



WESTMINSTER
COLORADO

February 24, 2003
7:00 P.M.

CITY COUNCIL AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 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. 2003 Metropolitan Mayors' and Commissioners' Youth Award
 - B. Recognition of Former Board and Commission Members
 - C. Presentation of Employee Service Awards
5. Citizen Communication (5 minutes or less)
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. Financial Report for January 2003
 - B. Change Date for First Meeting in March and Last Meeting in May
 - C. IGA re Youth Alcohol Intervention Program Amendment
 - D. Disposition of Used Speed Monitoring Awareness Radar Trailers
 - E. Insurance Report: July - December 2002
 - F. Contract for Final Design of Huron Street, 128th Avenue to 136th Avenue
 - G. 2003 Concrete Replacement Project Bid
 - H. 2003 Asphalt Pavement Rehabilitation Project Bid
 - I. 2003 Chipseal Project Award
 - J. CB No. 8 re Amendments to Northeast Comprehensive Development Plan (Dittman-Atchison)
9. Appointments and Resignations
 - A. Resolution No. 7 re Reappointments/Appointments to Boards & Commissions
10. Public Hearings and Other New Business
 - A. Public Hearing re Mandalay Gardens PDP
 - B. Preliminary Development Plan re Mandalay Gardens
 - C. Councillor's Bill No. 10 re 4th Quarter 2002 Supplemental Appropriation
 - D. Resolution No. 8 re Great Outdoor Colorado Grant Application
 - E. Land Exchange With Beau and Allen, LLC SEC 8600 Church Ranch for 7453 W 105th Avenue
11. Old Business and Passage of Ordinances on Second Reading
 - A. CB No. 9 re Rezoning of Cottonwood Village (Atchison-Dittman)
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Executive Session
 1. Attorney Client Consultation
 2. Economic Development Assistance Packages
13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 24, 2003 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Dixon moved, seconded by McNally to approve the minutes of the meeting of February 10, 2003 with no corrections or additions. The motion carried unanimously.

PRESENTATIONS

Mayor Moss recognized the following people for the Metropolitan Mayors' and Commissioners' Youth Award: Stephanie Valdez, Janessa Nelson, Larson-Nelson, Lily Lo, Nick McClelland, Nicole Padilla, and Andrew Martinez.

Councillor Dittman presented a certificate of appreciation to Jane Kober for her service on the Parks and Recreation Advisory Board; Councillor Dixon presented a certificate of appreciation to Ed Thwaites for his service on the Human Services Board; and Mayor Pro-Tem Atchison presented a certificate of appreciation to Greg Lockridge for his service on the Planning Commission.

Mayor Moss and Councillor Dittman presented certificates and pins to the following employees for 20 years of service: Dave Leiker, Dan Montgomery, Chris Pardo, Bob VanBriesen, and Kurt Wetzel. Mayor Moss and Councillor Dittman presented certificates, pins, and checks for \$2,500 to the following employees for 25 years of service: Jerry Calabrese, Jerry Magnetti, Steve McDuff, Mike Schafer, Vicky Sisto, and Mike Ziegler. Mayor Moss presented a certificate and pin to Charlie Johnson for 30 years of service.

CITIZEN COMMUNICATION

Robert Fitzpatrick, 8893 Yukon St, addressed Council regarding The Silo Development and gave City Council a copy of a agreement between the City and The Silo

CITY MANAGER COMMENTS

Brent McFall, City Manager, recognized City Employees and Volunteers committed to customer service and noted that the March 10 Council Meeting will be changed to March 17.

CITY COUNCIL COMMENTS

Councillor Hicks commented on volunteers doing what others talk about; commented on Chris Nielsen of Standley Lake High School winning his 4th straight Class 5A wrestling championship; and commented on Blair Wilson, CU Basketball player.

Mayor Moss recognized Kelley O'Dell on her recently won bronze medal in the Class 4A 200-yard medley relay; and commented on Barb Dolan and the Sales Tax division on recent audits completed.

Councillor Dittman commented on the members of the Silo HOA, and their tenacity. He also commented on Westminster High School's Nathan Gallegos winning the 2003 4A wrestling championship.

Mayor Pro Tem Atchison recognized Staff at the Heritage at Westmoor and Legacy Ridge golf courses for their superior rankings in the Golf Magazine.

CONSENT AGENDA

The following items were considered as part of the Consent Agenda: Financial Report for January 2003; change date for first meeting in March to March 17th and last meeting in May to May 19th; IGA Amendment re Youth Alcohol Intervention Program; Disposition of Used Speed Monitoring Awareness Radar Trailers; Insurance Report for July-December 2002; Contract for final design of Huron Street, 128th Ave to 136th Ave with Felsburg, Holt and Ullevig for \$520,000; 2003 Concrete Replacement Project Bid with Concrete Works of Colorado for \$662,048; 2003 Asphalt Pavement Rehabilitation Project Bid for \$1,669,006; 2003 Chipseal Project Award with A-1 Chipseal Company for \$ 769,481; and CB No. 8 re Amendments to Northeast Comprehensive Development Plan.

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. Councillor Hicks asked that the Disposition of Used Speed Monitoring Awareness Radar Trailers be removed for discussion.

Councillor McNally moved, seconded by Atchison to adopt the remaining consent agenda items as presented. The motion carried unanimously.

DISPOSITION OF USED SPEED MONITORING AWARENESS RADAR TRIALERS

Councillor Hicks moved, seconded by Moss to TABLE this item. The motion failed with dissenting votes from Atchison, Dittman, Dixon and McNally.

Councillor McNally moved, seconded by Atchison to authorize the Police Department to donate the two used Speed Monitoring Awareness Radar Trailers (SMART) to the Milliken Police Department. The motion carried with dissenting votes from Hicks and Moss.

RESOLUTION NO. 7 APPOINTMENTS AND REAPPOINTMENTS TO BOARDS & COMMISSIONS

Mayor Pro-Tem Atchison moved, seconded by McNally to appoint Ken Claussen and Stephanie Marlin to the Parks Recreation and Advisory Board; David Jones and Candee Wells to the Personnel Board; Donald Anderson and Joe McConnell to the Planning Commission; and to reappoint John Brann, Margaret Rivers, and Betty Whorton to the Personnel Board. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE MANDALAY TOWN CENTER PRELIMINARY DEVELOPMENT PLAN

At 7:58 P.M. the public hearing was opened on Mandalay Town Center Preliminary Development Plan. Dave Shinneman, Planning Director, entered the following information into the record: a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items. Dave Downing, City Engineer and John Carpenter, Director of Community Development address Council. No one spoke in opposition. The public hearing was declared closed at 8:20 P.M.

MANDALAY TOWN CENTER PRELIMINARY DEVELOPMENT PLAN

Councillor Dittman moved, seconded by Dixon to approve the Preliminary Development Plan for the Mandalay Town Center, making a finding that the provisions of Section 11-5-14 and 11-5-15 of the Westminster Municipal Code have been satisfied. The motion carried unanimously.

COUNCILLOR'S BILL NO. 10 RE 4TH QUARTER 2002 SUPPLEMENTAL APPROPRIATION

Councillor Dittman moved, seconded by Dixon to pass Councillor's Bill No. 10 on first reading providing for supplementary appropriations to the 2002 budget of the General, Utility, Open Space and General Capital Improvement Funds. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 8 RE GREAT OUTDOOR COLORADO GRANT APPLICATIONS

Councillor McNally moved, seconded by Dittman to adopt Resolution No. 8 authorizing the Department of Parks, Recreation and Libraries to pursue a Great Outdoor Colorado Grant for 2003. Upon roll call vote, the motion carried unanimously.

LAND EXCHANGE WITH BEAU AND ALLEN

Councillor Dixon moved, seconded by Atchison to authorize the City Manager to execute a Land Exchange Agreement and development cost reimbursement agreement with Beau and Allen, LLC, in substantially the same form as the two agreements attached, execute the necessary closing documents required for the land exchange, and authorize the expenditure of funds from the General Fund Contingency Account to cover the City's closing and reimbursement costs. The motion carried unanimously.

COUNCILLOR'S BILL NO. 9 RE REZONING OF COTTONWOOD VILLAGE

Mayor Pro-Tem Atchison moved, seconded by McNally to pass Councillor's Bill No. 9 on second reading approving the rezoning of the Cottonwood Village property from C-1, Commercial District to Planned Unit Development. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION

Mayor Moss announced there would be an Executive Session to discuss an Attorney Client matter, Economic Development Assistance Package and an Economic Development matter.

ADJOURNMENT:

The meeting was adjourned at 8:40P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003

SUBJECT: 2003 Metropolitan Mayors' and Commissioners' Youth Award (MMCYA)

PREPARED BY: Emily Moon, Management Analyst

Recommended City Council Action:

Recognize the six area youth selected for the first phase of the Metropolitan Mayors' and Commissioners' Youth Award.

Recognize and present certificates of achievement to:

- Stephanie Valdez, Pomona High School, nominated by Julie Stamper
- Janessa Larson-Nelso, Shaw Heights Middle School, nominated by Team Excel (Karen Branch and Sherri Carabello)
- Lily Lo, Shaw Heights Middle School, nominated by Team Excel (Karen Branch and Sherri Carabello)
- Nick McClelland, Westminster High School, nominated by Martha Sullivan
- Nicole Padilla, Westminster High School, nominated by Kelly Miller
- Andrew Martinez, Westminster High School graduate, nominated by Kelly Miller

Summary Statement:

- Six Westminster youth have been nominated through the Metropolitan Mayors' and Commissioners' Youth Award program for municipal-level recognition.
- City Council is requested to recognize these youth privately at a reception preceding the February 24 City Council meeting and publicly during the meeting.

Expenditure Required: \$ 0

Source of Funds: N/A

SUBJECT: 2003 Metropolitan Mayors' and Commissioners' Youth Award (MMCYA) Page 2

Policy Issue

None at this time.

Alternative

None at this time.

Background Information

The Metropolitan Mayors' and Commissioners' Youth Award (MMCYA) was established in 1986. This exciting program recognizes young people in our community whose contributions and achievements might otherwise be overlooked. The award honors young people who have overcome personal adversity, created positive change in a difficult environment, or have made strides beyond their limitations. This fall, nominations were sought for youth ages 13 through 19 who have shown outstanding achievement in the areas of direct service to the community, other youth, the family, or to self. All of the nominees are honored by their respective municipalities. Additionally, if a nominee is selected to continue in the awards process, he or she may also be honored by his or her county and by the entire metropolitan area. Introductory letters and nomination forms were sent to local churches in Westminster, school principals, and school counselors at the middle and high schools in the City.

While the City will recognize six youths who are living or pursuing education within Westminster's city limits, a total of nine youths with Westminster ties were nominated for MMCYA. While school affiliation determines which youth will be recognized by the City of Westminster's City Council, several young Westminster residents will be recognized throughout Jefferson and Adams Counties in separate municipal-level ceremonies this month.

Adams County Commissioners will hold a banquet honoring youths who were selected for County-level recognition on March 21. Andrew Martinez will be recognized at the Adams County banquet. The Jefferson County recognition event date and applicable youths have yet to be determined. Metro Area recognition will be held on May 11.

The youths being recognized tonight by City Council have faced trauma with courage, emotional and physical health ailments with determination, financial hardship with resourcefulness, and challenges in school with perseverance. Due to the sensitive and confidential nature of many of the nominees' backgrounds, the Adams and Jefferson County MMCYA Selection Committees recommend conducting a more general recognition ceremony where descriptions of the adversity each nominee has overcome are not disclosed. Instead, a description of the award and its criteria will be conveyed, and each nominee's name, age, school and nominator will be read as they receive their certificate. Additionally, City Council will host a brief reception for the nominees, nominators, principals and families prior to the Council meeting.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003

SUBJECT: Recognition of Former Board and Commission Members

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action

Present certificates of appreciation for dedicated service to Jane Kober, Greg Lockridge and Ed Thwaites,

Summary Statement

The City Council is requested to present Certificates of Appreciation in recognition of time dedicated to the City by several Board members who have recently resigned.

During the past few months, several citizens have resigned from various City Boards. Certificates of Appreciation recognizing their time and efforts:

- Jane Kober of the Parks and Recreation Advisory Board
- Greg Lockridge of the Planning Commission
- Ed Thwaites of the Human Services Board

Expenditure Required: \$0

Source of Funds: n/a

Policy Issue(s)

No policy issues identified

Alternative(s)

No alternatives identified

Background Information

Jane Kober was originally appointed to the Parks and Recreation Advisory Board on June 24, 1996. Her term of office expired on December 31, 2002 and she did not wish to be reappointed.

Greg Lockridge was originally appointed to the Planning Commission on January 27, 1997. His term of office expired on December 31, 2002 and he did not wish to be reappointed.

Ed Thwaites was appointed to the Human Services Board on April 11, 1994. His term of office expired on December 31, 2002 and he did not wish to be reappointed.

All of these people have indicated that they will be present at Monday night's Council meeting.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003

Subject: Presentation of Employee Service Awards

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action:

Present service pins and certificates of appreciation to employees celebrating 20, 25 and 30 years of service with the City, and provide special recognition to our 25 year employee with the presentation of a \$2,500 bonus.

Summary Statement:

- City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 30th, 25th and 20th anniversary of employment with the City.
- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 bonus to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their careers with the City.
- There are six employees celebrating 25 years of service, and they will be presented with a check for \$2,500, less income tax withholding.

Expenditure Required: \$15,000

Source of Funds: Fire Department \$10,000 and Parks, Recreation and Libraries \$5,000

Policy Issue

No policy issues identified.

Alternative

No alternatives identified.

Background Information

The following 20-year employees will be presented with a certificate and service pin:

Dave Leiker	Fire Department	Fire Captain
Dan Montgomery	Police Department	Police Chief
Chris Pardo	Police Department	Senior Criminalist
Bob VanBriesen	Community Development	Engineering Construction Inspector
Kurt Wetzel	Police Department	Senior Police Officer

The following 25-year employees will be presented with a certificate, service pin and check for \$2,500, minus amounts withheld for Federal and State income taxes:

Jerry Calabrese	Fire Department	Fire Lieutenant
Jerry Magnetti	Parks, Recreation & Libraries	Parks Supervisor
Steve McDuff	Fire Department	Fire Engineer
Mike Schafer	Fire Department	Fire Lieutenant/Fire Prevention Specialist
Vicky Sisto	Parks, Recreation & Libraries	Library Services Coordinator
Mike Ziegler	Fire Department	Fire Lieutenant

Jerry Calabrese

Jerry started with the City of Westminster as a volunteer firefighter in 1974 and then became a career firefighter in January, 1978. Jerry was promoted to Paramedic in 1979, a time when paramedicine was still in its infancy. In 1982 he was promoted to Lieutenant, serving as supervisor at Fire Station Two. Jerry still maintains his paramedic certification and is a Basic Life Support Instructor, enabling the organization to provide a high level of service. Jerry developed and upgraded the Fire Department's Driver Training Program since 1975, which includes conducting joint training with Aurora Fire Department and certified Jerry as a P.O.S.T. (Police standards operation training) driving instructor. Jerry also developed and coordinated the Christmas Charity Drive in 1996 and made it into a program that really does make a difference. Jerry is also one of the original COG team leaders, representing the southern part of the City since 1996.

On his days off, Jerry has taught Fire Science classes at Red Rocks Community College since 1994, helping to develop young people coming into the fire service. He also likes to garden and takes a great deal of pride in his home and family. His house is well known at Christmas time and is frequently featured as one of the homes to see when viewing holiday displays. After the decorations are put away, Jerry and his wife Beatty of 32 years have been known to help out the local economy in Blackhawk and Central City.

Jerry Magnetti

During the summer of 1977, Jerry began riding his bicycle across country from New Jersey to Oregon. Unfortunately for Jerry, but fortunate for the City of Westminster, he ran out of money while crossing Colorado and needed to get a job to continue his trip. Jerry began working for the City as a seasonal Parkworker for the summer. He never left.

Over the next 25 years, Jerry was promoted to Parksworker II, Crew Leader, Parks Foreman, and is currently a Parks Supervisor of the construction crew. He is responsible for all aspects of the construction of parks and trails, including lakes, bridges, and themed playgrounds. He is married to Laura Magnetti, another 25-year City employee, and they have two sons. Jerry is a golf fanatic and plays guitar and sings in a bluegrass band, Southern Exposure. (CDs will be available in lobby after the Council meeting!)

Steve McDuff

Steve McDuff was hired as a part-time Firefighter Trainee II in January, 1978, promoting through the ranks and reclassified to his current position as a Fire Engineer on March 25, 1982. Steve is currently working at Station 5, A Shift. As a Fire Engineer, Steve is responsible to drive the crew quickly and safely to all emergency calls in the fire truck. It is also his responsibility to perform routine maintenance of the fire truck he is assigned to. Steve is very mechanically inclined, and has used his expertise to maintain the department's Self-Contained Breathing Apparatus (SCBA), sump pumps, or other equipment.

Mike Schafer

Mike began his career with the City as a Maintenceman I in August, 1973. In September, 1979 he was hired as a Firefighter Trainee II, later promoted to Paramedic, and on January 2, 2003 he was promoted to Fire Prevention Specialist assigned to the Fire Prevention Bureau. Mike is responsible to conduct acceptance testing of fire alarms, sprinkler systems, and other fire suppression related systems for Westminster businesses as well as enforce City adopted fire codes. Mike assists the Fire Department by ordering and stocking all batteries used by the department, including portable radio batteries. As the Fire Prevention Specialist, Mike will be coordinating the fire protection responsibilities for the City's July 4 Fire Works Display. Mike is an avid Golfer and volunteers at a local golf course as their Marshal. He recently enrolled in a glass blowing class, as an avenue for relaxation and creativity. Mike has been married to his wife Cathy for 12 years and has five children. His wife Cathy owns and operates a hair salon in Westminster.

Vicky Sisto

Vicky is celebrating her 25th anniversary with the City this year. For many years, Vicky was THE children's librarian for the City of Westminster, and literally thousands of Westminster children past and present have enjoyed the hundreds of books she has selected, the many story times and other programs she has presented, the Summer Reading Programs she has planned, and the new Children's Library at College Hill which she played a key role in planning and designing. Vicky is always encountering Westminster residents who remember her from their story time days. Some of them are now bringing their own children to the Children's library at 76th Ave. or College Hill. Vicky has a husband, Galen, and a son Kevin. She is a real animal lover, and loves to tell stories both on and off the job! Vicky has been a tremendous asset to the City and should be extremely proud of the great work she has done in her 25 years with the City.

Mike Ziegler

Mike started his career with the City on January 9, 1978 as a Firefighter Trainee, promoting through the ranks to his current position of Fire Lieutenant in April, 1987. Mike is currently assigned to Fire Station 3, B Shift serving as the officer on the ladder truck. Mike also works part-time as a security guard at a Westminster Mall retail store. He is an animal lover, his favorite being his Akita puppy. Mike's color preference is appropriately "fire engine red" for all his vehicles, including his pickup truck and Pontiac Fire Bird. Mike was a member of the Fire Department's Dive Team for several years and has spent many a vacation scuba diving in exotic locations such as Thailand, Belize and Tahiti. Currently he is a member of the Physical Fitness Committee where he assists with the development of the Department's health and wellness program, fitness counseling, administering fitness testing and conducting job specific performance tests on an annual basis.

Mike is also instrumental in procuring donated fitness equipment for the six fire stations. As an advocate for physical fitness, Mike always sets the standard by scoring the highest on the fitness testing.

The following 30-year employee will be presented with a certificate and service pin:

Charlie Johnson Police Department Captain

On March 3rd, the City Manager will host an employee awards luncheon at which time 8 employees will receive their 15 year service pin, 9 employees will receive their 10 year service pin and 12 employees will receive their five year service pins, while recognition will also be given to those who are celebrating their 20th, 25th and 30th anniversary. This is the first luncheon for 2003 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 550 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

J. Brent McFall
City Manager

Jerry Calabrese

Jerry started with the City of Westminster as a volunteer firefighter in 1974 and then became a career firefighter in January, 1978. Jerry was promoted to Paramedic in 1979, a time when paramedicine was still in its infancy. In 1982 he was promoted to Lieutenant, serving as supervisor at Fire Station Two. Jerry still maintains his paramedic certification and is a Basic Life Support Instructor, enabling the organization to provide a high level of service. Jerry developed and upgraded the Fire Department's Driver Training Program since 1975, which includes conducting joint training with Aurora Fire Department and certified Jerry as a P.O.S.T. (Police standards operation training) driving instructor. Jerry also developed and coordinated the Christmas Charity Drive in 1996 and made it into a program that really does make a difference. Jerry is also one of the original COG team leaders, representing the southern part of the City since 1996.

On his days off, Jerry has taught Fire Science classes at Red Rocks Community College since 1994, helping to develop young people coming into the fire service. He also likes to garden and takes a great deal of pride in his home and family. His house is well known at Christmas time and is frequently featured as one of the homes to see when viewing holiday displays. After the decorations are put away, Jerry and his wife Beatty of 32 years have been known to help out the local economy in Blackhawk and Central City.

Jerry Magnetti

During the summer of 1977, Jerry began riding his bicycle across country from New Jersey to Oregon. Unfortunately for Jerry, but fortunate for the City of Westminster, he ran out of money while crossing Colorado and needed to get a job to continue his trip. Jerry began working for the City as a seasonal Parksworker for the summer. He never left.

Over the next 25 years, Jerry was promoted to Parksworker II, Crew Leader, Parks Foreman, and is currently a Parks Supervisor of the construction crew. He is responsible for all aspects of the construction of parks and trails, including lakes, bridges, and themed playgrounds. He is married to Laura Magnetti, another 25-year City employee, and they have two sons. Jerry is a golf fanatic and plays guitar and sings in a bluegrass band, Southern Exposure. (CDs will be available in lobby after the Council meeting!)

Steve McDuff

Steve McDuff was hired as a part-time Firefighter Trainee II in January, 1978, promoting through the ranks and reclassified to his current position as a Fire Engineer on March 25, 1982. Steve is currently working at Station 5, A Shift. As a Fire Engineer, Steve is responsible to drive the crew quickly and safely to all emergency calls in the fire truck. It is also his responsibility to perform routine maintenance of the fire truck he is assigned to. Steve is very mechanically inclined, and has used his expertise to maintain the department's Self-Contained Breathing Apparatus (SCBA), sump pumps, or other equipment.

Mike Schafer

Mike began his career with the City as a Maintenceman I in August, 1973. In September, 1979 he was hired as a Firefighter Trainee II, later promoted to Paramedic, and on January 2, 2003 he was promoted to Fire Prevention Specialist assigned to the Fire Prevention Bureau. Mike is responsible to conduct acceptance testing of fire alarms, sprinkler systems, and other fire suppression related systems for Westminster businesses as well as enforce City adopted fire codes. Mike assists the Fire Department by ordering and stocking all batteries used by the department, including portable radio batteries. As the Fire Prevention Specialist, Mike will be coordinating the fire protection responsibilities for the City's July 4 Fire Works Display. Mike is an avid Golfer and volunteers at a local golf course as their Marshal. He recently enrolled in a glass blowing class, as an avenue for relaxation and creativity. Mike has been married to his wife Cathy for 12 years and has five children. His wife Cathy owns and operates a hair salon in Westminster.

Vicky Sisto

Vicky is celebrating her 25th anniversary with the City this year. For many years, Vicky was THE children's librarian for the City of Westminster, and literally thousands of Westminster children past and present have enjoyed the hundreds of books she has selected, the many story times and other programs she has presented, the Summer Reading Programs she has planned, and the new Children's Library at College Hill which she played a key role in planning and designing. Vicky is always encountering Westminster residents who remember her from their story time days. Some of them are now bringing their own children to the Children's library at 76th Ave. or College Hill. Vicky has a husband, Galen, and a son Kevin. She is a real animal lover, and loves to tell stories both on and off the job! Vicky has been a tremendous asset to the City and should be extremely proud of the great work she has done in her 25 years with the City.

Mike Ziegler

Mike started his career with the City on January 9, 1978 as a Firefighter Trainee, promoting through the ranks to his current position of Fire Lieutenant in April, 1987. Mike is currently assigned to Fire Station 3, B Shift serving as the officer on the ladder truck. Mike also works part-time as a security guard at a Westminster Mall retail store. He is an animal lover, his favorite being his Akita puppy. Mike's color preference is appropriately "fire engine red" for all his vehicles, including his pickup truck and Pontiac Fire Bird. Mike was a member of the Fire Department's Dive Team for several years and has spent many a vacation scuba diving in exotic locations such as Thailand, Belize and Tahiti. Currently he is a member of the Physical Fitness Committee where he assists with the development of the Department's health and wellness program, fitness counseling, administering fitness testing and conducting job specific performance tests on an annual basis. Mike is also instrumental in procuring donated fitness equipment for the six fire stations. As an advocate for physical fitness, Mike always sets the standard by scoring the highest on the fitness testing.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: Financial Report for January 2003

Prepared By: Mary Ann Parrot, Finance Director

Recommended City Council Action

Accept the Financial Report for January as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement and monthly revenue report. The Shopping Center Report is also attached to this monthly financial report; this reflects December sales and use tax receipts received in January.

- Across all shopping centers, total sales & use tax receipts are down 4% over the one-month period from last year (Sales and Use Taxes). Sales Tax receipts (only) are down 9% compared to the one-month period last year.
- The Westminster Mall is down 10% for January, compared to January of last year.
- December figures were as follows:
 - Shopping center receipts were down 2% for the month and Sales Tax receipts (only) were down 3%.
 - The Westminster Mall was down 22% the month of December.
 - These figures include the upward adjustment of revenues received in January for reduction of the Vendor's Fee Discount approved in 2002, to take effect in January 2003. This amounted to \$76,879 additional revenue for the month.

Key features of the monthly financial report for January are as follows:

- At the end of January, one month of 12 months of the year has passed. This is 8.3% of the year.
- The Sales and Use Tax Fund revenues are currently \$432,420 under pro-rated budget for the year. The January figures reflect the sales in December, tax receipts received in January. Sales tax returns are down for January 2003 compared to January 2002 by 2.4% for the month or \$123,000 below January 2002. This also reflects the additional revenues in Sales Tax Returns for the reduction of the Vendor's Fee, effective January 1, 2003.
- For the entire Sales and Use Tax Fund (Sale and Use Tax Returns and Audits) the fund is even with January of last year.
- The General Fund revenue is currently 104% of pro-rated budget for one month.

Policy Issues

A monthly review of the City's financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

Alternatives

Conduct a quarterly review. This is not recommended, as the City's pro-rated budget and financial position are large and complex, warranting a monthly review by the City Council.

Background Information

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%.

General Fund

This fund reflects the results of the City's operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions such as City Manager, City Attorney, Finance, and General Services.

At the end of January, the General Fund is in the following position regarding both revenues and expenditures:

- Revenues over pro-rated budget by \$158,704 (104% of pro-rated budget).
- Expenditures under pro-rated budget by \$1.6 million (72% of pro-rated budget).

Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects. At the end of January, the Enterprise is in a positive position.

- Combined Water & Wastewater revenues are under pro-rated budget by \$86,402 (96% of budget):
 - Water revenues under pro-rated budget by \$108,196 (93% of pro-rated budget), due primarily to a negative variances in rates and charges.
 - Wastewater revenues over pro-rated budget by \$21,794 (102% of pro-rated budget), due mostly to interest earned for the month of January on the portfolio.
 - Stormwater Drainage revenues under pro-rated budget by \$1,542 (98% of pro-rated budget).
- Combined Water & Wastewater expenses are under pro-rated budget by \$1,103,238 (47% of budget):
 - Water expenses under pro-rated budget by \$708,062 (51% of pro-rated budget).
 - Wastewater expenses under pro-rated budget by \$395,176 (39% of pro-rated budget).
 - Stormwater Drainage expenses under pro-rated budget by \$17,081 (14% of pro-rated budget).

Sales and Use Tax Funds (Sales & Use Tax Fund and Open Space Sales & Use Tax Fund)

These funds are the repositories for the 3.25% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Projects Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. At the end of January, the position of these funds is as follows:

- Sales & Use Tax Fund revenues are under pro-rated budget by \$432,420 (93% of pro-rated budget).
- Sales & Use Tax Fund expenditures are even with pro-rated budget because of the transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund.
- Open Space Sales & Use Tax Fund revenues are under pro-rated budget by \$49,172 (91% of pro-rated budget), due to a shortfall in sales and use tax collections tied to a recessionary economy.
- Open Space Sales & Use Tax Fund expenditures are under pro-rated budget by \$76,707 (79% of pro-rated budget).

Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City's two municipal golf courses.

- Combined Enterprise revenues are over pro-rated budget by \$21,120 (132% of pro-rated budget).
- Combined Enterprise expenses are under pro-rated budget by \$70,206 (74% of pro-rated budget).
- Legacy – Revenues are over pro-rated budget by \$15,155 (141% of pro-rated budget).
- Legacy – Expenses are under pro-rated budget in expenses by \$45,951 (68% of pro-rated budget).
- Heritage – Revenues are over pro-rated budget by \$5,965 (120% of pro-rated budget).
- Heritage – Expenses are under pro-rated budget by \$24,255 (80% of pro-rated budget).

Staff will attend the February 24th City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003

SUBJECT: Change Date for First Meeting in March and Last Meeting in May

Prepared By Michele Kelley, City Clerk

Recommended City Council Action:

Change the date of the first regular meeting of City Council in March from March 10th to March 17th and the last regular City Council meeting of May from May 26th to May 19th.

Summary Statement:

City Council action is requested to change the date of the first regular City Council meeting in March.

- The majority of City Council members will be attending the National League of Cities meeting in Washington, DC and will not be back in town for the March 10th Council meeting.
- It is requested that City Council formally change the date of the first regular Council meeting in March from March 10th to Monday, March 17th.

City Council action is requested to change the date of the last regular City Council meeting in May.

- The last regular City Council meeting of May would normally be held on Monday, May 26th, which is Memorial Day.
- It is requested that City Council formally change the date of the last regular Council meeting in May to Monday, May 19th.

Expenditure Required: None

Source of Funds: n/a

Policy Issue:

No policy issues identified

Alternative:

Council could decide to conduct the last Council meeting of May on Tuesday, May 27th.

Background Information:

City Council historically has changed the first Council meeting date in March because of the National League of Cities conference and the last Council meeting in May, which is always Memorial Day.

Members of the public are aware that Council meetings and Study Sessions are held on Mondays, and therefore, it is logical to reschedule the Council meeting to a different Monday during the month.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: IGA re Youth Alcohol Intervention Program Proposed Amendment

PREPARED BY: Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action:

Authorize the City Manager to sign the proposed amendment to the Intergovernmental Agreement related to the First Judicial District's Youth Alcohol Intervention Program.

Summary Statement

The Board of Directors of the First Judicial District Youth Alcohol Intervention Program that serves Jefferson County is requesting that the County and member cities approve an amendment to their April 2000 Intergovernmental Agreement (IGA). This amendment would establish an area-wide intervention program to deal in a coordinated manner with the problem of youth marijuana abuse.

Currently, the Youth Alcohol Intervention Program (YAIP) limits its counseling, evaluation and treatment services to referrals related to youth alcohol abuse. The Westminster Police Department had until recently relied almost entirely on the intervention program operated in Adams County for referring youth violators in both Adams and Jefferson Counties in part because the Adams County Program provides intervention services for both alcohol and marijuana offenders.

Council was provided with copies of the proposed amendment last summer. However, the City was asked to delay formal approval until issues brought up by the City of Lakewood could be addressed. These issues have been resolved and the document is now ready for approval by the participating entities.

It is likely that with the addition of services related to marijuana related cases, the Westminster Police Department will increase the use of this service.

Councillor Butch Hicks represents the City on the Board of Directors and currently serves as the Board President. Copies of the original IGA, and the proposed amendment to the IGA, are attached for Council's review.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council wish to see the services provided by the First Judicial District's Youth Alcohol Intervention Program be extended to include services related to treatment, evaluation, and counseling for marijuana related violations?

Alternative

Council could decide to discontinue the City's participation in the Youth Alcohol Intervention Program in Jefferson County and continue utilizing the North Metro Youth Diversion Program in Adams County for all juvenile offender diversion services related to alcohol and marijuana use. Since there is no direct hard dollar cost for the City to be involved in both programs and such involvement provides the Police Department with an additional option, Staff does not recommend this alternative.

Background Information

The Youth Alcohol Intervention Program (YAIP) for the First Judicial District was developed by police, court, prosecution, and school personnel in Jefferson County using the Adams County North Metro Diversion Program as a model. The purpose of the program is to refer first time juvenile offenders in alcohol related cases into training and education programs in lieu of prosecution through the court system. This type of early intervention program has been shown to reduce the probability of these juveniles being involved in more serious offenses in the future.

The entities that participate in this program currently are Arvada, Edgewater, Golden, Westminster, Wheatridge, Morrison, Lakewood, and Jefferson County. The IGA which was approved by Council in December 1999 and went into effect in April 2000, created a governing board that oversees one or more intervention providers. The current provider, Counseling, Evaluation and Treatment Program, Inc., is responsible for delivering the education, intervention, and training to juveniles referred to the program. The juvenile offenders are given the option of completing the program and having the charges against them dismissed or facing a conviction that would involve Court fines and recording of their conviction with the motor Vehicle Department, which will suspend their drivers' license for 90 days.

Since the program became operational in April 2000, the Westminster Police Department and the Municipal Court have referred 74 individuals to the service provider for intervention services. In comparison, the Department and the Court have referred 450 individuals to the Adams County Program since May, 2001.

With the proposed expansion of the program to include offenders of marijuana related violations, it is anticipated that Westminster's use of the Jefferson County Program will increase.

As is the case with Adams County's North Metro Diversion Program, the cost of the services provided by YAIP is borne by the juvenile offenders. There is no hard dollar cost associated with the City's participation in this IGA.

The major substantive change that has been made to the amendment since Council was provided a draft last August, relates to who has the authority to make a referral. The City of Lakewood prefers that this referral be made by the court system while other cities have opted to leave the referral up to the discretion of police officers. The revised draft leaves the determination of the referral authority up to each participating entity.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: Disposition of Used Speed Monitoring Awareness Radar Trailers

Prepared By: Sergeant Michael Kampf

Recommended City Council Action

Authorize the Police Department to donate the two used Speed Monitoring Awareness Radar Trailers (SMART) to the Milliken Police Department.

Summary Statement

- The SMART trailers are in disrepair and would need in excess of \$2000 to fix.
- The impact of the SMART trailers has become questionable and may not be as useful as first thought.
- The auction value of the SMART is estimated by Fleet Maintenance to be around \$200.
- The Milliken Police Department has limited funds and they believe the SMART trailers would be a benefit to their jurisdiction.
- City Council action is requested to approve the donation of the used SMART trailers and waive normal auction requirements.

Expenditure Required: \$ 0

Source of Funds: Not applicable

Policy Issues

Should the City donate the SMART trailers to another public safety agency or dispose of them through auction?

Alternative

Send the used equipment to auction to yield what is anticipated to be a small recovery of funds.

Background Information

In 1995, the City of Westminster purchased two Speed Monitoring Awareness trailers, known as SMART trailers, for approximately \$27,000. The trailers were used to encourage compliance with the posted speed limit, and act as a traffic calming device.

By August of 1997, the effectiveness of these trailers was becoming questionable. The trailers were being vandalized on a routine basis and repair costs were high. The accident investigators who were tasked with transporting the trailers to various locations were taken out of service and unavailable to handle accidents. The Police Department received reports that the trailers were actually encouraging speeding, as citizens reported drivers would use them to confirm how fast they were going.

Since then, the trailers have seen limited use, and the Traffic Unit has used other methods to address speed issues in neighborhoods. Mile Hi-Draulics, Inc. estimated repairs to the two trailers would be approximately \$2000.

Chief Jim Burack of the Milliken Police Department has expressed a desire to combine the usable parts from both trailers to create one functioning SMART trailer. Chief Burack believes that given the demographics of the City of Milliken the trailers would be useful. Milliken has a population of 3,500, in approximately 18 square miles. The Police Department consists of 10 employees.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: Insurance Report: July - December 2002

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action

Accept the Quarterly Insurance Report for the 3rd and 4th quarters of 2002.

Summary Statement

- Staff chose to combine 3rd and 4th quarter 2002 claims into this one report due to the late receipt of information on 3rd quarter claims.
- The information provided on each claim includes the City's claim number, date of loss, claimant's name and address and a brief summary of the claim and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. The listing of the claims in this report is provided in accordance with Westminster Municipal Code 1-30-3.
- In accordance with Code provisions, the Risk Management Officer acting as the City Manager's designee has the authority to settle claims of less than \$15,000. However, under our contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjustor and settlements of claims proceed with the concurrence of both CIRSA and the Risk Management Officer. The City retains the authority to reject any settlement recommended by CIRSA, but does so at the risk of waiving its insurance coverage for such claims.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issues

None identified at this time.

Alternatives

None identified at this time.

Background Information

Information on the status of each claim received during the 3rd and 4th quarters is provided on the attached spreadsheet.

For the two quarters to date, Staff has noted the following from the report attached:

- 20 of the 25 claims reported in the third quarter of 2002 and nine of the 13 claims reported in the fourth quarter of 2002 have been paid or denied and closed.
- Total claims for the two quarters and year-to-date breakdown by department as follows:

	3rd Qtr 2002			4th Qtr 2002			YTD
Department	Total Claims	Open	Closed	Total Claims	Open	Closed	Total
Fire	1	0	1	0			1
None	1	0	1	0			1
Police	3	0	3	0			8
PR&L	6	2	4	0			9
PWU - Streets	4	1	3	2	0	2	13
PWU - Utilities	10	2	8	11	4	7	29
TOTAL	25	5	20	13	4	9	61

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

CASE NO.	DATE OF LOSS	CLAIMANT	ADDRESS	DESCRIPTION OF INCIDENT	INCURRED	PAID	STATUS	NOTES
2002-50	07/19/02	Marci Pokrywka	10421 W Surrey Dr, Littleton 80127	Fire department employee driving city vehicle rear-ended claimant's vehicle. No damage to City vehicle	\$578.37	\$578.37	C	
2002-83	07/19/02	Aaron Cahalan	8415 Alta Vista Dr., Arvada	10-year-old male riding his bike through Tepper Ball Fields was "clothes-lined" by a rope strung by the Westminster Little League organization.	\$0.00	\$0.00	C	<i>City denied and submitted to Westminster Little League per contract</i>
2002-110	07/21/02	Joshua Kwasniewski	8516 Quay Dr., Arvada 80005	Nine-year-old male went head first down slide at CPRC pool, hit his face on the top of the slide knocking out one tooth and chipping another.	\$100.00	\$0.00	O	
2002-49	07/22/02	Diane Brown	1430 152nd Ave., Broomfield	Police officer driving City patrol car hit a parked truck while backing	\$480.82	\$480.82	C	
2002-51	07/22/02	Stephen J Balog	6278 Union St., Arvada 80004	Claimant was loading his boat in low water level conditions at Standley Lake and claims to have cut up his leg on steel belted tires placed around the dock as boat bumpers	\$0.00	\$0.00	C	<i>CIRSA denied claim based on Governmental Immunity Act</i>
2002-72	07/25/02	Qwest	PO Box 2348, Seattle WA 98111	During a water line installation, Utilities employees accidentally tore out a Qwest phone line	\$473.98	\$473.98	C	
2002-90	07/25/02	Prentice Massey	5741 W 110th Ave.	Claimant's knife taken in to custody during his arrest was lost.	\$120.00	\$120.00	C	
2002-58	07/30/02	R. Jordan Avila	3006 W 107th Pl., Unit E, Westminster 80031	Claimant received cut to his foot allegedly when pool door brushed over the top of it. Door was inspected and nothing found to be wrong with it.	\$0.00	\$0.00	C	<i>CIRSA denied claim based on Governmental Immunity Act</i>

2002-82	07/30/02	Caitlin Majewski	6603 W 96th	Female minor pool guest claims to have been the recipient of unlawful sexual contact from unrelated male minor pool guest.	\$10,000.00	\$0.00	O	
2002-64	08/10/02	Eirene Maes	9143 W 90th Ct., Westminster 80021	Claimant alleges her car tire and wheel were damaged by road conditions.	\$0.00	\$0.00	C	<i>CIRSA denied claim based on Governmental Immunity Act</i>
2002-77	08/17/02	Richard Keel	7061 Beacon Way	Claimant alleges street damaged caused by water main break caused damage to his car.	\$0.00	\$0.00	C	<i>CIRSA denied claim based on Governmental Immunity Act</i>
2002-62	08/21/02	Barbara Ranney	8372 ClubCrest Dr., Arvada 80005	Parks employee driving City vehicle backed into claimant's vehicle in parking lot	\$2,585.79	\$2,585.79	C	
2002-66	08/27/02	Robert Scott Marana	Box 2228, Avon CO	Claimant alleges City Streets truck driving down the road lost substantial amount of asphalt load onto the claimant's car.	\$2,810.00	\$0.00	O	
2002-68	09/01/02	Scott Russell	1251 W. 133rd Circle	Old diaphragm on water line malfunctioned causing water pressure to fluctuate drastically. Backup relief valve malfunctioned and did not set off alarm. High water pressure caused damage to claimant's home.	\$1,115.95	\$1,115.95	C	
2002-69	09/01/02	Beth Brown	1380 W. 134th Place	Old diaphragm on water line malfunctioned causing water pressure to fluctuate drastically. Backup relief valve malfunctioned and did not set off alarm. High water pressure caused damage to claimant's home.	\$328.62	\$328.62	C	

2002-70	09/01/02	John McGinn	1237 W. 133rd Way	Old diaphragm on water line malfunctioned causing water pressure to fluctuate drastically. Backup relief valve malfunctioned and did not set off alarm. High water pressure caused damage to claimant's home.	\$761.00	\$761.00	C	
2002-73	09/01/02	Bob/Kellie Mesch	1400 W 134th Place	Old diaphragm on water line malfunctioned causing water pressure to fluctuate drastically. Backup relief valve malfunctioned and did not set off alarm. High water pressure caused damage to claimant's home.	\$941.69	\$941.69	C	
2002-75	09/01/02	Denise/William Curby		Old diaphragm on water line malfunctioned causing water pressure to fluctuate drastically. Backup relief valve malfunctioned and did not set off alarm. High water pressure caused damage to claimant's home.	\$5,000.00	\$250.00	O	
2002-86	09/01/02	Lynn Patton	1307 W 135th, Westminster	Old diaphragm on water line malfunctioned causing water pressure to fluctuate drastically. Backup relief valve malfunctioned and did not set off alarm. High water pressure caused damage to claimant's home.	\$520.00	\$520.00	C	
2002-74	09/04/02	Chris Rogers	11393 Kendall St	Claimant alleges water main break caused damage to his driveway	\$100.00	\$0.00	O	

2002-76	09/04/02	Patrick Murray	10710 Owens St	Claimant alleges dip in the roadway caused damage to his car	\$0.00	\$0.00	C	<i>CIRSA denied claim based on Governmental Immunity Act</i>
2002-79	09/17/02	Jessica Calahan	6929 Hoyt Ct	Utilities Division employee driving City vehicle rear-ended claimant's vehicle.	\$1,927.80	\$1,927.80	C	
2002-85	09/23/02	Sue Deckard	7363 W Kentucky Dr Apt E, Lakewood	Police officer driving City vehicle attempted to drive around the claimant and struck the rear bumper of the claimant's car. Officer was not on a call.	\$349.25	\$349.25	C	
2002-87	09/23/02	Audrey Valdez	318 Grove St., Denver	RTD rear-ended another vehicle - not a City vehicle or driver.	\$0.00	\$0.00	C	<i>Denied, City not involved</i>
2002-88	09/26/02	Floyd Ramage	1961 Danube Way, Aurora	Street Division employee driving City vehicle backed into claimant's vehicle	\$1,777.73	\$1,777.73	C	
2002-81	10/05/02	Dan Weigel	2369 Bell Ct., Lakewood 80215	Claimant alleges sand from the undercarriage of a City dump truck flew up and pitted the windshield of his vehicle	\$0.00	\$0.00	C	<i>CIRSA denied based on Governmental Immunity Act</i>
2002-84	10/08/02	Ralph Ursini	4092 W 77th Place	Claimant alleges maintenance and emptying of fire hydrant and resulting pooled water damaged his cactus and rock landscaping.	\$155.00	\$155.00	C	
2002-98	10/20/02	Lorraine Archuleta	8991 Judson St., Westminster	Clogged City sewer line caused sewer backup in claimant's basement.	\$7,328.67	\$7,328.67	C	
2002-91	10/31/02	Moly Inthasith	7481 Wilson Ct	Clogged City sewer line caused sewer backup in claimant's basement.	\$12,463.97	\$12,463.97	C	

2002-92	11/01/02	Tim Martus	10656 Irving Ct., Wandering View	Claimant alleges City sand truck ran over his lawn and sprinkler head.	\$0.00	\$0.00	C	<i>With Claimant's approval City staff checked sprinkler, no damage, will recheck in Spring</i>
2002-97	11/06/02	Bob Kelley	7347 Wilson Ct	Clogged City sewer line caused sewer backup in claimant's basement.	\$1,416.69	\$1,416.69	C	
2002-107	11/08/02	Michael & Kristen Welch	9384 W. 98th Ave.	Claimants allege water main break caused damage to curb and gutter in front of their driveway	\$600.00	\$0.00	O	
2002-100	11/11/02	Amy Mayberry	5520 W 79th Ave Apt 3, Arvada	Flushing of new water main into sanitary sewer line caused sewer to back up into garden level apartments.	\$572.25	\$572.25	C	
2002-104	11/11/02	Tanya Elkerton	5520 W 79th Ave Apt 1, Arvada	Flushing of new water main into sanitary sewer line caused sewer to back up into garden level apartments.	\$2,000.00	\$1,740.00	O	
2002-105	11/11/02	Janice Miller	5520 W 79th Ave Apt 2	Flushing of new water main into sanitary sewer line caused sewer to back up into garden level apartments.	\$0.00	\$0.00	C	
N/A	11/11/02	Glendale Apts	5520 W 79th Ave	Flushing of new water main into sanitary sewer line caused sewer to back up into garden level apartments. Apartment management paid for carpet cleaning replacement	\$5,000.00	\$0.00	O	
2002-106	11/26/02	Janet Finn	7390 Newton St.	Clogged City sewer line caused sewer backup in claimant's basement.	\$0.00	\$0.00	P	
2002-114	12/13/02	Pat Murphy	10047 Allison Ct	Claimant alleges driving his car over a pothole damaged his wheel and tire	\$0.00	\$0.00	C	<i>CIRSA denied based on Governmental Immunity Act</i>
					\$59,507.58	\$35,887.58		
							O = Open C = Closed P = Pending	



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: Contract for Final Design of Huron Street, 128th Avenue to 136th Avenue

PREPARED BY: Stephen C. Baumann, Assistant City Engineer

Recommended City Council Action:

Authorize the City Manager to sign a contract with Felsburg, Holt and Ullevig for final design of Huron Street from 128th Avenue to 136th Avenue. Authorize up to \$420,000 for design activities under this contract, along with \$40,000 for title research, appraisals and other activities preparatory to acquiring right-of-way, and \$60,000 in contingency.

Summary Statement:

- Huron Street north of 128th is presently a two-lane paved road. Traffic volumes have increased significantly in the past several years. The construction of the 136th Avenue interchange at Interstate 25, scheduled for completion in summer of 2004, makes Huron Street the top transportation improvement priority. Staff is recommending that a first phase of these improvements, from 128th Avenue to/through 136th Avenue be designed and constructed to be operational in the same time frame as the interchange. A second phase of the project, from 137th Avenue to 144th Avenue would follow closely, with an estimated completion of mid-2005.
- Preliminary design studies have identified the improvements needed for the first phase of Huron Street, including a minimum of four through lanes, right-of-way acquisition, a bridge over Big Dry Creek, significant utility adjustments and relocations, a drainage/pedestrian crossing at Quail Creek, and signalization of the fully improved intersection with 136th Avenue.
- Proposals were requested from six qualified engineering consultants and reviewed for their experience with similar projects, their familiarity with the corridor, and the value indicated by their proposed fees for the expected scope of the work. The firm of Felsburg, Holt and Ullevig (FHU) was chosen from a very experienced group for the final design effort. Their experience in Westminster includes the design of the 136th Avenue Interchange and the modifications to the 92nd Avenue/US-36/Sheridan Boulevard interchange. At \$395,000 their proposed design fees for the effort are judged to be reasonable and a good value.
- Staff is recommending including an additional \$25,000 allowance in the project budget for potential specialized utility planning and design due to possible complications brought about by the proximity of the City's Big Dry Creek Wastewater and Reclaimed plants.
- Authorization is sought for a total of \$520,000. The design contract with FHU will be set at \$420,000, adjusted from their proposal to account for the task of designing utility relocations and adjustments as yet unknown. Expenditures that need to parallel the final design work include title research and appraisals, estimated to cost around \$40,000 under several administrative contracts, and an overall project contingency of \$60,000 is being recommended.

Expenditure Required: \$520,000

Source of Funds: General Capital Improvement Fund

Policy Issues

None at this time.

Alternatives

- Alternatives include postponing or abandoning the final design of Huron Street. Given the increasing traffic here and the prospect of further pressure on these facilities from the 136th Avenue Interchange, this alternative is not recommended.
- A second alternative would be to award the contract for design to one of the other firms. The six firms are all qualified to perform the job and have experience in one or more of the significant aspects of this particular assignment. The familiarity of Felsburg Holt and Ullevig (FHU) with the Huron Street corridor is unparalleled and in particular their experience with the 136th Avenue intersection makes them the logical choice. FHU did a very competent job of planning the interchange and coordinated its design to meet the needs and requirements of Westminster, Thornton and the Colorado Department of Transportation, the project stakeholders. The option of choosing another firm is not recommended, either.

Background Information

The Huron Street corridor north from 128th Avenue has experienced rapidly increasing traffic in recent years. The two-lane roadway is becoming inadequate to handle existing and projected traffic. In a joint project with Thornton, the City will start construction of the 136th Avenue interchange at Interstate 25 within the next month or so, with an expected completion in the summer of 2004.

Preliminary design of the street improvements for Huron Street all the way to 144th Avenue has evaluated alignment options, identified bridge and crossing improvements and recommended a first phase of design and construction that extends from 128th Avenue to/through the intersection with 136th Avenue. Although slightly behind the Interchange project in terms of schedule, a first phase of Huron Street from 128th to 136th provides the best opportunity to mesh the two projects with the least inconvenience to the public. The intention is to have the intersection of Huron Street and 136th Avenue operational when the 136th Avenue/I-25 Interchange goes into service in 2004. This will make the second mile, from 137th to 144th much easier to build and less of an impediment to those who can then use 136th Avenue. To try and build the entire two miles of Huron Street and fit with the schedule for the interchange is less realistic.

Another consideration in recommending phasing of Huron Street into two, one-mile long projects are the more prevalent neighborhood issues in the mile between 137th and 144th Avenues. The issues with these residents can be addressed in a more thorough fashion with a bit more time and less pressure to fit into the interchange schedule. Although eager to see Huron Street improved, representatives from the Lexington Subdivision homeowners association expressed support for this approach during a recent meeting. Staff expects to get underway with design of the second phase of Huron Street, from 137th Ave to 144th Avenue this summer and construction could then start in late 2004 and be completed in the first half of 2005.

In the 128th to 136th Avenue reach of the project, a minimum of four through lanes (two lanes in each direction) would be built, but the consultant will also evaluate the potential time frame for development in the corridor and using traffic projections, identify the need and schedule for six through lanes. In addition to traffic analysis, significant utility facilities exist in the Huron Street right-of-way and relocation and adjustment schemes must be evaluated in detail. Big Dry Creek crosses Huron Street just north of 128th and is closely flanked by the City's Wastewater Treatment Plant and Water Reclamation Plant. A bridge will be necessary to span Big Dry Creek and the plants are in close proximity to the street there. The bridge over Big Dry Creek and the Quail Creek crossing of Huron (near 134th Avenue) will also incorporate grade-separated pedestrian crossings. In general, the project is multi-faceted and challenging in terms of engineering issues.

Letters of interest were received from 20 engineering consultants. Six firms were then asked to prepare detailed proposals for final design of the first phase. The firms and their proposed fees are given below.

- Felsburg, Holt and Ullevig \$395,000
- PBS&J \$410,000
- TranSystems \$440,000
- Parsons Transportation Group \$510,000
- Sear-Brown Group \$575,000
- DMJM-Harris \$600,000

All of these firms have the experience and capability to handle the Huron Street project. However, there are elements of the work that demand strengths in certain areas:

- Transportation planning because of the significant development potential of the Huron Street corridor, and the sensitivity of the neighborhood to traffic issues;
- Utility design because of the proximity of facilities that support the City's wastewater and reclaimed water plants, along with the experience in dealing with other utility relocations.
- Structural design for the Big Dry Creek bridge and Quail Creek crossings and the architectural treatments desired there.
- Experience in public input in a project of this nature.

A detailed review of the proposals, and an interview of the top candidates concluded with the recommendation that the firm of Felsburg, Holt and Ullevig (FHU) be awarded the contract for final design of Huron Street from 128th Avenue to 136th Avenue. The proposed project team has first-hand experience in the area, having designed the 136th Avenue/I-25 Interchange. The firm's representatives were also participants in the transportation planning aspects of the North I-25 Corridor Study, which identifies land use options for the Huron Street area. Add to that their proposed fees are the lowest of those proposing, and they are clearly a good fit for this project. Staff is recommending award of the contract for final design to Felsburg Holt and Ullevig.

Given the potential for utility conflicts and the significant coordination effort needed to deal with them, staff is recommending a provision to allow specialized utility planning and design for up to \$25,000 be built into the contract. This work item would only be exercised for use if the present assumptions regarding utility conflicts are more severe than anticipated, and would set the contract amount with Felsburg, Holt and Ullevig at \$420,000 (\$395,000 plus \$25,000). In addition, authorization is sought for \$40,000 in funding for activities preparatory to acquiring right-of-way, including appraisals. An overall contingency of \$60,000 for the design effort brings the total authorization of funds to \$520,000. The recommended funding authorizations are summarized below.

- Final Design contract with FHU \$420,000
- Title work, appraisals, pre-acquisition activities \$ 40,000
- Contingency \$ 60,000
- **Total** **\$520,000**

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: 2003 Concrete Replacement Project Bid

Prepared by: Ray Porter, Infrastructure Improvements Division Manager

Recommended City Council Action

Authorize the City Manager to sign a contract with the low bidder, Concrete Works of Colorado in the amount of \$632,048; authorize a \$30,000 contingency amount; and charge the expense to the appropriate 2003 Department of Public Works and Utilities Infrastructure Improvements Division budget account.

Summary Statement

City Council action is requested to award the bid for the 2003 Concrete Replacement Project.

- City Council approved funds in the 2003 Infrastructure Improvements Division budget to replace over 24,500 linear feet of deteriorated curbs, gutters, sidewalks, crosspans and curb ramps.
- Concrete replacement will be done on 27 streets earmarked for reconstruction or resurfacing and at 218 locations from the "Citizen's Request for Concrete Replacement Priority List."
- Participating in this year's project are Adams County School Districts #12 and #50 for sidewalk, curb, and gutter replacement at various school sites.
- Formal bids were solicited from ten contractors with six responding.
- The low bidder, Concrete Works of Colorado, meets all of the City bid requirements and has successfully completed similar projects in Westminster during the past ten years.
- The bid amount is within the amount authorized by City Council in the 2003 budget for this expense.

Expenditure Required: \$662,048

Source of Funds: General Fund; Department of Public Works and Utilities - Infrastructure Improvements Division operating budget, \$631,433
Adams County School Districts' #12 and #50 funds: \$30,615.

Policy Issue

Should this bid be awarded to the low bidder Concrete Works of Colorado for the replacement of concrete curbs, gutters and sidewalks as specified in the contract documents for this project.

Alternatives

Alternatives to this project include:

- Not replacing concrete on streets earmarked for reconstruction or resurfacing.
 - a) Available dollars for asphalt work could increase by \$162,000.
 - 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.
 - d) Service level would fall lower than the norm in the Metro Area.

- Not replacing concrete at the citizens’ requests.
 - a) Available dollars for asphalt work could increase by \$490,000.
 - b) Service level would fall more in line with other metro entities.
 - c) Citizens would experience a decrease in service and be responsible for any hazards that exist per City ordinance.

- Separate the bids for curb, gutter and sidewalk replacement on isolated citizen requests and street improvements.
 - a) Two bids would be necessary instead of one.
 - b) Some smaller contractors may be able to bid the smaller projects, however, the past two years have not resulted in a substantial savings when doing two separate bids.
 - c) If two different contractors acquire the bids, the construction time may be decreased.
 - d) Administrative time and costs would double due to another bid being prepared and administered.

Background Information0

City Council approved funds in the 2003 Infrastructure Improvements Division budget to replace 24,500 linear feet of deteriorated curbs, gutters, sidewalks, crosspans and curb ramps at 27 locations earmarked for street reconstruction or resurfacing and at 218 isolated locations from the “Citizens Request for Concrete Repairs” priority list.

Also participating in this bid is Adams County School Districts #12 and #50. The School Districts’ portion of this bid is \$30,615 for curb, gutter and sidewalk replacement at seven school sites. An Intergovernmental Agreement with the School Districts will need to be authorized for the City Manager’s execution in conjunction with awarding the Asphalt Pavement Rehabilitation Project Bid. The intergovernmental agreements will address the asphalt and concrete projects in one document.

The following sealed bids were received:

1. Concrete Works of Colorado	\$632,048
2. Citywide Enterprises, Inc.	749,191
3. ABCO Contracting Inc.	750,500
4. Stockholm Development & Construction Company	798,358
5. Asphalt Specialties Company	808,384
6. New Design Construction	810,434
City Staff Estimate	\$821,162

City Staff estimated a cost increase of 5% due to the rising cost of cement. Concrete Work's bid averages an 8% decrease in costs when compared to 2002 prices. This bid is an indication of concrete contractors needing the work due to the current economic slow down.

The cost breakdown for this project is as follows:

Westminster concrete replacement project	601,433
Adams County School Districts #12 & #50	30,615
Project Contingency	<u>30,000</u>
TOTAL:	\$662,048

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: 2003 Asphalt Pavement Rehabilitation Project Bid

Prepared By: Ray Porter, Infrastructure Improvements Division Manager
Ron Elrod, Street Projects Inspector

Recommended City Council Action

Authorize the City Manager to sign a contract with the low bidder, LaFarge West, Inc., for the City of Westminster's portion of the contract in the amount of \$1,442,131 and sign a separate contract with Brannan Sand & Gravel Co., the low bidder for School District work, in the amount of \$226,875; authorize a \$100,000 contingency amount; and authorize expending the \$100,000 contingency amount for an additional residential street reconstruction if total contingency dollars are not needed to complete the original project and charge the expenses to the appropriate 2003 Department of Public Works and Utilities - Infrastructure Improvements Division, Utilities Field Operations Division, and General Fund Capital Improvement Budget Accounts.

Additionally, authorize the City Manager to sign Intergovernmental Agreements with Adams County School District's #12 and #50 for their participation in the City's bid.

Summary Statement

- City Council approved funds in the 2003 Infrastructure Improvements Division budget and in the General Fund Capital Improvement Project Budget that will allow for resurfacing and reconstruction of 27.6 lane miles of paved roadways on 42 streets throughout the City and parking lot improvements at six City facilities.
- Formal bids were solicited from eight contractors with six responding.
- The current favorable bid climate, resulting in lower bid prices than anticipated, has generated a \$300,000 savings that will allow an additional 15 roadways to be resurfaced or reconstructed.
- Budgeted funds for this project are \$1,669,006.

Expenditure Required: \$1,669,006

Source of Funds:	General Fund-Infrastructure Improvements Division Budget	\$1,052,131
	\$100,000 General Capital Improvement Fund	
	290,000 Utilities Field Operations Division Budget	
	226,875 Adams County School Districts #12 and #50	

Policy Issue

Should the City initiate contracts with LaFarge West Inc. for Westminster’s portion of the 2003 Asphalt Pavement Rehabilitation Project and with Brannan Sand & Gravel Co. for the School District work and execute Intergovernmental Agreements with Adams County School Districts #12 and #50 for their participation in the project?

Alternatives

One alternative to this project is to combine the bids for the Concrete Replacement Project and the Asphalt Pavement Rehabilitation Project.

- City Administrative costs would decrease because there would be only one bid instead of two.
- Bid prices for concrete work would increase because the general contractor’s profit margin would be added to the subcontractor’s cost.
- The contract time would have to be increased.
- The risk of not completing the contract in 2003 would be higher.

A second alternative could be to deny the contracts with LaFarge West Inc. and Brannan Sand & Gravel Co. Re-bid the project without School Districts’ participation.

- Increased cost may be realized due to the rising cost of oil at this time.
- Eliminating School District work would not affect the City’s costs due to the methods utilized for structuring the bid.
- Taxpayers would not benefit from the savings being realized by the School Districts’ through their participation with the City’s bid process.

Background Information

The low bidder, LaFarge West Inc., meets all of the City bid requirements and has successfully completed numerous roadway projects in Westminster since the early 1980’s. The low bidder for School District work, Brannan Sand & Gravel Company, also meets City bid requirements and has successfully completed paving projects in Westminster within the last 5 years. The 2003 Asphalt Pavement Rehabilitation Project represents 13.6 lane miles of City street reconstruction and resurfacing at 27 locations throughout the City (see location list).

Also included in the project is the sealcoating and paving at 6 City facility parking lots (\$100,000); patch back behind water main replacements on 18 streets (\$290,000); and pavement patching and resurfacing at 15 school sites for Adams County School Districts #12 and #50 (\$226,875).

The following sealed bids were received:

	<u>City of Westminster</u>	<u>ADCO School Dist. #12 and #50</u>
1. LaFarge West, Inc.	\$1,442,131	253,020
2. Brannan Sand & Gravel	1,465,215	226,875
3. Asphalt Specialties Company	1,531,120	237,424
4. Premier Paving Company	1,557,144	239,456
5. Asphalt Paving Co.	1,686,361	264,069
6. Aggregate Industries	1,775,681	281,082
Staff’s Estimate	1,661,384	264,243

City Staff estimated a cost increase of 7% due to oil increases in the Metro area. LaFarge West's bid actually decreased by 5.6% in costs when compared to 2002 prices. The bid indicates that paving contractors need the work due to the current decreasing economy. This difference when combined with the budgeted funding available in the Infrastructure Improvements Division, resulting from simultaneously bid projects, will be utilized for additional residential street resurfacing or reconstruction work of the following 15 locations:

1. Kendall Drive, Jay Street to 110th Place
2. Jay Street, Kendall Drive to 110th Place
3. 110th Avenue, Kendall Drive to Jay Street
4. 110th Place, Kendall Drive to Harlan Street
5. Kendall Street, 110th Place to 111th Avenue
6. 108th Circle, 108th Avenue to 108th Avenue
7. 108th Place, 108th Avenue to Harlan Street
8. Ingalls Circle, 108th Place to 108th Place
9. Jay Street, 108th Place to North End
10. 109th Place, 109th Place to Jay Street
11. Lamar Street, 108th Place to 109th Place
12. 109th Avenue, Lamar Street to Newland Street
13. 108th Place, Harlan Street to Newland Street
14. Otis Circle, 108th Avenue to Newland Street
15. Jay Circle, 111th Avenue to North End

Staff is requesting that City Council also authorize, at this time, spending of any unused portions of the \$100,000 requested contingency amount to reconstruct the following street:

1. West 111th Avenue, Harlan Street to Marshall Street

These streets were all identified through the City's Pavement Management Process as the highest priority to receive improvements optimally in 2003.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**City of Westminster
Department of Public Works and Utilities
Infrastructure Improvements Division**

2003 Asphalt Pavement Rehabilitation Project

Resurfacing

1.	90 th Circle, Garland Street to East End
2.	Garland Street, 90 th Drive to 90 th Place
3.	90 th Drive, Hoyt Street to Garland Street
4.	Hoyt Street, 90 th Drive to 90 th Place
5.	Marshall Place, 91 st
6.	102 nd Avenue, Lowell Way to 103 rd Avenue
7.	101 st Avenue, 102 nd Avenue to Lowell Way
8.	116 th Avenue, Pecos Street to Huron Street

Reconstruction

1.	Julian Street, 71 st Place to 71 st Avenue
2.	Eaton Circle, 72 nd Drive to 72 nd Drive
3.	Raleigh Street, 80 th Avenue to 78 th Avenue
4.	Marshall Court, 91 st Avenue to South End
5.	Marshall Place, 9172 to 9180 Marshall Place
6.	102 nd Avenue, Lowell Boulevard to Lowell Way
7.	Lowell Way, 102 nd Avenue to 10051 Lowell Way
8.	101st Avenue, Lowell Way to East End
9.	Meade Court, 102 nd Avenue to East End
10.	Meade Court, 102 nd Avenue to West End
11.	Newton Court, 102 nd Avenue to North End
12.	Osceola court, 102 nd Avenue to North End
13.	Raritan Street, 112 th Avenue to 113 th
14.	116 th Avenue, Pecos Street to 300 West of Navajo Street
15.	Zuni Street, 120 th Avenue to Country Club Loop
16.	100 th Place, Nelson Court to Moore Street
17.	Nelson Street, 101 st Place to 100 th Place
18.	Moore Street, 101 st Place to 100 th Place
19.	101 st Avenue, Moore Street to West End

City Facility Parking Lots

1.	Swim & Fitness Center – 76 th Avenue and Irving Street
2.	Ambulance Building – 4350 W. 76 th Avenue
3.	Hydro Pillar Water Storage Tank – 3333 W. 97 th Avenue
4.	Kings Mill Park – 9018 Field Street
5.	Wandering View Water Storage Tank – 3424 W. 104 th Avenue
6.	Fire Station #5 – 10100 Garland Street



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: 2003 Chipseal Project Award

Prepared By: Ray Porter, Infrastructure Improvements Division Manager
Ron Elrod, Street Projects Inspector

Recommended City Council Action

Authorize the City Manager to sign a contract for the 2003 Chipseal Project to the sole source contractor, A-1 Chipseal Company, in the amount of \$734,481; and authorize a \$35,000 contingency amount. Charge the expense to the appropriate 2003 Department of Public Works and Utilities, Infrastructure Improvements Division budget account.

Summary Statement

City Council action is requested to authorize the City Manager to sign a contract with A-1 Chipseal Company for the 2003 Chipseal Project.

- City Staff negotiated project costs with A-1 Chipseal Company for 387,857 square yards of conventional chipseal to be applied on 105 Westminster residential and collector streets and another 62,232 square yards of 7/8" thick double bonded hot applied chipseal resurfacing on eight major collector streets.
- A-1 Chipseal has successfully completed chipseal projects in the City of Westminster for the past six years (1997 – 2002) without another company bidding.
- 2003 negotiated unit prices for chipseal are 4% higher than the 2002 bid price.
- The 2003 chipseal price is higher due to an increase in liquid asphalt costs and the instability of the oil market at this time.

Expenditure Required: \$ 769,481

Source of Funds: General Fund – Infrastructure Improvements Division Operating Budget

Policy Issue

Should the City accept the negotiated costs with A-1 Chipseal Company? A-1 Chipseal Company has been and remains the sole contractor in the metropolitan area for chipseal construction.

Alternatives

1. Bid the chipseal work with the annual Street Reconstruction/Resurfacing Project.
 - A double profit margin would be realized once A-1 Chipseal becomes a sub-contractor. Costs would increase by an estimated 15% minimum.
 - Only one contract would be necessary.
 - A-1 Chipseal Company would still be performing the work.

2. Resurface these streets with a thin overlay of hot-mix asphalt (HMA).

With this alternative, the cost would increase by 175% and the strength of the pavement structure would increase by less than 5%. The pavement's flexibility would not increase as it does with the polymerized asphalt used with a sealcoat. Thus, within two to three years, the pavement surface would need a sealcoat, due to oxidation.

Background Information

The 2003 Chipseal Project represents a total of 64.3 lane miles of pavement surface improvements to 113 street segments throughout the City of Westminster. The double bonded hot applied chipseal resurfacing was successfully applied last year on 14 lane miles of arterial roadway. The extended pavement life is 7 – 10 years for both applications and the double bonded hot applied chipseal resurfacing results in a 40% cost savings over hot mix asphalt overlay. This chipsealing project is recommended by Staff after each street segment was carefully analyzed through the computerized Pavement Management process. It was determined that these preventative maintenance strategies would be the most cost effective.

In an effort to respond to citizen concerns, Staff will again be sending a letter to affected residents explaining the process of the chipseal application and what to expect during the curing period. Special attention will be given to consistent and timely inspection during the construction process and sweeping will be scheduled the day after the chipseal is applied. Once sweeping is done, a fogseal will be applied over the surface to seal loose rock from the top down. The fogseal finish has upgraded the quality of construction and has been done successfully for the past 10 years.

The sole contractor, A-1 Chipseal Company, has successfully completed chipseal projects over the past six years in Westminster and the cities of Denver, Aurora, Frederick, Lakewood, Arvada, Golden, Northglenn, Loveland, Estes Park, Adams County, Douglas County, Jefferson County, Elbert County, and the Colorado Department of Transportation (CDOT). A-1 Chipseal's owner has been in the business since 1981 and the City of Westminster has been chipsealing City streets since 1976.

The chipseal unit price of \$1.28 per square yard increased 4% from the 2002 price. Also included is the 7/8" thick double hot applied chipseal application price of \$3.05 per square yard, increasing 3% from the 2002 price, along with the repainting of all traffic control lane lines, crosswalks and pavement markings whenever applicable following the chipseal process. All 113 streets will be patched and cracksealed by City Street Maintenance crews to prepare them to receive the chipseal application.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

Chip Seal Streets

1.	148 th Avenue - Huron to Pecos Street
2.	Osage Court – 148 th Avenue to South End
3.	Mariposa Court – 148 th Avenue to South End
4.	Kalamath Court – 148 th Avenue to South End
5.	Pecos Street – 148 th Avenue to 14611 Pecos Street
6.	Pecos Street at 148 th Avenue - North to Dead end
7.	145 th Way – Huron Street to Jason Drive
8.	Inca Court – 145 th Way to North end
9.	Inca Court – 145 th Way to South end
10.	Jason Drive – 144 th Avenue to North end
11.	144 th Place – Jason Drive to West end
12.	144 th Court – 144 th Place to West end
13.	Lexington Ave - Huron Street to Lexington Circle
14.	Lexington Circle - Lexington Avenue to Lexington Avenue
15.	Lexington Circle - Lexington Circle 14151 to 14190
16.	Lexington Place - Lexington Avenue to Lexington Avenue
17.	Lexington Avenue, Lexington Avenue 836 to 906
18.	Osage Court - Lexington Place to South End
19.	Lexington Place - 13836 to 13866
20.	Lexington Drive - Lexington Avenue to East End
21.	139 th Court - Lexington Avenue to West End
22.	140 th Dr - Lexington Avenue to Lexington Avenue
23.	Lipan Court – 140 th Dr to South End
24.	139 th Place - Lexington Avenue to West End
25.	136 th Avenue, Huron Street to Zuni Street
26.	134 th Avenue – Huron Street to Shoshone Street
27.	132 nd Avenue - Shoshone Street to Zuni Street
28.	133 rd Way – 134 th Avenue to 134 th Avenue
29.	133 rd Circle – 134 th Avenue to 134 th Avenue
30.	133 rd Court – 133 rd Circle to East End
31.	Mariposa – 134 th Avenue to South End
32.	133 rd Circle – 133 rd Way to 133 rd Way
33.	132 nd Place – 133 rd Way to Osage Street
34.	Osage Street – 132 nd Avenue to 133 rd Way
35.	Mariposa – 132 nd Place to 133 rd Circle
36.	Quivas Street – 134 th Avenue to Raritan Street
37.	Raritan Street – 134 th Avenue to Raritan Court
38.	Raritan Court - Raritan Street to Shoshone Street
39.	Shoshone Street – 134 th Avenue to 131 st Street Place
40.	131 st Place - Shoshone Street to Umatilla Street
41.	Umatilla Street – 131 st Place to Wyandot Street
42.	Umatilla Court – 132 nd Avenue to 131 st Place
43.	Wyandot Street - Umatilla Street to 131 st Way
44.	Wyandot Street – 132 nd Avenue to 131 st Way
45.	131 st Way - Wyandot Street to Umatilla Court
46.	Vallejo Court – 132 nd Avenue to North End
47.	Vallejo Court – 132 nd Avenue to South End
48.	Tejon Street – 132 nd Avenue to 131 st Place
49.	131 st Court - Raritan Street to East End
50.	Raritan Street – 134 th Avenue to 135 th Place
51.	135 th Place - Raritan Street to Wyandot Street
52.	Wyandot Street – 135 th Place to 135 th Avenue
53.	135 th Avenue - Wyandot Street to Raritan Street
54.	Raritan Way – 134 th Avenue to 135 th Place

55.	Shoshone Street – 135 th Place to 134 th Avenue
56.	Tejon Street – 134 th Avenue to 136 th Avenue
57.	135 th Court - Tejon Street to West End
58.	134 th Way - Tejon Street to West End
59.	Quivas Street – 136 th Avenue to East End
60.	Pecos Court - Quivas Street to East End
61.	Pecos Street - Quivas Street to 135 th Place
62.	135 th Drive – Pecos Street to Quivas Street
63.	135 th Way – Quivas Street to East end
64.	Pecos Street – 134 th Avenue to South to Pavement Change
65.	Umatilla Court – 132 nd Avenue to South end
66.	Vallejo Street– Tejon Street to 135 th Avenue
67.	128 th Avenue, Zuni Street to I-25 Highway
68.	98 th Avenue – Sheridan Boulevard to Wagner Lane
69.	Xavier Court – 98 th Avenue to North end
70.	Wolff Court – 99 th Avenue to South end
71.	Winona Street – 99 th Avenue to North end
72.	Hyland Greens Place – 99 th Avenue to South end
73.	Vrain Court – 101 st Place to South end
74.	101 st Place – 99 th Avenue to 101 st Avenue
75.	99 th Place – 101 st Place to East end
76.	100 th Avenue – 101 st Place to East end
77.	100 th Court – 101 st Place to West end
78.	Vrain Court – 101 st Place to South end
79.	Yates Street – 98 th Avenue to 101 st Avenue
80.	98 th Court – Yates Street to East end
81.	98 th Place – Yates Street to East end
82.	99 th Court – Yates Street to West end
83.	Zenobia Court – Yates Street to 101 st Avenue
84.	101 st Avenue – Sheridan Boulevard to Wolff Street
85.	Wolff Street – 101 st Avenue to 104 th Avenue
86.	101 st Circle – 101 st Avenue to 101 st Avenue
87.	102 nd Avenue – Zenobia Circle to East end
88.	Xavier Court – 101 st Circle to North end
89.	Yates Court – 101 st Avenue to North end
90.	Wolff Court – 101 st Avenue to North end
91.	102 nd Avenue – Wolff Street to 102 nd Place
92.	102 nd Avenue – Wolff Street to West end
93.	102 nd Place – Wolff Street to West end
94.	103 rd Avenue – Wolff Street to West end
95.	103 rd Court – Wolff Street to East end
96.	103 rd Circle – Wolff Street to Zenobia Court
97.	Zenobia Court – 103 rd Circle to North end
98.	Xavier Court – 103 rd Circle to South end
99.	103 rd Place – Zenobia Court to Wolff Street
100.	Yates Court – 103 rd Place to North end
101.	Xavier Street – 103 rd Place to North end
102.	103 rd Circle – Wolff Street to North end
103.	Winona Court – 103 rd Circle to North end
104.	91 st Court – Pierce Street to 92 nd Avenue
105.	Westminster Boulevard, 335 feet North of 92 nd Avenue to 100 feet North of 94 th Avenue
106.	Turnpike Drive, 80 th Avenue Extension to Lowell Boulevard
107.	80 th Avenue Extension, Stuart Street to Bradburn Boulevard
108.	96 th Avenue, Federal Boulevard to Lowell Boulevard
109.	91 st Avenue, Harlan Street to Pierce Street
110.	94 th Avenue, Wadsworth Parkway to Larkbunting Drive

111.	Larkbunting Drive, Garrison Drive to 94 th Avenue
112.	Zuni Street, 120 th Avenue to North End
113.	City Center Drive, 92 nd Avenue to Sheridan Boulevard



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: Second Reading of Councillor's Bill No. 8 re Changes to the Northeast Comprehensive Development Plan Relating to NWC of 104th Avenue and US 36

Prepared By: David Falconieri, Planner III

Recommended City Council Action:

Pass Councillor's Bill No. 8 on second reading enacting amendments to the Northeast Comprehensive Development Plan pertaining to NWC of 104th Avenue and US 36 (Subarea C).

Summary Statement:

- City Council action is requested to Pass Councillor Bill No. 8 on second reading enacting amendments to the Northeast Comprehensive Development Plan pertaining to Subarea C.
- This Councillor's Bill was passed on first reading on February 10, 2003.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3011**

COUNCILLOR'S BILL NO. **8**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Dittman-Atchison

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

WHEREAS, pursuant to W.M.C. 11-4-16, a public hearing was held by the City Council concerning the proposed amendment; and

NOW THEREFORE, the City Council hereby finds that the requested amendment will be in the public good and in compliance with the overall intent of the Comprehensive Land Use Plan.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the following necessary changes to the Northeast Comprehensive Development Plan portion of the Comprehensive Land Use Plan which are necessary to eliminate inconsistencies with the Mandalay Town Center project:

A. Subarea C, Pages 7-8:

1. Under "Permitted Land Uses," change "Neighborhood retail" to "Neighborhood and regional retail", add "Public uses", and delete paragraph number 4. Add new paragraph number 4 as follows: "All legally existing uses may continue until an Official Development Plan is approved for the site."
2. Under "Prohibited Land Uses," delete "Liquor stores" and "Bars and Taverns".
3. Under "Public Improvements" delete paragraphs 1 and 2. Add new paragraph 1 as follows: "Access to the Mandalay Town Center in Subarea C shall be provided from Church Ranch Boulevard with possible connections to Wadsworth Boulevard and to the Westminster Promenade via one or two underpasses under US 36." Renumber subsequent sections.

B. Development Standards, Intent, Page 14: Add the following sentence to the end of this section: "The development standards in this section shall not apply to the Mandalay Town Center in Subarea C."

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

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

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

Section 5. The City Planning Manager is authorized to cooperate with Jefferson County and take such steps as may be necessary to amend the text of the NECDP to incorporate the changes approved pursuant to this ordinance.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 10th day of February, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 24th day of February, 2003.

Mayor

ATTEST:

City Clerk



Agenda Item 9 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003

Subject: Resolution No. 7 re Appointments and Reappointments to Boards and Commissions

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action:

Adopt Resolution No. 7 making new appointments to the Parks and Recreation Advisory Board, Personnel Board and Planning Commission and reappointments to the Personnel Board

Summary Statement:

- City Council action is requested to consider the re-appointments to the Personnel Board where terms of office expired on December 31, 2002.
- In addition, new appointments to the Parks and Recreation Advisory Board, Personnel Board and Planning Commission are requested.
- Each individual whose term expired on December 31, 2002 was contacted and asked if they were interested in being re-appointed to the Personnel Board, if Council so desires. These reappointments are for two-year terms.
- Currently there are 27 individuals within the current pool.

Expenditure Required: None

Source of Funds: n/a

Subject: Resolution re Appointments to Boards and Commissions

Page 2

Policy Issue:

Does City Council want to fill vacancies on the Boards and Commissions at this time?

Alternative:

No alternatives identified.

Background Information:

The terms of office of three of the Personnel Board members expired on December 31, 2002. John Brann, Margaret Rivera and Betty Whorton are interested in being reappointed. These appointments were inadvertently omitted from the resolution reappointing all other Board and Commission members.

Scott Raypholtz, who was serving on the Parks and Recreation Advisory Board has resigned because his wife received a transfer out of state.

Recently, Dennis Sargent of the Personnel Board submitted his resignation.

Jim Smithwick was called to active duty and has been out of the Country for the past year. It is anticipated that he will remain on activity duty for another year.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 7

INTRODUCED BY COUNCILLORS

SERIES OF 2003

CITY OF WESTMINSTER BOARD AND COMMISSION REAPPOINTMENTS
AND NEW APPOINTMENTS

WHEREAS, Each member whose term expired on December 31, 2002 has been contacted and asked if they wish to be re-appointed to the Personnel Board; and

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

WHEREAS, The City Council has received the resignation of Farlin Ward of the Board of Building Code Appeals, Scott Raypholtz of the Parks and Recreation Advisory Board, Dennis Sargent of the Personnel Board and Jim Smithwick of the Planning Commission is on activity duty and out of the area, and does hereby accept all resignations.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby reappoint the following individuals to the City of Westminster Personnel Board with the terms of office to expire December 31, 2004.

BOARD/COMMISSION

NAMES

Personnel Board:

John Brann, Margaret Rivera and Betty Whorton

The following appointments are being made to fill current vacancies:

BOARD/COMMISSION	NAMES	TERM EXPIRES
Parks and Recreation Advisory Board	Stephanie Marlin (Alternate)	December 31, 2003
Parks and Recreation Advisory Board Moved from alternate member to regular member	Ken Claussen	December 31, 2004
Personnel Board	Candee Wells (Alternate)	December 31, 2003
Personnel Board Moved from alternate member to regular member	David Jones	December 31, 2003
Planning Commission	Joe McConnell (Alternate)	December 31, 2003
Moved from alternate member to regular member	Donald Anderson	December 31, 2004

Passed and adopted this 24th day of February, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: Public Hearing and Action on the Mandalay Town Center Preliminary Development Plan

Prepared By: David Falconieri, Planner III

Recommended City Council Action:

1. Hold a public hearing.
2. Approve the Preliminary Development Plan for the Mandalay Town Center, making a finding that the provisions of Section 11-5-14 of the Westminster Municipal Code have been satisfied.

Summary Statement:

- The Mandalay Town Center was annexed by the City in December of 2002. The Center is approximately a 67-acre parcel located north of Walnut Creek, west of US 36, and southeast of the Burlington Northern Santa Fe railroad tracks. The area is currently improved with 22 homes and some abandoned greenhouses.
- The City has commenced the creation of an Urban Renewal project area encompassing the entire property in order to assemble all of the ownerships into a single developable property.
- The proposed Preliminary Development Plan (PDP) would allow for a “main street” village type project to be built that would include regional retail uses including a “big box” retailer and office space. The retail buildings fronting on the Town Center Drive would feature buildings about 95 feet apart in order to create a “Main Street” feel. A regional public transit hub is also included that would have commuter rail and bus facilities and a park-n-ride. The plan also permits the construction of a centrally located hotel within the development.
- The Preliminary Development Plan (PDP) also requires the same high standards of architectural detail as were required for the Promenade that is adjacent to this site east of US 36. Two connections under US 36 are proposed in order to connect Mandalay Gardens to the Promenade and Circle Point.
- The entire area is governed by the provisions of the Northeast Comprehensive Development Plan (NECDP). Several amendments to that Plan have recently been made to eliminate inconsistencies between the NECDP and the Preliminary Development Plan (PDP).

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed the proposed Mandalay Town Center Preliminary Development Plan (PDP) on February 11, 2003. The Planning Commission voted unanimously (7-0) to recommend City Council that the Mandalay Town Center be approved with the following revision: That the area designated as PA2 be combined with the area designated as OS2. That the new area be named PA2 and that the allowed uses for the revised PA2 be Open Space, water quality ponds and retail uses if approved on an ODP. No one spoke in favor or opposition to the proposal.

The PDP transmitted to City Council includes this revision.

Policy Issue

Whether to approve the Preliminary Development Plan for the Mandalay Town Center project.

Alternative

Determine that the PDP not be approved at this time, or that it be approved with modifications. If the PDP were not approved at this time, potential users of the site could be lost.

Background Information

Applicant/Property Owner

The applicant in this case is the City of Westminster. The City Code permits the City to initiate and approve a PDP for an area if such is deemed necessary to update the zoning or that area. There are currently 22 property owners in the area. (See Attachment I)

Surrounding Land Use and Comprehensive Land Use Plan Designations (CLUP)

South: Church Ranch Home Place, designated Business Park.

North: Lower Church Lake – Unincorporated.

West: Unincorporated Jefferson County, designated Northeast Comprehensive Development Plan.

East: US 36 and the Westminster Promenade, designated District Center.

Site Plan Information

The PDP calls for the “big box” user to be located at the southwestern end of the project along the north bank of Walnut Creek. The “Main Street” of the project will be centrally located north of the existing Amoco/BP site, and would feature diagonal parking and a generous pedestrian walkway in front of the buildings. This will promote the “village” feel that is envisioned for the project. The proposed transit station is proposed for the northern tip of the roughly triangular property, with access to US 36 and to the existing railroad tracks. Retail, office and hotel uses are also permitted in this area.

The “Main Street” located between the “big box” user and the Park-n-Ride will be centrally located to take advantage of the traffic generated by the other uses while still convenient to destination shoppers coming in from Church Ranch Boulevard. An open plaza/lake development will be located at the north end of the “Main Street” and will tie the development together as a gathering area. Several restaurant pads will be located near the entrances and around the plaza/lake area to further enhance the area’s desirability.

The PDP allocates an area near the plaza/lake for hotel and/or office use. The plan will permit only full service or mid-tier type hotels as defined by the City Code.

There are three lots identified on the PDP, one for the existing BP site, which is not part of the PDP, one for the “big box” user and one for the future transit station. All other areas on the PDP will be divided in accordance with an Official Development Plan and subsequent plat.

Architectural standards for the PDP were fashioned after those that were adopted for the Westminster Promenade. The idea was not to recreate that development, but to establish the same high standards for Mandalay Garden development. These include guidelines for building materials, window and roof treatments, colors, street furnishings, and exterior treatments to name a few.

Traffic and Transportation

There will be two principle entrances to the Mandalay Town Center off of Church Ranch Boulevard. The eastern-most entrance will direct traffic into the “Main Street” area and then beyond to the proposed Park-n-Ride and US 36 underpass to the Westminster Promenade. The other entrance further west will serve primarily to access the “big box” site, but would also serve the Park-n-Ride. Both drives will continue on to underpasses under US 36 and thence to the Westminster Promenade and beyond.

There will also be a transportation easement that will be reserved along the north bank of Walnut Creek and connect Wadsworth Boulevard to the western most street.

Additional right-of-way will be accommodated adjacent to Church Ranch Boulevard, and US 36 in order to accommodate future widening of those roadways.

Service Commitment Category

Service Commitments will be allocated out of Category C. The number of commitments needed will be determined at the time of ODP approval.

Referral Agency Responses

No responses were received

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

Attachment I
Mandalay Property Owner's List

- | | |
|--|--|
| 1) Gerald & Kimberly Gieseke
10573 Reed Street
Westminster, Colorado 80021 | 14) Gary & Donna Mortensen
10560 Reed Street
Westminster, Colorado 80021 |
| 2) Christopher Bryan
10583 Reed Street
Westminster, Colorado 80021 | 15) Suppa Properties, LLC
6782 E. Jamison Place
Englewood, Colorado 80112 |
| 3) Martha Anderson
7209 W. 105 th Avenue
Westminster, Colorado 80021-4020 | 16) Raymond & Tangaree Weigel
7150 W. 105 th Avenue
Westminster, Colorado 80021 |
| 4) Clara Lawson
10563 Reed Street
Westminster, Colorado 80021 | 17) Ana & Dom Kickbush
10880 Leroy Drive
Northglenn, Colorado 80233 |
| 5) The Bell Family Trust
7025 W. 105 th Avenue
Westminster, Colorado 80021 | 18) Charles Writzmann & Dan Mattee
10299 Robb Street
Westminster, Colorado 80021-1097 |
| 6) Dale & Hilda Shurtleff
7045 W. 105 th Avenue
Westminster, Colorado 80021 | 19) David & Jeannie Johnson
7040 W. 105 th Avenue
Westminster, Colorado 80021 |
| 7) James & Loretta Cisneros
P.O. Box 642
Westminster, Colorado 80036-0642 | 20) Jeffery & Susan Brundage
7000 W. 105 th Avenue
Westminster, Colorado 80021 |
| 8) Pearl Swanson
7151 W. 105 th Avenue
Westminster, Colorado 80021-4018 | 21) Chamberlain
P.O. Box 62150
Westminster, Colorado 80021 |
| 9) David Dougherty
7181 W. 105 th Avenue
Westminster, Colorado 80021 | 22) BAM
7453 W. 105 th Avenue
Westminster, Colorado 80021 |
| 10) Richard Neoma Chartier
7205 W. 105 th Avenue
Westminster, Colorado 80021-4020 | |
| 11) Debra & Bruce Hammerlund
7235 W. 105 th Avenue
Westminster, Colorado 80021 | |
| 12) Confluence Properties, Ltd.
1616 17 th Street, #600
Denver, Colorado 80202 | |
| 13) Charles & Shirley Pfannenstiel
10540 Reed Street
Westminster, Colorado 80021 | |



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: Councillor's Bill No. 10 re 2002 Budget Supplemental Appropriation

Prepared By: Karen Creager, Internal Auditor

Recommended City Council Action:

Pass Councillor's Bill No. 10 on first reading providing for supplementary appropriations to the 2002 budget of the General, Utility, Open Space and General Capital Improvement Funds.

Summary Statement:

City Council action is requested to pass the attached Councillor's Bill on first reading amending the 2002 budget appropriations in the General, Utility, Open Space and General Capital Improvement Funds.

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2002 4th quarter supplemental appropriation.
- General Fund amendments:
 - \$1,000 Library donation from Wal-Mart
 - \$11,935 Police Department overtime reimbursements
 - \$2,965 Library reimbursement from District 50
 - \$998 Youth scholarship
- Utility Fund amendments:
 - \$250,000 Additional bond proceeds for the Northwest Water Treatment Plant
- Open Space Fund amendments:
 - \$500 Environmental grant from Wal-Mart
- General Capital Improvement Fund amendments:
 - \$11,816 Interest earnings on the 2001 Certificates of Participation
 - \$1,700,000 Adams County road sales tax receipts
 - \$5,000 Developer contribution for Savory Farms
- Appropriation of these unbudgeted funds allows the funds to be spent in 2002.

Expenditure Required: \$1,984,214

Source of Funds: The funding sources for these expenditures include various sales taxes, bond proceeds, grants, donations contributions, reimbursements and interest earnings.

Policy Issues

Does City Council support amending the appropriations for the 2002 budget of the General and General Capital Improvement Funds?

Alternatives

The alternative would be not to amend the 2002 budget appropriations for the General, Utility, Open Space and General Capital Improvement Funds and utilize these funds to increase reserves. Staff does not recommend this alternative because it is not in keeping with past policy decisions made by City Council. In addition, the various departments have already incurred expenses and covered them in their current budget in anticipation of receipt of the funds. Lastly, City Council has a policy of increasing reserves through other year-end procedures as well as through recognition of larger amounts of funds and reimbursements recognized at other times during the year.

Background Information:

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

The Library Division received \$1,000 donation from Wal-Mart to buy books for the 2003 summer reading program. This donation will need to be included in the 2002 carryover appropriation to 2003. (General Fund)

The Police Department received checks totaling \$11,935 for overtime reimbursements from the High Intensity Drug Traffic Area (HIDTA). These reimbursements were for overtime incurred by members of the Police Department while working on Federal HIDTA cases. (General Fund)

The Library Division received \$2,965 from School District 50 for providing cataloging services. The funds will be used to reimburse the Library's salary account for the staff time used to provide the cataloging services. (General Fund)

Parks, Recreation and Libraries received \$998 from special events in 2002 for the youth scholarship program. Funds from the youth scholarship program are used to award scholarships for City-sponsored recreation programs to youth who could not otherwise afford to participate. (General Fund)

On January 28, 2002 anticipated bond proceeds of \$7,000,000 were appropriated for the Northwest Water Treatment Plant. When the bonds were sold on September 27, 2002 the City received \$7,250,000 in proceeds. The additional \$250,000 of proceeds now needs to be appropriated to the project. (Utility Fund)

Open Space received an environmental grant of \$500 from Wal-Mart to be used toward open space activities. (Open Space)

Interest earnings of \$11,816 from the 2001 Certificates of Participation (COP's) are being appropriated to the Public Safety Building (PSB) project. Additionally, when the 2001 COP's were issued a portion of the proceeds was appropriated to 92nd/US 36 on/off ramps. This portion of the proceeds was not segregated from the PSB proceeds on the trustee records. Therefore, all of the interest earnings were appropriated to the PSB project. The interest earnings attributable to the 92nd/US 36 ramps project of \$36,426 are now being removed from the PSB project and allocated to the 92nd/US 36 ramps project. (General Capital Improvement Fund)

In 2001, Adams County voters approved the extension of a ½ cent sales tax for the use in making county-wide road improvements. Part of the agreements with Adams County cities included sharing funds with the communities. The City of Westminster will receive approximately \$1.3 million to \$2.2 million per year through the year 2008, when the voter approval sunsets. In 2002 the City received \$1.7 million to be appropriated to the widening of Huron Street from approximately 129th Ave to above 144th Avenue. (General Capital Improvement Fund)

Community Development received a \$5,000 contribution from Savory Farms, LLC for the restoration of the Savory Farms Water Tower. (General Capital Improvement Fund)

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

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **10**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL, UTILITY, OPEN SPACE AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Fund initially appropriated by Ordinance No. 2913 in the amount of \$69,324,181 is hereby increased by \$16,898 which, when added to the fund balance as of the City Council action on February 24, 2003 will equal \$79,018,397. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of donations and reimbursements received by the City.

Section 2. The \$16,898 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
General Misc - Library 1000.43060.0034	\$1,165	\$2,965	\$4,130
General – Contributions 1000.43100.0000	36,000	1,000	37,000
Recreation Programs – Youth Scholarships 1000.41030.0528	0	998	998
General Misc 1000.43060.0000	174,064	<u>11,935</u>	185,999
Total Change to Revenues		<u>\$16,898</u>	
EXPENSES			
Library Materials 10050620.71600.0000	\$378,665	\$1,000	\$379,665
Temp Salaries – Library 10050620.60600.0000	50,500	2,965	53,465
Special promotions – Youth Scholarship 10050760.67600.0528	5,923	998	6,921
PD Investigations Overtime 10020300.60400.0000	168,189	<u>11,935</u>	180,124
Total Change to Expenditures		<u>\$16,898</u>	

Section 3. The 2002 appropriation for the Water Portion of the Utility Fund, initially appropriated by Ordinance No. 2913 in the amount of \$25,286,775 is hereby increased by \$250,000 which, when added to the fund balance as of the City Council action on February 24, 2003 will equal \$51,805,557. The actual amount in the Water Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of additional bond proceeds from the 2002 Water/Wastewater Revenue Bonds.

Section 4. The \$250,000 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Bond Proceeds			
2000.46020.0216	\$7,000,000	<u>\$250,000</u>	\$7,250,000
Total Change to Revenues		<u>\$250,000</u>	
EXPENSES			
Northwest Water Treatment Plant			
80220035076.80400.8888	\$7,000,000	<u>\$250,000</u>	\$7,250,000
Total Change to Expenses		<u>\$250,000</u>	

Section 5. The 2002 appropriation for the Open Space Fund, initially appropriated by Ordinance No. 2913 in the amount of \$4,761,666 is hereby increased by \$500 which, when added to the fund balance as of the City Council action on February 24, 2003 will equal \$7,997,786. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a donation from Wal-Mart.

Section 6. The \$500 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Contributions			
5400.43100.0000	\$0	\$500	\$500
Total Change to Revenues		<u>\$500</u>	
EXPENSES			
Land Purchases			
54010900.76600.0000	\$7,164,254	<u>\$500</u>	\$7,164,754
Total Change to Expenditures		<u>\$500</u>	

Section 7. The 2002 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2913 in the amount of \$10,305,000 is hereby increased by \$1,716,816 which, when added to the fund balance as of the City Council action on February 24, 2003 will equal \$20,112,751. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of interest earnings, ADCO road sales taxes and a contribution received by the City.

Section 8. The \$1,716,816 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Transportation Sales Tax			
7500.40470.0000	\$0	\$1,700,000	\$1,700,000
Contributions			
7500.43100.0000	2,000	5,000	7,000
Interest Income - 2001 COP's			

7500.42520.0215	101,956	<u>11,816</u>	113,772
Total Change to Revenues		<u>\$1,716,816</u>	
EXPENSES			
Savory Farms Water Tower			
80275030536.80400.8888	\$22,200	\$5,000	\$27,200
Huron Street 129 th /144th			
80175030069.80400.8888	800,000	1,700,000	2,500,000
Public Safety Building			
80175020086.80400.8888	3,409,368	<u>11,816</u>	3,421,184
Total Change to Expenditures		<u>\$1,716,816</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of February, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 17th day of March, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: Resolution No. 8 re 2003 Great Outdoor Colorado Grant Applications

Prepared By: Julie M. Meenan Eck, Landscape Architect

Recommended City Council Action

Adopt Resolution No. 8 authorizing the Department of Parks, Recreation and Libraries to pursue a Great Outdoor Colorado (GOCO) Grant for 2003.

Summary Statement

- The Parks, Recreation and Libraries Department wishes to pursue a grant from the Great Outdoor Colorado Program for the renovation of Carroll Butts Park, located at 94th Avenue and Raleigh Street.
- Great Outdoor Colorado provides grant money in Colorado for municipalities to acquire, establish, expand, and enhance park, outdoor recreation and environmental educational facilities.
- Staff recommends requesting a \$100,000 grant from GOCO towards the Carroll Butts Park Renovation.
- The Parks, Recreation and Libraries Department has matching funds in the 2003 Capital Improvement Program for Carroll Butts Park.
- Hyland Hills will co-sponsor on the GOCO Grant for Carroll Butts Park. Hyland Hills has \$150,000 as part of their Bond Issue for the portion of the park we are proposing GOCO funds.
- Staff is waiting to hear from Adams County Open Space Grant for a request of \$250,000 on another aspect of this project.
- Design and construction for the selected improvements for Carroll Butts Park will begin in 2003. Proposed improvements will include the installation of concrete plazas around the existing ballfields, new landscaping in the core area, new ballfield fencing and infield mix, and improvements to the double tennis court surface and fencing.

Expenditure Required: \$250,000 for Carroll Butts Park is already approved in the CIP Fund.

Source of Funds: Parks, Recreation and Libraries 2003 General Capital Improvement Program.

Policy Issue

Should the City attempt to increase the funding for the Carroll Butts Park project by pursuing grant monies from Great Outdoor Colorado?

Alternatives

1. Council could choose not to pursue additional funding for this project and proceed with the improvements at the current budget level. Staff recommends, however, that the effort be made to increase the scope of this project without increasing funding allocations. Receipt of grant money for this project would significantly enhance the scope.
2. Council could choose to pursue another project for GOCO funding.

Background Information

The Department of Parks, Recreation and Libraries has been successful in applying for and receiving grants from Great Outdoor Colorado. In recent years, the Department of Parks, Recreation and Libraries have been awarded \$485,000 from GOCO. These projects include Westminster T-Ball Complex, Sensory Park, Standley Lake, Skyline Vista and Countryside Little League.

The Carroll Butts Park Renovation project is based on a master plan provided by Staff and Hyland Hills. The focus of the project for this grant cycle is the northern, active area of the park. Some improvements for the area include renovation of the ballfields, new fencing, infield mix, concrete plaza, benches, landscaping, dugouts, new orientation of one field and improvements to the tennis court, fencing and surface. Receipt of a \$100,000 Great Outdoor Colorado grant, with a City match of \$250,000 and a Hyland Hills match of \$150,000, would increase the project budget to \$500,000 in 2003 for these new improvements.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **8**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

GRANT REQUESTS TO GREAT OUTDOOR COLORADO

WHEREAS, great Outdoor Colorado has established a local government grant application process to assist municipalities and special districts with the development of recreation capital improvements; and

WHEREAS, The City of Westminster has budgeted for improvements at Carroll Butts Park and;

WHEREAS, grant money received from Great Outdoor Colorado would significantly enhance the improvements for the above-mentioned project.

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit a grant application to the Great Outdoor Colorado Grant program for 2003, requesting funding in the amount of \$100,000, to enhance improvements at Carroll Butts Park.

Passed and adopted this 24th day of February 2003.

Attest:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: Land Exchange with Beau and Allen, LLC

Prepared By: Becky Johnson, Economic Development Program Coordinator
Tami Cannon, Paralegal

Recommended City Council Action

Authorize the City Manager to execute a Land Exchange Agreement and development cost reimbursement agreement with Beau and Allen, LLC, in substantially the same form as the two agreements attached, execute the necessary closing documents required for the land exchange, and authorize the expenditure of funds from the General Fund Contingency Account to cover the City's closing and reimbursement costs.

Summary Statement

- City Staff has negotiated a land exchange for a 3.243 acre parcel of City-owned property at the southeast corner of 8600 West and Church Ranch Boulevard for a 4.55 acre parcel at 7453 West 105th Avenue in Mandalay Gardens, owned by Beau & Allen. (See attached vicinity map.)
- The acquisition of the Beau and Allen property is necessary to preserve this site for future development of the master plan for Mandalay Gardens.
- In addition to the land exchange, the City has agreed to reimburse Beau and Allen for their preliminary development costs incurred prior to the City's offer to acquire this property in the amount of \$83,445.
- The City has also incurred its own costs in the amount of \$12,950 for environmental studies, survey updates and appraisals.
- Staff is requesting a total authorization of up to a maximum of \$100,000 for all of these costs.
- These costs will initially be paid from the General Fund Contingency Account. However, it is expected the Westminster Economic Development Authority (WEDA) reimburse the City at the time the land ownership is transferred from the City to WEDA.

Expenditure Required: Not to exceed \$100,000

Source of Funds: General Fund Contingency

Policy Issues

Should the City exchange the property referenced above for the Beau and Allen property referenced above and provide additional funding at closing to preserve the Mandalay Gardens site for future development?

Alternatives

1. Decide not to exchange this property at this time. This would allow development on the site and would most likely complicate future development of the Mandalay Gardens area.
2. Ask staff to continue to negotiate the terms and conditions of this land exchange. This would result in further delays in the acquisition of sites that are key in the future development of the Mandalay Gardens site.

Background Information

Beau and Allen purchased a 4.55-acre parcel at 7453 West 105th (near the middle of the Mandalay Gardens neighborhood) with plans to construct a veterinary clinic in May 2001. Broadway Animal Medical Hospital (BAM) began the development process in preparation of constructing the clinic in the Mandalay Gardens area.

Concurrently, the City was moving forward with a master plan for development of the entire Mandalay Gardens site. Staff approached Beau and Allen to propose a possible land exchange for City property along Church Ranch Boulevard, with the purpose of securing the property in Mandalay Gardens for future development.

In July 2001, Beau & Allen agreed to the land exchange; however, they have asked that the City reimburse them for their attorney's fees, planning costs already incurred by Beau and Allen, as well as other costs related to the land exchange. A number of studies have been completed on both the City's property and the Beau and Allen property; including environmental assessments, surveys, and appraisals in preparation of the land exchange.

The proposed Land Exchange Agreement and development cost reimbursement agreement reached between the City of Westminster and Beau and Allen are attached. Final terms include the exchange of land and payment by the City of \$83,445 in reimbursements to Beau and Alan, plus closing costs of approximately \$20,000 for the property exchange. The approximate \$100,000 needed to pay Beau and Allen and to cover closing costs will be funded from the General Fund Contingency. It is expected that at the time that WEDA acquires the BAM property from the City for the Mandalay Gardens project, that the City will be reimbursed by WEDA.

The acquisition of this property is a high priority to preserve this property for future development of the entire Mandalay Gardens Master Plan.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

LAND EXCHANGE AGREEMENT

THIS LAND EXCHANGE AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 20__, by and between **BEAU AND ALLEN, LLC**, a Colorado limited liability company, whose address is 1405 South Broadway, Boulder, Colorado, 80303 ("B & A"), and the **CITY OF WESTMINSTER**, a Colorado municipal corporation, whose address is 4800 West 92nd Avenue, Westminster, Colorado 80031 ("City"),

WITNESSETH:

WHEREAS, B & A owns certain real property in Jefferson County, Colorado, the legal description of which is set forth on Exhibit "A" attached hereto and incorporated herein by this reference, together with tangible and intangible rights appurtenant to or benefiting that property; and

WHEREAS, City owns certain real property in Jefferson County, Colorado, the legal description of which is set forth on Exhibit "B" attached hereto and incorporated herein by this reference, together with tangible and intangible rights appurtenant to or benefiting that property, which property has been annexed to the City; and

WHEREAS, B & A and City wish to exchange their respective properties subject to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the above premises, the mutual promises and covenants below, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Conveyances.

a. Conveyance from B & A to City. Subject to the terms, provisions, covenants and conditions herein contained, B & A hereby agrees to convey to the City that certain real property located in Jefferson County, Colorado, and more specifically described in Exhibit "A," attached hereto and incorporated herein by this reference, together with all easements, rights-of-way, and ditch and water rights appurtenant thereto and all improvements and fixtures of a permanent nature currently on the premises all in their present condition, ordinary wear and tear excepted (the "Beau and Allen Property").

b. Conveyance from City to B & A. Subject to the terms, provisions, covenants and conditions herein contained, City hereby agrees to convey to B & A that certain real property located in Jefferson County, Colorado, and more specifically described in Exhibit "B," attached hereto and incorporated herein by this reference, together with all easements, rights-of-way, and ditch and water rights appurtenant thereto and all improvements and fixtures of a permanent nature currently on the premises all in their present condition, ordinary wear and tear excepted (the "City Property").

2. Purchase Price and Payment. The parties agree that this is a like kind exchange and, except as provided in a separate agreement between the parties, which the parties agree shall be signed concurrently with this Agreement, no monetary consideration shall be paid by either party to the other.

3. Merchantability of Title; Objections to Title.

(a) Each party represents to the other that at closing the conveying party, as grantor, will have and will convey to the other party, as grantee, merchantable and insurable title to the grantor's property, including fee simple title, subject only to prorated general real estate taxes on the grantor's property for the current year and to any burdens, easements, rights-of-way, agreements, reservations, restrictions and encumbrances described in the title commitment approved by grantee as hereinafter provided. The parties shall terminate any leases and remove any tenants from the their respective properties prior to closing, unless otherwise agreed between the parties.

(b) If either party, as grantee, deems, in its sole discretion, that title for any reason is not merchantable or insurable in the other party, as grantor, the grantee, on or before March 15, 2003, shall give written notice thereof to the grantor. If a party gives notice of an unsatisfactory condition with regard to the merchantability or insurability of title to the grantor's property, grantor shall make a reasonable effort to correct any defects objectionable to grantee prior to the closing date. If either party does not provide written notice of any unsatisfactory condition to title on or before March 15, 2003, grantee accepts the condition of title as disclosed by the title commitment and the documents disclosed therein.

(c) If either party, as grantor, is unable or unwilling to correct such defects on or before the closing date, this Agreement, at the grantee's option, may be declared void and of no force or effect. In the event of such termination the parties shall have no further rights or obligations hereunder.

(d) Each party, as grantor, represents and covenants to the other that it comprises all of the parties who have a fee interest in grantor's Property and that to the best of grantor's knowledge, there are no other interested parties in said property.

(e) Each party, as grantor, shall disclose to the other party any matters that a party has actual knowledge pertaining to grantor's property, which is not of record, including the existence of any leases, surveys, easements, liens or other title matters not shown in the public records. Each party shall have the right to inspect the property to be acquired, to determine if any third parties have any right in or to the property not shown by the public records. If either party, as grantee, deems in its sole discretion that any matter not shown by the public records is unsatisfactory, grantee shall provide written notice thereof to grantor as soon as possible. In the event such notice is given, grantor shall make reasonable effort to correct the unsatisfactory matter prior to the closing date. If grantee does not provide written notice of any unsatisfactory condition within fifteen (15) days after receipt of off-record matters, grantee accepts the condition of title as disclosed by such off-record matters.

4. Title Commitment; Title Policy. Each party at its own expense shall obtain a current commitment for a title insurance policy for the property it is receiving and obtain a title insurance policy current as of the date of closing. Each party shall provide to the other party copies of all documents disclosed in the title commitment or any endorsement thereto. The parties shall use First American Heritage Title Company to issue the title insurance on the properties exchanged under this Agreement.

5. Closing Documents.

a. At closing, each party, as grantor, shall execute and deliver to the other, as grantee, a general warranty deed, conveying the grantor's property to the grantee in fee simple, free and clear of: (1) all general real estate taxes on the Property except for the current year; (2) all liens for any improvements installed as of the date of closing whether assessed or not; (3) all easements, covenants, liens and encumbrances which are shown on the title commitment except those which are accepted by Grantee at closing, and (4) matters not shown by the public records as disclosed to and accepted by the grantee pursuant to paragraph 3.e.

6. Closing. Unless otherwise agreed by the parties, the closing of the transaction contemplated by this Agreement shall take place at the offices of the City of Westminster, 4800 W. 92nd Avenue, Westminster, Colorado on or before March 31, 2003.

7. Closing Costs. The cost of recording any and all documents delivered at the closing shall be equally borne by B & A and the City. Any transfer taxes shall be borne by the transferee. Each party shall be responsible for the payment of its own attorney's fees incurred in connection with the transaction that is the subject of this Agreement.

8. Taxes. At closing, each party shall pay all personal property taxes and general property taxes due for the year prior to closing and all preceding years. General taxes for the year of closing shall be apportioned between the parties to the date of delivery of the deed.

9. Property Survey. With regard to the property being acquired from the City, B & A shall obtain an ALTA boundary and improvement survey, including topographical information. The parties shall equally share the cost of this survey.

10. Property Inspections. Each party, as grantor, shall allow the other party, as grantee, and grantee's authorized representatives to enter upon the grantor's Property from time to time prior to closing in order to inspect the property, conduct surveys, and perform environmental audits. Representatives of the parties shall give reasonable notice to the grantor prior to entering the grantor's property for the purpose of inspection. Except as otherwise provided herein, all costs and expenses of such inspection shall be borne solely by the inspecting party.

11. Risk of Loss; Damage to Property. If improvements are located on the property of either party, loss or damage to said improvements from any cause, including but not limited to fire, vandalism, or acts of God, from the date of this Agreement until the conveyance of said deed from the grantor to the grantee shall be the risk of the grantor. If, prior to closing, the property of either grantor is destroyed or damaged in whole or in part, this Agreement may be cancelled at the option of the grantee.

12. Mutual Representations. Each party, as grantor, represents to the other, as grantee, that to the best of grantor's knowledge, as of the date hereof, and as of the date of the closing that the following are true and correct, except as otherwise disclosed by the grantor in writing to the grantee, or as otherwise disclosed in the title commitment accepted by the grantee at closing:

(a) Soils. Grantor has no knowledge of any patent or latent defects, soil deficiencies, or subsurface anomalies existing on the grantor's property or that grantor has disclosed all such knowledge in writing to grantee;

(b) No Litigation or Investigations. There is no pending or threatened litigation, proceeding, or investigation by any governmental authority or any other person known to grantor against or otherwise affecting the property, nor does grantor know of any ground for any such litigation, proceedings or investigations;

(c) No Condemnation. Grantor has received no written or official notice of any condemnation proceedings against the whole or any part of the property from any entity other than the grantee;

(d) Documents. Each and every document, schedule, item, and other information delivered or to be delivered by the grantor to the grantee hereunder, or made available to the grantee for inspection hereunder, are accurate and correct;

(e) No Special Assessments. There are no special assessments which now burden or encumber the grantor's property, there are no special assessments currently proposed as to the grantor's property and the property shall be free and clear of all liens for special improvements installed as of the date of closing, whether assessed or not;

(f) No Leases. There are no leases, tenancies or rental agreements relating to the grantor's property, or to any part thereof, which cannot be terminated by the grantee on or prior to the date of closing;

(g) No Easements. Grantor has not granted or created, and has no knowledge of any third parties who may have the right to claim or assert any easement, right-of-way or claim of possession not shown by record, whether by grant, prescription, adverse possession or otherwise, as to any part of grantor's Property;

(h) No Landfill. No part of grantor's Property has ever been used as a landfill, and no materials have ever been stored or deposited upon the property which would under any applicable governmental law or regulation require that the property be treated or materials removed from the property prior to the use of the property for any purpose which would be permitted by law but for the

existence of said materials on the property;

(i) No Pollution.

(1) Grantor's property is not contaminated with any hazardous substance;

(2) Grantor has not caused and will not cause, and to the best of grantor's knowledge, after diligent investigation and inquiry, there never has occurred, the release of any hazardous substance on grantor's Property;

(3) Grantor's property is not subject to any federal, state or local "superfund" lien, proceedings, claim, liability or action, or the threat or likelihood thereof, for the cleanup, removal, or remediation of any such hazardous substance from the property or from any other real property owned or controlled by the grantor or in which the grantor has any interest, legal or equitable;

(4) There is no asbestos on the grantor's property;

(5) There is no underground storage tank on the grantor's property; and

(6) By acquiring grantor's property, grantee will not incur or be subject to any "superfund" liability for the cleanup, removal or remediation of any hazardous substance from the real estate or any liability, cost, or expense for the removal of any asbestos or underground storage tank from grantor's property. The terms "hazardous substance", "release", and "removal", as used herein, shall have the same meaning and definition as set forth in paragraphs (14), (22) and (23), respectively, of Title 42 U.S.C. Section 9601; provided, however, that the term "hazardous substance", as used herein, also shall include "hazardous waste", as defined in paragraph (5) of 42 U.S.C. Section 6903 and "petroleum", as defined in paragraph (8) of 42 U.S.C. 6991. The term "superfund", as used herein, means the Comprehensive Environment Response, Compensation and Liability Act, as amended, Title 42 U.S.C. Section 9601, et seq., as amended, and any similar state statute or local ordinance applicable to the grantor's property, and all rules and regulations promulgated, administered and enforced by any governmental agency or authority pursuant thereto. The term "underground storage tank," as used herein, shall have the same meaning and definitions as set forth in paragraph (1) of 42 U.S.C. Section 6991. Grantor agrees to cooperate with grantee in completing an environmental audit, if one is conducted. Should any environmental audit reveal the presence of hazardous materials on the property, then the grantee has the express option of terminating this Agreement.

Should any environmental audit reveal any unsatisfactory condition as determined in grantee's sole discretion, grantee shall provide written notice thereof to grantor, who shall have the option of mitigating such condition to the satisfaction of the grantee. If full mitigation cannot occur prior to closing, the closing shall be extended by 90 days to permit such mitigation. If full mitigation to grantee's satisfaction, as determined in grantee's sole discretion, has not occurred within said 90-day extension, grantee may terminate this Agreement.

(j) Notwithstanding anything herein to the contrary, City acknowledges that a house and other structures that are no longer in use are currently on B & A's property, and City agrees to accept the house and other structures in their present condition, "AS IS." City further agrees to accept the condition of the property as revealed in the Phase I Environmental Site Assessment dated November, 2000, a copy of which the City has previously received from B & A. B & A has no knowledge of any pollution as defined in this Agreement or otherwise which is associated with the Property or the house, except as may be disclosed in said Phase I Environmental Site Assessment. B & A makes no representations, warranties or covenants of any kind as to the condition of the Property or the house and other structures, or that they are free from any pollution or hazardous substance as defined in this Agreement or otherwise, and B & A shall have no liability with respect thereto.

13. Contingencies. Performance by the parties under this Agreement is expressly contingent upon each party's inspection of the property to be conveyed, review of all agreements and information affecting the property to be conveyed, review and approval of the title commitment and title documents,

any appraisal of the property to be conveyed which the proposed grantee has obtained, approval by the proposed grantee of any survey or environmental audit of the property to be conveyed, and approval by the City Council of the City of Westminster of the acquisition of the property to be conveyed to the City.

14. Attorney Fees. In the event either party brings an action to enforce any provision of this Agreement, the prevailing party shall be entitled to payment by the other party of the prevailing party's reasonable attorney fees and other costs of litigation.

15. Time. Time is of the essence hereof and all terms, conditions and covenants shall be tendered or performed as specified herein.

16. Agreement Binding. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, personal representatives, successors and assigns. The parties hereto agree that, except for such of the terms, conditions, covenants and agreements hereof which are, by their very nature, fully and completely performed upon closing, all of the terms, conditions, representations, warranties, covenants and agreements herein set forth and contained shall survive the closing and shall continue to be binding upon the parties and their above-named successors.

17. Colorado Law. This Agreement and the rights and obligations of the parties hereunder shall be governed by the laws of the State of Colorado.

18. Recording. This Agreement may be recorded in the records of the Office of the Clerk and Recorder of Jefferson County, Colorado.

19. Entire Agreement. This Agreement embodies the complete Agreement between the parties and cannot be modified or amended except by the written agreement of the parties.

20. Number, Gender. Whenever used herein, the singular number shall include the plural, the plural the singular; and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, this Agreement is executed by the parties as of the date first above written.

BEAU & ALLEN, LLC.

By: _____
Lee A. Woods, Manager

Date: _____

CITY OF WESTMINSTER

By: _____
J. Brent McFall
City Manager

Date: _____

Attest: _____
Michele Kelley
City Clerk

APPROVED AS TO LEGAL FORM:

Martin R. McCullough, City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF BEAU AND ALLEN PROPERTY

EXHIBIT B

LEGAL DESCRIPTION OF CITY PROPERTY

EXHIBIT C

SURVEY

AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2003, by and between **Beau and Allen, LLC**, a Colorado limited liability company, whose address is 1405 South Broadway, Boulder, Colorado 80303 (“B & A”), **Marshall Road Animal Clinic, P.C., dba Broadway Animal Medical Hospital, P.C.**, a Colorado corporation, whose address is 1405 South Broadway, Boulder, Colorado 80303 (“BAM”), and the **City of Westminster**, a Colorado municipal corporation, whose address is 4800 West 92nd Avenue, Westminster, Colorado 80031 (“City”).

RECITALS:

B & A and the City have concurrently herewith entered into a Land Exchange Agreement (“Exchange Agreement”), whereby B & A shall exchange property it owns, as described in Exhibit A attached to the Exchange Agreement, for property owned by the City, as described in Exhibit B attached to the Exchange Agreement, according to the terms and conditions of the Exchange Agreement; and

As an inducement to B & A to enter into the Exchange Agreement and to exchange its property pursuant to the terms and conditions of the Exchange Agreement, the City is willing to pay to B & A and to BAM a cash sum agreed to by the parties as set forth below, as reimbursement to B & A and BAM for development costs and expenses incurred by them in connection with the exchange of the properties between the City and B & A.

NOW THEREFORE, in consideration of the Recitals and of the terms and conditions set forth below, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Concurrent with the signing of this Agreement, the City and B & A shall sign and enter into the Exchange Agreement. At or before the closing of the Exchange Agreement, the City shall pay a total sum of \$83,445 in cash, certified funds or electronic wire transfer, to be divided between B & A and BAM, as and for reimbursement to B & A and BAM for the costs and expenses incurred by them in connection with B & A’s exchange of its property with the City’s property, as described in the Exchange Agreement.

2. The City shall pay the agreed sum as provided in paragraph 1, by making separate payments to B & A and to BAM, as follows:

Amount payable to Broadway Animal Medical Hospital, P.C.:	\$63,268.40
Amount payable to Beau and Allen, LLC:	<u>\$20,176.60</u>
TOTAL:	\$83,445.00

3. The parties shall cooperate with each other to carry out the terms of this Agreement, and agree to take such additional actions as may be necessary or convenient to permit B & A and BAM to receive and account for the sums to be paid by the City in accordance with any tax advice or other counsel of B & A’s and BAM’s CPAs.

4. In the event any party brings an action to enforce any provision of this Agreement, the prevailing party shall be entitled to payment by the other party of its reasonable attorneys fees and costs incurred in the enforcement thereof.

5. This Agreement is binding upon the parties hereto, their heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement, effective on the day and date first above written.

BEAU AND ALLEN, LLC

**MARSHALL ROAD ANIMAL CLINIC,
P.C., dba Broadway Animal Medical
Hospital, P.C.**

By: _____
Lee A. Woods, Manager

By: _____
Lee A. Woods, President

Date: _____

Date: _____

CITY OF WESTMINSTER

By: _____
J. Brent McFall, City Manager

Date: _____

Attest: _____
Michele Kelley, City Clerk

Approved as to legal form:

Martin R. McCullough, City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 24, 2003



SUBJECT: Second Reading of Councillor's Bill No. 9 re Change of Zoning Classification from C1, Commercial to PUD, Planned Unit Development for Cottonwood Village

Prepared By: Terri Hamilton, Planner III

Recommended City Council Action

Pass Councillor's Bill No. 9 on second reading approving the rezoning of the Cottonwood Village property from C1, Commercial District to Planned Unit Development (PUD).

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on second reading which changes zoning classification from C1, Commercial, to PUD, Planned Unit Development for Cottonwood Village. Cottonwood Village is located on 9.73 acres at the northwest corner of West 88th Avenue and Federal Boulevard, and the combined PDP/ODP was reviewed and approved by City Council on February 10, 2003.
- This Councillor's Bill was passed on first reading on February 10, 2003.

Expenditure Required: \$ 0

Source of Funds: NA

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3012**

COUNCILLOR'S BILL NO. **9**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Atchison-Dittman

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND CHANGING THE ZONING CLASSIFICATION OF A CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 20, TOWNSHIP 2 SOUTH, RANGE 68 WEST, COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds;

- a. That an application for the zoning of the property described below from City of Westminster C-1 to City of Westminster PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-2.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code, Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminster C-1 to City of Westminster PUD. A parcel of land located in Section 20, Township 2 South, Range 68 West, County of Adams, State of Colorado, more particularly described as follows:

The west 386 feet of the east 416 feet of the east ½ of the east ½ of the southwest ¼ of Section 20, Township 2 south, Range 68 west, except for that part conveyed to the Department of Highways, in Book 976 at page 99; that part conveyed to Skelly Oil Company in Book 1005 at page 164; that part conveyed to J.L. Terborg in Book 950 page 354 and that part platted as Vineyard Subdivision in Plat Book 14 at page 117, County of Adams, State of Colorado.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of February, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of February, 2003.

Mayor

ATTEST:

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, February 24, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, and McNally. Absent Kauffman.

The minutes of the February 10, 2003 meeting were approved.

Council approved the following: Financial Report for January 2003; change date for first meeting in March to March 17th and last meeting in May to May 19th; IGA Amendment re Youth Alcohol Intervention Program; Disposition of Used Speed Monitoring Awareness Radar Trailers; Insurance Report for July-December 2002; Contract for final design of Huron Street, 128th Ave to 136th Ave with Felsburg, Holt and Ullevig for \$520,000; 2003 Concrete Replacement Project Bid with Concrete Works of Colorado for \$662,048; 2003 Asphalt Pavement Rehabilitation Project Bid for \$1,669,006; 2003 Chipseal Project Award with A-1 Chipseal Company for \$ 769,481; the PDP on the Mandalay Town Center; and a Land Exchange Agreement with Beau and Allen for an amount not to exceed \$100,000.

Council recognized six area youth for the Metropolitan Mayors' and Commissioners' Youth Award, recognized Jane Kober, Greg Lockridge, and Ed Thwaites for the dedicated service on City Boards & Commissions, and Employees with 20, 25, and 40 years were recognized.

Council appointed Ken Claussen and Stephanie Marlin to the Parks Recreation and Advisory Board; David Jones and Candee Wells to the Personnel Board; Donald Anderson and Joe McConnell to the Planning Commission; and reappointed John Brann, Margaret Rivers, and Betty Whorton to the Personnel Board.

The following Public Hearing was held: At 7:58 p.m. on the Mandalay Town Center Preliminary Development Plan.

The following Councillor's Bills were passed on first reading:

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL, UTILITY, OPEN SPACE, AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS purpose: 2002 Budget Supplementary Appropriation

The following Councillor's Bills were adopted on second reading:

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

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND CHANGING THE ZONING CLASSIFICATION OF A CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 20, TOWNSHIP 2 SOUTH, RANGE 68 WEST, COUNTY OF ADAMS, STATE OF COLORADO

The following Resolutions were adopted:

Resolution No. 7 re Appointments and Reappointments to Boards & Commissions

Resolution No. 8 re Great Outdoor Colorado Grant Application

At 8:40 P.M. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on March 6, 2003

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Dittman-Atchison

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

WHEREAS, pursuant to W.M.C. 11-4-16, a public hearing was held by the City Council concerning the proposed amendment; and

NOW THEREFORE, the City Council hereby finds that the requested amendment will be in the public good and in compliance with the overall intent of the Comprehensive Land Use Plan.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the following necessary changes to the Northeast Comprehensive Development Plan portion of the Comprehensive Land Use Plan which are necessary to eliminate inconsistencies with the Mandalay Town Center project:

A. Subarea C, Pages 7-8:

1. Under "Permitted Land Uses," change "Neighborhood retail" to "Neighborhood and regional retail", add "Public uses", and delete paragraph number 4. Add new paragraph number 4 as follows: "All legally existing uses may continue until an Official Development Plan is approved for the site."
2. Under "Prohibited Land Uses," delete "Liquor stores" and "Bars and Taverns".
3. Under "Public Improvements" delete paragraphs 1 and 2. Add new paragraph 1 as follows: "Access to the Mandalay Town Center in Subarea C shall be provided from Church Ranch Boulevard with possible connections to Wadsworth Boulevard and to the Westminster Promenade via one or two underpasses under US 36." Renumber subsequent sections.

B. Development Standards, Intent, Page 14: Add the following sentence to the end of this section: "The development standards in this section shall not apply to the Mandalay Town Center in Subarea C."

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

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

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

Section 5. The City Planning Manager is authorized to cooperate with Jefferson County and take such steps as may be necessary to amend the text of the NECDP to incorporate the changes approved pursuant to this ordinance.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of February, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of February, 2003.

ORDINANCE NO. **3012**

COUNCILLOR'S BILL NO. **9**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Atchison-Dittman

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND CHANGING THE ZONING CLASSIFICATION OF A CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 20, TOWNSHIP 2 SOUTH, RANGE 68 WEST, COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds;

- a. That an application for the zoning of the property described below from City of Westminster C-1 to City of Westminster PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-2.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code, Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminster C-1 to City of Westminster PUD. A parcel of land located in Section 20, Township 2 South, Range 68 West, County of Adams, State of Colorado, more particularly described as follows:

The west 386 feet of the east 416 feet of the east ½ of the east ½ of the southwest ¼ of Section 20, Township 2 south, Range 68 west, except for that part conveyed to the Department of Highways, in Book 976 at page 99; that part conveyed to Skelly Oil Company in Book 1005 at page 164; that part conveyed to J.L. Terborg in Book 950 page 354 and that part platted as Vineyard Subdivision in Plat Book 14 at page 117, County of Adams, State of Colorado.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of February, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of February, 2003.