funds to cover the unbudgeted overage later in 2005.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 9 H

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Purchase of City Staff Cars and Patrol Vehicles

Prepared By: Carl F. Pickett, Purchasing Officer

Recommended City Council Action

Award the State of Colorado bid for one staff car to Daniels Chevrolet, and award the State Bid for eleven patrol vehicles to Lakewood Fordland.

Summary Statement

- City Council action is requested to award vehicle purchases based on the State of Colorado award for staff cars and patrol vehicles.
- The City saves considerable dollars by purchasing these vehicles through the State Bid.
- All vehicles recommended for purchase have been previously approved for purchase by City Council in the 2005 budget.

Expenditure Required: \$ 243,122

Source of Funds: General Capital Outlay Replacement Fund

Policy Issue

Whether or not to approve the bid by the State of Colorado for staff cars and for patrol vehicles.

Alternatives

- Reject the State bid and instruct City Staff to re-bid vehicles. This is not recommended because the State bid reflects the purchasing power of all the political subdivisions in the state. The City would not be able to match the bid prices afforded by the State Bid.
- Do not purchase some or all of the proposed replacement vehicles in 2005. This is not recommended because all of these vehicles have a maintenance history that makes it impractical to keep them in regular service, based on Fleet Maintenance recommendations.

Background Information

As part of the 2005 budget, City Council approved the purchase of one staff car and eleven patrol vehicles. The patrol units will be replaced on a “to be determined” basis, based on the condition and maintenance history of each of the vehicles currently in operation.

The staff car to be replaced is Unit #8515 and is used by the Investigations Division in the Police Department. This vehicle has reached a point where it is no longer economically reasonable to maintain it in service. Information regarding this vehicle is as follows:

UNIT #	YEAR	MAKE	MODEL	MILES	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)
8515	1991	Chevrolet	Corsica	66,047	\$ 7,896.23

The State bid was sent out in September of 2004 and received responses from local vendors. The bid from Daniels Chevrolet for the staff cars meets all specifications and requirements set by the City. The bid price of the staff car, a Chevrolet Malibu, is \$13,888 each. Last year using the State award, the cost to the City was \$13,762 and two years ago, the bid price was \$12,828.

The bid price of the Ford Crown Victoria patrol vehicles from Lakewood Fordland is \$22,102. Last year, using the State award, the bid price was \$21,514 each. The bid price is still less than the price that the State had in 2002 and 2003. The bid prices average 18% off dealer invoice, a discount that the City would not be able to obtain by bidding these vehicles on its own.

The present condition and maintenance history of these vehicles would make it impractical to continue to operate them in regular service based on Fleet Maintenance replacement recommendations.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005

SUBJECT: Contract for Outside Professional Legal Services for the Pension Plans



Prepared By: Dawn Majluf, Pension Administrator

Recommended City Council Action

Authorize the City Manager to sign a contract for legal services with Reinhart Boerner Van Deuren Norris & Rieselbach P.C., for special legal services in connection with advice and guidance pertaining to the updating of the City's Pension Trust Documents for compliance to proper legal form and administrative efficiency.

Summary Statement:

Due to recent law changes and the advancement of technology over the past 5 years, there are several sections of the City's Pension Trust Documents that have become obsolete. Pension staff is seeking City Council's approval to hire special legal council to assist with updating the trust documents. Additionally, the IRS (Internal Revenue Service) has recently released the language necessary for qualified plans to comply with a 2001 EGTRRA (Economic Growth and Tax Reconciliation and Relief Act) law change, which prohibits plans from distributing lump-sum balances under \$5,000 without prior participant authorization. The document update will provide full compliance with administration of the Internal Revenue Code's most recent updates regarding these Plan distributions. It will also streamline the Plans' administration, eliminating redundancies and obsolete procedures that cause additional, unnecessary expenses to the Plans and their participants.

The City Charter (section 4.13f) states that all requests for outside legal assistance must be approved by City Council.

Expenditure Required: \$ 5,000.00

Source of Funds: One half of the expense to be paid from the General Fund Central Charges budget, one half to be paid by Pension Administration Contractual Services budget.

Policy Issues

- 1) Does City Council wish to comply with Federal laws and regulations regarding the governing of its qualified pension plans?
- 2) Does City Council wish to streamline the administration of the Plans in order to minimize costs?

Alternatives

- Do not update the documents. This is not recommended for the following reasons:
 - The “qualified” status of the Plans could be jeopardized, subjecting all employees to taxable income and accrued income taxes due on their full pension balances.
 - Employer and Employees will be subject to additional administrative costs in excess of \$5,000 annually
 - The City could be subject to penalties by Department of Labor and the Internal Revenue Service if qualification status comes into question
 - Employee pension portability would be restricted
 - Employee retirement savings opportunities would be restricted

Background Information

The IRS required that all qualified retirement plan trust documents be restated to comply with “GUST”, which refers to a number of laws passed since 1994. Additionally the IRS required that all qualified retirement plan trust documents be restated to comply with the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). However for certain updates, administration language required to comply with the new law was not available to employers until November, 2004. The IRS Code is often changed and updated following the passage of new laws through the United States Congress. The IRS requires pension plans to update their plan documents in accordance with the legal changes.

Employee retirement plan accounts are valued and updated daily. Prior to 2000, accounts were updated quarterly or annually. Due to major technological and law changes over the past several years, administration has become more efficient. The City’s documents still require Pension Administration to administer the Plan in accordance with obsolete technology and regulatory conditions. The extra work required to comply with the “old rules” costs the plan and it’s participants an estimated additional \$5,000 annually.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Item 9 J

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Award of Asphalt Materials Bid

Prepared By: Sam LaConte, Street Operations Manager
Carl F. Pickett, Purchasing Specialist

Recommended City Council Action

Award the bid to Asphalt Specialties Company for purchase of asphalt materials at the unit prices indicated on the bid tabulation on an as-needed basis up to a maximum of \$246,960. Charge the expense to the appropriate 2005 Street Division account.

Summary Statement

- City Council approved \$335,359 in the 2005 Street Operations Budget for street maintenance repairs, which included funds to purchase asphalt material.
- Material being purchased is used for all types of street maintenance repairs including; pothole patching, surface replacement, the In-house Rehabilitation Program, and preparation of streets designated for Infrastructure Improvements Division Chipseal Program.
- An estimated 10,000 tons of various grades of asphalt material will be purchased on an as-needed basis throughout 2005.
- Bids were solicited through the MAPO (Multiple Assembly of Procurement Officials).

Expenditure Required: \$ 246,960

Source of Funds: 2005 Street Operations Division Operating Account

Policy Issue

Should the City accept the lowest bid for asphalt from Asphalt Specialties Company?

Alternative

An alternative for 2005 asphalt purchasing would be to award the bid to one of the other bidders; however, the bid from Asphalt Specialties is the lowest and best bid.

Background Information

The results of the bidding were as follows:

<u>COMPANY</u>	<u>COST PER TON</u>	<u>TONS BID</u>	<u>TOTAL BID (Actual Cost)</u>	<u>COST PER MILEAGE</u>	<u>ROUND TRIP MILEAGE</u>	<u>TRIPS PER YEAR</u>	<u>TOTAL HAULING</u>	<u>TOTAL BID WITH HAULING (Basis for Award)</u>
Asphalt Specialties	\$24.50	10,080	\$246,960	\$1.50	22	672	\$22,176	269,136
Brannan Sand and Gravel	\$24.77	10,080	\$249,682	\$1.50	20	672	\$20,160	269,842
LaFarge North American Aggregate Industries	\$26.65	10,080	\$268,632	\$1.50	11	672	\$11,088	279,720
	\$27.35	10,080	\$275,688	\$1.50	19	672	\$19,152	294,840

Asphalt Specialties is the low bidder, after hauling costs are added and unit prices are adjusted. The plant is fully automated and the mix design meets City specifications. Street Operations Division Staff has inspected the facility and does not anticipate any problems with the quality of materials or the service that Asphalt Specialties can provide.

The 2005 asphalt materials bid reflects a 15% increase over the 2004 prices. The reasons given for the increase are due to the higher costs of oil and utilities costs to operate the plant.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: 2005 Water Meter Purchases

Prepared By: Richard A. Clark, Utilities Operations Manager

Recommended City Council Action

Upon recommendation of the City Manager, City Council finds that the public interest will best be served by a negotiated purchase from National Meter & Automation, Inc. Authorize the establishment of open purchase orders with National Meter & Automation, Inc., to be used for the purchase of new water meters, replacement meter transponders and replacement meter bodies throughout the year, not to exceed the approved 2005 budgeted amounts totaling \$275,000.

Summary Statement

- The Utilities Division anticipates purchasing up to 700 new meter sets, up to 500 replacement transponders, and up to 250 replacement meter bodies.
- Funding for the water meter program is in the 2005 Utilities Division operating account in the amounts of \$175,000 for new meter sets, \$90,000 for transponder replacements, and \$10,000 for meter body replacements.
- The Badger TRACE meter system is a proprietary item and fully compatible meters are only available from Badger Meter Company through the authorized local distributor, National Meter & Automation, Inc.

Expenditure Required: \$ 275,000

Source of Funds: Utility Fund; Utilities Division Operating Budget

Policy Issue

Can the Utilities Division utilize budgeted funds to purchase new water meter sets, replacement transponders, and replacement meter bodies throughout the year?

Alternative

Only purchase the meters and transponders for new housing starts and delay the purchase of replacement transponders and replacement meter bodies later in the year. This is not recommended as this could lead to delays in installing new meters and transponders, which could lead to problems with the accuracy of meter reading. A meter system and transponder system compatible with the existing TRACE system is available from AMCO Meter, but the equipment does not mechanically interchange with the installed base of Badger meters. Operating a mix of two different manufacturers would require the City to inventory spare parts and material for both systems and is not recommended.

Background Information

In 1996, the City of Westminster undertook a water meter retrofit program for the entire City. All water meters were retrofitted with radio frequency transponders, which enabled the meter to be read remotely. Badger Meter’s TRACE system was selected and Badger meters have been established as the City’s standard water meter. The meters and transponders furnished by National Meter & Automation, Inc. meet all required specifications set by the City.

During 2005, 700 new residential meter sets are projected to be required and 500 transponder replacements will be needed. 250 replacements for stopped meter bodies are expected to be required. The unit price per meter and transponder this year will be reduced from the price paid in 2003, from \$216 to \$200. The replacement transponders’ unit cost is \$165 each. The unit cost for each meter body will be \$35. Cost comparisons are as listed below:

		Budget		2005 Price		2003	
Complete Unit	700	\$ 250	\$175,000	\$200	\$140,000	\$216	\$151,200
Transponder	500	\$180	\$ 90,000	\$165	\$ 82,500	\$180	\$ 90,000
Body only	250	\$ 40	\$ 10,000	\$ 35	\$ 8,750	\$ 36	\$ 9,000
Total			\$275,000		\$231,250		\$250,200

Staff is requesting authority to purchase the meters and transponders on an as-needed basis. Material will be ordered and used as required throughout the year.

Failed transponder units are returned to Badger for evaluation and replacement, if still within the warrantee period of five years. Replacement of failing meters and transponders are an issue that has been funded in the 2005 CIP in the amount of \$500,000. The CIP funding will be used to initiate a systematic replacement of meters and transponders in specific targeted routes, as routes with a mix of meter technologies cannot be efficiently managed. An evaluation of available technologies will be made and a recommendation brought to Council in the second quarter of 2005.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: 2005 Wastewater Collection System Maintenance Program

Prepared By: Richard A. Clark, Utilities Operations Manager
Andy Mead, Utilities Operations Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with Ace Pipe Cleaning, Inc. for the 2005 Wastewater Collection System Maintenance Contract in the amount of \$549,374 with a 5% contingency budget of \$27,500.

Summary Statement

- Funds have been approved and allocated in the 2005 Utilities Division Operating Budget for the wastewater collection system maintenance contract (\$626,100). The proposed maintenance contract is for \$549,374. With contingency funds, the total amount is \$576,874. This represents a 5.49% increase over the 2005 maintenance contract amount.
- On January 18, 2005 a formal bid opening was held at City Hall and resulted in three contractor's submitting bids on annual wastewater collection system maintenance contract. Bids were received from Eco Resources Inc., VSR Corporation, and Ace Pipe Cleaning, Inc. Ace Pipe Cleaning Inc. was determined to be the low bidder for this maintenance contract. The contract includes 590,000 feet of sanitary sewer line high-pressure cleaning and television inspection, grease trap and interceptor inspections, and new subdivision and customer service inspections.
- Since the low bid contractor, Ace Pipe Cleaning, Inc. is new to the City, references were thoroughly checked in order to determine satisfaction with their work with other clients. Agencies included in the reference check were the Kansas City Water Services Department, St. Louis Sewer District, and City of Dallas. All reported that Ace Pipe Cleaning Inc. was performing similar wastewater system maintenance work for their agencies and doing an outstanding job.
- As with past sewer system maintenance contracts, Staff has included wording in this contract to allow a possible renewal option for 2006 if costs and performance issues are determined to be favorable to the City. The renewal option would be considered in late 2005 and brought to City Council for approval to be effective in January, 2006.

Expenditure Required: \$576,874

Source of Funds: Utility Fund; Utilities Division Operating Budget

Policy Issue

Should the City enter into a contract with Ace Pipe Cleaning Inc. for the wastewater collection system maintenance contract to be completed throughout 2005?

Alternative

Prepare bid documents and project specifications and re-advertise the 2005 maintenance contract for additional bid submittals, or add FTE's to the Utilities Division along with the required sewer maintenance equipment to perform this work in-house. These alternatives are not recommended.

Background Information

Over the past nine years the Utilities Division has utilized an outside maintenance contractor to perform the wastewater collection system maintenance program on an annual basis. One-third of the City is scheduled to be cleaned each year, along with selected "hotspots," where more frequent maintenance is required. During this time period Utilities Division Staff has competitively bid this project at various times to ensure the most efficient and effective means of completing the yearly wastewater maintenance program. Over the past six years the City has utilized the services of the same maintenance contractor because they held prices at similar levels over this time period and provided their services in a satisfactory manner.

However, this year the competitive bid process provided the City with additional sewer system maintenance contractors to consider that are interested in obtaining the contract with the City. With additional competition in the sewer maintenance field this year, Staff was able to consider various vendors that submitted bids and that can provide the required sewer maintenance work at very competitive prices. These advantages in the marketplace resulted in the City receiving a very cost effective bid from a vendor new to this area, but used by many utilities across the country for similar wastewater maintenance work. The three bids received were from VSR Corp. for \$654,065; Eco Resources Inc. for \$582,887; and from Ace Pipe Cleaning Inc. for \$549,374. City Council may recall that in the most recent past few years, Eco Resources Inc. has provided the sewer maintenance services for the City.

Staff has met with representatives from Ace Pipe Cleaning, Inc. to determine the company's stability, experience, and capabilities in performing the required sewer maintenance work for the City. Based on these meetings and other inquiries, Staff is very satisfied with the operations and expertise of this company. Ace Pipe Cleaning, Inc. has established a local office in Commerce City and will be accessible to the City as needed throughout the contract period. The Utilities Division staff are looking forward to working with this company given their related experience in the sewer system maintenance field – over 50 years, their willingness to respond to any concerns in a timely manner from their local facility, their guarantee of "complete satisfaction," and the attractive cost pricing structure for their services.

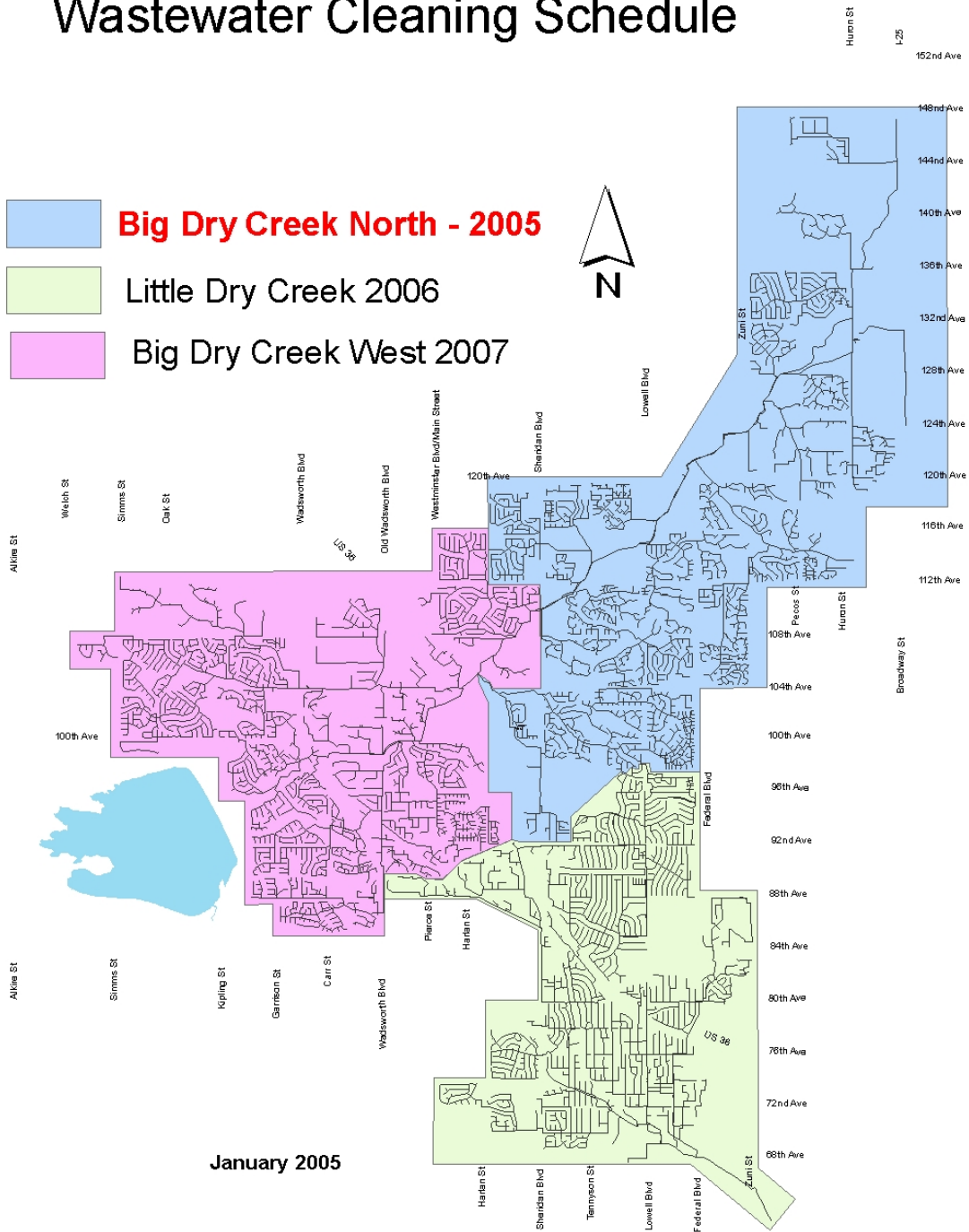
The area of scheduled maintenance to be completed in 2005 is the northeast portion of the City in the Big Dry Creek drainage basin – northeast area. This area is 33.1% of the total pipeline footage in the three maintenance areas that encompass the entire City. The maintenance areas have recently been redefined to better balance the contract footage from year to year.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

Wastewater Cleaning Schedule

-  **Big Dry Creek North - 2005**
-  Little Dry Creek 2006
-  Big Dry Creek West 2007



2005	Size	ITEM	2005 QUANTITY	Ace Pipe Cleaning Inc.	Ace Pipe Cleaning Inc.	Eco Resources Inc.	Eco Resources Inc.	V.S.R Corp.	V.S.R. Corp.
Jet Cleaning									
Routine Jet Cleaning	6"-15"	1A	590,000	\$0.34	\$200,600.00	\$0.28	\$165,200.00	\$0.29	\$171,100.00
Hot Spots	6"-15"	1B	85,000	\$0.34	\$28,900.00	\$0.28	\$23,800.00	\$0.74	\$62,900.00
Root and Grease	6"-15"	1C	5,000	\$0.60	\$3,000.00	\$0.71	\$3,550.00	\$0.45	\$2,250.00
Customer Service	6"-15"	1D	18,000	\$0.35	\$6,300.00	\$0.34	\$6,120.00	\$0.32	\$5,760.00
Out Flow Manhole	EACH	1E	1,634	\$11.00	\$17,974.00	\$13.23	\$21,617.82	\$20.00	\$32,680.00
Wet Well Cleaning	EACH	1F	25	\$200.00	\$5,000.00	\$200.00	\$5,000.00	\$250.00	\$6,250.00
Time & Material	HOUR	1G	100	\$125.00	\$12,500.00	\$200.00	\$20,000.00	\$125.00	\$12,500.00
Subtotal					\$274,274.00		\$245,287.82		\$293,440.00
Television Inspection									
Routine TV Inspection	6"-15"	2A	590,000	\$0.35	\$206,500.00	\$0.41	\$241,900.00	\$0.45	\$265,500.00
Hot Spots	6"-15"	2B	30,000	\$0.40	\$12,000.00	\$0.42	\$12,600.00	\$0.50	\$15,000.00
Customer Service	6"-15"	2C	20,000	\$0.40	\$8,000.00	\$0.43	\$8,600.00	\$0.50	\$10,000.00
New Subdivision	6"-15"	2D	25,000	\$0.40	\$10,000.00	\$0.44	\$11,000.00	\$0.45	\$11,250.00
Time & Material	HOUR	2E	100	\$110.00	\$11,000.00	\$175.00	\$17,500.00	\$125.00	\$12,500.00
Subtotal					\$247,500.00		\$291,600.00		\$314,250.00
Grease Trap Inspection									
Quarterly Inspection	EACH	3A	1780	\$15.00	\$26,700.00	\$25.00	\$44,500.00	\$25.00	\$44,500.00
Re-Inspection	EACH	3B	75	\$12.00	\$900.00	\$20.00	\$1,500.00	\$25.00	\$1,875.00
Subtotal					\$27,600.00		\$46,000.00		\$46,375.00
Total					\$549,374.00		\$582,887.82		\$654,065.00
Percent Increase					5.40%				



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Second Reading Councillor’s Bill No. 2, 3, and 4 re the Annexation, Comprehensive Land Use Plan Amendment and Zoning for the McGuire Property

Prepared By: David Falconieri, Planner III

Recommended City Council Action:

1. Adopt Councillor’s Bill No. 2 on second reading annexing the McGuire property to the City of Westminster.
2. Adopt Councillor’s Bill No. 3 on second reading amending the Comprehensive Land Use Plan to designate the McGuire property as Public Open Space. This action is based on the finding that the amendment is in conformance with the overall purpose and intent and the goals and policies of the Comprehensive Land Use Plan; that the proposed amendment is compatible with existing and planned surrounding land uses; and that the proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.
3. Adopt Councillor’s Bill No. 4 on second reading zoning the McGuire property O-1, based on the finding that the provisions of Section 11-5-3 have been met.

Summary Statement:

- The McGuire property was purchased by the City in 2004 using funds from the Open Space fund and from Urban Drainage and Flood Control District’s flood plain preservation fund. The property is located within the Big Dry Creek flood plain and is subject to flooding. The existing structures will all be removed and the property will be added to the Big Dry Creek Open Space.
- Staff is also recommending that the adjacent portion of the Pecos Street right-of-way be added to the annexation since it is currently unincorporated and poorly maintained. Adams County has supported the annexation of the right-of-way and has signed the annexation petition.
- Councillor’s Bill No. 2, 3, and 4 were passed on first reading by City Council on January 24, 2005.

Expenditure Required: \$ 0

Source of Funds: NA

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **2**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Adams, State of Colorado; and

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

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 4 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situate, lying and being in the County of Adams, State of Colorado, to wit:

A parcel of land in the northwest of Section 33, Township 1 South, Range 68 west of the Sixth Principal Meridian in the County of Adams, State of Colorado more particularly described as follows;

Commencing at the north quarter corner of said section from whence the center quarter corner of said section bears S00°28'09"E, 2638.65 feet as referenced on the City of Westminster GIS Survey Plats, the line of which all bearings hereon are based. Thence along said line, said line is the west line of that tract of land annexed to the City of Westminster as recorded at File 12, Map 262 of the records of the Adams County Clerk and Recorder S00°28'09"E, 30.00 feet to the true point of beginning;

Thence continuing along said line S00°28'09"E, 1289.83; thence continuing along said annexation line S89°28'00"W, 40.00 feet to the southeast corner of the Egging Annexation to the City of Westminster as recorded at Reception number C0397605 of said records, said point being on the west line of Pecos Street; thence along said west line and along the east line of said annexation N00°28'09"W, 417.50 feet to the southeast corner of that tract of land described at Reception Number C1240026 of said records; thence along the east line of said tract N00°28'09"W, 497.70 feet; thence along the north line of said tract S89°18'48"W, 377.50 feet to a point on the easterly line of that tract of land annexed to the City of Westminster as recorded at File 14, Map 32, Reception Number 956482 of said records; thence along said easterly line N00°28'09"W, 374.52 feet to a point on the south line of east 128th Avenue, a point on the south line of that tract of land annexed to the City of Westminster as recorded at File 17, Map 850, Reception Number C0397605 of said records; thence along said south line N89°18'48"E, 417.50 feet to the true point of beginning;

Said property contains 156361 square feet or 3.5869 acres more or less.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. 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 24th day of January, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.

ATTEST:

Mayor

City Clerk

McGuire Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **3**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

NOW THEREFORE, the City Council hereby finds that the required procedures for amending the Comprehensive Land Use Plan as delineated in the Westminster Municipal Code have been satisfied.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the McGuire annexation property, legally described as follows:

A parcel of land in the northwest of Section 33, Township 1 South, Range 68 west of the Sixth Principal Meridian in the County of Adams, State of Colorado more particularly described as follows;

Commencing at the north quarter corner of said section from whence the center quarter corner of said section bears S00°28'09"E, 2638.65 feet as referenced on the City of Westminster GIS Survey Plats, the line of which all bearings hereon are based. Thence along said line, said line is the west line of that tract of land annexed to the City of Westminster as recorded at File 12, Map 262 of the records of the Adams County Clerk and Recorder S00°28'09"E, 30.00 feet to the true point of beginning;

Thence continuing along said line S00°28'09"E, 1289.83; thence continuing along said annexation line S89°28'00"W, 40.00 feet to the southeast corner of the Egging Annexation to the City of Westminster as recorded at Reception number C0397605 of said records, said point being on the west line of Pecos Street; thence along said west line and along the east line of said annexation N00°28'09"W, 417.50 feet to the southeast corner of that tract of land described at Reception Number C1240026 of said records; thence along the east line of said tract N00°28'09"W, 497.70 feet; thence along the north line of said tract S89°18'48"W, 377.50 feet to a point on the easterly line of that tract of land annexed to the City of Westminster as recorded at File 14, Map 32, Reception Number 956482 of said records; thence along said easterly line N00°28'09"W, 374.52 feet to a point on the south line of east 128th Avenue, a point on the south line of that tract of land annexed to the City of Westminster as recorded at File 17, Map 850, Reception Number C0397605 of said records; thence along said south line N89°18'48"E, 417.50 feet to the true point of beginning;

Said property contains 156,361 square feet or 3.5869 acres more or less.

The properties described above shall be changed from Unincorporated, to Public Open Space, as shown on the attached "Exhibit A".

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th of January, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **4**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., 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-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 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 Section 11-5-3.
- 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 from Adams County A-2 to City of Westminster O-1. A parcel of land located in Section 33, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

A parcel of land in the northwest of Section 33, Township 1 South, Range 68 west of the Sixth Principal Meridian in the County of Adams, State of Colorado more particularly described as follows;

Commencing at the north quarter corner of said section from whence the center quarter corner of said section bears S00°28'09"E, 2638.65 feet as referenced on the City of Westminster GIS Survey Plats, the line of which all bearings hereon are based. Thence along said line, said line is the west line of that tract of land annexed to the City of Westminster as recorded at File 12, Map 262 of the records of the Adams County Clerk and Recorder S00°28'09"E, 30.00 feet to the true point of beginning;

Thence continuing along said line S00°28'09"E, 1289.83; thence continuing along said annexation line S89°28'00"W, 40.00 feet to the southeast corner of the Egging Annexation to the City of Westminster as recorded at Reception number C0397605 of said records, said point being on the west line of Pecos Street; thence along said west line and along the east line of said annexation N00°28'09"W, 417.50 feet to the southeast corner of that tract of land described at Reception Number C1240026 of said records; thence along the east line of said tract N00°28'09"W, 497.70 feet; thence along the north line of said tract S89°18'48"W, 377.50 feet to a point on the easterly line of that tract of land annexed to the City of Westminster as recorded at File 14, Map 32, Reception Number 956482 of said records; thence along said easterly line N00°28'09"W, 374.52 feet to a point on the south line of east 128th Avenue, a point on the south line of that tract of land annexed to the City of Westminster as recorded at File 17, Map 850, Reception Number C0397605 of said records; thence along said south line N89°18'48"E, 417.50 feet to the true point of beginning;

Said property contains 156,361 square feet or 3.5869 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.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of January, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.

ATTEST:

Mayor

City Clerk

McGuire Zoning



WESTMINSTER
COLORADO

Agenda Item 9 P

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Second Reading Councillor's Bill No. 5 re Criminal Tampering

Prepared By: Officer Tim Halladay
Sharon Widener, Assistant City Attorney

Recommended City Council Action

Adopt Councillor's Bill No. 5 on second reading regarding Criminal Tampering.

Summary Statement

Certain activities on private property are seen by the property owners as annoying and irritating, and worthy of police attention, especially if repeated. These activities do not cause substantial damage to the property or bodily injury which might result in charges of criminal mischief, assault, or harassment. State statutes include criminal tampering so that if charges are to be filed, the summons must be written into county court rather than Westminster Municipal Court.

The proposed ordinance would make criminal tampering a municipal violation as a state counterpart, and according to Presiding Municipal Court Judge, John Stipech, would have little impact on the volume of cases processed through the Municipal Court.

This Councillor's Bill was passed on first reading on January 24, 2005.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **5**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING
CRIMINAL TAMPERING

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, Chapter 3, W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW SECTION to read as follows:

6-3-12: CRIMINAL TAMPERING:

(A) IT SHALL BE UNLAWFUL FOR A PERSON TO COMMIT THE CRIME OF CRIMINAL TAMPERING. A PERSON COMMITS THE CRIME OF CRIMINAL TAMPERING IF THE PERSON KNOWINGLY TAMPERS WITH PROPERTY OF ANOTHER WITH THE INTENT TO CAUSE INJURY, INCONVENIENCE, OR ANNOYANCE TO THAT PERSON OR TO ANOTHER WHETHER OR NOT INJURY OR DAMAGE HAS OCCURRED.

(B) CRIMINAL TAMPERING IS A CRIMINAL OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, AS PROVIDED IN SECTION 1-8-1 OF THIS CODE.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. 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 24th day of January, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.

Mayor

ATTEST:

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Second Reading Councillor’s Bill No. 6 re Code Amendments Changing Title, Enforcement Authority, and Establishing Liquor Investigations Officer

Prepared By: Janice Kraft, Neighborhood Services Administrator
Matt Raia, Investigations Commander
Leslie Annand, Assistant City Attorney II

Recommended City Council Action

Adopt Councillor’s Bill No. 6 on second reading amending Chapter 1 of Title III of the Westminster Municipal Code concerning a change in title from Animal Warden to Animal Management, change in enforcement authority language for Animal Management, Community Service Officer, Code Enforcement Officer, and Traffic Accident Investigator, establishing the position of Liquor Investigations Officer, and including a definition of Peace Officer and Police Officer.

Summary Statement

Staff recently completed a review of Chapter 1 of Title III of the Westminster Municipal Code that outlines the duties of Police Department personnel and is recommending the following changes:

- The addition of a section that defines Peace Officer and Police Officer and that expands the listing of positions under Police Officer to include Deputy Chiefs, Commanders, Sergeants and Senior Police Officers.
- Establishment of the new Liquor Investigations Officer position within the Police Department.
- A change in title from Animal Warden to Animal Management.
- A change in the enforcement language for the positions of Animal Management, Community Service Officer, Code Enforcement Officer and Traffic Accident Investigator.
- This Councillor’s Bill was passed on first reading on January 24, 2005.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall, City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **6**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING TITLE III OF THE WESTMINSTER MUNICIPAL CODE
CONCERNING THE POLICE DEPARTMENT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 3-1-4, W.M.C., is hereby AMENDED to read as follows:

3-1-4: DUTIES OF POLICE DEPARTMENT PERSONNEL:

(A) It shall be the duty of all personnel assigned to the Police Department to actively support and strive to achieve the department's targeted GOALS AND objectives, as set forth by the Chief of Police.

~~(B) In addition to the duty set forth in Subsection (A) of this Section, sworn personnel shall have the authority to enforce the provisions of this Code and the City Charter and shall have the authority granted to them pursuant to the Colorado Revised Statutes.~~

~~(C)~~(B) It shall also be the duty of police department personnel, who have enforcement authority, to enforce the law in a fair and ~~impartial~~ REASONABLE manner, recognizing both the statutory and judicial limitations of police authority, and the constitutional rights of all persons.

Section 2. Title 3, Chapter 1, W.M.C., is hereby amended BY THE ADDITION OF NEW SUBSECTIONS to read as follows:

3-1-5: PEACE OFFICER: A PERSON WHO MEETS ALL STANDARDS IMPOSED BY LAW ON A PEACE OFFICER IS A PEACE OFFICER, AND, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PERSON OTHER THAN A PERSON DESIGNATED IN THIS MUNICIPAL CODE IS A PEACE OFFICER. AT A MINIMUM, A PEACE OFFICER HAS AUTHORITY TO ENFORCE THE WESTMINSTER MUNICIPAL CODE, AS DIRECTED, WHILE ACTING WITHIN THE SCOPE OF HIS OR HER AUTHORITY AND IN THE PERFORMANCE OF HIS OR HER DUTIES.

3-1-6: POLICE OFFICER:

(A) A POLICE OFFICER, INCLUDING THE CHIEF OF POLICE, DEPUTY CHIEFS, COMMANDERS, SERGEANTS, AND SENIOR POLICE OFFICERS, IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO SHALL BE CERTIFIED BY THE PEACE OFFICERS STANDARDS AND TRAINING BOARD PURSUANT TO STATE STATUTE.

(B) IN ADDITION TO THE AUTHORITY SET FORTH IN SUBSECTION (A) OF THIS SECTION, POLICE OFFICERS SHALL HAVE THE AUTHORITY TO ENFORCE THE PROVISIONS OF THIS CODE AND THE CITY CHARTER AND SHALL HAVE THE AUTHORITY GRANTED TO THEM PURSUANT TO THE COLORADO REVISED STATUTES.

(C) POLICE OFFICERS SHALL BE SWORN MEMBERS OF THE POLICE DEPARTMENT.

Section 3. Section 3-1-5, W.M.C., is hereby AMENDED to read as follows:

~~3-1-5~~ 3-1-7: COMMUNITY SERVICE OFFICER PERSONNEL:

- (A) There is hereby created the FUNCTIONAL positionS of Community Service ~~Officer~~ PERSONNEL.
- (B) The Community Service ~~Officer~~ is PERSONNEL ARE authorized to enforce the provisions of ~~Title X and Chapter 7 of Title VI of this Code~~ THE WESTMINSTER MUNICIPAL CODE.
- (C) The Community Service ~~Officer~~ PERSONNEL shall be deemed a peace officerS for the limited purpose of enforcing the provisions ~~delineated in subsection (B), pursuant to Rule 206 of the Municipal Court Rules of Procedure~~ OF THE WESTMINSTER MUNICIPAL CODE. THE COMMUNITY SERVICE PERSONNEL SHALL HAVE THE POWER TO ISSUE COMPLAINTS AND SUMMONSES FOR VIOLATIONS OF WESTMINSTER MUNICIPAL CODE PROVISIONS AND THE MODEL TRAFFIC CODE, PURSUANT TO RULE 206, MUNICIPAL COURT RULES OF PROCEDURE, AND SECTION 1-22-18 OF THIS CODE.
- (D) ~~The Community Service Officer shall not be deemed a sworn member of the Police Department.~~

Section 4. Section 3-1-6, W.M.C., is hereby AMENDED to read as follows:

~~3-1-6~~ 3-1-8: ANIMAL WARDEN MANAGEMENT PERSONNEL:

- (A) There is hereby created the FUNCTIONAL positionS of Animal ~~Warden~~ MANAGEMENT PERSONNEL.
- (B) The Animal ~~Warden~~ is MANAGEMENT PERSONNEL ARE authorized to enforce the provisions of ~~Title VI, Chapter 7 of this~~ THE WESTMINSTER MUNICIPAL Code.
- (C) The Animal ~~Warden~~ MANAGEMENT PERSONNEL shall be deemed a peace officerS for the limited purpose of enforcing the provisions ~~delineated in Subsection (B), pursuant to Rule 206 of the Municipal Court Rules of Procedure~~ OF THE WESTMINSTER MUNICIPAL CODE. THE ANIMAL MANAGEMENT PERSONNEL SHALL HAVE THE POWER TO ISSUE COMPLAINTS AND SUMMONSES FOR VIOLATIONS OF WESTMINSTER MUNICIPAL CODE PROVISIONS, PURSUANT TO RULE 206, MUNICIPAL COURT RULES OF PROCEDURE, AND SECTION 1-22-18 OF THIS CODE.
- (D) ~~The Animal Warden shall not be deemed a sworn member of the Police Department.~~

Section 5. Title 3, Chapter 1, W.M.C., is hereby amended BY THE ADDITION OF A NEW SECTION to read as follows:

3-1-9: TRAFFIC ACCIDENT INVESTIGATION PERSONNEL:

- (A) THERE IS HEREBY CREATED THE FUNCTIONAL POSITIONS OF TRAFFIC ACCIDENT INVESTIGATION PERSONNEL.
- (B) THE TRAFFIC ACCIDENT INVESTIGATION PERSONNEL ARE AUTHORIZED TO ENFORCE THE PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE AND THE MODEL TRAFFIC CODE.

(C) THE TRAFFIC ACCIDENT INVESTIGATION PERSONNEL SHALL BE DEEMED PEACE OFFICERS FOR THE LIMITED PURPOSE OF ENFORCING THE PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE AND THE MODEL TRAFFIC CODE. THE TRAFFIC ACCIDENT INVESTIGATION PERSONNEL SHALL HAVE THE POWER TO ISSUE COMPLAINTS AND SUMMONSES FOR VIOLATIONS OF WESTMINSTER MUNICIPAL CODE PROVISIONS AND THE MODEL TRAFFIC CODE, PURSUANT TO RULE 206, MUNICIPAL COURT RULES OF PROCEDURE AND SECTION 1-22-18 OF THIS CODE.

Section 6. Title 3, Chapter 1, W.M.C., is hereby amended BY THE ADDITION OF A NEW SECTION to read as follows:

3-1-10: LIQUOR INVESTIGATIONS PERSONNEL:

(A) THERE IS HEREBY CREATED THE FUNCTIONAL POSITIONS OF LIQUOR INVESTIGATIONS PERSONNEL.

(B) THE LIQUOR INVESTIGATIONS PERSONNEL ARE AUTHORIZED TO ENFORCE THE PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE, THE COLORADO BEER CODE AND THE COLORADO LIQUOR CODE, C.R.S., TITLE 12.

(C) THE LIQUOR INVESTIGATIONS PERSONNEL SHALL BE DEEMED PEACE OFFICERS FOR THE LIMITED PURPOSE OF ENFORCING THE PROVISIONS DELINEATED IN SUBSECTION (B). THE LIQUOR INVESTIGATIONS PERSONNEL SHALL HAVE THE POWER TO ISSUE COMPLAINTS AND SUMMONSES FOR VIOLATIONS OF WESTMINSTER MUNICIPAL CODE PROVISIONS, PURSUANT TO RULE 206, MUNICIPAL COURT RULES OF PROCEDURE AND SECTION 1-22-18 OF THIS CODE.

Section 6. Section 3-1-7, W.M.C., is hereby AMENDED to read as follows:

~~3-1-7~~ 3-1-11: CODE ENFORCEMENT OFFICER PERSONNEL:

(A) The ~~position of~~ Code Enforcement Officer PERSONNEL[,] previously created in the Department of Community Development[,] ~~is~~ ARE hereby transferred and re-created in the Police Department; provided, however, that Code Enforcement Officer(s) PERSONNEL shall remain in the Department of Community Development, as directed by the City Manager. The Code Enforcement Officer(s) PERSONNEL in the Department of Community Development shall have all the authority established herein, and such duties as the City Manager shall direct.

(B) It shall be the duty of the Code Enforcement Officer PERSONNEL to enforce ~~the provisions of Chapter 5 of Title IV; Chapters 2, 3, 5, 6, 7, 11, 20, and 22 of TITLE V; Sections 5-9-1, 5-9-2, 6-10-2, 6-13-4(C); and 6-13-5(C); Chapters 1, 2, 3, 4, 5, 7, 8, and 10 of Title VIII except Section 8-7-27(D)2; Title IX; Sections 10-1-2(B), 10-1-12 and 10-1-14; Title XI and Chapter 3 of Title XIII of this Code~~ SPECIFIC PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE, AS DIRECTED.

(C) The Code Enforcement Officer PERSONNEL shall be deemed a peace officerS for the limited purpose of enforcing the provisions ~~delineated in Subsection (B) of this section~~ OF THE WESTMINSTER MUNICIPAL CODE. The Code Enforcement Officer PERSONNEL shall have the power to issue complaints and summons for violations of ~~these~~ WESTMINSTER MUNICIPAL CODE provisions, pursuant to Rule 206, Municipal Court Rules of Procedures, and Section 1-22-18 of this Code.

~~(D) The Code Enforcement Officer shall not be deemed to be a sworn member of the Police Department pursuant to Section 3-1-4.~~

~~(E)~~ (D) The transfer of the position of Code Enforcement Officer PERSONNEL from the Department of Community Development to the Police Department shall not affect any action or court proceeding taken or begun by the Code Enforcement Officer PERSONNEL prior to the effective date of this ordinance.

Section 7. Section 3-1-8, W.M.C., is hereby AMENDED as follows:

~~3-1-8~~ 3-1-12: CODE ENFORCEMENT OFFICER PERSONNEL ENTRY UPON PROPERTY:

(A) Right of Entry - Generally:

1. Whenever necessary to make an inspection to enforce any of the provisions ~~listed in Section 3-1-7~~ OF THE WESTMINSTER MUNICIPAL CODE, or whenever a Code Enforcement Officer PERSONNEL ~~has~~ HAVE probable cause to believe that there exists upon any premises any condition which constitutes a violation of the provisions of this eCode, ~~listed in Section 3-1-7~~, the Code Enforcement Officer PERSONNEL may enter such premises at all reasonable times to inspect the same or to perform any duty imposed on him provided, that, if such premises is occupied, the Code Enforcement Office PERSONNEL shall first present proper credentials and request entry and, if such premises is unoccupied, he shall first make a reasonable effort to locate the owner or occupant or other person or persons having charge or control of the premises, and upon locating the owner, occupant or other person or persons shall present proper credentials and request entry. If the owner or occupant cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises. The notice shall state that the property owner has the right to refuse entry and that, in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a Municipal Judge of the City. For purposes of this section, premises is defined as that area outside of a habitable structure.

2. After entry is refused or twenty-four (24) hours after the premises have been posted, the Code Enforcement Officer PERSONNEL may appear before the Municipal Judge and, upon a showing of ~~probably~~ PROBABLE cause, shall obtain a search warrant entitling him to enter upon the premises. Upon presentation of the search warrant and proper credentials, or possession of same in the case of an unoccupied premises, the officer may enter upon the premises using such reasonable force as may be necessary to gain entry therein.

3. For purposes of this subsection, "~~probably~~ PROBABLE cause" exists where the facts and circumstances within the officer's knowledge are sufficient to warrant a man of reasonable caution in the belief that a code violation has been or is being committed. The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular premises in issue in order to obtain a search warrant.

(B) Unlawful resistance: It is unlawful for any owner or occupant of the premises to resist reasonable force used by the officer acting pursuant to this section.

Section 8. This ordinance shall take effect upon its passage after second reading.

Section 9. 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 24th day of January, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.

Mayor

ATTEST:

City Clerk



Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Second Reading Councillor's Bill No. 7 re Replacement Computer Lease for 2005

Prepared By: Robert Byerhof, Financial Analyst

Recommended City Council Action:

Adopt Councillor's Bill No. 7 on second reading appropriating \$270,000 in the General Fund for the 2005 computer replacement lease proceeds.

Summary Statement:

- City Council action is requested to pass the attached Councillor's Bill on second reading that authorizes a supplemental appropriation to the 2005 budget of the General Fund for the computer replacement program lease proceeds.
- This appropriation continues the replacement PC program that was approved by Council in 2001.
- The 2005 lease purchase will:
 - Fund the purchase and financing cost of 237 PCs that will support new or upgraded software
 - Continue the on-going long-term replacement program
 - Provide essential tools to conduct the daily business of the City
 - Provide standardization across the City that reduces maintenance costs
- The purchase and financial cost of the computers is estimated to be \$286,750 and the associated lease payments are included in the 2005 budget.
- The interest rate will be determined on the date of commitment by the City as defined in the master lease agreement approved by Council on February 12, 2001.
- This Councillor's Bill was passed on first reading January 24, 2005.

Expenditure Required: \$270,000

Source of Funds: Lease proceeds

Respectfully submitted,

J. Brent McFall, City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. **3193**

COUNCILOR'S BILL NO. **7**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

Davia - Price

A BILL

FOR AN ORDINANCE AMENDING THE 2005 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$270,000 which, when added to the fund balance as of the City Council action on January 24, 2005 will equal \$83,211,554. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of computer lease proceeds.

Section 2. The \$270,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES		Current	Amendment	Revised
Description	Account Number	Budget		Budget
Other Financing Source	1000.46000.0000	\$0	\$270,000	\$270,000
Total Change to Revenues			\$270,000	
EXPENSES		Current	Amendment	Revised
Description	Account Number	Budget		Budget
Computer Soft/Hard	10010900.75400.0000	\$4,080	\$270,000	\$274,080
Total Change to Expenses			\$270,000	

Section 3. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of January, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Second Reading Councillor's Bill No. 8 re Replacement Mobile Computers for Police and Fire

Prepared By: Russell D. Hamm, Communications Supervisor

Recommended City Council Action:

- Adopt Councillor's Bill No. 8 on second reading appropriating \$451,425 in the General Fund for the computer replacement lease proceeds.

Summary Statement:

- The expenditure of these funds will allow for the purchase of 75 new Itronix GoBook III rugged mobile laptop computers to replace all existing Police and Fire Department mobile laptop computers.
- In concert with the citywide computer lease program initiated in 2001, Staff is recommending that the CAD/RMS computers commence a similar replacement schedule to ensure that this public safety technology is up to date and operating at its full capacity. The new computers are recommended to follow a 4-year replacement schedule, replacing half of the laptops in the first year and half in the second year.
- This 4-year replacement cycle will ensure that the Police and Fire Departments have the latest technology available, all computer hardware, mounting, and software will be standardized, and all units will always be covered by the manufacturer's warranty.
- Funds for the lease purchase payments are budgeted in the Police and Fire Department operating budgets for 2005 and 2006, and will be included the proposed budget for 2007.
- This Councillor's Bill was passed on first reading January 24, 2005.

Expenditure Required: Not to exceed \$451,425

Source of Funds: Lease proceeds

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **8**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2005 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$83,211,554 is hereby increased by \$451,425 which, when added to the fund balance as of the City Council action on January 24, 2005 will equal \$83,932,979. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of mobile laptop computer lease proceeds.

Section 2. The \$451,425 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Source	1000.46000.0000	\$270,000	<u>\$451,425</u>	\$721,425
Total Change to Revenues			<u>\$451,425</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Computer Soft/Hard	10010900.75400.0000	\$274,080	<u>\$451,425</u>	\$725,505
Total Change to Expenses			<u>\$451,425</u>	

Section 3. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of January, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.

ATTEST:

Mayor

City Clerk



Agenda Item 11 A & B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Funding of Additional Police Traffic Personnel for Increased Neighborhood Traffic Enforcement and Education

Prepared By: A.L. Wilson, Commander Patrol Services Traffic Section
Jeff Jones, Deputy Chief, Patrol Services
Dan Montgomery, Chief of Police

Recommended City Council Action

1. Pass Councilor's Bill No. 9 on first reading for 1.0 FTE Traffic Enforcement Technician position and an additional civilian 1.0 FTE Traffic Accident Investigator in the 2005 Police Department budget.
2. Adopt Resolution No. 8 amending the 2005 Staffing and Pay Plans reclassifying the Neighborhood Traffic Specialist position in Community Development to a Traffic Enforcement Technician position in the Police Department, and authorizing an additional 1.0 FTE Traffic Accident Investigator position in the Police Department.

Summary Statement

- In December Staff approached Council recommending a move away from traffic calming devices because of limited impact and effectiveness. Staff recommended placing an increased emphasis on strict traffic enforcement and education in residential neighborhoods.
- In order to accomplish increased residential traffic enforcement staff recommended a 1.0 FTE civilian administrative Police Department Traffic Enforcement Technician position, and an additional 1.0 FTE Traffic Accident Investigator position.
- Along with these two positions, one additional Traffic Accident Investigator position was recommended for the 2006 Police Department budget. Staff will evaluate this expense against revenue performance during 2005 before making a recommendation to amend the adopted 2006 budget.
- Establishing these positions would free up existing traffic enforcement officers for dedicated assignment to residential traffic complaints throughout the City in 2005 and a greater presence in 2006.
- Staff recommends the Traffic Enforcement Technician position be created by reclassifying the Community Development Neighborhood Traffic Specialist position that is currently funded in the 2005 approved budget. The new 1.0 FTE Traffic Accident Investigator is an addition to the 2005 Staffing Plan, and the funding for this position would be obtained by carryover of 2004 Public Safety tax revenues.
- The Traffic Enforcement Technician salary and benefits, and the expenses related to this position (equipment, training, etc.) is achieved from reclassifying the Community Development Neighborhood Traffic Specialist position to the Police Department.
- The additional 1.0 FTE Traffic Accident Investigator's salary, benefits, and related expenses (uniforms, equipment, training, etc.) are funded through carryover of uncollected 2004 public safety tax revenues.

Expenditure Required: \$85,561

Source of Funds: General Fund, Community Development and Police Departments' Budgets plus Carryover from the 2004 public safety tax revenues

Policy Issues

- Should there be a move away from traffic calming devices and an increased emphasis on strict traffic enforcement and education in residential areas?
- Should two positions be added to the Police Department in 2005 to accomplish residential enforcement?

Alternatives

Continue present staffing, with no changes or addition of personnel, or continue the current traffic calming program and the current staff philosophy of dealing with traffic complaints. Staff does not recommend either approach. The success of traffic calming devices has been limited and the current accident investigation and general police workload placed upon traffic enforcement officers does not allow much time or opportunity for additional enforcement efforts in residential areas.

Background Information

One of the most frequent complaints received by the City is traffic related problems in residential areas. In the past five to seven years, staff has handled many of these complaints through a two pronged attack: enforcement, and for those appropriate situations, traffic mitigation devices. Much of the research regarding mitigation devices indicates they have been minimally effective in reducing speed related complaints and also in reducing the amount of traffic. Traffic counts and speed surveys before and after installation of devices provide the basis for these comments. Although some devices have been effective, on the whole, most are ineffective at accomplishing intended traffic goals.

Given current police traffic and patrol services division staffing, and considering the other associated factors (such as call load, administrative duties, vacation time, training time, court time, report writing duties, etc.), a move to strict neighborhood enforcement can only be accomplished through reassigning some of the current job duties of traffic enforcement officers. Once those duties are reduced, specific residential enforcement time can be gained.

Based upon an evaluation of statistical data, the Police Department handled over 2,600 traffic accidents in 2004. Traffic Officers must respond and cover numerous accident scenes when Accident Investigators are unavailable due to other accidents or scheduling conflicts; Staff estimates that it takes, on average, 3 hours per person to staff an accident scene. On average, each Accident Investigator handles approximately 400 accidents per year. Adding an additional Accident Investigator in 2005 will significantly reduce traffic officer involvement in accident investigation. Conservatively estimated, this will save approximately 1,200 hours of traffic officer time.

Adding the Traffic Enforcement Technician position will also reduce traffic officer administrative duties. These duties include receiving, tracking and evaluating traffic complaints, laser and radar certifications, tracking driving under the influence training records and collecting and maintaining statistical data, to name a few. Staff conservatively anticipates shifting 600 hours of traffic officer duties to the Traffic Enforcement Technician position.

These positions will allow for the assignment of one day shift and one afternoon shift officer for strict residential enforcement as previously outlined. In addition, the two requested positions in 2005 would enable the traffic section to schedule a total of two residential traffic enforcement officers five days each week. The traffic officers and accident investigators are currently assigned to two shifts, a dayshift and an afternoon shift. The Police Department would assign one dayshift officer and one afternoon shift officer to specific residential enforcement. Given the current shift scheduling (5-9 hour days), this would allow the officers to rotate through all days of the week, providing a combination of weekday and weekend enforcement.

Beginning in 2006, with the addition of a second Traffic Accident Investigator, staff would increase residential enforcement coverage to two officers on the dayshift and two officers on the afternoon shift. This approach provides at least one officer assigned to residential enforcement on the dayshift and one officer on the afternoon shift, seven days each week. Two days in each eight-day period, there would be two officers assigned to residential enforcement. The following chart is illustrative of how officers would be assigned.

Day	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Officer A	Off	Off	Off	On	On	On	On	On
Officer B	On	On	On	Off	Off	Off	On	On

The requested positions would also allow us to work “smarter” and schedule regular enforcement on a continuing basis for those “justified” residential traffic complaint areas. The establishment of the Traffic Enforcement Technician position would provide a focal point for all traffic enforcement complaints generated in the City. We would also have a better ability to evaluate complaints, determine when our enforcement will be most effective, and track the utilization of resources through more complete data.

Staff expects four resulting outcomes by assigning officers to strict residential enforcement.

1. The total number of summonses will go down. Summonses issued in residential areas will be fewer in number and for less flagrant violations than generally seen on collector and arterial roadways. (This is based upon the fact that residential streets carry fewer vehicles than collector and arterial streets). Subsequently, summons related revenue will be reduced.
2. In order to be effective at impacting speed related events in residential areas, officers will be required to stop and cite violators at lower speeds. Where officers may allow nine or ten miles over the posted speed limits on collector or arterial roadways before they contact and cite, many residential areas do not experience speeds ten miles per hour in excess of the posted speed limit. Officers may elect to contact and issue summonses at five miles per hour or less over the posted speed limit in residential areas. The most common complaint received in residential areas involves speeding. Many of the complaints stem from a “perception” of speed. This is due to the topographical roadway considerations and the narrowed visual acuity prominent on many residential streets.
3. Officer complaints and complaints to City Council about “picking on” residential areas will likely increase. A common complaint voiced to traffic enforcement officers and to the Police Department administrators when enforcement officers are assigned to residential areas is: “Why aren’t you attacking the traffic problems instead of bothering me in my own neighborhood?” In one recent situation, two traffic officers went into a residential area based upon a complaint and issued six summonses. Four of the recipients called to complain, essentially saying that the officers should be doing something else.
4. A reduction in enforcement on some arterial and collector roadways.

Funding for 2005 for the requested Police Department Traffic Enforcement Technician position will occur through reclassifying the Neighborhood Traffic Specialist position in the Community Development Department. This action moves the Community Development position from a Classified E-7 position (\$57,700 was budgeted for this position in 2005) to an Unclassified N-12 Police Department position (the starting salary is \$37,170 plus benefits estimated at \$6,320). Staff conservatively anticipates that, if approved, this position cannot be hired and filled until sometime after March, 2005. Consequently, the prorated salary costs for this position in 2005 are \$31,452 for 10 months of the year. Benefit costs are currently budgeted in the 2005 Central Charges Budget for the Community Development position; therefore no additional benefits costs need to be budgeted for this position in 2005.

Reclassifying the position creates a savings and allows the difference in salaries to be applied to the recommended additional 1.0 FTE Traffic Accident Investigator position. Since the title of Traffic Enforcement Technician does not currently exist within the Staffing or Pay Plans, they must be amended as part of this Council action.

The remaining funding needed for the recommended 2005 1.0 FTE Traffic Accident Investigator position is recommended to be funded by a one-time carryover from unallocated 2004 public safety tax revenues in the amount of \$27,861. The Traffic Accident Investigator position is classified at an N-14 in the Pay Plan (starting salary is \$42,955).

This proposal allows for the funding in 2005 for the reclassification of the Traffic Enforcement Technician position and the additional 1.0 FTE Traffic Accident Investigator position. After evaluating our experience and budget condition, staff will likely return to Council with a recommendation for the continued funding for the two 2005 positions, as well as with a recommendation for an additional 1.0 FTE Traffic Accident Investigator position, as part of the mid-year budget review and amendment process for the 2006 Budget. In addition, as previously discussed with City Council at the December 6, 2004 Study Session, an accident investigation van (\$45,000) will also be proposed with the mid-year amendment to the 2006 Budget for these operations, assuming budget conditions permit.

Cost Breakdown

The following table portrays the costs associated with each position as well as the associated start up costs for equipment, training, uniforms, software and supplies.

<u>Neighborhood Traffic Specialist</u> <u>E-7</u>	<u>Traffic Enforcement Technician</u> <u>N-12</u>	<u>Traffic Accident Investigator</u> <u>N-14</u>
2005 Salary \$57,700	Prorated 2005 Salary \$31,452 Prorated 2005 Overtime \$ 1,269 Uniforms, Equipment, Lease Payments (PC), Reference Materials, Software (Benefits included in reclassification)	Prorated 2005 Salary \$36,347 Prorated 2005 Overtime \$ 2,115 Uniforms, Equipment, Career Development, Portable Radio, Camera, Software, and Supplies Benefits \$ 6,108
	Total \$34,901	Total \$50,660

- Community Development Neighborhood Traffic Specialist (\$57,700)
- Police Department Traffic Enforcement Technician \$34,901
- Police Department Traffic Accident Investigator +\$50,660
- Amount needed from 2004 public safety tax (carryover) \$27,861

The annual costs associated with these two positions total \$80,031 for the first year (includes the full salaries, not prorated as noted above). Included in the figures above is \$1,000 in one-time start up costs for the Traffic Enforcement Technician position and \$4,530 for the Traffic Accident Investigator position.

Respectfully submitted,

J. Brent McFall, City Manager
Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **9**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL AND SALES AND USE TAX FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$27,861 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$82,969,415. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the transfer of 2004 carryover from the Sales and Use Tax Fund. Additionally, included below is a reallocation of funds between Community Development and the Police Department that do not change the total budget for the General Fund but are shown for informational purposes.

Section 2. The \$27,861 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUE Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer from Sales and Use Tax	1000.45000.0530	\$54,910,581	\$27,861	\$54,938,442
Total Change to Revenues			<u>\$27,861</u>	

EXPENSES Description	Account Number	Current Budget	Amendment	Revised Budget
Salaries	10030380.60200.0000	\$1,103,746	\$(57,700)	\$1,046,046
Salaries	10020500.60200.0348	1,475,039	67,799	1,542,838
Overtime	10020500.60400.0348	80,000	3,384	83,384
Uniforms & Equip	10020500.61000.0348	6,000	1,410	7,410
Career Dev	10020500.61800.0348	13,400	1,300	14,700
Lease payments	10020050.67700.0000	194,553	330	194,883
Ref Materials	10020500.71400.0348	900	200	1,100
Software	10020050.75400.0000	0	2,130	2,130
Supplies	10020500.70200.0348	5,520	600	6,120
Other Equip	10020300.76000.0343	229,984	2,300	232,284
Med Ins ER BCBS	10010900.63000.0594	3,623,454	<u>6,108</u>	3,629,562
Total Change to Expenses			<u>\$27,861</u>	

Section 3. The 2005 appropriation for Sales and Use Tax Fund initially appropriated by Ordinance No. 3162 in the amount of \$60,560,581 is hereby increased by \$27,861 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$60,588,442. The actual amount in the Sales and Use Tax Fund on the date this ordinance becomes effective may

vary from the amount set forth in this section due to intervening City Council actions. This change is due to the appropriation of 2004 Public Safety Tax carryover.

Section 4. The \$27,861 increase in the Sales and Use Tax Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

REVENUES Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	5300.40020.0911	\$428,083	<u>\$27,861</u>	\$455,944
Total Change to Revenue			<u>\$27,861</u>	

EXPENSES Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer to GF	53010900.79800.0100	\$54,910,581	<u>\$27,861</u>	\$54,938,442
Total Change to Expenses			<u>\$27,861</u>	

Section 5. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of February, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of February, 2005.

ATTEST:

Mayor

City Clerk

RESOLUTION NO. **8**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

WHEREAS, Section 1-24-1 and 1-24-4 of the Westminster Municipal Code provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the personnel schedule for all position classifications in the municipal service; and

WHEREAS, the City Council previously approved the 2005 personnel schedule on October 11, 2004, effective on January 1, 2005; and

WHEREAS, the Police Department is placing an increased emphasis on strict traffic enforcement in the City of Westminster's residential neighborhoods and a Traffic Mitigation and Neighborhood Enforcement program is being initiated in 2005;

WHEREAS, it has been determined that a reclassification of the 1.0 FTE Neighborhood Traffic Specialist position funded in the Community Development 2005 approved budget to a civilian 1.0 FTE Traffic Enforcement Technician in the Police Department 2005 approved budget will enhance the efficiency and effectiveness of this program and place this position where it will be most effective; and

WHEREAS, an addition of a civilian 1.0 FTE Traffic Accident Investigator position to the Police Department will help the department accomplish the goals for increased residential traffic enforcement and allow the existing traffic enforcement officers to be dedicated to their assignments throughout the City;

WHEREAS, the requested reclassification and additional position will allow the police department to schedule regular enforcement and evaluate when enforcement is most effective and utilize resources in the best manner; and

WHEREAS, sufficient funds are available in the 2005 budget as amended to accommodate this reclassification and additional position.

NOW, THEREFORE, BE IT RESOLVED BY THE WESTMINSTER CITY COUNCIL that the attached 2005 personnel schedule be amended to reflect the reclassification of a 1.0 FTE Neighborhood Traffic Specialist in the Exempt Pay Plan at a pay grade of E7 to a 1.0 FTE Traffic Enforcement Technician in the Non-Exempt pay plan at a pay grade of N12 in the Police Department's 2005 adopted budget, effective on March 1, 2005; and

NOW, THEREFORE, BE IT RESOLVED BY THE WESTMINSTER CITY COUNCIL that the attached 2005 personnel schedule be amended to reflect one (1.0) additional full time civilian employee classified as a Traffic Accident Investigator at a pay grade N14 in the Non-Exempt pay plan of the adopted 2005 budget, effective March 1, 2005.

Passed and adopted this 14th day of February, 2005.

ATTEST:

Mayor

City Clerk



Agenda Item 11C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Resolution No. 9 re IGA with the State of Colorado re State Historical Fund Grants

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Adopt Resolution No. 9 authorizing the City Manager to execute two IGAs with the State of Colorado concerning the use of State Historical Fund grant funds awarded to the City of Westminster and ratify three prior IGAs.

Summary Statement

The City has applied for and has been awarded a total of five State Historical Fund grants since 2002. The State of Colorado requires IGAs to be executed before funds are disbursed to regulate the use and accounting of the funds.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City Council authorize IGAs with the State of Colorado concerning the use of State Historical Fund grant money awarded for City of Westminster historic preservation projects?

Alternative

Do not enter into the IGAs with the State of Colorado and decline the grant money awarded by the State Historical Fund for various City historic preservation projects. This alternative is not recommended because the funding supports historic preservation work and, in four cases, requires no matching funds from the City. The fifth project, the Westminster Grange Hall project, required City matching funds that have previously been funded through the Community Development Block Grant program.

Background Information

The City has applied for and been awarded a total of five State Historical Fund grants since 2002:

Westminster Grange Hall	Historic Structure Assessment (2002)	\$10,000
Westminster Grange Hall	Exterior Restoration (2003)	\$101,361
Rodeo Market	Historic Structure Assessment (2004)	\$10,000
73 rd Avenue Heritage Area	Archeological Assessment (2005)	\$9,993
Certified Local Government Survey	City-wide Reconnaissance Survey for Cultural Resources and Historic Landmark Board Training (2005)	\$5,675

The three contracts in 2002 to 2004 were not brought to the City Council for approval due to the small amounts involved and, in the case of the Grange Hall exterior restoration project, because the City Council had already approved the use of CDBG money as the City's contribution to the project, which was not located on City land. However, since the grant contracts are with the State of Colorado, the better practice is to have the City Council approve them as IGAs.

Therefore, City Council is asked to ratify the 2002, 2003 and 2004 contracts and to authorize the City Manager to execute the two 2005 contracts that have been recently awarded by the State Historical Fund.

The status of these projects is as follows:

1. The Grange Hall project is nearing completion. A new wood shingle roof was installed, the asbestos siding was removed, and the wood lap siding was repaired, primed and painted, along with a number of other less-visible repairs. The original hand-painted sign was restored. If funds permit, new six pane over six pane window sashes will be installed.
2. The Rodeo Market, next door to the Grange on the east, is being assessed. It is hoped that the Rodeo can be reused as a public civic space. The façade could be restored and some kind of new construction at the rear could combine it as a complex with the Grange and integrate with the to-be-developed park area to the north.

3. Archeologists from URS Corporation and the University of Denver will use ground-penetrating radar to assess the areas around the Grange, the Rodeo Market and the historic house at 7319 Orchard Court, as well as the vacant ground from 73rd and Orchard Court to the Westminster Presbyterian Church parking lot. They will determine whether the potential exists for recovery of historic (and prehistoric) artifacts in the area. If such information is discovered, the City could take steps to protect or recover such artifacts when grading and construction occurs in the future.

4. As a Certified Local Government (CLG), the City is eligible for small annual grants funded by the federal budget. Many of these grants are given to allow CLGs to conduct surveys of cultural resources within each city. Staff will hire a consultant to start with a “reconnaissance-level” city-wide survey and then, in future years, will apply for further funding and proceed to file detailed inventory forms with the Colorado Historical Society on the many historic buildings and other cultural features that exist throughout Westminster.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 9

INTRODUCED BY COUNCILMEMBERS

SERIES OF 2005

A RESOLUTION AUTHORIZING IGAS WITH THE STATE OF
COLORADO CONCERNING THE USE OF STATE HISTORICAL FUND
GRANTS AWARDED TO THE CITY

WHEREAS, the City of Westminster has been awarded the following grants from the Colorado Historical Society in support of several historic preservation projects within the City:

Westminster Grange Hall	Historic Structure Assessment (2002)	\$10,000
Westminster Grange Hall	Exterior Restoration (2003)	\$101,361
Rodeo Market	Historic Structure Assessment (2004)	\$10,000
73 rd Avenue Heritage Area	Archeological Assessment (2005)	\$9,993
Certified Local Government Survey	City-wide Reconnaissance Survey for Cultural Resources and Historic Landmark Board Training (2005)	\$5,675

WHEREAS, the State of Colorado requires IGAs to be executed before funds are disbursed, which contracts regulate the use of funds and accounting therefor.

NOW, THEREFORE, the City Council of the City of Westminster resolves that the City Manager is authorized to execute and carry out the provisions of these IGAs with the State of Colorado concerning the use of State Historical Fund grants awarded to the City.

PASSED AND ADOPTED this 14th day of February, 2005.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Councillor's Bill No. 10 re 2004 4th Quarter Budget Supplemental Appropriation

Prepared By: Karen Creager, Internal Auditor

Recommended City Council Action

Pass Councillor's Bill No. 10 on first reading providing for supplementary appropriations to the 2004 budget of the General, General Capital Improvement, Open Space and Utility Funds.

Summary Statement

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2004 4th quarter supplemental appropriation.
- General Fund amendments:
 - \$11,046 Police Department overtime reimbursement
 - \$6,200 Police Department grants
 - \$4,467 Youth Scholarship funds
 - \$53,665 Recreation Program revenues
 - \$375 Senior Center program donation
 - \$152,147 Building Permit fees
 - \$1,875 Business Appreciation Event contributions
- General Capital Improvement Fund amendments:
 - \$50,000 Forfeited escrow funds
 - \$86,125 Xcel Energy rebate to Light Emitting Diode Traffic Signals (LEDs)
 - \$50,000 Jefferson County reimbursement
 - \$50 Pomona High School donation
 - \$1,121 Community Reach contribution
- Open Space Fund amendments:
 - \$220,000 Urban Drainage & Flood Control District grant
- Utility Fund amendments:
 - \$327,400 Huntington Trails tap fees

Expenditure Required: \$964,471

Source of Funds: The funding sources for these expenditures include grants, reimbursements, contributions, donations, program revenues, building permit fees, escrow funds, a rebate, and fee taps.

Policy Issue

Does City Council support amending the appropriations for the 2004 budget of the General, General Capital Improvement, Open Space and Utility Funds?

Alternative

The alternative would be not to amend the 2004 budget appropriations for the General, General Capital Improvement, Open Space and Utility Funds and utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred these expenses and covered them in their current budget in anticipation of receipt of the funds.

Background Information

This agenda memo and attached Councillor's Bill is a routine action addressing the need to appropriate additional revenues and offsetting expenditures that resulted from increased activity or events that were not anticipated during the normal budget process.

The Police Department (PD) received \$4,125 from the City of Thornton on behalf of the North Metro Drug Task Force, \$6,921 from the City of Thornton on behalf of the West Metro Drug Task Force for High Intensity Drug Trafficking Area (HIDTA) Investigations overtime reimbursements. These reimbursements were for overtime incurred by members of the Police Department while working on Federal HIDTA cases. (General Fund)

The PD received two grants, \$4,405, and \$1,795, from the Federal Bureau of Justice Assistance and the City of Colorado Springs, respectively. The grant from the Bureau of Justice Assistance is for reimbursement of bullet proof vest purchases made by the PD. Additionally, the PD has received a grant through the Colorado Internet Crimes Against Children Task Force. This Task Force is intended to target sexual predators of children who operate via the Internet. The grant was used to purchase an undercover laptop/software, undercover phone lines, etc. to fund the program. (General Fund)

The Westminster Youth Scholarship Fund will benefit from the net proceeds of \$4,467 received in 2004 from community events such as 4th of July, the Holy COW Trail Stampede, art shows, etc. held in Westminster. Funds from the youth scholarship program are used to award scholarships for City-sponsored recreation programs to youth who could not otherwise afford to participate. (General Fund)

Parks, Recreation and Libraries received a \$375 sponsorship from Kaiser Permanente for two special events at the Senior Center, the Ice Cream Social and the Thanksgiving luncheon. Appropriating these funds helps to offset the cost of the special events. (General Fund)

The demand for recreation programs in 2004 continues to be high as well as the popularity of tournaments at Christopher Fields. Recreation Staff managed their budget to maximize the programs offered while responding to citizen's needs. Additional youth and preschool activities, adult sports programs and some special events were offered to meet these needs. Offering these additional programs resulted in \$53,665 being expended in Parks, Recreation & Library's (PR&L) Recreation Program Division for temporary salaries, professional services, supplies and electricity. These additional programs have generated significantly more revenue than the additional expenditures. Therefore, a portion of the additional revenue is being appropriated to help cover the costs of the programs. (General Fund)

Community Development Building Division contracts with a consultant to perform contract review services. These services are used for almost all new commercial building reviews as well as residential projects when requested by the applicant. In order to offset this expense, building permit fees in the amount of \$152,147 are being appropriated. (General Fund)

Community Development received additional contributions in the amount of \$1,875 from various businesses to offset the expenses of the annual Business Appreciation Event. (General Fund)

Community Development received escrow funds as part of the White property closing. These funds were forfeited by General Growth Properties and are being appropriated to the Retail Services capital project. Since the funds are recorded as revenue source in WEDA, the funds need to be appropriated in WEDA and transferred to the General Capital Improvement Fund. A WEDA housekeeping supplemental is being presented to the WEDA Board on February 14, 2005. This transfer will occur only if the appropriation is approved by the WEDA Board. (General Capital Improvement Fund)

Community Development received a rebate of \$86,125 from Xcel Energy for the conversion of traffic signals to a lower energy usage LED technology. On April 12, 2004 Council authorized the purchase of the LED's along with adding \$155,000 to the City's master lease for a portion of the cost of the LED's. Appropriating the rebate to the Traffic Signal capital project defrays a portion of the cost of the conversion. This project has resulted in significant savings in energy costs.(General Capital Improvement Fund)

Pomona High School students raised money as a class project for the City Park Skateboard Park. The \$50 raised will be used toward the landscaping in the central planter island. (General Capital Improvement Fund)

For several years, City of Westminster staff and Jefferson County staff have discussed the need to improve the Wadsworth Boulevard corridor between W. 92nd Avenue and West 108th Avenue. On December 20, 2004 Council entered into an agreement with Jefferson County Board of County Commissioners for the improvements. Jefferson County's share of the expenditures is \$50,000. Since no City funds were to be spent until 2005, there were no funds budgeted in 2004 in the project. In order to properly reflect the early receipt of Jefferson County's contribution to the project, the \$50,000 received by Jefferson County needs to be appropriated to the project in 2004 and will subsequently be spent on the project in 2005. (General Capital Improvement Fund)

On August 23, 2004 Council approved the contract for the remodel of the 76th Avenue Library. Community Reach initially contributed \$135,000 toward the project. General Services has received an additional contribution of \$1,121 from Community Reach toward additional work performed as part of the remodel. (General Capital Improvement Fund)

Community Development received a grant of \$220,000 from the Urban Drainage and Flood Control District for the acquisition of the approximately 4 acres open space purchased from Kathy McGuire in December 2003. The property is located in the Big Dry Creek Open Space and Trail Corridor at the intersection of W. 128th and Pecos Street. The funds received from Urban Drainage are for approximately half of the acquisition costs. Appropriating these funds makes them available for other open space acquisitions. (Open Space Fund)

The City had built capacity into the Reclaimed Water supply and delivery system in anticipation of serving the Huntington Trails Subdivision. Huntington Trails, Inc. then requested the right to install and operate a private raw water irrigation system for common areas with water purchased from FRICO property. On October 11, 2004, Council approved a contract with Huntington Trails, Inc. to allow for the private system. As part of the agreement, the City will not be responsible for any portion of the raw water system nor shall the City be required at any time in the future to supply water to irrigate the common areas of the Huntington Trails project. In order to compensate the City for the "stranded infrastructure," Huntington Trails paid the City \$327,400. The funds are being appropriated to the Water Purchase capital project account. (Utility Fund)

These adjustments will bring the City's accounting records up-to-date to reflect the various detailed transactions.

Respectfully submitted,

J. Brent McFall, City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO.

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$229,775 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$86,868,982. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of grants, reimbursements, special event revenue, donations, contributions and building permit fees.

Section 2. The \$229,775 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES		Current	Amendment	Revised
Description	Account Number	Budget		Budget
Federal Grants	1000.40610.0000	\$86,884	\$17,246	\$104,130
Bldg Permit Adco	1000.40190.0010	725,000	152,147	877,147
Youth Scholarship	1000.41030.0528	0	4,467	4,467
Contributions	1000.43100.0000	35,875	1,875	37,750
Adult Activities	1000.41030.0503	850,000	53,665	903,665
General	1000.43060.0000	160,754	375	161,129
Total Change to Revenues			\$229,775	
EXPENSES		Current	Amendment	Revised
Description	Account Number	Budget		Budget
Overtime	10020300.60400.0344	\$30,136	\$11,046	\$41,182
Prof Svcs	10020300.65100.0344	0	1,795	1,795
Unif & Equip	10020500.61000.0000	153,638	4,405	158,043
Spec Promotions	10050760.67600.0528	3,322	4,467	7,789
Prof Svcs	10030370.65100.0000	50,000	152,147	202,147
Spec Promotions	10030340.67600.0000	50,475	1,875	52,350
Temp Salaries	10050760.60600.0504	70,400	15,000	85,400
Prof Services	10050760.65100.0504	58,770	12,760	71,530
Temp Salaries	10050760.60600.0507	30,820	6,507	37,327
Temp Salaries	10050760.60600.0529	88,900	16,736	105,636
Cont Services	10050760.67800.0533	31,700	2,662	34,362
Rec Supplies	10050760.71200.0017	43,700	375	44,075
Total Change to Expenses			\$229,775	

Section 3. The 2004 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$187,296 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$20,479,958. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to receipt of escrow funds, a rebate, reimbursements, contributions and a donation.

Section 4. The \$187,296 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES		Current Budget	Amendment	Revised Budget
Description	Account Number			
Jeffco Revenue	7500.40640.0020	\$0	\$50,000	\$50,000
General Misc	7500.43060.0000	0	86,125	86,125
General Misc	7501.43060.0000	0	50	50
Contributions	7500.43100.0000	1,541,750	1,121	1,542,871
Transfer from WEDA	7500.45000.0680	0	<u>50,000</u>	50,000
Total Change to Revenue			<u>\$187,296</u>	
EXPENSES		Current Budget	Amendment	Revised Budget
Description	Account Number			
Traffic Signals	80175030143.80400.8888	\$284,177	\$86,125	\$370,302
Walker Bldg	80175012022.80400.8888	316,000	1,121	317,121
CP Skateboard Park	80375050326.80400.8888	394,900	50	394,950
Retail Services	80275030527.80400.8888	450,000	50,000	500,000
Old Wads 92 nd – 108 th	80575030401.80400.8888	0	<u>50,000</u>	50,000
Total Change to Expenses			<u>\$187,296</u>	

Section 5. The 2004 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,663,797 is hereby increased by \$220,000 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$8,066,631. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of a grant to assist in the purchase of open space.

Section 6. The \$220,000 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES		Current Budget	Amendment	Revised Budget
Description	Account Number			
Other District	5400.40510.0000	\$0	<u>\$220,000</u>	\$220,000
Total Changes to Revenue			<u>\$220,000</u>	
EXPENSES		Current Budget	Amendment	Revised Budget
Description	Account Number			
Land Purchases	54010900.76600.0000	\$4,167,287	<u>\$220,000</u>	\$4,387,287
Total Change to Expenses			<u>\$220,000</u>	

Section 7. The 2004 appropriation for the Utility Fund initially appropriated by Ordinance No. 2977 in the amount of \$38,281,200 is hereby increased by \$327,400 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$48,321,025. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of a fee paid by Huntington Trails, Inc for opting out of the reclaimed water system.

Section 8. The \$327,400 increase in the Utility Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES		Current Budget	Amendment	Revised Budget
Description	Account Number			
Water Tap	2000.40720.0027	\$3,500,000	<u>\$327,400</u>	\$4,177,400
Total Changes to Revenue			<u>\$327,400</u>	
EXPENSES		Current Budget	Amendment	Revised Budget
Description	Account Number			
Water Purchases	80120035039.80400.8888	\$1,407,098	<u>\$327,400</u>	\$1,734,498
Total Change to Expenses			<u>\$327,400</u>	

Section 9. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 10. This ordinance shall take effect upon its passage after the second reading.

Section 11. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of February, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of February, 2005.

ATTEST:

Mayor

City Clerk



Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Resolution No. 10 re Right-of-Way Acquisition for 144th Avenue and I-25 Interchange

Prepared by: David W. Loseman, Senior Projects Engineer

Recommended City Council Action

Adopt Resolution No. 10 authorizing City Staff to proceed with the acquisition of rights-of-way and easements on the east side of I-25 necessary for the 144th Avenue and I-25 Interchange project, including the use of eminent domain, if necessary; and authorize up to \$2,700,000 for acquisition costs and all related expenses, which shall be charged to the appropriate project account from the Certificates of Participation funds.

Summary

- Preliminary design of the 144th Avenue and I-25 Interchange is underway. The Environmental Assessment (EA) for this project was made available for public comment on January 18, 2005; a public hearing on the EA was held on February 3, 2005; and the public comment period will close on February 28, 2005. Once this is completed, a determination will be made by the Federal Highway Administration (FHWA) relating to a “Finding of No Significant Impact” (FONSI). If the FHWA approves the FONSI, the project will have an environmental clearance to proceed with final design and right-of-way acquisitions.
- There are eight ownerships affected by the improvements. Three of these ownerships are on the west side of I-25 and five are on the east side, all requiring the acquisition of right-of-way and easements for construction. Preliminary estimates have the value of the three acquisitions on the west side at approximately \$1,500,000 and on the east side at approximately \$2,700,000, but negotiations and/or court ordered valuations will determine the final cost. Funding for right-of-way acquisition is a component of the appropriations the Westminster Economic Development Authority (WEDA) and the City have made for the 144th and I-25 Interchange project.
- Approval from City Council of the acquisitions of the five parcels on the east side of I-25 is necessary since Certificates of Participation funds will be used to make these purchases, with later reimbursement from the City of Thornton since these parcels are located in that jurisdiction. WEDA will be asked to approve the acquisition of the three parcels on the west side of I-25 under separate action because WEDA bond funds will be used to acquire those parcels. The attached Resolution will allow City Staff to pursue the activities needed to acquire the necessary right-of-way and easements for the 144th Avenue and I-25 Interchange Project. This includes filing condemnation cases under the City’s right of eminent domain if negotiations with the property owners do not result in legal possession of the parcels necessary to start construction in a timely manner.
- No funds will be expended for parcel acquisition until after the Certificates of Participation are issued.

Expenditure Required: \$ 2,700,000

Source of Funds: Certificates of Participation funds

Policy Issue

Should the City proceed with right-of-way acquisitions for the 144th Avenue and I-25 Interchange project?

Alternative

The City could decide to not proceed with these acquisitions at this time. Staff does not recommend this action as this would create significant delays in the project and affect the timing of development along the corridor as well as the contractual commitments the City has with Forest City.

Background Information

Preliminary design of the 144th Avenue and I-25 Interchange Project has been underway since October 2004 with final design to follow in March 2005 under contract between the City and Felsburg, Holt and Ullevig (FHU). A bridge over I-25 and pedestrian and vehicular underpasses under 144th Avenue on both sides of the highway are three significant structures necessary for the project. Other improvements include landscaped, raised medians and sidewalks. Once complete, the interchange will look very similar to the 136th Avenue and I-25 Interchange that was opened in 2004.

Eight ownerships are directly affected by the alignment, potentially requiring the acquisition of over 34 acres of right-of-way in fee simple along with easement rights for construction. An appraiser has been hired to determine the fair market value of these partial acquisitions and the estimated cost will be approximately \$4,200,000. The costs of right-of-way will be funded from the WEDA bond proceeds, and from the Certificates of Participation (COP), depending on the geographical location of the property purchased. Funds from the WEDA bonds can only be applied to purchases on the west side of the highway and funds from the COP can only be applied to the east side of the highway.

Possession of the necessary right-of-way is a prerequisite to awarding the construction contract. At this point, the schedule calls for construction of the project to begin in the fourth quarter of 2005. The acquisition effort will be aimed at a negotiating settlement for purchase or voluntary agreement for possession of the property necessary for construction by September 2005.

The attached resolution authorizes Staff to proceed with the activities and expenditures necessary to secure legal possession and acquire right-of-way for the 144th and I-25 Interchange project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **10**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

WHEREAS, the Westminster City Council has determined that it is necessary to the public health, safety and welfare to acquire certain parcels of land to accommodate the construction of the 144th Avenue and I-25 Interchange Project shown on the attached Exhibit A; and

WHEREAS, property appraisals prepared by a professional appraisal company experienced in performing appraisals, will be submitted to the Colorado Department of Transportation who will then determine the fair market value of the property rights being acquired in each of the parcels; and

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

WHEREAS, a delay in the acquisition of any of the parcels could result in a delay of the 144th Avenue and I-25 Interchange Project, thus creating a hardship on the general population of the Cities of Westminster, Thornton and Adams County wishing to utilize the proposed improvements; and

WHEREAS, the City Attorney has advised that the City may exercise its right of eminent domain should normal negotiations fail; and

WHEREAS, City Council finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to keep the 144th Avenue and I-25 Interchange Project on the desired schedule.

NOW, THEREFORE, the Westminster City Council resolves that:

1. The City Manager is hereby authorized to establish minimum just compensation for acquisition of the property interests necessary to build the 144th Avenue and I-25 Interchange Project in the area shown in Exhibit A.

2. City Staff is authorized to proceed with negotiations to acquire the necessary property interests in the area shown on Exhibit A, including remainders pursuant to W.M.C section 15-1-11, on the basis of the appraised value, or such higher value as is considered just and necessary to facilitate the acquisition and avoid the necessity of condemnation.

3. The City Manager is hereby authorized to acquire such property interests consistent with applicable law, including the execution of all documents necessary to complete these purchases.

4. The City Attorney is authorized to take all necessary legal measures to acquire the property interests in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceedings required to obtain property interests 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 a grant of immediate possession of the necessary property interests.

5. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitations, contractual services, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filings fees and charges and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The cost shall be charged to the Certificates of Participation Fund account.

6. The Senior Projects Engineer managing the project is hereby authorized to call for amendment of the legal descriptions of the parcel interests 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 the project.

Passed and adopted this 14th day of February, 2005.

ATTEST:

City Manager

City Clerk



Agenda Item 11F

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Emergency Roof Replacement at City Park Recreation Center

Prepared By: Jerry Cinkosky, Facilities Manager

Recommended City Council Action

Based on the report and recommendation of the City Manager, determine that the public interest will be best served by awarding this contract to D&D Roofing and ratify the expenditure of \$91,549 for emergency roof replacement over swimming pool areas at City Park Recreation Center.

Summary Statement

City Council Action is requested to ratify the expenditure of \$91,549 with D&D Roofing to pay for emergency roof replacement over swimming pool areas at City Park Recreation Center.

Previously, the City Manager authorized a contract with D&D Roofing in the amount of \$49,460 for replacement of 7,200 square feet of EPDM and 5,000 square feet of shingled roofs at City Park Recreation Center.

After D&D Roofing began the work of removing damaged roofing material at the City Park Recreation Center roof on January 3, 2005, they discovered major damage to the roofing components below the actual roof material itself. At that time, staff contacted an independent engineering firm to provide an assessment of the extent of the damage and to make recommendations for necessary repairs. Based on the recommendations from Bornengineering, the cost of repairs to the roof increased from \$49,460 to \$91,459.

Staff made the decisions to proceed with the work prior to receiving Council approval due to the serious risk of further damage to City Park Recreation Center.

Expenditure Required: \$91,549

Source of Funds: 2005 General Capital Improvement Fund -- Building Operations and Maintenance Project Account

Policy Issue

Should City Council retroactively approve the expenditure of \$91,549 for the roof replacement at City Park Recreation Center?

Alternative

Do not approve this expenditure as recommended. This alternative is not recommended based on the fact that the roof replacement is already underway, and there is the potential of additional damage. The existing shingled roof has already been removed and there are only temporary measures in place to prevent further damage.

Background Information

In December 2004, the City's Building Operations and Maintenance staff responded to a citizen's report of water pouring into the City Park pool from the ceiling area. Staff contacted D&D Roofing to inspect the roof and to make repairs as necessary. During their initial inspection it was observed that the roof was in very poor condition with major tearing in 18 locations on the flat roof areas, and also that in many of the shingled roof areas there were missing shingles that had been blown off the roof. D&D Roofing provided staff with a quote of \$39,500 to repair the roof and \$49,460 to replace the roof. At that time staff decided to contract with D&D Roofing to replace the roof.

The original City Park Recreation Center roof had a 10 year material warranty, and the original roof has been in place for 19 years. At the time that the leak was discovered the roof was in need of replacement, and the building was in danger of sustaining major damage due to the amount of water leaking through the damaged roof. Considering all of these factors, staff made the decision to move forward to immediately replace the roof.

D&D Roofing was asked to submit a price to remove and replace 7,200 square feet of EPDM ballasted roof and 5,000 square feet of shingled roof. On January 3, the City contracted with D&D Roofing for the emergency roof replacement at City Park Recreation Center Pool for the amount of \$49,460. The roofing company immediately began staging equipment and materials at the site for what was expected to be a regular tear off and replacement project. Shortly thereafter, D&D Roofing company management contacted City staff to discuss what they found beneath the shingles on the pitched roofing areas. At that time, the company suggested contacting a structural engineer to assess what the roofing company felt was major damage to the underlayment and possible roof structure itself.

Staff immediately contacted the firm of Bornengineering, a firm that specializes in exterior building components, roof management, and construction services. Upon receipt of the engineering report, staff once again met with D&D Roofing to review and discuss the additional scope of work that would be needed as outlined in the engineering company's recommendation for both immediate repairs, and additional requirements to prevent future deterioration of the roof components.

Based on the engineering report, it was not possible to assess the total damage beneath the actual roofing material without removing the entire roof. Without being able to assess the extent of the damage beneath the roof, staff made the decision to ask D&D Roofing to submit a not to exceed price based on replacing all plywood sheathing and Styrofoam beneath the actual roof membrane that had already been contracted to be replaced. The \$91,549 cost to repair the roof is a not to exceed price and the actual final cost may be less once the roof membrane has been removed and the exact extent of the damage can be assessed.

Staff has used the services of D&D Roofing in the past to replace the roof at the former 76th Ave. Library (now the Community Reach Center). Staff was very satisfied with the roof replacement, including the timely manner for completing the work.

To ensure that D&D Roofing had not inflated any of the costs associated with the additional scope of work, staff contacted two other roofing companies, and asked for them to submit quotes based on the Bornengineering report.

The quotes were as follows:

B&M Roofing of Boulder	\$ 99,540
Alpine Roofing Company Inc.	\$102,000 - \$106,500

Based on these price quotes, Staff has determined that the price quoted by D&D is appropriate. The projected completion date for this project is March 1, 2005, depending on weather.

Respectfully submitted,

J. Brent McFall
City Manager

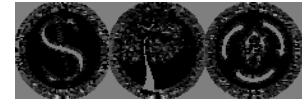


Agenda Item 11G

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: Resolution No. 11 re Acquisition of Farmers Reservoir and Irrigation Company (FRICO) Marshall Division Shares

Prepared By: Bob Krugmire, Water Resources Engineer
Dan Strietelmeier, Water Resources Engineering Coordinator
Mike Happe, Water Resources and Treatment Manager

Recommended City Council Action

Adopt Resolution No. 11 authorizing the acquisition of 14.04 shares of FRICO Marshall Division stock, and the use of the City's eminent domain power, if necessary.

Summary Statement

- Staff has determined that an irrigation lateral on the property to be developed at 144th and I-25 by Forest City Development pursuant to a Final Development Agreement with the Westminster Economic Development Authority (WEDA) currently is used to carry 14.04 FRICO Marshall Division shares for irrigation purposes east of Interstate 25.
- The water from the shares will be incorporated into the City's integrated water supply system.
- City Staff will conduct good faith negotiations with the current owners of these water shares based on recent purchases of FRICO Marshall Division shares by other municipalities.
- If condemnation becomes necessary, WEDA could be expected to join the action as a co-petitioner.
- FRICO has previously agreed to abandon this lateral in the event the City acquires these water shares, since the lateral will no longer be needed to carry this water.
- Acquiring these shares will serve the dual public purpose of increasing the City's water supply, and furthering the I-25 / 144th Avenue project.
- State laws specifically authorizes the City to cooperate with WEDA in furthering the I-25 / 144th project.

Expenditure Required: \$ 0 at this time; loss of shares to be determined

Source of Funds: Raw Water Purchases Capital Improvement Project Account

Policy Issue

Should Westminster City Council authorize a Resolution allowing condemnation of water shares?

Alternative

The City could choose to not acquire the shares and leave the irrigation lateral ditch in place for conveyance of the water, thereby compromising the Forest City Development plan, and losing an opportunity to increase the City's water supply.

Background Information

City Staff has provided an intent to acquire notice and proposed purchase documents to the current owner for his review. There is a thirty day window for response that expires on March 1, 2005, after which time the City will move forward with condemnation proceedings should the owner refuse to respond to the City's offer to purchase. City Staff will continue to negotiate in good faith with the owner of these shares; however, if the acquisition of these shares by mutual agreement is unsuccessful, the City's legal counsel will move forward with an eminent domain action pursuant to the terms of the attached resolution.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **11**

INTRODUCED BY COUNCILMEMBERS

SERIES OF 2005

A RESOLUTION AUTHORIZING THE ACQUISITION OF WATER SHARES, AND THE USE OF EMINENT DOMAIN, IF NECESSARY, IN FURTHERANCE OF THE I-25/144TH AVENUE REDEVELOPMENT PROJECT AND THE CITY'S WATER SUPPLY

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to obtain the water shares described in Exhibit A to provide for additional augmentation and return flow water; and

WHEREAS, the acquisition of said shares will also further the I-25/144th Avenue urban renewal project; and

WHEREAS, municipal public purposes exist to acquire the water shares; and

WHEREAS, a market analysis has been performed to determine the fair market value for these shares; and

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

WHEREAS, legal counsel for the City of Westminster has advised that the City may exercise its right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of the water shares described in this resolution is commenced, immediate possession by the City will be necessary for the public health, safety and welfare.

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 water shares.

2. City Staff is authorized to cause and shall cause negotiations to be initiated to acquire the water shares identified in Exhibit A on the basis of the above-mentioned market analysis, 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 water shares consistent with applicable law, including the execution of all documents necessary to complete these purchases. Prior negotiations by City Staff to acquire the water shares are hereby ratified.

3. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the interests in question, including proceeding with condemnation of the interests 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 interests 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 a court order allowing immediate possession of the interests.

4. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the interests in question, 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.

5. If necessary to accomplish the purposes of this acquisition, the City Manager is hereby authorized to amend the descriptions of the shares to be acquired and the nature of the interests to be acquired.

PASSED AND ADOPTED this 14th day of February, 2005.

ATTEST:

City Clerk

Mayor



Agenda Item 11 H

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 14, 2005



SUBJECT: IGA with WEDA to Advance Funds for expenses related to public improvements in the North Huron Urban Renewal Area

Prepared By: Bob Smith, Treasury Manager
Alan Miller, Senior Project Manager

Recommended City Council Action

Authorize the Mayor to execute an Intergovernmental Agreement with the Westminster Economic Development Authority (WEDA) to advance up to \$3,000,000 through the use of short-term cash in the General Capital Improvements Fund for expenses related to public improvements in the North Huron Urban Renewal Area with repayment to the City no later than December 31, 2005.

Summary Statement

- The City of Westminster (City) and the Westminster Economic Development Authority (WEDA) have been engaged in activities to redevelop areas within the North Huron Urban Renewal Area, specifically to support the Orchard At Westminster and other commercial development within the area.
- WEDA anticipates issuing bonds in mid-April 2005 to finance a part of the public improvements in the North Huron Urban Renewal Area. The WEDA Board approved on November 8, 2004 a Reimbursement Resolution that will allow WEDA to reimburse itself from proceeds of future bond issuance for any capital expenses it might incur for this project prior to issuing the bonds.
- In advance of issuing bonds WEDA must incur expenses related to infrastructure projects in the URA, including but not limited to the widening of Huron Street and the construction of the 144th Ave I-25 interchange.
- The General Capital Improvement Fund has sufficient cash to advance to WEDA the cash it needs without negatively impacting capital projects.
- The advance is the most cost effective way to cash flow the capital expenses related to the public improvements in the North Huron area.

Expenditure Required: \$3,000,000 (to be reimbursed)

Source of Funds: General Capital Improvement Fund Cash

Policy Issues

Should the City advance WEDA \$3.0 million so that WEDA can use the funds to begin work on public improvements in the North Huron Urban Renewal Area?

Alternatives

1. Do not enter into an Intergovernmental Agreement with WEDA to advance WEDA the funds to make pay for initial work on public improvement projects. This is not recommended for the following reasons:
 - If this advance is not made, the public improvements needed to support the commercial development may delay the opening of the Orchard At Westminster beyond the planned time of the Fall 2006.
 - Delay in opening the commercial development will lengthen the time before WEDA receives tax increment income that is necessary to support debt service on any tax increment funding it undertakes.
2. Secure advance funding from another source. This is not recommended for the following reasons:
 - The City can loan the funds to WEDA at no cost in fees and for very little interest, given its low cost of capital. The City has the cash to lend to WEDA.
 - Borrowing on a short-term basis from banks might cost between \$25,000 and \$40,000 in loan origination costs and interest over the expected 60 – 90 period WEDA might need short-term cash to pay for project expenses.

Background Information

Work on developing certain areas within the North Huron Urban Renewal Area has been underway for more than a year.

- Actions taken to-date include:
 - On January 26, 2004, the City Council approved an Urban Renewal Plan for the North Huron Urban Renewal Area (North Huron URA) under the Colorado Urban Renewal Law.
 - On December 13, 2004, the City Council and WEDA Board authorized the City Manager and Executive Director respectively to execute the Final Development Agreement with Forest City Commercial Group, Inc to develop a 213 acre parcel of land in the North Huron URA (the Orchard At Westminster).
 - On December 30, 2004 WEDA, the City and Forest City signed the Final Development Agreement.
 - On January 18, 2005 staff signed a Letter of Interest (“term sheet”) with DEPFA Bank concerning the bank’s providing a liquidity facility to WEDA to credit enhance the Authority’s issuance of bonds to finance public infrastructure in the North Huron URA.

It is necessary to begin some work on the public improvements prior to WEDA issuing bonds. This might include but is not limited to continuing design and construction engineering, purchasing Right-of-Way, or under-grounding existing utilities.

SUBJECT: Intergovernmental Agreement with WEDA to Advance Funds for public improvement projects in the North Huron Urban Renewal Area Page 3

Staff and WEDA's investment banker are currently reviewing and negotiating the final terms and conditions for this Facility. WEDA anticipates issuing about \$74.0 million in tax increment financing sometime in mid-April. On November 8, 2004 WEDA Board approved a reimbursement resolution whereby WEDA would be able to incur capital expenses related to the project in advance of the Authority issuing bonds with such expenses being reimbursed at the time the bonds are issued. While this will allow WEDA to incur capital expenses now and reimburse itself later from bond proceeds, WEDA does not have sufficient cash to pay for the work anticipated to occur prior to issuing bonds. Therefore, it necessary to find another source of cash to permit Staff to proceed with critical initial expenditures to get the public improvement projects under way.

The City has sufficient cash in the General Capital Improvement Fund to advance WEDA the needed money on a short term basis. This cash is available because some of the projects for which funds were appropriated in 2005 will not start until later in the fiscal year. By that time WEDA will have issued bonds and repaid the General Capital Improvement Fund.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF WESTMINSTER
AND THE WESTMINSTER ECONOMIC
DEVELOPMENT AUTHORITY**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into this _____ day of February, 2005, by and between **THE CITY OF WESTMINSTER**, a home-rule municipal corporation ("City") and the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY** ("Authority").

WHEREAS, the City is a Colorado home-rule municipality with all the powers and authority granted pursuant to Article XX of the Colorado Constitution and its City Charter; and

WHEREAS, the Authority is a Colorado urban renewal authority, with all the powers and authority granted to it pursuant to part 1 of Article XXV of Title 31, Colorado Revised Statutes; and

WHEREAS, pursuant to Article XIV of the Colorado Constitution, and part 2 of Article I of Title 29, Colorado Revised Statutes, the City and the Authority are authorized to cooperate and contract with one another to provide any function, service, or facility lawfully authorized to each governmental entity; and

WHEREAS, pursuant to section 31-25-112 of the Colorado Urban Renewal Law, the City is specifically authorized to do all things necessary to aid and cooperate with the Authority in connection with the planning or undertaking of any urban renewal plans, projects, programs, works, operations, or activities of the Authority, and to enter into agreements with the Authority respecting such actions to be taken by the City; and

WHEREAS, the City and WEDA are parties to a certain Agreement of Cooperation dated November 11, 1991, and a "1997 Cooperation Agreement" dated December 15, 1997, concerning the redevelopment of the Westminster Plaza Urban Renewal Area, as well as future redevelopment projects (the "Cooperation Agreements"); and

WHEREAS, the North Huron Urban Renewal Area is approximately 918 acres of property located at approximately 124th Avenue to 150th Avenue generally between Huron Street and I-25 in the City of Westminster; and

WHEREAS, on January 26, 2004, the Westminster City Council adopted an Urban Renewal Plan for the North Huron Urban Renewal Area pursuant to the Colorado Urban Renewal Law; and

WHEREAS, WEDA and the City are parties to a Final Development Agreement with a Developer, Forest City Commercial Group, Ltd to develop 213 acres of land in the Urban Renewal Area; and

WHEREAS, WEDA and the City now wish to cooperate in expediting the completion of public improvements within the Urban Renewal Area.

NOW, therefore, the parties agree as follows:

1. The City agrees to provide up to \$3,000,000 in funds necessary to complete the payments to selected property owners under the terms of the contracts with the individual property owners.
2. The Authority shall hold such funds in an interest-bearing account and shall be responsible for making the purchase price payments when due pursuant to the contracts with the property owners; however, the repayment to the City shall be without interest.
3. The Authority agrees to repay the City the funds provided to the Authority pursuant to paragraph 1 above not later than December 31, 2005.

CITY OF WESTMINSTER

**WESTMINSTER ECONOMIC
DEVELOPMENT AUTHORITY**

By: _____
Nancy McNally, Mayor

Nancy McNally, Chairperson

Attest:

Attest:

Michele Kelley, City Clerk

Secretary



WESTMINSTER

COLORADO

Agenda Memorandum

Agenda Item 11I

City Council Meeting
February 14, 2005



SUBJECT: Resolution No. 12 re the Heffley and Guildner Property Remediation

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action:

Adopt Resolution No. 12 providing funding to the Westminster Housing Authority (WHA) to assist in the environmental remediation and demolition of dilapidated structures on the Heffley and Guildner properties at 69th Avenue and King Street.

Summary Statement

- In 2001, the City was awarded a Brownfields grant from the U.S. Environmental Protection Agency (EPA) to assess and plan for the cleanup of contaminated property in south Westminster.
- In 2002, the City found environmental contaminants on the “Guildner” and “Heffley” properties along Little Dry Creek, and proceeded to negotiate a cleanup and acquisition of the properties.
- In the Fall 2002, the City was awarded a grant of \$1.0 million from EPA, through the Colorado Brownfields Revolving Loan Fund (CBRLF), to provide loans for environmental cleanup efforts.
- Per Council approval, the City acquired the 4.7 acre “Guildner” parcel, and agreed to defer structural demolition and environmental cleanup until a Voluntary Cleanup Plan (VCUP) was approved by the State for both the Guildner and adjoining Heffley site.
- Per an approved agreement, Weston Solutions partnered with the Westminster Housing Authority (WHA) to acquire the Heffley property and prepared plans for remediation of both properties.
- The WHA took possession of the Heffley property in August 2004 upon the State approving the VCUP, and proceeded to negotiate a loan for cleanup from the CBRLF.
- The total cost for remediation and demolition of both sites is estimated at \$553,194, with another \$35,000 for contingency and State required environmental assessment and VCUP work.
- The CBRLF approved a cleanup loan of \$390,000 to the WHA leaving a balance of \$198,194 in cost to be picked up by the WHA and/or City.
- The cleanup of the contamination and removal of the structures will alleviate public health and safety issues that have plagued the property for years, and position the land to become part of a future community park along Little Dry Creek adjacent to the forthcoming transit redevelopment.
- The Urban Drainage and Flood Control District may provide about \$65,000 as reimbursement for the land acquisition.

Expenditure Required: \$198,194 with possible \$65,000 reimbursement from the Urban Drainage and Flood Control District

Source of Funds: 2005 General Capital Improvements Fund-South Westminster Revitalization Project

SUBJECT: Resolution No. re the Heffley and Guildner Property Remediation

Policy Issue(s)

Should the City provide financial support to the WHA to assist in the cleanup of blighted property purchased and currently owned by the WHA?

Alternative(s)

The City Council could choose not to provide financial assistance to the WHA thus requiring the WHA to fully fund the cleanup of both City-owned and WHA-owned property. Staff recommends this alternative not be considered as the WHA does not have the financial capacity to fill the entire financial gap between the cleanup cost and the loan being provided by the CBRLF. Thus, the WHA would either have to choose to not proceed with the project or cleanup only a portion of the land thereby keeping the property as a hazard to public health and safety, which in turn would put the WHA and City at continued risk.

Background Information

Improving the southern gateways into the City of Westminster is a priority strategy within the South Westminster Strategic Revitalization Plan, approved by City Council in 2000. Upon entering Westminster from the south along Lowell Boulevard, residents and visitors are exposed to a view of unappealing, blighted conditions. A similar experience applies to persons either biking or walking the Little Dry Creek trail through this same section. A significant number of the properties along these corridors are currently located within unincorporated Adams County, and are home to such uses as storage yards, auto salvage yards, and other low-grade industrial uses. The Heffley property and the Guildner property were two such sites falling within these uses until such time as the City and WHA acquired the properties.

In conjunction with the South Westminster revitalization effort and the Brownfield's initiative, Staff has pursued developer interest for a number of redevelopment sites, one of which included the Lowell Boulevard corridor. These inquiries peaked the interest of a number of residential developers interested in pursuing a project in the area. While expressing an interest, the developers also noted several issues requiring further attention by the City prior to further consideration, those being:

- Land assemblage and annexation of properties into the City of Westminster;
- Identification and remediation of environmental contaminants;
- Demolition and removal of dilapidated structures; and,
- City ability to provide supporting water, sewer, and drainage infrastructure.

In response to these requests, Staff proceeded to conduct environmental assessments on three properties identified in a Phase I assessment as having potential for contamination. Upon permission of the three property owners, Phase II assessments were conducted on the Guildner, Heffley and Heitman owned properties. The assessments found that both the Guildner and Heffley sites had some level of contamination. No contamination was immediately detected on the Heitman site. In addition to the environmental contamination of the two sites, all three properties contribute to flooding conditions in the area given the location of existing structures and various land uses related to the outdoor storage of equipment and material within the 100-year floodplain.

In the process of gaining the property owners' approval to conduct Phase II assessments as part of the City's Brownfield's Pilot project, the Guildner and Heffley families offered to sell their properties to the City. Accordingly, the City did purchase the Guildner property and proceeded with limited cleanup of soil contaminants. The existing structures were not immediately removed as Staff hoped to demolish all of the buildings on both the Guildner and Heffley parcels simultaneously. Upon

SUBJECT: Resolution No. ___ re the Heffley and Guildner Property Remediation

approval of the WHA Board, the Heffley property was also acquired for \$110,000. Upon securing the Heffley property, the WHA and City proceeded to prepare a VCUP to identify and get State approval for the remediation and structural demolition.

In 2002, the City received a \$1.0 million grant from EPA for the purposes of establishing a loan pool for environmental cleanup within the City. Per a cooperative agreement with EPA, the City's grant award was deposited with the CBRLF, to which the City became a member organization. As a member of the CBRLF, the City and its partners are eligible to take out low interest loans with which to remediate environmentally contaminated properties in accordance with eligibility guidelines. The City has the ability to establish the terms and conditions of the loan.

Given the opportunity to use a CBRLF loan on the Guildner/Heffley remediation cleanup, the WHA authorized an agreement with Weston Solutions, Inc. to proceed with preparing a loan application with the CBRLF. Based upon consultations with the State Health Department, which is the regulatory agent for the CBRLF, a cleanup plan and associated cost estimate was prepared and presented to the CBRLF for consideration. The plan as prepared includes the following elements:

- Removal of four buildings located on the Guildner property including the solid waste digester building and automotive shop, a pump house, and a house that burned into a pile of contaminated rubble;
- Removal of one permanent automotive shop structure on the Heffley Property and a burned out mobile home;
- Removal of buried automobiles and automotive parts;
- Removal of debris, sludge and contaminants within the digester buildings;
- Removal of stained soils; and,
- Grading and temporary improvement to bicycle trail where trail currently is non-existent.

The total cost for remediation, structural demolition and removal, and additional "assessment" work is estimated at \$553,194. Of this amount the CBRLF determined that about \$390,000 of the work is eligible for use of the CBRLF loan. All of the soil and asbestos remediation was determined eligible, which includes the grading work. Further, removal of five of the six structures was determined as eligible given their past history of use. The digesters were actively used to process sewerage, two of the structures burned-down causing a release of asbestos, and one of the automotive shops was used as a meth-lab. The second auto shop was not determined an eligible removal, but could become eligible in the event an environmental condition is found at the demolition occurs. Thus, the WHA/City would need to contribute \$163,194 towards the structural demolition and removal.

It is estimated that another \$35,000 is required to provide a contingency for unanticipated costs and cover the additional expenditures related to follow-up assessments. This will need to be funded from City or WHA sources. This potential additional cost could result from the State's continued insistence that more testing be done to confirm contaminants within the digester building that would make its removal eligible under the CBRLF guidelines.

The acquisition and cleanup of both sites, when completed, will have cost the WHA and City about \$948,194 in total, of which \$360,000 has already been expended on the two acquisitions. This amounts to a cost of \$3.29 per square foot of property acquired. It is expected that developable land around the transit station will approach values of between \$5-10 per square foot in the future.

The CBRLF has approved a loan for \$390,000 to be used towards the remediation and structural demolition and removal. The following terms and conditions were approved:

SUBJECT: Resolution No. ___ re the Heffley and Guildner Property Remediation

- The loan amount is set at \$390,000. If additional funds are needed or efforts unearth other environmental conditions, the loan amount may be increased;
- The interest is set at 2% fixed rate;
- The loan would be amortized over a 20 year period;
- No payment would be made in first two years. Annual payments of about \$24,000 would begin in 2007;
- A balloon payment of about \$260,000 would be due in 2015. The WHA would have the ability to restructure repayment of the balance due if so desired; and,
- The loan can be prepaid without penalty.

WHA would assume responsibility for repayment of the CBRLF loan. Upon completion of the cleanup work and acceptance by the State of Colorado, the WHA would convey the property to the City thereby allowing the City to seek reimbursement from Urban Drainage.

Given the flooding conditions of the immediate area and a lack of funds to “improve” the drainage channel, the Urban Drainage and Flood Control District has been working with both Adams County and the City of Westminster to gradually purchase properties within the Little Dry Creek floodplain between Lowell and Federal Boulevards. Accordingly, both the Heffley and Guildner parcels are eligible for matching funds for acquisition from the District. The City has already received \$75,000 from the District relative to the Guildner acquisition, and upon completing demolition of the structures on the property will receive a balance due of \$25,000. Upon completing cleanup and demolition on the Heffley site, Staff would also pursue funding from the District relative to the acquisition. Per an established formula, the District could contribute up to 50% of the land acquisition cost for that portion of the property (approximately two-thirds) located within the floodplain. Based on this formula and assuming a purchase value from Weston Solutions, Inc. of \$110,000, Staff estimates the District contribution could be about \$40,000. Given the District’s past working relationship with the City, Staff is optimistic the District will contribute funding towards the acquisition.

By proceeding with the cleanup of these properties, the City will be better able to pursue prospective developers for the area adjacent to Little Dry Creek and the south Westminster transit oriented redevelopment area immediately north of the adjacent railroad tracks. Several prospective homebuilders have indicated an interest in pursuing a project in the immediate area at such time that some of the blighted conditions are remedied.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

A RESOLUTION

RESOLUTION NO. **12**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

A RESOLUTION CONCERNING THE CITY'S PARTICIPATION WITH THE WESTMINSTER HOUSING AUTHORITY RELATIVE TO THE ENVIRONMENTAL REMEDIATION AND STRUCTURAL DEMOLITION UPON PROPERTY REFERRED TO AS THE HEFFLEY/GUILDNER SITE AT 69TH AVENUE AND KING STREET.

WHEREAS, the City of Westminster (CITY) has a responsibility to protect the public health, safety and welfare of the community; and,

WHEREAS, the property referred to as the Heffley/Guildner site (SITE), more specifically shown in Appendix A, attached hereto as reference, has known environmental contaminants requiring remediation, and abandoned buildings that are structurally unsafe and a haven for undesirable, unsanitary, and illegal activity; and,

WHEREAS, the City has expended significant resources to conduct environmental assessment of the property in anticipation of remediation and demolition activity; and,

WHEREAS, the City has received approval from the State of Colorado relative to moving forward with the environmental remediation and structural demolition in accordance with an accepted Voluntary Cleanup Plan (VCUP); and,

WHEREAS, the Westminster Housing Authority (WHA) has agreed to undertake the cleanup at an estimated cost of \$588,194 on behalf of the City, and has arranged to secure and repay a loan in the amount of \$390,000 from the Colorado Brownfields Revolving Loan Fund (CBRLF) for the purposes of providing a substantial portion of the funding required to fulfill the cleanup relative to the approved VCUP; and,

WHEREAS, the City desires to assist the WHA in its endeavor to cleanup the property by providing funding of up to \$198,194 to cover the balance of the cleanup cost.

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

1. The City agrees to expend up to \$198,194 in funds from the South Westminster Revitalization Projects account of the City's General Capital Improvements Project Fund, to be used towards environmental remediation and structural demolition upon the Heffley/Guildner Site.
2. Such City funds shall be expended only at such time the \$390,000 in proceeds from the CBRLF has been fully expended by the Westminster Housing Authority.
3. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

PASSED AND ADOPTED this 14th day of February 2005.

Mayor

Attest:

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, February 14, 2005. Mayor McNally, Councillors Davia, Dittman, Dixon, , Kauffman, and Price were present at roll call. Councillor Hicks was absent

The minutes of the January 24, 2005 meeting were approved.

Council approved the following: Sherwood Park Renovation Construction Contract; Huron Street Improvements – Change Order for 16 Inch Water Main; Huron Street, 140th-150th Avenue–Authorization of Expenditures; Emergency Management Performance Grant; 2005 Great Outdoors Colorado Grant Applications; Willowbrook Park Renovation Contract Award; Purchase of Gasoline and Diesel Fuel for City Vehicles; Purchase of City Staff Car and Patrol Vehicles; Outside Legal Assistance for Pension Plan Trust Documents; Award of Asphalt Materials Bid; 2005 Water Meter Purchases 2005 Wastewater Collection System Maintenance Contract; Emergency Roof Replacement at City Park Recreation Center and IGA to Repay Capital General Fund for North Huron URA Project Expenses

Judge Stipech swore into office the new City Clerk, Linda Yeager.

Council accepted the ICMA Certificate of Distinction for Performance Measures

The following Councillors' Bills were passed on first reading:

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL AND SALES AND USE TAX FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS. Purpose : Neighborhood Traffic Enforcement

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS. Purpose: 4th Qtr Supplemental Appropriation

The following Councillors' Bills were adopted on second reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING CRIMINAL TAMPERING.

A BILL FOR AN ORDINANCE AMENDING TITLE III OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE POLICE DEPARTMENT.

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND.

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND.

The following Resolutions were adopted:

Resolution No. 8 re Neighborhood Traffic Enforcement

Resolution No. 9 re IGA re State Historical Fund Grants

Resolution No. 10 re 144th and I-25 Interchange Right-of-Way Acquisitions

Resolution No. 11 re Acquisition of FRICO/Marshall Division Shares

Resolution No. 12 re Heffley and Guildner Property Remediation

At 7:39 p.m. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on February 24, 2005

SERIES OF 2005

INTRODUCED BY COUNCILLORS

Kauffman - Dittman

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Adams, State of Colorado; and

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

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 4 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situate, lying and being in the County of Adams, State of Colorado, to wit:

A parcel of land in the northwest of Section 33, Township 1 South, Range 68 west of the Sixth Principal Meridian in the County of Adams, State of Colorado more particularly described as follows;

Commencing at the north quarter corner of said section from whence the center quarter corner of said section bears S00°28'09"E, 2638.65 feet as referenced on the City of Westminster GIS Survey Plats, the line of which all bearings hereon are based. Thence along said line, said line is the west line of that tract of land annexed to the City of Westminster as recorded at File 12, Map 262 of the records of the Adams County Clerk and Recorder S00°28'09"E, 30.00 feet to the true point of beginning;

Thence continuing along said line S00°28'09"E, 1289.83; thence continuing along said annexation line S89°28'00"W, 40.00 feet to the southeast corner of the Egging Annexation to the City of Westminster as recorded at Reception number C0397605 of said records, said point being on the west line of Pecos Street; thence along said west line and along the east line of said annexation N00°28'09"W, 417.50 feet to the southeast corner of that tract of land described at Reception Number C1240026 of said records; thence along the east line of said tract N00°28'09"W, 497.70 feet; thence along the north line of said tract S89°18'48"W, 377.50 feet to a point on the easterly line of that tract of land annexed to the City of Westminster as recorded at File 14, Map 32, Reception Number 956482 of said records; thence along said easterly line N00°28'09"W, 374.52 feet to a point on the south line of east 128th Avenue, a point on the south line of that tract of land annexed to the City of Westminster as recorded at File 17, Map 850, Reception Number C0397605 of said records; thence along said south line N89°18'48"E, 417.50 feet to the true point of beginning; Said property contains 156361 square feet or 3.5869 acres more or less.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. 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 24th day of January, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

NOW THEREFORE, the City Council hereby finds that the required procedures for amending the Comprehensive Land Use Plan as delineated in the Westminster Municipal Code have been satisfied.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the McGuire annexation property, legally described as follows:

A parcel of land in the northwest of Section 33, Township 1 South, Range 68 west of the Sixth Principal Meridian in the County of Adams, State of Colorado more particularly described as follows;

Commencing at the north quarter corner of said section from whence the center quarter corner of said section bears S00°28'09"E, 2638.65 feet as referenced on the City of Westminster GIS Survey Plats, the line of which all bearings hereon are based. Thence along said line, said line is the west line of that tract of land annexed to the City of Westminster as recorded at File 12, Map 262 of the records of the Adams County Clerk and Recorder S00°28'09"E, 30.00 feet to the true point of beginning;

Thence continuing along said line S00°28'09"E, 1289.83; thence continuing along said annexation line S89°28'00"W, 40.00 feet to the southeast corner of the Egging Annexation to the City of Westminster as recorded at Reception number C0397605 of said records, said point being on the west line of Pecos Street; thence along said west line and along the east line of said annexation N00°28'09"W, 417.50 feet to the southeast corner of that tract of land described at Reception Number C1240026 of said records; thence along the east line of said tract N00°28'09"W, 497.70 feet; thence along the north line of said tract S89°18'48"W, 377.50 feet to a point on the easterly line of that tract of land annexed to the City of Westminster as recorded at File 14, Map 32, Reception Number 956482 of said records; thence along said easterly line N00°28'09"W, 374.52 feet to a point on the south line of east 128th Avenue, a point on the south line of that tract of land annexed to the City of Westminster as recorded at File 17, Map 850, Reception Number C0397605 of said records; thence along said south line N89°18'48"E, 417.50 feet to the true point of beginning; Said property contains 156,361 square feet or 3.5869 acres more or less.

The properties described above shall be changed from Unincorporated, to Public Open Space, as shown on the attached "Exhibit A".

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 24th of January, 2005. PASSED, ENACTED ON SECOND READING, AND FULL
TEXT ORDERED PUBLISHED this 14th day of February, 2005.

SERIES OF 2005

INTRODUCED BY COUNCILLORS

Kauffman - Dittman

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., 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-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 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 Section 11-5-3.
- 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 from Adams County A-2 to City of Westminster O-1. A parcel of land located in Section 33, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

A parcel of land in the northwest of Section 33, Township 1 South, Range 68 west of the Sixth Principal Meridian in the County of Adams, State of Colorado more particularly described as follows;

Commencing at the north quarter corner of said section from whence the center quarter corner of said section bears S00°28'09"E, 2638.65 feet as referenced on the City of Westminster GIS Survey Plats, the line of which all bearings hereon are based. Thence along said line, said line is the west line of that tract of land annexed to the City of Westminster as recorded at File 12, Map 262 of the records of the Adams County Clerk and Recorder S00°28'09"E, 30.00 feet to the true point of beginning;

Thence continuing along said line S00°28'09"E, 1289.83; thence continuing along said annexation line S89°28'00"W, 40.00 feet to the southeast corner of the Egging Annexation to the City of Westminster as recorded at Reception number C0397605 of said records, said point being on the west line of Pecos Street; thence along said west line and along the east line of said annexation N00°28'09"W, 417.50 feet to the southeast corner of that tract of land described at Reception Number C1240026 of said records; thence along the east line of said tract N00°28'09"W, 497.70 feet; thence along the north line of said tract S89°18'48"W, 377.50 feet to a point on the easterly line of that tract of land annexed to the City of Westminster as recorded at File 14, Map 32, Reception Number 956482 of said records; thence along said easterly line N00°28'09"W, 374.52 feet to a point on the south line of east 128th Avenue, a point on the south line of that tract of land annexed to the City of Westminster as recorded at File 17, Map 850, Reception Number C0397605 of said records; thence along said south line N89°18'48"E, 417.50 feet to the true point of beginning; Said property contains 156,361 square feet or 3.5869 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.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of January, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.

SERIES OF 2005

INTRODUCED BY COUNCILLORS

Davia - Dixon

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING
CRIMINAL TAMPERING

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, Chapter 3, W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW SECTION to read as follows:

6-3-12: CRIMINAL TAMPERING:

(A) IT SHALL BE UNLAWFUL FOR A PERSON TO COMMIT THE CRIME OF CRIMINAL TAMPERING. A PERSON COMMITS THE CRIME OF CRIMINAL TAMPERING IF THE PERSON KNOWINGLY TAMPERS WITH PROPERTY OF ANOTHER WITH THE INTENT TO CAUSE INJURY, INCONVENIENCE, OR ANNOYANCE TO THAT PERSON OR TO ANOTHER WHETHER OR NOT INJURY OR DAMAGE HAS OCCURRED.

(B) CRIMINAL TAMPERING IS A CRIMINAL OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, AS PROVIDED IN SECTION 1-8-1 OF THIS CODE.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. 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 24th day of January, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.

SERIES OF 2005

INTRODUCED BY COUNCILLORS
Dittman - Kauffman

A BILL FOR AN ORDINANCE AMENDING TITLE III OF THE WESTMINSTER MUNICIPAL
CODE CONCERNING THE POLICE DEPARTMENT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 3-1-4, W.M.C., is hereby AMENDED to read as follows:

3-1-4: DUTIES OF POLICE DEPARTMENT PERSONNEL:

(A) It shall be the duty of all personnel assigned to the Police Department to actively support and strive to achieve the department's targeted GOALS AND objectives, as set forth by the Chief of Police.

~~(B) In addition to the duty set forth in Subsection (A) of this Section, sworn personnel shall have the authority to enforce the provisions of this Code and the City Charter and shall have the authority granted to them pursuant to the Colorado Revised Statutes.~~

~~(C)~~(B) It shall also be the duty of police department personnel, who have enforcement authority, to enforce the law in a fair and ~~impartial~~ REASONABLE manner, recognizing both the statutory and judicial limitations of police authority, and the constitutional rights of all persons.

Section 2. Title 3, Chapter 1, W.M.C., is hereby amended BY THE ADDITION OF NEW SUBSECTIONS to read as follows:

3-1-5: PEACE OFFICER: A PERSON WHO MEETS ALL STANDARDS IMPOSED BY LAW ON A PEACE OFFICER IS A PEACE OFFICER, AND, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PERSON OTHER THAN A PERSON DESIGNATED IN THIS MUNICIPAL CODE IS A PEACE OFFICER. AT A MINIMUM, A PEACE OFFICER HAS AUTHORITY TO ENFORCE THE WESTMINSTER MUNICIPAL CODE, AS DIRECTED, WHILE ACTING WITHIN THE SCOPE OF HIS OR HER AUTHORITY AND IN THE PERFORMANCE OF HIS OR HER DUTIES.

3-1-6: POLICE OFFICER:

(A) A POLICE OFFICER, INCLUDING THE CHIEF OF POLICE, DEPUTY CHIEFS, COMMANDERS, SERGEANTS, AND SENIOR POLICE OFFICERS, IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO SHALL BE CERTIFIED BY THE PEACE OFFICERS STANDARDS AND TRAINING BOARD PURSUANT TO STATE STATUTE.

(B) IN ADDITION TO THE AUTHORITY SET FORTH IN SUBSECTION (A) OF THIS SECTION, POLICE OFFICERS SHALL HAVE THE AUTHORITY TO ENFORCE THE PROVISIONS OF THIS CODE AND THE CITY CHARTER AND SHALL HAVE THE AUTHORITY GRANTED TO THEM PURSUANT TO THE COLORADO REVISED STATUTES.

(C) POLICE OFFICERS SHALL BE SWORN MEMBERS OF THE POLICE DEPARTMENT.

Section 3. Section 3-1-5, W.M.C., is hereby AMENDED to read as follows:

3-1-5 3-1-7: COMMUNITY SERVICE OFFICER PERSONNEL:

(A) There is hereby created the FUNCTIONAL positionS of Community Service Officer PERSONNEL.

(B) The Community Service Officer is PERSONNEL ARE authorized to enforce the provisions of Title X and Chapter 7 of Title VI of this Code THE WESTMINSTER MUNICIPAL CODE.

(C) The Community Service Officer PERSONNEL shall be deemed a peace officerS for the limited purpose of enforcing the provisions delineated in subsection (B), pursuant to Rule 206 of the Municipal Court Rules of Procedure OF THE WESTMINSTER MUNICIPAL CODE. THE COMMUNITY SERVICE PERSONNEL SHALL HAVE THE POWER TO ISSUE COMPLAINTS AND SUMMONSES FOR VIOLATIONS OF WESTMINSTER MUNICIPAL CODE PROVISIONS AND THE MODEL TRAFFIC CODE, PURSUANT TO RULE 206, MUNICIPAL COURT RULES OF PROCEDURE, AND SECTION 1-22-18 OF THIS CODE.

~~(D) The Community Service Officer shall not be deemed a sworn member of the Police Department.~~

Section 4. Section 3-1-6, W.M.C., is hereby AMENDED to read as follows:

~~3-1-6~~ 3-1-8: ANIMAL WARDEN MANAGEMENT PERSONNEL:

(A) There is hereby created the FUNCTIONAL positionS of Animal Warden MANAGEMENT PERSONNEL.

(B) The Animal Warden is MANAGEMENT PERSONNEL ARE authorized to enforce the provisions of Title VI, Chapter 7 of this THE WESTMINSTER MUNICIPAL Code.

(C) The Animal Warden MANAGEMENT PERSONNEL shall be deemed a peace officerS for the limited purpose of enforcing the provisions delineated in Subsection (B), pursuant to Rule 206 of the Municipal Court Rules of Procedure OF THE WESTMINSTER MUNICIPAL CODE. THE ANIMAL MANAGEMENT PERSONNEL SHALL HAVE THE POWER TO ISSUE COMPLAINTS AND SUMMONSES FOR VIOLATIONS OF WESTMINSTER MUNICIPAL CODE PROVISIONS, PURSUANT TO RULE 206, MUNICIPAL COURT RULES OF PROCEDURE, AND SECTION 1-22-18 OF THIS CODE.

~~(D) The Animal Warden shall not be deemed a sworn member of the Police Department.~~

Section 5. Title 3, Chapter 1, W.M.C., is hereby amended BY THE ADDITION OF A NEW SECTION to read as follows:

3-1-9: TRAFFIC ACCIDENT INVESTIGATION PERSONNEL:

(A) THERE IS HEREBY CREATED THE FUNCTIONAL POSITIONS OF TRAFFIC ACCIDENT INVESTIGATION PERSONNEL.

(B) THE TRAFFIC ACCIDENT INVESTIGATION PERSONNEL ARE AUTHORIZED TO ENFORCE THE PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE AND THE MODEL TRAFFIC CODE.

(C) THE TRAFFIC ACCIDENT INVESTIGATION PERSONNEL SHALL BE DEEMED PEACE OFFICERS FOR THE LIMITED PURPOSE OF ENFORCING THE PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE AND THE MODEL TRAFFIC CODE. THE TRAFFIC ACCIDENT INVESTIGATION PERSONNEL SHALL HAVE THE POWER TO ISSUE COMPLAINTS AND SUMMONSES FOR VIOLATIONS OF WESTMINSTER MUNICIPAL CODE PROVISIONS AND THE MODEL TRAFFIC CODE, PURSUANT TO RULE 206, MUNICIPAL COURT RULES OF PROCEDURE AND SECTION 1-22-18 OF THIS CODE.

Section 6. Title 3, Chapter 1, W.M.C., is hereby amended BY THE ADDITION OF A NEW SECTION to read as follows:

3-1-10: LIQUOR INVESTIGATIONS PERSONNEL:

(A) THERE IS HEREBY CREATED THE FUNCTIONAL POSITIONS OF LIQUOR INVESTIGATIONS PERSONNEL.

(B) THE LIQUOR INVESTIGATIONS PERSONNEL ARE AUTHORIZED TO ENFORCE THE PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE, THE COLORADO BEER CODE AND THE COLORADO LIQUOR CODE, C.R.S., TITLE 12.

(C) THE LIQUOR INVESTIGATIONS PERSONNEL SHALL BE DEEMED PEACE OFFICERS FOR THE LIMITED PURPOSE OF ENFORCING THE PROVISIONS DELINEATED IN SUBSECTION (B). THE LIQUOR INVESTIGATIONS PERSONNEL SHALL HAVE THE POWER TO ISSUE COMPLAINTS AND SUMMONSES FOR VIOLATIONS OF WESTMINSTER MUNICIPAL CODE PROVISIONS, PURSUANT TO RULE 206, MUNICIPAL COURT RULES OF PROCEDURE AND SECTION 1-22-18 OF THIS CODE.

Section 6. Section 3-1-7, W.M.C., is hereby AMENDED to read as follows:

~~3-1-7~~ 3-1-11: CODE ENFORCEMENT OFFICER PERSONNEL:

(A) The ~~position of~~ Code Enforcement Officer PERSONNEL[,] previously created in the Department of Community Development[,] ~~is~~ ARE hereby transferred and re-created in the Police Department; provided, however, that Code Enforcement Officer(s) PERSONNEL shall remain in the Department of Community Development, as directed by the City Manager. The Code Enforcement Officer(s) PERSONNEL in the Department of Community Development shall have all the authority established herein, and such duties as the City Manager shall direct.

(B) It shall be the duty of the Code Enforcement Officer PERSONNEL to enforce ~~the provisions of Chapter 5 of Title IV; Chapters 2, 3, 5, 6, 7, 11, 20, and 22 of TITLE V; Sections 5-9-1, 5-9-2, 6-10-2, 6-13-4(C); and 6-13-5(C); Chapters 1, 2, 3, 4, 5, 7, 8, and 10 of Title VIII except Section 8-7-27(D)2; Title IX; Sections 10-1-2(B), 10-1-12 and 10-1-14; Title XI and Chapter 3 of Title XIII of this Code~~ SPECIFIC PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE, AS DIRECTED.

(C) The Code Enforcement Officer PERSONNEL shall be deemed a peace officerS for the limited purpose of enforcing the provisions ~~delineated in Subsection (B) of this section~~ OF THE WESTMINSTER MUNICIPAL CODE. The Code Enforcement Officer PERSONNEL shall have the power to issue complaints and summons for violations of ~~these~~ WESTMINSTER MUNICIPAL CODE provisions, pursuant to Rule 206, Municipal Court Rules of Procedures, and Section 1-22-18 of this Code.

~~(D) The Code Enforcement Officer shall not be deemed to be a sworn member of the Police Department pursuant to Section 3-1-4.~~

~~(E)~~ (D) The transfer of the position of Code Enforcement Officer PERSONNEL from the Department of Community Development to the Police Department shall not affect any action or court proceeding taken or begun by the Code Enforcement Officer PERSONNEL prior to the effective date of this ordinance.

Section 7. Section 3-1-8, W.M.C., is hereby AMENDED as follows:

~~3-1-8~~ 3-1-12: CODE ENFORCEMENT OFFICER PERSONNEL ENTRY UPON PROPERTY:

(A) Right of Entry - Generally:

1. Whenever necessary to make an inspection to enforce any of the provisions ~~listed in Section 3-1-7~~ OF THE WESTMINSTER MUNICIPAL CODE, or whenever a Code Enforcement Officer PERSONNEL ~~has~~ HAVE probable cause to believe that there exists upon any premises any condition which constitutes a violation of the provisions of this eCode, ~~listed in Section 3-1-7,~~ the Code Enforcement Officer PERSONNEL may enter such premises at all reasonable times to inspect the same or to perform any duty imposed on him provided, that, if such premises is occupied, the Code

Enforcement ~~Officer~~ PERSONNEL shall first present proper credentials and request entry and, if such premises is unoccupied, he shall first make a reasonable effort to locate the owner or occupant or other person or persons having charge or control of the premises, and upon locating the owner, occupant or other person or persons shall present proper credentials and request entry. If the owner or occupant cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises. The notice shall state that the property owner has the right to refuse entry and that, in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a Municipal Judge of the City. For purposes of this section, premises is defined as that area outside of a habitable structure.

2. After entry is refused or twenty-four (24) hours after the premises have been posted, the Code Enforcement ~~Officer~~ PERSONNEL may appear before the Municipal Judge and, upon a showing of ~~probably~~ PROBABLE cause, shall obtain a search warrant entitling him to enter upon the premises. Upon presentation of the search warrant and proper credentials, or possession of same in the case of an unoccupied premises, the officer may enter upon the premises using such reasonable force as may be necessary to gain entry therein.

3. For purposes of this subsection, "~~probably~~ PROBABLE cause" exists where the facts and circumstances within the officer's knowledge are sufficient to warrant a man of reasonable caution in the belief that a code violation has been or is being committed. The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular premises in issue in order to obtain a search warrant.

(B) Unlawful resistance: It is unlawful for any owner or occupant of the premises to resist reasonable force used by the officer acting pursuant to this section.

Section 8. This ordinance shall take effect upon its passage after second reading.

Section 9. 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 24th day of January, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.

SERIES OF 2005

INTRODUCED BY COUNCILLORS

Davia - Price

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$270,000 which, when added to the fund balance as of the City Council action on January 24, 2005 will equal \$83,211,554. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of computer lease proceeds.

Section 2. The \$270,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES		Current Budget	Amendment	Revised Budget
Description	Account Number			
Other Financing Source	1000.46000.0000	\$0	<u>\$270,000</u>	\$270,000
Total Change to Revenues			<u>\$270,000</u>	
EXPENSES		Current Budget	Amendment	Revised Budget
Description	Account Number			
Computer Soft/Hard	10010900.75400.0000	\$4,080	<u>\$270,000</u>	\$274,080
Total Change to Expenses			<u>\$270,000</u>	

Section 3. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of January, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.

SERIES OF 2005

INTRODUCED BY COUNCILLORS
Hicks - Price

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$83,211,554 is hereby increased by \$451,425 which, when added to the fund balance as of the City Council action on January 24, 2005 will equal \$83,932,979. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of mobile laptop computer lease proceeds.

Section 2. The \$451,425 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Source	1000.46000.0000	\$270,000	\$451,425	\$721,425
Total Change to Revenues			\$451,425	
EXPENSES Description	Account Number	Current Budget	Amendment	Revised Budget
Computer Soft/Hard	10010900.75400.0000	\$274,080	\$451,425	\$725,505
Total Change to Expenses			\$451,425	

Section 3. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of January, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of February, 2005.