

February 23, 1998  
7:00 PM

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

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
  - A. Proclamation re St Anthony North Hospital
  - B. Proclamation in Remembrance of Leon Wurl
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
  - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
  - A. Mosquito Control Contract
  - B. Bids re Concrete Replacement Projects
9. **Appointments and Resignations**
  - A. Metro Wastewater Reclamation District Board of Directors
10. **Public Hearings and Other New Business**
  - A. Public Hearing re College Hills PUD
  - B. Second Amended PDP for College Hills PUD
  - C. Official Development Plan for College Hills PUD Filing 8
  - D. Heritage at Westmoor Golf Course Club House Contract
  - E. Heritage at Westmoor Clubhouse Restaurant Lease
  - F. Internally Illuminated Street Name Sign Installation
  - G. Resolution No. 12 re 1998 Recovery Contract Interest Rates
  - H. Resolution No. 13 re Rocky Flats Reuse of Buildings/Land Use
  - I. Westmoor Business Park Utilities Expenditure
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
  - A. January Financial Report
  - B. City Council
  - C. Request for Executive Session
    1. OCS Settlement Proposal
    2. Westcliff Real Estate Purchase Update
13. **Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, FEBRUARY 23, 1998 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Dixon to accept the minutes of the meeting of February 9, 1998 with no additions or corrections. Mayor Pro Tem Merkel requested to abstain as she was not present at the meeting. The motion carried with 6 aye votes and Mayor Pro Tem Merkel abstaining.

PRESENTATIONS:

Mayor Heil presented a proclamation to Holly Espranza, Clinical Services Line Director/Women's Children Services of St. Anthony's Hospital, proclaiming February 24 as St. Anthony North Hospital Day in the City in recognition of the hospital being selected as one of the nation's top 100 hospitals.

Mayor Heil, City Manager Bill Christopher and Director of Public Works and Utilities Ron Hellbusch presented a proclamation in Remembrance of Leon A. Wurl to Nancy Wurl and Britt Wurl.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher stated that the first Council meeting in March would be March 2nd due to the National League of Cities legislative meeting.

CITY COUNCIL COMMENTS:

Councillor Smith reported on the Boards and Commissions Brunch held on February 21 and stated it was encouraging to see all the volunteers. Councillor Dixon reported City Staff have met with Kaiser Hill and Department of Energy Staff and Staff has set the agenda for the meeting regarding Rocky Flats to be held in Washington, D.C. Mayor Pro Tem Merkel commented on the Dedication of Bells that was held Saturday and gave special thanks to the donors.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: **Mosquito Management Program Agreement** - Authorize the City Manager to enter into an agreement with Colorado Mosquito Control Inc, for mosquito control services and authorize expenditure not to exceed \$32,400 for Westminster's continued participation in the North-Metro Mosquito Program and charge the expense to the appropriate Parks, Recreation and Libraries General Fund account; **Bids for Concrete Replacement Projects** - Authorize the City Manager to sign a contract for the 1998 Street Improvement Concrete Replacement Project with the low bidder, S&D Construction Co. Inc, in the amount of \$627,069, authorize a \$50,000 contingency amount, and charge the expense to the appropriate 1998 Department of Public Works and Utilities Street Division budget account and the appropriate 1998 General Capital Improvement Fund account for this expense.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the

consent agenda items removed for discussion purposes or separate vote. There was no request.

A motion was made by Atchison and seconded by Allen to adopt the consent agenda items as presented. The motion carried unanimously.

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Merkel and seconded by Dixon to reappoint Alex Iacovetta, Utility Operations Manager, to the Metro Wastewater Reclamation District's Board of Directors with the term of office to be July 1, 1998 through June 30, 2000. The motion carried unanimously.

PUBLIC HEARING RE COLLEGE HILLS SECOND AMENDED PDP/ODP:

At 7:22 P.M. the meeting was opened to a public hearing regarding the Second Amended Preliminary and Official Development plans for College Hills Filing 8, generally located at the Northwest corner of 112th Avenue and Federal Boulevard. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission Recommendation and other related items as exhibits. Steve Hanson, Consultant for College Hills and Tom Hoyt, President of McStain Enterprises were present to address Council. The following citizens addressed Council: Leora Radetsky, 3311-B W. 115th Circle and Mark Neises, 3256 W. 115th Place. At 7:50 P.M. the public hearing was declared closed.

COLLEGE HILLS PUD 2ND AMENDED PRELIMINARY/OFFICIAL DEVELOPMENT PLAN:

A motion was made by Atchison and seconded by Allen to approve the Second Amended Preliminary Development Plan for College Hills PUD which rezones the 30.75 acres to a mixed use residential use, with a density not to exceed 10 dwelling units per acre; and to approve the Official Development Plan for Filing 8 of the College Hills PUD with the following conditions: (a) The City receives a copy of a joint use agreement between the Stratford Lakes Recreation Association and McStain, which states that all future residents of College Hills Filing 8 can use the existing pool and clubhouse, or in the alternative, make arrangements to construct their own pool and clubhouse after review and approval by the City; (b) A statement be added to the Official Development Plan that full pedestrian access easements will be granted for Tracts A and P so that the public has access to the dedicated park site via the trails, and the sledding hill; with the recommendations based on a finding that the proposed Amended PDP and ODP for Filing 8 meets the requirements of Sections 11-2-2, and 11-2-3 of the Westminster Municipal Code, and are in conformance with the Westminster Comprehensive Land Use Plan. The motion carried unanimously.

HERITAGE AT WESTMOOR GOLF COURSE CONSTRUCTION CONTRACT:

A motion was made by Dixon and seconded by Atchison to authorize the City Manager to sign a contract with Neibur Golf, Inc. in the amount of \$3,982,266.36 plus a 5% contingency of \$199,113 for the construction of The Heritage Golf Course; authorize the transfer of \$3,700,000 in POST bond proceeds into the Heritage Golf Course project account in the General Capital Improvement Fund, with these funds to be repaid in May when The Heritage Golf Course financing is completed, and charge the expense to appropriate project account in the General Capital Improvement Fund. The motion carried unanimously.

HERITAGE RESTAURANT LEASE AGREEMENT:

A motion was made by Smith and seconded by Dixon to authorize the City Manager to sign a lease with Albert Gehorsam of the Legacy Grill, LLC, that is substantially the same as the Legacy Grill lease.  
The motion carried unanimously.

INTERNALLY ILLUMINATED STREET NAME SIGNS INSTALLATION:

A motion was made by Scott and seconded by Atchison to authorize the City Manager to execute a contract with the low bidder, Rocky Mountain Signal, Inc, in the amount of \$226,980 for the Installation of Internally Illuminated Street Name Signs within the Westminster Promenade, Westminster Center and Westminster Plaza areas; authorize a total project

budget of \$231,980 which includes \$5,000 for a construction contingency; and charge the expense to the Community Enhancement Project account in the General Capital Improvement Fund. The motion carried unanimously.

RESOLUTION NO. 12 - 1998 RECOVERY CONTRACT INTEREST RATES:

A motion was made by Merkel and seconded by Allen to adopt Resolution No. 12 establishing the 1998 calendar year interest rate for non-City funded public improvement recovery contracts at 10.5 percent and an interest rate of 5.2 percent for City-funded public improvements. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 13 - ROCKY FLATS REUSE OF BUILDINGS/LAND USE:

A motion was made by Dixon and seconded by Allen to adopt Resolution No. 13 which updates Resolution No. 7, Series of 1995, related to the future use of the Rocky Flats Environmental Technology Site after cleanup is complete. Upon roll call vote, the motion carried with 6 aye votes and a dissenting vote by Atchison.

WESTMOOR BUSINESS PARK UTILITIES EXPENDITURES:

A motion was made by Allen and seconded by Merkel to authorize the expenditure of \$800,000 to Westmoor Business Park Ltd. for the purpose of providing the utility infrastructure necessary to serve the Westmoor development area as defined in the Business Assistance Agreement and charge the expense to the Utility Capital Improvement Fund. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for January, 1998.

The Mayor stated there would be an Executive Session concerning the OCS Settlement Proposal, Westcliff Real Estate Purchase update, and negotiations on a real estate venture.

ADJOURNMENT:

The meeting was adjourned at 8:10 P.M.

ATTEST:

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Mayor

\_\_\_\_\_  
City Clerk

**Date:** February 23, 1998  
**Subject:** Proclamation re St Anthony North Hospital  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council is requested to proclaim Tuesday, February 24th as St Anthony North Hospital day in the City of Westminster.

**Summary**

Centura Health - St. Anthony North Hospital has begun the new year by having been selected as one of the nation's top 100 performing hospitals. This recognition is according to the 1997 Top 100 Hospitals Benchmarks for Success study.

The attached Proclamation has been prepared to recognize St. Anthony North Hospital on this prestigious recognition.

This study is conducted annually by HCIA, the industry's most comprehensive source of health care information and the Health Care Provider Consulting practice of William M. Mercer, Incorporated, a leading international human resources firm. The study identifies United States hospitals delivering the most cost efficient and highest quality medical care.

Matt Fulton, Vice President of Operations for Centura Health - St. Anthony Hospitals will be present to accept this proclamation.

**Staff Recommendation**

City Council present Matt Fulton with the proclamation proclaiming February 24th as St. Anthony North Hospital Day in the City of Westminster.

**Background Information**

On February 4th, Centura Health - St. Anthony North Hospital, held an ice cream social to honor the physicians, staff, volunteers and the community for their loyalty and support.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Proclamation

WHEREAS, Centura Health - St. Anthony North Hospital has begun the new year with the prestigious award of being one of the Top 100 Hospitals in the United States for 1997; and

WHEREAS, Centura Health - St. Anthony North Hospital was selected through a study conducted annually by HCIA, the industry's most comprehensive source of health care information; and the Health Care Provider Consulting practice of William M. Mercer, Incorporated, a leading international human resources firm; and

WHEREAS, This study identifies United States hospitals delivering the most cost-efficient and highest quality medical care; and

WHEREAS, To qualify, hospitals have to demonstrate high performance in nine areas that indicate value through high quality outcomes, effective use of resources and efficient provision of care - a balance that HCIA and Mercer have found to be the best combination for long-term stability; and

WHEREAS, Centura Health - St. Anthony North Hospital has several celebratory activities planned to recognize this distinguished award, and to honor the physicians, staff and volunteers.

NOW, THEREFORE, I, Mayor Nancy M. Heil, on behalf of the entire City Council and Staff of the City of Westminster, Colorado, do hereby proclaim Tuesday, February 24, 1998 as

**ST ANTHONY NORTH HOSPITAL DAY**

in the City of Westminster in recognition of Centura Health - St. Anthony North Hospital prestigious recognition of the 1997 Top 100 Hospitals.

Signed this 23rd day of February, 1998.

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Nancy M. Heil, Mayor

**Date:** February 23, 1998  
**Subject:** Proclamation in Remembrance of Leon A. Wurl  
**Prepared by:** Ron Hellbusch, Director of Public Works and Utilities

### **Introduction**

City Council action is requested to adopt this "Proclamation in Remembrance" expressing affection, appreciation and respect for the life of Leon A. Wurl and his long-standing contributions to the citizens and City government of Westminster.

### **Summary**

Leon A. Wurl grew up in the Westminster community, served the City government in various capacities, including Director of Public Works and a member of the Westminster City Council and continued over the years to always identify with Westminster as his home and roots.

Leon passed away January 30, 1998, leaving a significant void in the lives of his family and friends; and Colorado local government in which he served over his 47 year career.

### **Staff Recommendation**

Present the proclamation in Remembrance of Leon A. Wurl to Nancy Wurl and members of Leon's family.

### **Background Information**

Leon A. Wurl grew up in the City of Westminster, served in the United States Navy, and upon his return began his career in Westminster City government serving as Water Superintendent, Town Marshal, Volunteer Fireman, Street Superintendent, City Supervisor, and Director of Public Works. Leon served as City Manager in Aspen, Louisville, and Erie. He also served on the Westminster City Council. Other professional local government positions he held included Adams County Highway Superintendent and Executive Director of the W-470 Authority. His leadership led to his service with the Colorado Municipal League as a member of the Board of Directors as well as the League's State President.

Leon's passing will not only leave a void in the life of his wife Nancy and his three children and four step-children, but also in the daily life of those who worked with him in Colorado's local government community as well. Leon contributed significantly to Westminster's early growth and development. He leaves his mark in so many ways on this City government and community and on the lives of many who he mentored and to the many he served in and outside of local government.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

PROCLAMATION IN REMEMBRANCE OF LEON A. WURL

WHEREAS, Leon A. Wurl lived in and grew up in his early years in Westminster; and

WHEREAS, Leon A. Wurl began his career in City government in Westminster serving as Town Marshal, Water Superintendent, Building Inspector, Street Superintendent, Volunteer Fireman, City Supervisor, Director of Public Works, and as a member of City Council; and

WHEREAS, Leon A. Wurl went on to significant accomplishments in local government, serving as City Manager in Aspen, Louisville, and Erie; and as Executive Director of the W-470 Authority and Adams County Highway Superintendent; and

WHEREAS, Mr. Wurl served in leadership positions with the Colorado Municipal League as a member of the Board of Directors and State President; and

WHEREAS, Leon mentored many young professionals in Colorado's local government and guided counties, cities, and towns through periods of quality growth and development; and

WHEREAS, Leon's passing will leave a large void in the lives of those he loved; those who he knew and worked with; and in the life of the local governments he served,

Now, Therefore, I, Nancy M. Heil, Mayor of the City of Westminster, Colorado; City Council; and City Staff and employees of the City of Westminster do hereby convey their respect and reverence for Leon A. Wurl by conveying the City's condolences to Nancy Wurl and his children Britt, Gayla, and Myles, and step-children Mark, Lisa, David, and Beth; and

The City of Westminster further expresses its affection for its "favorite Son" Leon A. Wurl and all he contributed to the Westminster community, its government and citizens by adopting this Proclamation in Remembrance on this 23rd day of February 1998.

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Nancy M. Heil, Mayor



**Date:** February 23, 1998  
**Subject:** Mosquito Management Program Agreement  
**Prepared by:** Richard Dahl, Park Services Manager

### **Introduction**

City Council action is requested to authorize the City Manager to enter into an agreement with Colorado Mosquito Control, Inc., (CMC) to provide mosquito control services within the City of Westminster. Funds are specifically budgeted in the 1998 Parks, Recreation and Libraries operating budget for this expenditure.

### **Summary**

For 1998, nine agencies (Westminster, Thornton, Broomfield, Northglenn, Lafayette, Louisville, Lakewood, Hyland Hills Park and Recreation District and Boulder County) are participants in the North-Metro Mosquito Management Program. This brings the total service area to 250 square miles, serving a population of over 500,000.

CMC will continue to be the operation management firm for the North-Metro Mosquito Management Program. Staff is unaware of any other mosquito contractors in the Denver Metro area. The firm has proven to be a highly professional and scientifically based organization committed to the success of the Program.

Westminster's 1998 share for joining the Program is \$32,400, which represents an 8% increase over the 1997 contract. The additional cost (\$2,400) is a direct result of increased biological product costs due to EPA restrictions on available products and the expansion of new subdivisions and open space in the northeast part of the City. Staff believes the cost of participating in the Program is very reasonable and represents a significant savings and service delivery over performing the operation with City forces. Funds were allocated and are available in the 1998 General Fund budget for this expenditure.

### **Alternatives**

- 1) Withdraw from participation in the North-Metro Mosquito Program and appropriate the designated funds for other uses.
- 2) Start a City operated mosquito control program by hiring staff, purchasing vehicles, equipment, supplies and begin compiling data base information on breeding areas. This would be the most expensive option, the least effective and expose the City to liability currently being absorbed by the contractor. Estimated cost of this alternative is \$100,000.

### **Staff Recommendation**

Authorize the City Manager to enter into an agreement with the Colorado Mosquito Control, Inc., for mosquito control services and authorize expenditure not to exceed \$32,400 for Westminster's continued participation in the North-Metro Mosquito Program and charge the expense to the appropriate Parks, Recreation, and Libraries General Fund account.

## **Background Information**

In 1987, the City of Westminster and the Colorado Mosquito Control, Inc., (CMC) formed the North-Metro Mosquito Management Program. The intent of the program was to provide quality service at a reasonable cost while adhering to environmentally safe and effective control measures. A secondary, but no less important, objective was to promote the advantages of the Cooperative Management Program to surrounding municipalities/agencies and encourage these entities to join.

This, in turn, would assist in "buffering" Westminster beyond the City's boundaries and provide a level of service far greater than the cost of belonging to the District.

In 1997 the North-Metro Mosquito Management Program completed its eleventh year of a cost-shared biological approach to mosquito control. This environmentally friendly program, known as Integrated Pest Management (IPM), utilizes an array of bio-rational methods integrated into a single program designed to inhibit the development of adult mosquitos. The native fish, *Fundulus zebrius*, is actively used to control the larva stage of mosquitos in conjunction with a naturally occurring bacteria known as *Bacillus (Bti)*. Combined with constant monitoring by CMC staff and aided by a computerized mapping system, the adult biting mosquito population has been substantially lower in the control areas than in outlying areas. The year 1997 was sufficiently wet to create "temporary" breeding areas which had not been mapped in previous years. These breeding areas are defined as slight depressions or containers (cans, pools, old tires, etc) that hold water for the 14 day incubation period and then dry up until the next substantial rainfall. The temporary breeding sites will be the target of CMC staff in 1998 and monitored by increased field surveillance and longer term bio-control products to gain control of the problem. Adult mosquito suppression is handled by "target" fogging with chemicals in areas that have high concentrations (measured by CO<sub>2</sub> filled light traps) of adult mosquitos and by biological methods such as encouraging bat populations whose favorite meal is the adult mosquito.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** February 23, 1998  
**Subject:** Street Improvement Concrete Replacement Project Bids  
**Prepared by:** Ray Porter, Street Projects Coordinator

### **Introduction**

City Council action is requested to award the bid for the 1998 Street Improvement Concrete Replacement Project. Funds have been specifically allocated in the 1998 Department of Public Works and Utilities Street Division Budget and the 1998 General Capital Improvement Fund for this expense.

### **Summary**

City Council approved funds in the 1998 Street Operations Budget to replace 19,585 linear feet of deteriorated concrete curbs, gutters, sidewalks, crosspans, and curb ramps on 27 streets where reconstruction or resurfacing improvements are planned. Formal bids were solicited in accordance with City Charter bidding requirements for the 1998 Street Improvement Concrete Replacement Project, Adams County School District 50 sidewalk replacement and the Department of Community Development's Sidewalk Connection Program.

The low bidder, S&D Construction Co., Inc., at \$627,069, meets all of the City bid requirements and has successfully completed concrete replacement projects for the City over the past ten years, including 1997. In keeping with the previous City Council policy, the concrete replacement costs on streets earmarked for improvements is being funded 100% by the City. This contract is related to the overall Citywide Street Improvement Program, which combined with this concrete work totals \$2.6 million.

### **Staff Recommendation**

Authorize the City Manager to sign a contract with the low bidder, S&D Construction Co., Inc., in the amount of \$627,069, authorize a \$50,000 contingency amount, and charge the expense to the appropriate 1998 Department of Public Works and Utilities Street Division budget account and the appropriate 1998 General Capital Improvement Fund accounts for this expense.

### **Background Information**

Alternatives to this project may be:

- > Do not replace concrete on streets earmarked for improvements.
  - a. Available dollars for asphalt work would increase.
  - b. The asphalt improvements would not realize full life expectancy, due to accelerated deterioration where damaged gutters are left.

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

Bidding the concrete replacement on streets earmarked for improvements as a single contract will assure that a substantial amount of this work is completed prior to the Asphalt Pavement Rehabilitation Project start-up and, thus, avoid delays to the paving contract.

City Staff estimated a cost increase of 5% for this 1998 concrete work. The actual bid cost will decrease below 1997, at an average of 1%. Considering that Portland Cement prices increased 5% over 1997, this bid is extremely favorable.

Bid packages were picked up by five contractors and five bids were received with the following results.

<u>CONTRACTOR</u>	<u>TOTAL BID</u>
1. S&D Construction	\$627,069
2. Rives Enterprises, Inc.	\$696,897
3. Stackholm Construction	\$720,880
4. Concrete Express	\$738,733
5. Concrete Works of Colorado	\$754,823
City Staff Estimate	\$710,758

Included in this bid is new sidewalk construction at four (4) different locations as part of the Sidewalk Connection Program administered by the Department of Community Development. The cost for constructing the new sidewalk is \$40,000 and the funds are available in a 1998 General Capital Fund account, and includes the following locations:

- 1. 72nd Avenue, north side, Sheridan Boulevard to Depew Street
- 2. 118th Place, Chase Street to Sheridan Boulevard
- 3. Moore Street, 106th Avenue to 107th Avenue
- 4. Independence Street, south of 89th Avenue and north of the Allen Ditch

Street Improvement Concrete Replacement Project Bids

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Also participating in this bid is Adams County School District 50. School District 50's portion of this contract is \$78,253 for sidewalk and curb and gutter replacement at seven (7) school sites. An Inter-Governmental Agreement with School District 50 will need to be authorized for the City Manager's execution once the Asphalt Pavement Rehabilitation Project bids are presented for City Council approval in March. The Intergovernmental Agreement will address the asphalt and concrete projects in one document.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Locations List

**City of Westminster**  
**Department of Public Works and Utilities**  
**Division of Street Operations**  
**1998 Street Improvement Concrete Replacement Project**  
**Locations List**

1. 72nd Avenue, Zuni Street to Eliot Circle
2. 72nd Avenue, Sheridan Boulevard to Pierce Street
3. 76th Avenue, Quitman Street to Winona Court
4. Irving Street, 72nd Avenue to 71st Avenue
5. Depew Street, 72nd Avenue to 73rd Avenue
6. 73rd Place, Kendall Street to Otis Court
7. 73rd Avenue, Lowell Boulevard to Irving Street
8. 80th Avenue, Lowell Boulevard to Federal Boulevard
9. Raleigh Place, 80th Avenue to Tennyson Street
10. LaPlace Court, Oakwood Drive to Bradburn Drive
11. Lowell Boulevard, 92nd Avenue to 97th Avenue
12. Vrain Court, 101st Place to east end
13. 99th Place, 101st Place to east end
14. Wolff Court, 99th Avenue to south end
15. 101st Avenue, 101st Circle west to Wolff Street
16. Xavier Court, 98th Avenue to north end
17. 102nd Avenue, Wolff Street to west end
18. 102nd Avenue, Wolff Street to 102nd Place
19. Eliot Street, 104th Avenue to 105th Drive
20. Canosa Court, 105th Place to west end
21. 104th Circle, Bryant Street to Bryant Street
22. 105th Court, Bryant Way to south end
23. 105th Place, Bryant Street east to City limits
24. Bryant Way, Bryant Street to 105th Place
25. 108th Avenue, Eaton Street to Westminster Boulevard
26. 113th Avenue, Pecos Street to Quivas Way
27. 118th Avenue, Zuni Street to east end

**Date:** February 23, 1998

**Subject:** Metro Wastewater Reclamation District Board of Directors Appointment

**Prepared by:** Ron Hellbusch, Director of Public Works and Utilities

### **Introduction**

City Council action is requested by the Metro Wastewater Reclamation District to make an appointment to their Board of Directors. Alex Iacovetta, Utilities Operations Manager, is the City's current representative. His term of office will expire June 30.

### **Summary**

Alex Iacovetta is directly involved in the day-to-day wastewater operations and administration for the City of Westminster and he has served on Metro's Board of Directors since 1990. One advantage in having a Utilities Staff member serve on this Board is, they have a technical working knowledge of the City's wastewater system. Westminster currently has two representatives on the Board. The City's other representative is Allen Jones who fills a "citizen" category appointment.

### **Staff Recommendation**

Re-appoint Alex Iacovetta, Utilities Operations Manager, to the Metro Wastewater Reclamation District's Board of Directors. The term of office will be July 1, 1998, through June 30, 2000.

### **Background Information**

The Metro Wastewater Reclamation District Board of Directors meet at 7:00 p.m. on the third Tuesday of each month. In addition, all Board Members serve on one operation committee, which meets monthly either in the morning or at noon.

Board members must live within the Metro Wastewater Reclamation District's boundaries. City Council has many "choices" on whom to appoint to this Board position. However, it is thought that having a City Utilities Staff person on the Board provides an advantage to the City.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** February 23, 1998

**Subject:** College Hills PUD Seconded Amended PDP and ODP

**Prepared by:** Margo Schultz, Planner II

**Introduction:**

City Council is requested to hold a public hearing and, later on the agenda, take action regarding the Second Amended Preliminary Development Plan (PDP) and the Official Development Plan (ODP) for College Hills Filing 8 (known as Stratford Lakes).

Application/Property Owner McStain Enterprises Inc.

Location Northwest corner of 112th Avenue and Federal Boulevard

Site of Site 30.75 acres

Description of Proposed Use McStain Enterprises participated in the City's 1997 Growth Management residential competitions, and were awarded service commitments for both single-family detached and single-family attached development of the 30.75 acre parcel. As proposed, 16.99 acres would be developed for single-family detached use, and 13.76 acres would be developed for single-family attached use. The mixed use residential plan as proposed, with a lower density, is consistent with the Comprehensive Plan.

The previous approved PDP for the 30.75-acre parcel provides for 15.35-acres of commercial development, 5-acres of office development, and 10.4-acres of multi-family residential development. The owners are requesting approval of an amended PDP for the 30.75 acre parcel to mixed use single-family detached and single-family attached residential use at a density not to exceed 10 dwelling units per acre (du/a). Staff is in agreement with the proposed zoning change as it is consistent with the Comprehensive Plan. During the development of the Comprehensive Plan, the citizens of this area expressed a strong opposition to commercial development being placed on all four corners of arterial intersections. Staff is in agreement that a residential use is preferable for the College Hills property since it is a complementary extension of the existing residential development and that commercial development is proposed on both the southwest and northeast corners of 112th Avenue and Federal Boulevard. In conjunction with the rezoning from commercial and office to residential, the owners are required to dedicate 2.9-acres of land for public land dedication, as is shown on the Official Development Plan.

In conjunction with the rezoning request, the owners are seeking approval of an Amended PDP and ODP for Filing 8. The actual density reflected on the ODP is 4.46 du/a due to the single-family detached element and the large amount of public and private open space included in the plan.



Major Issues McStain Enterprises is proposing a mixed use residential community of 100 single-family attached condominiums and 36 single-family detached homes for Filing 8. As proposed, the minimum sized condominium would be 1,000 square feet and the minimum sized single-family home would be 1,500 square feet. All of the units would have full basements and two car garages. The average sized lot for the single-family detached units would be 8,250 square feet with a minimum lot size of 7,100 square feet. This exceeds the minimum requirement of an 7,000 square foot average outlined in the competition.

Per the 1997 Category B award competition, the developer agreed to provide recreational facilities, to include a clubhouse and pool. The developer (McStain), is attempting to work out a joint use agreement with the existing Stratford Lakes Recreation Association in order that future residents of the proposed development may use the existing facilities. The Board of Directors of the Association has approved entering into a Joint Use Agreement with McStain for the requested rights to use the Association's existing facilities, subject to negotiation of terms acceptable to the Association. They are hopeful that this can be accomplished by the end of February (see attached letter). The resolution of this issue is recommended to be a condition of approval of the Official Development Plan for College Hills Filing 8.

All of the other conditions committed to in the competitions have been included in the proposed development plan including the minimum setbacks, required number of parking spaces, provision of landscape areas and quantities of plant material, special outdoor lighting, etc. Bike/walking trails have been integrated into the plan to connect with the existing trail system in the subdivision. As proposed, over 50% of the developable area within this filing will be developed as public or private open space. Other special requirements of the competition are discussed in greater depth in the background section of this report.

### **Planning Commission Recommendation**

At their regular meeting, Planning Commission voted unanimously to make a recommendation to City Council to approve the Second Amended Preliminary Development Plan for College Hills Planned Unit Development which rezones the 30.75-acres to a mixed use residential use, with a density not to exceed 10 dwelling units per acre and to make a recommendation to City Council to approve the Official Development Plan for Filing 8 of the College Hills Planned Unit Development with the following conditions:

- a. The City receives a copy of a joint use agreement between the Stratford Lakes Recreation Association and McStain, which states that all future residents of College Hills Filing 8 can use the existing pool and clubhouse, or in the alternative, make arrangements to construct their own pool and clubhouse after review and approval by the City.
- b. A statement be added to the Official Development Plan that full pedestrian access easements will be granted for Tracts A and P so that the public has access to the dedicated park site via the trails, and the sledding hill.

The recommendations are based on a finding that the proposed Amended Preliminary Development Plan and the Official Development Plan for Filing 8 meets the requirements of Sections 11-2-2, and 11-2-3 of the Westminster Municipal Code, and are in conformance with the Westminster Comprehensive Land Use Plan.

There were three persons present who spoke during the public hearing. Two of the persons raised questions concerning sidewalk alignments and landscape buffering. The third person was a representative of the Master Homeowner Association and the Recreation Association for Stratford Lakes that stated that a joint use agreement is in the works and is expected to be agreed upon in the near future.

### **Staff Recommendation**

1. Hold a public hearing.
2. Approve the Second Amended Preliminary Development Plan for College Hills Planned Unit Development which rezones the 30.75-acres to a mixed use residential use, with a density not to exceed 10 dwelling units per acre.
3. Approve the Official Development Plan for Filing 8 of the College Hills Planned Unit Development with the following conditions:
  - a. The City receives a copy of a joint use agreement between the Stratford Lakes Recreation Association and McStain, which states that all future residents of College Hills Filing 8 can use the existing pool and clubhouse, or in the alternative, make arrangements to construct their own pool and clubhouse after review and approval by the City.
  - b. A statement be added to the Official Development Plan that full pedestrian access easements will be granted for Tracts A and P so that the public has access to the dedicated park site via the trails, and the sledding hill.
4. The recommendations are based on a finding that the proposed Amended Preliminary Development Plan and the Official Development Plan for Filing 8 meets the requirements of Sections 11-2-2, and 11-2-3 of the Westminster Municipal Code, and are in conformance with the Westminster Comprehensive Land Use Plan.

### **Background Information**

Site Design A four foot tall double-sided timber wall sound buffer will be placed on top of three to four foot tall berms at locations just inside the right-of-way line which are adjacent to the residential units which face Federal Boulevard or 112th Avenue. The berms and fences have been included as a result of an "Environmental Effects" study done for the site, and are intended to reduce the impacts of noise, dust and views of the traffic for residents of the units closest to the arterial streets. As proposed, the berms and fencing will occur only periodically as needed to protect the residential units, so that the views of the mountains, foothills and lower elevations of the City may be maintained as seen from Federal Boulevard.

An agreement for joint use of the existing clubhouse and pool facilities for the future residents of Filing 8 is currently being negotiated with the Stratford Lakes Recreation Association, Inc. (Association). As proposed, the residents of Filing 8 would belong to the existing Association, but would also be forming a smaller "Sub-HOA" in order to create a sense of neighborhood and manage maintenance issues that will be specific to Filing 8, such as maintenance of the decorative fencing and lighting, etc.

Public Land Dedication, Parks/Trails As is shown on the ODP, the 2.9-acres of public land dedication being dedicated by the owners as a requirement of the rezoning, will be combined with 2.29-acres of land which is being purchased by the City. The approximate 5-acre site located about 1000 feet south of 114th Avenue, adjacent to Federal Boulevard, will be developed by the City as an active park area, and will include a pedestrian link to the bike/hike paths located around the ponds and throughout the Stratford Lakes development.

Architecture/Building Materials The townhomes proposed include eight different models, including two ranches and six, two-story models. The models are mixed throughout the subdivision to create variety. The exterior building materials for the townhomes include masonry siding and 30% masonry on all sides of the buildings as committed to in the competition. The roof materials proposed are high profile asphalt shingles which provide an improved appearance compared to typical shingles.

The single-family detached units include six different models with three distinct elevations offered for each model. The exterior building materials are masonry siding with a high profile asphalt shingle roof material. The use of masonry on the front of the buildings is offered only as an option, and was not committed to in the competition. The models proposed for use in Filing 8 are very similar in size and character to the other McStain homes found throughout the College Hills subdivision. The separation between homes will be greater with the new filing due to the current minimum lot size and setback requirements.

Both the townhomes and the single-family detached units include important architectural features such as horizontal offsets, bay windows, porches, recessed garage doors and entryways, interesting roof breaks, etc.

Comprehensive Land Use Plan Compliance The proposed amendment to the College Hills PDP will bring this project into compliance with the Comprehensive Land Use Plan.

Signage Signage will be in conformance with the Westminster Sign Regulations.

Service Commitment Category This project was awarded service commitments in the 1997 Single Family Detached and Attached Service Commitment Competitions.

Surrounding Zoning To the north: Existing 114th Avenue, clubhouse and pool, and medium density single-family detached residences; To the south: Existing 112th Avenue and retail commercial with single-family attached residential to the west of the commercial area; To the west: Existing mixed use residential within the College Hills PUD; To the east: the Comprehensive Plan shows retail commercial on the northeast corner of 112th Avenue and Federal, with single-family detached medium density residential to the north.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

MEMORANDUM

TO: Mayor and Members of City Council  
FROM: Bill Christopher, City Manager  
DATE: February 13, 1998  
SUBJECT: Planning Commission Action

The Planning Commission held their regularly scheduled meeting on Tuesday, February 10, 1998 and took action on the following items. The following is a synopsis of that hearing.

1. Legacy Ridge Filings 9 and 10 Official Development Plans These proposed new filings are located between Legacy Ridge Parkway and Cotton Creek subdivision, south of 112th Avenue at approximately the 110th Avenue alignment.

Planning Commission voted 6-1 to approve the Official Development Plans for Legacy Ridge Filings 9 and 10 based on the following findings:

- a. The Official Development Plans are in compliance with the approved Preliminary Development Plan for the "Westminster Golf Course Community - East Section."
- b. The proposed development is consistent with existing development in the area.
- c. The Official Development Plans meet the requirements of Westminster Municipal Code Sections 11-5-5, 11-5-8 and 11-5-15.
- e. The proposed development is in conformance within the City's Comprehensive Land Use Plan.

The following conditions are recommended for Official Development Plan approval for Legacy Ridge Filing 9:

- a. All provisions of the City's Design Guidelines for Single Family Detached Residential Development adopted by City Council shall be met. The Design Guidelines require that the front yard setbacks shall be a minimum of 25 feet and the side yard setback shall be a minimum of 10 feet for two-story structures and 7.5 feet for one-story structures.  
The Official Development Plan indicates a front yard setback of 20 feet and a side yard setback of 7.5 feet for all buildings. The Design Guidelines adopted by City Council supersede any provisions of the applicable Preliminary Development Plan or prior Legacy Ridge filings.  
However, due to constraints resulting from the design and placement of the golf course, certain lots will be allowed to have a lesser front and rear yard setback. Staff recommends a 20 foot minimum front yard setback and a 15 foot minimum rear yard setback for the following lots only: Block 3, Lots 8 and 9; Block 2, Lots 1, 4 and 7.
- b. On sheet 3 of 14 add the note: "All grading on land owned by the City of Westminster shall be specifically submitted for review and approval by the Westminster Department of Parks, Recreation and Libraries."
- c. Approval of the Official Development Plan for Legacy Ridge Filing 9 is contingent upon the submission of an acceptable grading plan. Revised grading plans shall be subject to approval by the City Engineer.
- d. Street names are subject to review and approval by the City.

The following conditions for approval are recommended for the Legacy Ridge Filing 10 Official Development Plan:

- a. On sheet 2 of 16 change the required front yard setback from 20 feet to 25 feet and add a provision that the side yard setback be 10 feet for two-story elements as per the City's Single Family Detached Design Guidelines. However, due to constraints resulting from the placement and design of the golf course, certain lots will be allowed to have a lesser front yard and rear yard setback. Staff recommends a 20 foot minimum front and 15' minimum rear setback for the following lots only: Block 1, Lots 3, 7, 8, and 9; Block 2, Lot 7; and Block 3, Lots 7, 11 and 12.
- b. On sheet 16 of 16 add a note: "All grading on land owned by the City of Westminster shall be specifically submitted for review and approval by the Westminster Department of Parks, Recreation and Libraries."
- c. Approval of the ODP for Filing 10 is contingent upon the submission of an acceptable grading plan. A revised grading plan shall be subject to approval by the City Engineer.
- d. No grading shall occur within the flood plain of North Cotton Creek prior to the approval of a Conditional Letter of Map Revision (CLOMR) by the Federal Emergency Management Agency (FEMA).
- e. Street names are subject to review and approval by the City.

Commissioner Klock voted in against the motion stating that he was uncomfortable with approving a document that has so many conditions attached to it.

There was no testimony in favor or opposition to the request presented. Commissioner Barsoom was absent from the hearing. Per 11-5-10 (B) of the W.M.C. this item received final approval by Planning Commission. If any City Councillor is interested in viewing these approved plans they are available in the Planning Division.

2. Second Amended Preliminary Development Plan for College Hills Planned Unit Development and Official Development Plan for College Hills Filing 8, known as Stratford Lakes, located at the northwest corner of 112th Avenue and Federal Boulevard.

After a public hearing, Planning Commission unanimously approve a motion to make a recommendation to City Council to approve the Second Amended Preliminary Development Plan for College Hills Planned Unit Development which rezones the 30.75-acres to a mixed use residential use, with a density not to exceed 10 dwelling units per acre.

Planning Commission also unanimously approved a motion to make a recommendation to City Council to approve the Official Development Plan for Filing 8 of the College Hills Planned Unit Development with the following conditions:

- a. The City receives a copy of a joint use agreement between the Stratford Lakes Recreation Association and McStain, which states that all future residents of College Hills Filing 8 can use the existing pool and clubhouse, or in the alternative, make arrangements to construct their own pool and clubhouse after review and approval by the City.
- b. A statement be added to the Official Development Plan that full pedestrian access easements will be granted for Tracts A and P so that the public has access to the dedicated park site via the trails, and the sledding hill.

The recommendations are based on a finding that the proposed Amended Preliminary Development Plan and the Official Development Plan for Filing 8 meets the requirements of Sections 11-2-2, and 11-2-3 of the Westminster Municipal Code, and are in conformance with the Westminster Comprehensive Land Use Plan.

Commissioner Barsoom was absent from the hearing.

There were three persons present who spoke during the public hearing. Two of the persons raised questions concerning sidewalk alignments and landscape buffering. The third person was a representative of the Master Homeowner Association and the Recreation Association for Stratford Lakes that stated that a joint use agreement is in the works and is expected to be agreed upon in the near future.

This item will be heard by City Council at their February 23, 1998 regular meeting.

**Date:** February 23, 1998  
**Subject:** Heritage at Westmoor Golf Course Construction Contract  
**Prepared by:** Bill Walenczak, Director of Parks, Recreation and Libraries

**Introduction**

If City Council is comfortable with the financing arrangements discussed at the pre-meeting, then City Council action is requested to authorize the City Manager to sign a contract with Neibur Golf, Inc. of Colorado Springs, Colorado in the amount of \$3,982,266.36 plus a 5% contingency (\$199,113) for the construction of the City's new 18-hole Heritage at Westmoor Golf Course. Funds for this contract are available on an interim basis in the POST bond fund, as well as in the project budget in the General Capital Improvement Fund. City Council action is needed to transfer \$3.7 million of POST bond funds into the Heritage Golf Course project account in the General Capital Improvement Fund to fund this contract expense.

**Summary**

The City received three bids by contractors who were pre-qualified to bid the project by the City's consulting golf course architect, Michael Hurdzan of Columbus, Ohio. The names of the bidders and their bids are as follows:

<u>Contractor Name</u>	<u>Base Bid</u>
Neibur Golf	\$3,982,266.36
Landscapes Unlimited	\$4,232,177.00
Wadsworth Golf	\$4,885,549.00

All of the bidders come highly recommended and have excellent reputations in the golf industry. Staff has met with the two low bidders, Neibur Golf and Landscapes Unlimited, and has thoroughly evaluated the bids. It is Staff's opinion that the base bid submitted by Neibur Golf is a good bid and, therefore, recommends awarding the contract to them. (The architect's estimate of the project was \$4,023,615.)

The scope of this phase of the project includes earth moving of approximately 440,000 cubic yards, topsoil stripping, pond construction, tee, greens, and sand bunker construction, irrigation system installation, 8' cart paths around the entire course, driving range, pump station, and seed and sodding of the golf course. The City will have a playable golf course when construction is completed.

If City Council awards this contract, it is anticipated that construction of the golf course will start sometime in March, with a projected opening date in September 1999.

### Alternatives

City Council could reject these bids and require that City Staff re-bid the project as an advertised bid. Staff recommends against this, however, in that it is anticipated that contractors who do not specialize strictly in golf course projects will bid the project without fully understanding the scope of work. Although this could result in a lower base bid, it could also ultimately result in poor workmanship, delays, unwanted change orders, additional costs, and an inferior product. The three contractors that have already bid on this project have been identified by the City's golf course architect as three of the best in the country.

City Staff understands that Councillors may not feel that they have had sufficient time to evaluate using POST bond funds as an interim transfer to the golf construction project until the golf course bond proceeds are available, and, therefore, City Council could delay this action until the next regular Council meeting on March 2 without a negative impact on the bid.

### **Staff Recommendation**

Authorize the City Manager to sign a contract with Neibur Golf, Inc. in the amount of \$3,982,266.36 plus a 5% contingency of \$199,113 for the construction of The Heritage Golf Course; authorize the transfer of \$3,700,000 in POST bond proceeds into the Heritage Golf Course project account in the General Capital Improvement Fund, with these funds to be repaid in May when The Heritage Golf Course financing is completed, and charge the expense to appropriate project account in the General Capital Improvement Fund.

### **Background Information**

On March 12, 1996, the Jefferson County Commissioners adopted a resolution to approve a no interest loan to the City of Westminster in the amount of \$3.3 million to be spread over three years for the construction of a new golf course at and adjacent to the Jefferson County Airport. The Jefferson County loan triggered action on the part of the City and Westfield Development, Inc. to move forward on the project.

The last piece of this project "puzzle" fell into place when on April 28, 1997, City Council approved a land lease with the Jefferson County Airport Authority to lease approximately 120 acres of land on which to build part of the golf course. Westfield Development, Inc. has since donated an additional 84 acres of land to complete the land transaction to construct the entire 18-hole golf course. Michael Hurdzan's design has produced the potential for a championship caliber golf course for the City of Westminster.

In an effort to keep capital interest payments on the project as low as possible, Staff is recommending that City Council authorize the initial use of POST bond funds that are designed for park construction projects. The fund has sufficient money to cover the cost of the contract. It would be City Staff's recommendation to issue either revenue bonds or certificates of participation to fund the entire project sometime in May/June of 1998. By allowing the temporary use of POST bonds, the project will save approximately \$180,000 in capitalized interest costs over issuing the bond debt immediately. Once the project funding has been secured, the POST bond fund will be reimbursed for its entire principal amount plus any lost interest that the fund would have earned.



Other parts of the project that have yet to be bid include the construction of the golf clubhouse and maintenance building, bridge crossings, raw water delivery system, utility construction, additional drainage improvements, and equipment purchases. Staff will detail these costs for City Council at a later date when a recommendation will be made on sizing the bond issue for the entire project.

The timing of the golf course construction is very critical. The specifications call for the completion of all seeding operations (greens, tees, fairways, rough) by September 18, 1998. Golf Course Staff has determined that date as the latest possible time frame for fall germination and grow-in to begin. The golf course will require one full year for growing grass and making the golf course ready for play. The projected opening of the Heritage is for mid-September 1999. If the golf course seeding is not completed by September 1998, a fall opening is not likely and a new projected opening would need to be moved to May or June 2000. In an effort to offer incentives to complete the project by September 18, 1998, the bid specifications call for payment of an incentive in the amount of \$1,000 for every day that the contractor completes the planting phase of the project ahead of schedule, up to a maximum of 25 days or \$25,000. There are also provisions for penalties if the project does not get completed on time. Both Staff and the contractor (Neibur) believe that if planting operations can be completed sooner, the possibility exists that the golf course could open ahead of schedule, which would mean an earlier revenue stream to help pay off the bond debt.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** February 23, 1998  
**Subject:** Heritage Restaurant Lease Agreement  
**Prepared by:** Richard Dahl, Park Services Manager

### **Introduction**

City Council action is requested to authorize the City Manager to sign a Lease Agreement between Mr. Albert Gehorsam, Legacy Grill, L.L.C. and the City of Westminster for the operation of the clubhouse restaurant at Heritage at Westmoor Golf Course.

### **Summary**

On July 10, 1996, Council approved the transfer of the Legacy Ridge restaurant lease to Albert Gehorsam, Legacy Grill, L.L.C. based on the existing lease of the original contractor, Peter Hellerman.

On April 14, 1997, Council approved a flat rate lease agreement with Albert Gehorsam, Legacy Grill, L.L.C. to operate the Legacy Ridge Golf Course restaurant (Legacy Grill) over the next five years for \$2,500 per month resulting in revenues of \$30,000 per year.

The lease agreement for the Heritage Restaurant would contain the same base rent, length of lease, renewal terms, and operation requirements as the existing Legacy Grill Agreement.

The benefits to the City of having one concessionaire operate both golf course restaurants includes consistency in operation, known quality of food service, simplicity of contract management and improved service delivery to the public.

As a condition of signing the lease to operate the clubhouse restaurant at the Heritage at Westmoor, Mr. Gehorsam will provide free restaurant consulting services to the City during the design, programming and construction phase of the Heritage Clubhouse Project (attachment). It is estimated by staff and Mr. Gehorsam that this process will take about 120 hours and has a value of \$10,000.

### **Staff Recommendation**

Authorize the City Manager to sign a lease with Mr. Albert Gehorsam of the Legacy Grill, L.L.C. that is substantially the same as the Legacy Grill lease.

### **Alternatives**

1) Authorize the signing of a Lease Agreement between the City and Albert Gehorsam of the Legacy Grill, L.L.C. as recommended by staff.

2) Reject the recommendation and require a Request For Proposal (RFP) and bid process be used to select the concessionaire for the Heritage at Westmoor Clubhouse Restaurant. Staff does not recommend this option as it would be difficult to find a concessionaire willing to make the substantial investment necessary in opening a new restaurant in September (the planned deadline for opening the golf course) which is at the tail end of the golf season.

3) Take no action. This alternative as well as alternative number two would eliminate Mr. Gehorsam's role as a consultant to the project unless funds were made available for his services.

### **Background Information**

It is important for the Department of Parks, Recreation and Libraries to retain an operator capable of meeting the needs of the golfing public as well as patrons using the clubhouse for its restaurant facility. Staff has been pleased with Mr. Gehorsam's operation and, judging by the number of patrons he has entertained to date, so has the public.

Under terms of the Agreement, the Director of Parks, Recreation and Libraries has the authority to negotiate the monthly base concession fee, on a yearly basis, over the life of the five year agreement. The lease Agreement also contains language outlining the criteria required for termination of the lease prior to its completion date should this ever become necessary.

The flat rate lease payment enables staff to accurately project concession revenues for the golf course without concerns to the cyclic use of the restaurant on a seasonal basis. A flat rate also provides the operator an opportunity to maximize his revenue source against his investment.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** February 23, 1998  
**Subject:** Internally Illuminated Street Name Signs Installation  
**Prepared by:** Greg Olson, Transportation Systems Coordinator

**Introduction**

City Council action is requested to award a construction contract in the amount of \$226,980 for the Installation of Internally Illuminated Street Name Signs to Rocky Mountain Signal, Inc. and authorize a total project budget of \$231,980. Funds are available in the Community Enhancement Project account in the General Capital Improvement Fund for this expense.

**Summary**

The proposed contract to be awarded includes the installation of internally illuminated street name signs on traffic signal mast arms within three areas of the City: Westminster Promenade, Westminster Center and Westminster Plaza.

Formal bids for the sign installation contract were opened on February 5th. Bid prices include all the materials and labor to complete the project. Three bidders were solicited, and they submitted bids as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Rocky Mountain Signal	\$226,980
Sturgeon Electric	\$244,300
W.L. Contractors	\$297,823

Alternatives to awarding the full contract to Rocky Mountain Signal, Inc. would be to award any combination of portions of the contract. The costs associated with each of the areas as bid by Rocky Mountain Signal, Inc. are as follows:

<u>Area</u>	<u>Cost</u>
Westminster Promenade	\$29,040
Westminster Center	146,180
Westminster Plaza	<u>51,760</u>
TOTAL	\$226,980

**Staff Recommendation**

Authorize the City Manager to execute a contract with the low bidder, Rocky Mountain Signal, Inc., in the amount of \$226,980 for the Installation of Internally Illuminated Street Name Signs within the Westminster Promenade, Westminster Center and Westminster Plaza areas; authorize a total project budget of \$231,980 which includes \$5,000 for a construction contingency; and charge the expense to the Community Enhancement Project account in the General Capital Improvement Fund.

**Background Information**

Last summer, City Staff implemented a pilot project of internally illuminated street name signs by installing such signs on traffic signal mast arms at the intersection of Sheridan Boulevard and 92nd Avenue. Various sign designs were evaluated and a final design was selected for proposed installations within the Westminster Promenade, Westminster Center and Westminster Plaza areas. The Westminster Promenade area includes Westminster Boulevard from 104th to 112th Avenues, the Westminster Center area is bounded by Sheridan Boulevard, Wadsworth Parkway , 88th and 92nd Avenues and the Westminster Plaza area includes 72nd and 74th Avenues from Federal to Lowell Boulevards.

The purpose to install these illuminated street name signs is to enhance the appearance of the signs in the subject areas and to provide an easy to read sign at night to assist the public. This signage program is one of several community enhancement projects.

City Staff has solicited bids for the installation of the internally illuminated street name signs. The scope of work includes the labor and materials costs for installing the signs on traffic signal mast arms. Three bidders were solicited and obtained project plans and submitted bids as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Rocky Mountain Signal	\$226,980
Sturgeon Electric	\$244,300
W.L. Contractors	\$297,823

Rocky Mountain Signal, Inc., the low bidder, is qualified to do the work. Rocky Mountain Signal, Inc., is currently the City's traffic signal maintenance contractor and has performed several construction projects in the City within the past five years.

The following represents Staff's anticipated schedule for completing the installation of internally illuminated street name signs:

February 23rd	City Council awards the construction contract
March 10th	Issue Notice to Proceed to the contractor
September	Completion of the project

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** February 23, 1998

**Subject:** Resolution No. re 1998 Recovery Contract Interest Rates

**Prepared by:** Kevin Berryhill, Senior Civil Engineer

### **Introduction**

City Council action is requested on the attached Resolution which will set the interest rates on applicable public improvement recovery contracts for calendar year 1998.

### **Summary**

In accordance with Section 8(A) of Title XI, Chapter 6, of the City Code, it is requested that City Council establish interest rates on recovery agreements for 1998. Recovery agreements are the method by which the original installers of public improvements are paid back for a portion of the cost of such improvements by subsequent users of the facilities. The City Code sets no limit upon Council in the calculation of the interest rate, but, for the past 15+ years, it has been City practice to add two percent to the Prime Rate. Council has added two percent to the Prime Rate in an effort to reflect the private developer's "cost of money" to borrow funds to build public improvements. It was determined that the Prime Rate on January 1, 1998, was 8.5 percent. Therefore, it is proposed that the recovery interest rate for 1998 on non-City-funded public improvements be the Prime Rate plus two percent, or 10.5 percent.

Beginning in 1993, Council determined that the recovery interest rates on City-funded projects would be based on the Municipal Bond Index. Again, this index is used to reflect the City's "cost of money," which is different from that of a private developer. This index for 1998 is 5.15 percent. Thus, the recovery interest rate on City-funded projects should be rounded to 5.2 percent for 1998.

### **Staff Recommendation**

Adopt Resolution No. establishing the 1998 calendar year interest rate for non-City-funded public improvement recovery contracts at 10.5 percent and an interest rate of 5.2 percent for City-funded public improvements.

### **Background Information**

Several years ago, City Council established a recovery system which enables developers to recover a portion of certain costs associated with public improvements installed with their developments that also benefit adjacent, undeveloped properties. Recovery contracts are executed between the City and the developer. When subsequent development occurs in those areas benefited by the improvements installed by the original developer, the new development is assessed its proportionate share plus interest, which is then returned to the original developer.

The recovery system has also allowed the City to be reimbursed for public improvements installed by the City when subsequent private development occurred abutting the improvements.

Prior to 1993, the interest rate used in calculations for recoveries owed on City-funded public improvements was equal to that used on privately funded improvements (i.e., prime rate plus two percent). However, the actual cost of money used to fund City Capital Improvement projects is usually much less than that charged to private developers. Since the philosophy behind the City's recovery system is one of cost reimbursement, not profit making, it is more equitable to select an interest rate for City-funded projects that more closely approximates the actual cost of money to the City. Therefore, beginning in 1993, Council determined that the Municipal Bond Index in effect at the first of each calendar year would be selected as the recovery interest rate for City projects. Thus, the recovery interest rate for such projects during 1998 is proposed to be 5.2 percent.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

\_\_\_\_\_

WHEREAS, Section 11-6-10.5(A) of the Westminster City Code provides the City Council shall establish the interest rates to be utilized for the assessment of interest costs relating to recovery costs for public improvements; and

WHEREAS, the Westminster City Code provides that such interest rates are to be established from time to time; and

WHEREAS, these interest rates have traditionally been calculated at the beginning of each calendar year; and

NOW, THEREFORE, be it resolved that the City Council of the City of Westminster hereby establish the 1998 calendar year interest rate for any non-City funded public improvement recovery contract to be 10.5 percent and the 1998 calendar year interest rate for City-funded public improvements to be 5.2 percent.

Passed and adopted this 23rd day of February, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**Date:** February 23, 1998

**Subject:** Resolution No. re Rocky Flats Reuse of Buildings/Land Use

**Prepared by:** Mary Harlow, Rocky Flats Coordinator

### **Introduction**

City Council action is requested to adopt a Resolution that formally states the City of Westminster's position on retaining and reusing buildings located on 350 acres in the southwest corner of the industrial area at the Rocky Flats Environmental Technology Site and a future site use based on current cleanup and closure assumptions.

### **Summary**

In 1995, the City of Westminster participated as a member of the Rocky Flats Local Impacts Initiative sponsored Rocky Flats Future Site Use Working group. The purpose of the working group was to come to a consensus and make a recommendation on the best future land use of the Rocky Flats Environmental Technology Site (RFETS) property and to aid in determining the level of clean up needed.

As a result of this participation, Staff prepared a recommendation and Resolution for City Council. On February 13, 1995, City Council adopted Resolution No. 7 recommending that the Future Use of the Rocky Flats Environmental Technology Site be an Environmental Technology/Interpretive Open Space, with some additional conditions related to the parkway project.

The 1995 Resolution supporting an Environmental Technology/Interpretive Open Space scenario was adopted prior to the development of the Rocky Flats Cleanup Agreement and the 2006 Accelerated Cleanup and Closure plan developed for the RFETS. Assumptions made at the time of the adoption of the Resolution regarding the level and time period for cleanup that would be achieved at the RFETS are no longer valid.

The RFETS is now scheduled for cleanup and closure between the years 2006 and 2010, and the planning for RFETS reuse has become an important issue for the community. The Rocky Flats Local Impacts Initiative formed a Rocky Flats Facility and Infrastructure Reuse Task Force in July of 1997, to develop and communicate a plan and implementation/transition strategy to convert the Industrial Area after cleanup into an employment center or other use which contributes to the economic vitality of the region.

The Task Force, of which the City of Westminster is a member, identified 8 buildings located in the southwest corner of the industrial area that have the potential for reuse. A consultant was hired to determine the viability of the buildings and reuse potential of the current infrastructure. A second task was to develop a set of future use scenarios for the Industrial Area. The scenarios identified are: Industrial Redevelopment, Cold War Memorial with Museum and Research Center, Landbank for Unique Future Land Use, and Open Space.

The Scenarios were further grouped into three Options, which are: Option A "Aggressive and Timely Reuse"; Option B, "Preserving Options"; and Option C, which is described as "Wait And See." The 5 alternatives and Options currently under discussion are described in the background information below.

Staff recommends removal of all buildings and their foundations. No excavation should be allowed throughout the buffer area or other contaminated areas for providing utilities to the RFETS, either during or after closure, and that Scenario 5 - "Total Open Space" be designated as the highest and best use of the industrial area and buffer zone of the RFETS. Capping of contaminated areas as a cleanup option is not acceptable, due to future impacts on the Woman Creek and Walnut Creek drainage and the unique geology, weather, and location of the RFETS. Additional comments added to the Resolution include focusing on conditions related to cleanup and closure as well as alignment of W-470 (Northwest Parkway).

### **SCENARIO 5 TOTAL OPEN SPACE**

- \* This scenario provides a physical healing of the community and the environment at the RFETS.
- \* All existing buildings, infrastructure, and contaminated materials are removed from the RFETS, and historical ecosystems are restored. Trails and other forms of passive recreation are constructed on parts of the RFETS.
- \* Extensive wildlife habitat is protected and expanded.
- \* A major area of highly significant ecosystems is restored and permanently protected within the Metropolitan area. Ecological integrity is assured by precluding development from the center of the RFETS, which would result in habitat fragmentation.
- \* The regional system of open space created by the counties and cities is enhanced and maximized. Enhances property values of surrounding lands and does not dilute market-share by creating additional development.

### **Additional conditions related to W-470 alignment**

1. The W-470 interchange should be aligned south and east of the RFETS, using as much of the existing Indiana Street right-of-way as possible to minimize impacts to the City's open space and Woman Creek Reservoir.
2. Designating the alignment as freeway and building it to interstate highway standards would provide better access to surrounding communities.
3. The design and funding of storm water diversions for the protection of the Standley Lake watershed from RFETS cleanup and development south of RFETS should be incorporated in further planning of the Northwest Parkway.

### **Staff supports removing buildings and Scenario 5 - Open Space for the following reasons:**

- \* The United States Department of Energy (DOE) will not allow reuse of RFETS buildings during cleanup, which is scheduled to occur sometime between 2006 and 2010. It will not be economically feasible to reuse buildings that have not been maintained properly during that time period.

- \* The DOE will not provide utilities for reuse. Infrastructure would have to be provided by an off-Site supplier such as a municipality or some type of an Authority.
- \* A significant amount of industrial, commercial and office zoning already exists in proximity to RFETS and can provide employment to compensate for the loss of jobs due to closure.
- \* A designation of open space for the Industrial Area as well as the buffer zone area will serve to increase the value of adjoining properties and provide the entire community with a buffer from future development in the designated zones adjoining the RFETS.
- \* A comprehensive and connected regional open space system can then be developed that will be enhanced by existing publicly owned open space that exists to the north and east of the RFETS.
- \* Open space will facilitate the movement of wildlife through a wide corridor from the mountains, foothills to the plains, and protect the habitat of the Prebles Jumping Mouse.
- \* Open space at RFETS will provide an unprecedented corridor of open space in the Metropolitan area.
- \* Open space would stop dispersed development located far from residential development which would contribute to urban sprawl and air pollution.
- \* Westminster residents, businesses, Standley Lake, and Woman Creek and Walnut Creek drainages would be protected from on-Site excavations in areas that have the potential to release contaminants to the air and surface water.

### **Staff Recommendation**

Adopt Resolution No. \_\_\_\_\_ which updates Resolution No. 7, Series 1995, related to the future use of the Rocky Flats Environmental Technology Site after cleanup is complete.

### **Background Information**

#### **Rocky Flats Environmental Technology Site Planning**

Accelerated cleanup and closure for the Rocky Flats Environmental Technology Site (RFETS) is now scheduled to occur sometime between the year 2006 and 2010. The United States Department of Energy (DOE) has requested that the Rocky Flats Field Office submit a future land use plan to DOE Headquarters in the Fall of 1998. The future land use plan will be used to determine the amount of cleanup to be achieved, environmental remediation to be accomplished, and the requirements for DOE stewardship beyond cleanup and closure.

Institutional controls for continued monitoring of contaminants and RFETS security will be necessary. The updated 1997 revision of the Rocky Flats Cleanup Agreement calls for caps on the solar ponds and on former and current landfills. Caps are possible in the 300 Area, 700 Area, and 903 pad. Capping these areas will leave contamination in place that has the potential to migrate into both the Woman Creek and Walnut Creek drainages. It is in the City of Westminster's best interest to not support capping, but to recommend a cleanup that removes as much contamination as possible for the entire RFETS.

The Rocky Flats Industrial Area Task Force has been meeting since July of 1997, to determine the feasibility of reusing RFETS buildings during cleanup and closure or to have certain designated buildings retained for use after cleanup. The working group is made up of a broad spectrum of interests and community representatives. Support within the task force has been indicated for expanded use of the buildings both during and after cleanup and for running new utilities from an off-Site provider during cleanup (privatization of utilities). Several stakeholders from the business community believe it is important to maintain buildings on the RFETS in order to preclude the area being perceived and designated open space after closure.

The DOE has publicly announced to the community that it will not support the National Conversion Pilot Project Stage III. Under this stage, cleaned up and decontaminated buildings would have been utilized by a private company, Manufacturing Science Corporation, to fabricate storage containers for RFETS waste. This announcement is perceived by the Industrial Area Transition Task Force as notice that the DOE will not allow reuse of buildings during cleanup and closure.

A local government has indicated that it is ready to provide utilities and annex the RFETS for reuse under Scenario 1.

The following is a description and discussion of the other proposed scenarios

### **Scenario 1 "Industrial Redevelopment"**

1. Utilize the RFETS for development as an employment center with an industrial emphasis, which could include research and development, manufacturing, and support uses.
2. Existing buildings and infrastructure used as feasible; upgraded as required for current market standards.
3. Expand development to include in-fill sites and areas to the west to take advantage of infrastructure and RFETS conditions.
4. Assumes that staged development can occur in conjunction with the Rocky Flats Cleanup Agreement (RFCA). Current cleanup philosophy/program can be modified to allow staged redevelopment of the Industrial Area.
5. Functionality of infrastructure systems can be maintained during cleanup and that buildings can be economically maintained during cleanup.

### **Scenario 2 "RFETS As Cold War Memorial With Museum and Research Center"**

1. One or more of the clean buildings becomes a museum with exhibits that help interpret the RFETS and its relationship to the Cold War. A research center and archives is established on the RFETS for use by scholars and the public.
2. Ruins of former buildings are stabilized so they are safe and cleaned up to meet the requirements of the community and become a powerful reminder of the financial, human, and ecological costs of the war and the significance of its end. Most of the buildings and infrastructures are viewed from the outside, a few are open to the public.

### **Scenario 3 "On-Site Development With Cold War Memorial and Museum/Research Center"**

1. Maximizes and retains the sense of RFETS as a key player in the Cold war. Interprets the activities of the Cold War to future generations and manages and interprets the buffer zone.
2. The employment center would be for uses that are compatible with the museum/memorial/research center and would provide an opportunity to anticipate new technologies and activities.
3. The question to be answered is whether businesses would be willing to locate on a site that is being commemorated for its association with the Cold War, and that this Scenario can be successfully achieved with an employment center on the RFETS. Two different programs on-Site may require very different organizations to fund, develop, and manage.
4. An appropriate entity would need to be established that can be funded to oversee the implementation of both concepts. A local jurisdiction would need to annex the employment center in order to capture maximum economic benefits.

### **Scenario 4 "Landbank or Unique Future Use"**

1. This scenario takes into consideration that the RFETS' land value may be best realized in the future after cleanup has occurred and in response to market and other conditions which may not currently exist.
2. A landbank designation allows cleanup to proceed with the understanding that all or portions of the Industrial Area and some vacant land immediately adjacent to it may be used in the future for employment-type development.
3. Decisions about specific users in the Industrial Area would be postponed until a time closer to when the RFETS will actually become available.
4. Use of the Buffer Zone would be open space.
5. All buildings and infrastructure will be removed to the maximum feasible level. Off-Site infrastructure may be extended to the RFETS in coordination with surrounding development plans. This also allows for implementation of future improved cleanup technology
6. The scenario assumes that in 10 to 15 years it will be easier to identify highest and best use. A designation of "future development" until after cleanup has occurred is viewed as important in that it provides notice that the RFETS will not be perceived as having an open space use.
7. Funding for future infrastructure requires local entity to oversee landbank and preserve future development options. Negative image of RFETS will persist, because no new concept for the RFETS is put forth, future development options may diminish as RFETS is perceived as open space. Piecemeal approach to future opportunities when they are presented.

### **Option A - "Aggressive and Timely Reuse"**

Mixed use scenario, industrial/office development will happen as soon as possible and that redevelopment will be positioned so as to reuse selected RFETS buildings and infrastructure as they become available.

This approach requires consistent community/local government support.

1. A redevelopment authority is created with authority to negotiate, monitor, plan, and finance the redevelopment.
2. Infrastructure brought to the RFETS during cleanup be financed jointly by DOE and the Redevelopment authority and that cleanup results in all underground utilities, waste lines, and tanks being removed.
3. Local communities would be required to establish and fund a redevelopment entity. (A local government has proposed the scenario of a local government annexation with urban renewal authority working one-on-one with DOE. The City would become the redevelopment authority and Urban Renewal District would be set up.)
4. DOE would be required to coordinate dates for decontamination and decommissioning with the community and become a customer for infrastructure projects. They would also be required to participate in the redevelopment planning process and maintain buildings and infrastructure until turned over to the community.

The RFETS contractor would be required to participate in this process.

### **Option B - "Preserving Options"**

Allows for specific reuse decisions to be delayed until closer to the completion of cleanup and interim activities. Focus is on preserving options for future decisions. RFETS is to be left as clean as possible, with no buildings remaining to impede future commercial development.

1. Avoids piecemeal development. Rocky Flats Local Impacts Initiative (RFLII) continues until about 3-5 years before cleanup is complete, then it becomes a redevelopment entity. New utilities are brought to the RFETS with the potential for use after cleanup.
2. Partnerships between the entity, DOE, and surrounding jurisdictions are developed. Local community continues current level of planning and coordination until cleanup is complete. Redevelopment that follows will require support.

### **Option C - "Wait And See"**

Stay out of the way until just before or after cleanup is complete according to the cleanup agreement. At that point the community could assess the state of the RFETS to determine redevelopment strategy. RFETS redevelopment is still supported.

1. A redevelopment entity is established in the future, closer to when cleanup is complete. A partnership between DOE and surrounding jurisdictions may be developed after cleanup is complete.
2. Cleanup oversight will be accomplished through Rocky Flats Citizens Advisory Board (RFCAB). There will be no coordinated community input relative to economic development

Two separate issues will be communicated to the public for consideration.

1. Use of the RFETS as open space
2. Tradeoff of lands that are contaminated in the Industrial Area for Buffer Zone property.

These alternatives are based on combinations of comments and needs expressed by the consultant and members of the working group. Final presentation of task force recommendations will be made to DOE in May. Post Buckley, Schuhand Jernigan, Inc., are the consultants for this project.

Rocky Flats Coordinator Mary Harlow has been representing Westminster on this task force. Planning Manager Larry Hulse attended the Working Group all-day work session in January, at the request of the Coordinator. Director of Public Works and Utilities Ron Hellbusch, Water Resources Manager Kelly DiNatale, and Community Development Director John Carpenter provided input and review of the Resolution supporting Open Space with removal of all buildings and foundations.

Respectfully submitted,

William M. Christopher  
City Manager

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

WHEREAS, the City of Westminster participated in the former Future Site Use Working Group as a stakeholder representing local governments concerning future use planning at the Rocky Flats Environmental Technology Site; and

WHEREAS, the purpose of the Future Site Use Working Group was to develop long-term future use options for the Rocky Flats Environmental Technology Site (Site), which the United States Department of Energy, United States Environmental Protection Agency, and the Colorado Department of Public Health and Environment would use for the long-term future Site use as input into their cleanup decisions at the Site; and

WHEREAS, the Westminster City Council resolved by Resolution No. 7, February 13, 1995, that:

- 1) The entire RFETS could be come a nationally recognized preservation, environmental technology, and interpretive center reflecting the history of Rocky Flats and the Site's unique ecological systems;
- 2) The core area of the Site be cleaned up and used for environmental technologies;
- 3) The undeveloped areas around the plant would be preserved as open space.
- 4) Recommended that highly contaminated areas be cleaned and rehabilitated as open space with limited access and the northwest corner of the Site continue to be used for wind research and other environmental technology and no other commercial development or mining activity would be allowed on the Site.
- 5) Requested any possible W470/Northwest Parkway alignment designation be along the south border of the property (96th Avenue) for a connection with 100th Avenue in the City of Westminster.
- 6) Recommended that no work on the Parkway construction begin until diversion facilities to prevent runoff from reaching Standley Lake are operational and proper steps are taken to protect Standley Lake from airborne pollution, due to construction activities.

WHEREAS, the 1995 Resolution was approved prior to adoption of the Rocky Flats Cleanup Agreement and the United States Department of Energy's development of an accelerated cleanup and closure plan for the Site; and

WHEREAS, the Rocky Flats Local Impacts Initiative convened a Facility and Infrastructure Reuse Task Force in July of 1997, to determine the possibility of reusing 8 buildings located within the 350-acre southwest corner of the industrial area; and

WHEREAS, cleanup and closure of the Site is scheduled to occur sometime between the years 2010 and 2015. The United States Department of Energy has indicated it will not maintain these buildings, nor provide infrastructure for them; therefore, reuse of the buildings is not deemed feasible from a strictly market viability and economic viewpoint; and



WHEREAS, the scope of work and title of the task force has been upgraded to Industrial Area Transition Task Force with a purpose of developing a "Preferred Plan" for the future use of the Industrial Area. Recent work of the Industrial Area Task Force indicates support for an expanded use of some of the buildings by running new utilities from an off-Site provider and thereby increasing the likelihood of future development; and

WHEREAS, previous assumptions on the extent of Site cleanup and removal of radioactive and hazardous waste and material contamination above and below ground prior to both the cleanup agreement and closure plan are no longer valid. The Accelerated Site Cleanup Plan indicates highly contaminated building foundations in the industrial area, old landfills, and other radioactively contaminated areas will be capped, additional storage buildings may be built for waste, and underground storage tanks will be drained and closed in place and not removed; and

WHEREAS, an undetermined amount of contamination has leaked underground from the tanks as well as old radioactive and hazardous chemical waste process lines which will be left in place. A large amount of radioactive and hazardous chemical contamination, as well as contaminated ground water will be left at the Site after cleanup and closure; and

WHEREAS, any disturbances of soil for excavation of foundations or placement of new utility lines through the buffer zone or other contaminated areas for development at the Site will disturb the zone's unique ecosystem and may cause migration of contamination into the drainages of Woman Creek and Walnut Creek, which flow through the City of Westminster. Movement of contaminated ground water could result from on-Site construction activities. Airborne releases of contaminants during excavation could have a negative impact on community businesses; residents; and Standley Lake, the drinking water supply for over 200,000 north metropolitan area citizens; and

WHEREAS, the United States Department of Energy will have stewardship responsibilities at the Site beyond cleanup and closure. Institutional controls will need to be in place to control contaminated area access and monitor for the migration of contaminants left on-Site that could affect downwind communities in the future.

NOW THEREFORE, be it resolved that the Westminster City Council wishes to amend Resolution No. 7, adopted February 13, 1995, and resolves as follows:

1. All buildings and foundations be demolished and removed as part of the cleanup and closure of the Rocky Flats Environmental Technology Site. Capping of part of the contaminated protected area or other Site areas is not an acceptable means to achieving cleanup and early closure. These areas will require fencing and institutional controls for an extremely long period of time. The life cycle costs of the Institutional Controls necessary after the current cleanup and closure plan are complete will be significantly reduced if more money is designated to cleaning up contaminated areas of the Site to as Low As Reasonably Achievable standards.
2. The highest and best use of the industrial area at the Rocky Flats Environmental Technology Site is open space; however, because of the geology of the Site, unique weather conditions, and density of downwind populations, the cleanup of plutonium contamination in the industrial area should be set at a more protective standard than would ordinarily be considered for open space use.

3. A significant amount of industrial commercial and office zoning presently exists in proximity to the Rocky Flats Environmental Technology Site that can provide employment to compensate for the loss of jobs due to closure. Development at the Rocky Flats Environmental Technology Site will contribute to dispersed development located far from residential development and will thus contribute to urban sprawl and air pollution.

4. Designating the buffer zone and industrial area at the Rocky Flats Environmental Technology Site as open space will serve to increase the value of adjoining properties and provide the entire community with a buffer from future development in the designated zones adjoining the Site. A designation as a Federal Wildlife Preserve such as was given to the Rocky Mountain Arsenal would provide a unique area of open space within the neighboring communities. This designation will facilitate the movement of wildlife through a wide corridor from the mountains, foothills to the plains, and protect the habitat of the Prebles Jumping Mouse, which could potentially be listed an endangered species.

5. A comprehensive and connected regional open space system can then be developed that will be enhanced by the existing publicly owned open space.

6. An unprecedented corridor of open space connecting Standley Lake, Colorado Hills, Great Western, Boulder Open Space, Boulder County open space, and Jefferson County open space will be created.

The Buffer Zone's unique ecological systems should be preserved with special interpretive sites reflecting unique natural resources. Visitor access would be managed by a trail system engineered to protect the unique resources of the zone.

7. An open space land use designation for the Site will aid in overcoming the negative image of the Site and serve as a resource for healing the memories of a community that has been deeply affected by the lack of concern about the impacts to the environment, downwind communities, and surface as well as drinking water sources during the Site's production years.

8. The W-470 interchange should be aligned south and east of the Site, using as much of the existing Indiana Street right-of-way as possible to minimize impacts to the City's open space and Woman Creek Reservoir. The alignment should be designated as a freeway and built to interstate highway standards and not as a parkway as proposed. This project should not be financed locally, but should be built as a project of the United States Department of Transportation utilizing state and or federal funds.

9. Any further planning of the Northwest Parkway must include the design and funding of storm water diversions for the protection of the Standley Lake watershed from Rocky Flats Environmental Technology Site cleanup and development south of the Rocky Flats Environmental Technology Site.

10. This Resolution shall be distributed to Governor Romer and State agencies involved in Rocky Flats Environmental Technology Site issues, the Colorado Congressional Delegation, the United States Department of Energy Headquarters and Rocky Flats Field Office, local governments, Chambers of Commerce and the Rocky Flats Local Impacts Initiative, as well as Industrial Area Transition Task Force Members and consultants, Rocky Flats Citizens Advisory Board, Rocky Mountain Peace and Justice Center, and the Sierra Club.

Passed and adopted this 23rd day of February, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**Date:** February 23, 1998  
**Subject:** Westmoor Business Park Utilities Expenditures  
**Prepared By:** Tom Settle, Water Quality Coordinator  
Diane Phillips, Utility Projects Coordinator

**Introduction**

City Council action is requested to authorize the expenditure of \$800,000 for the construction of water, wastewater, and reclaimed water distribution piping necessary to serve the Westmoor Business Park project. Funds are available in the appropriate Water, Wastewater, and Reclaimed Water Project Capital Improvement Project Accounts in the Utilities Fund for this expense.

**Summary**

As part of the Westmoor development package, it was agreed that Westmoor Business Park Ltd. would install water, wastewater, and reclaimed water distribution piping and be reimbursed by the City. The initial phases of development provide the best opportunity to install necessary water and wastewater system improvements needed to properly serve these new areas. The reclaimed water system will provide irrigation water to The Heritage at Westmoor Golf Course and the surrounding business park development. Expansion of the City's fiber optic cabling system is also included in these utility upgrades.

The breakdown of estimated expenditures is as follows:

Water/Wastewater system additions	\$50,000
Reclaimed Water/Fiber Optic system	\$750,000

**Staff Recommendation**

Authorize the expenditure of \$800,000 to Westmoor Business Park Ltd. for the purpose of providing the utility infrastructure necessary to serve the Westmoor development area as defined in the Business Assistance Agreement and charge the expense to the Utility Capital Improvement Fund.

**Background Information**

In July 1997, City Council approved an agreement with Westmoor Business Park Ltd. This agreement defined a cooperative approach between the parties for providing the utility infrastructure needed to serve the new development. It was agreed that Westmoor would provide the design and construction services for the road and utility infrastructure to meet the City's needs and requirements. In turn, the City would reimburse Westmoor for the expenses incurred for the portions directly attributable to utility system enhancements requested by the City.

Respectfully submitted,

William M. Christopher, City Manager

Attachment

**Date:** February 23, 1998  
**Subject:** Financial Report for January 1998  
**Prepared by:** Mary Ann Parrot, Finance Director

### **Introduction**

City Council is requested to review the attached financial statements which reflect 1998 transactions through January, 1998.

### **Summary**

There are three sections to the attached report:

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

General Fund revenues represent 7% of the total budget estimate while General Fund expenditures and encumbrances represent 8% of the 1998 appropriation.

Utility Fund revenues represent 7% of the total budget estimate. Utility Fund expenditures and encumbrances represent 4% of the 1998 appropriation.

The Sales and Use Tax Fund revenues represent 12% of the total budget estimate, while expenditures and encumbrances in that fund represent 8% of the 1998 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 11% from the same period last year and increased 11% year-to-date.

The Open Space Fund revenues represent 12% of the total budget estimate while expenditures and encumbrances in that fund represent 33% of the 1998 appropriation. The City acquired open space using bond proceeds. The corresponding budget is in a capital project account. A correction will be made to charge the capital project account rather than the pay as you go account. Operating expenditures and encumbrances represent 7% of the 1998 appropriation.

The Golf Course Fund operating revenues represent 1% of the total budget estimate while operating expenditures represent 1% and encumbrances represent 13% of the 1998 appropriation.

Theoretically, 8% of revenues and expenditures should be realized after one month in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

### **Staff Recommendation**

Accept the report as presented.

**Background Information**

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

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** February 19, 1998

**Subject:** January Financial Report

**Prepared by:** Mary Ann Parrot, Finance Director

**Summary**

The monthly financial report for January, 1998 was not available for distribution with the packet going to City Council on Thursday, February 19. The report will be distributed at the pre-meeting on Monday, February 23, 1998. Staff will attend the meeting to answer questions City Council may have regarding the monthly report.

Respectfully submitted,

William M. Christopher  
City Manager