

March 17, 1997  
7:00 PM

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

1. **Pledge of Allegiance** Boy Scout Troop #324
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meeting**
4. **Presentations**
  - A. American Consulting Engineers Council Awards
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
  - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
  - A. Bids re Tandem Dump Trucks
  - B. Bids re Excavator
  - C. CB No. 15 re Skyline Vista Park (Dixion-Allen)
  - D. CB No. 16 re Crystal Lake Easement Vacation (Dixion-Scott)
  - E. CB No. 17 re El Fugitivo Settlement (Dixion-Smith)
  - F. CB No. 18 re Liquor Licensing Amendments (Allen-Smith)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
  - A. Resolution No. 14 re Category B-1 Service Commitment Awards
  - B. Resolution No. 15 re Category B-2 Service Commitment Awards
  - C. Resolution No. 16 re Suppl Category B-2 Service Commitment Allocation
  - D. Councillor's Bill No. 21 re NorthPark Plaza Assistance Package
  - E. Resolution No. 17 re FEMA Revised Flood Insurance Study
  - F. Councillor's Bill No. 22 re Revised Flood Plain Control Regulations
  - G. Resolution No. 18 re Land Acquisition for Biosolids Program
  - H. Expenditure Authorization for Biosolids Program
  - I. Comprehensive Land Use Plan Amended Consulting Contract
  - J. Westminster Boulevard Signal Equipment and Decorative Lighting
  - K. Reclaimed System Treatment Facility Design Contract
  - L. Standley Lake Enlargement and Rehabilitation Expenditures
11. **Old Business and Passage of Ordinances on Second Reading**
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
  - A. City Council
  - B. Request for Executive Session
    1. Westminster Promenade East Business Assistance Negotiations
13. **Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, MARCH 17, 1997 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Boy Scout Troop #324 led Council, Staff and the audience in the Pledge of Allegiance.

Mayor Heil recognized members of Boy Scout Troop #476 who were in attendance at the meeting.

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Merkel to accept the minutes of the meeting of February 24, 1997 with no additions or corrections. The motion carried unanimously.

A motion was made by Allen and seconded by Scott to accept the minutes of the meeting of March 3, 1997 with no additions or corrections. Mayor Pro Dixon and Councillor Merkel requested to abstain as they were not present at the meeting. The motion carried with 4 aye votes and Mayor Pro Tem Dixon and Councillor Merkel abstaining.

PRESENTATIONS:

Rod Hoffman, Dave Backer and Karl Henderickson of HDR Engineering Inc. presented the City with awards for two City capital projects which were selected for awards by the American Consulting Engineers Council of Colorado. The two projects selected for the awards are the Sheridan Boulevard Corridor project and the Big Dry Creek Water Reclamation Facility upgrade. City Staff John Carpenter, Ron Hellbusch, David Downing, Dave Loseman and Alex Iacovetta accepted the awards on behalf of the City.

CITY COUNCIL COMMENTS:

Mayor Pro Tem Dixon attended the Metropolitan Mayors and Commissioners Youth Award presentation held on Sunday and reported that a City of Westminster nominee from Adams County won the local competition and will go on to the Denver Metro-Wide selection. She also stated that Thursday was Incredible Kid Day and that the City hosted the International Women in Politics meeting with women from 24 Countries in attendance.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher reported on the Rotary Club Conference for New Generations held by the two Westminster area Rotary Clubs on Saturday which was attended by over 40 students representing Westminster, Ranum and Standley Lake High Schools, Front Range Community College, two School Districts and Hyland Hills.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: Bids for tandem dump trucks and an excavator; Councillor's Bill No. 15 re Skyline Vista Park; Councillor's Bill No. 16 re Crystal Lake Easement Vacation; Councillor's Bill No. 17 re El Fugitivo Settlement and Councillor's Bill No. 18 re Liquor Licensing Amendments. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

A motion was made by Merkel and seconded by Dixon to adopt the Consent Agenda items as presented with the recommendation stated on the Council agenda memorandums. The motion carried unanimously.

RESOLUTION NO. 14 - CATEGORY B-1 SERVICE COMMITMENT AWARDS:

A motion was made by Dixon and seconded by Merkel to adopt Resolution No. 14 awarding Category B-1 Service Commitments the Vista Ridge, Savory Farm, Stratford Lakes Torry Peaks and Autumn Chase projects for Single-Family Detached residential projects. Representatives of the Vista Ridge, Savory Farm, Stratford Lakes Torry Peaks and Autumn Chase projects gave brief presentations to Council.

A motion to amend the main motion was made by Smith and seconded by Scott to award service commitments to the three highest-scoring Category B-1 projects: Vista Ridge, Savory Farm and Stratford Lakes as outlined in Option 2 of the Agenda Memorandum. The amendment failed with dissenting votes by Allen, Dixon, Heil and Merkel. The main motion carried with dissenting votes by Scott and Smith.

RESOLUTION NO. 15 - CATEGORY B-2 SERVICE COMMITMENT AWARDS:

A motion was made by Dixon and seconded by Merkel to adopt Resolution No. 15 awarding Category B-2 Service Commitments to new Single-Family Attached residential projects of Stratford Lakes, Westminster Park, and Quail Crossing. Representatives of the Westminster Park and Quail Crossing projects gave brief presentations to Council. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 16 - SUPPLEMENTAL CATEGORY B-2 SERVICE COMMITMENT:

A motion was made by Dixon and seconded by Allen to adopt Resolution No. 16 allocating 31 additional Service Commitments to Category B-2 to accommodate the Service Commitment awards for 1997. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 21 - NORTH PARK PLAZA ASSISTANCE PACKAGE:

A motion was made by Allen and seconded by Dixon to pass Councillor's Bill No. 21 on first reading authorizing the City Manager to execute and implement in substantially the same form, the Assistance Agreement attached to the Agenda Memorandum, with SW Productions Company to build the NorthPark Plaza. Mark Campbell, representing SW Productions, was present to address Council. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 17 - FEMA REVISED FLOOD PLAIN INSURANCE STUDY:

A motion was made by Merkel and seconded by Dixon to adopt Resolution No. 17 which adopts the Federal Emergency Management Agency's Revised Flood Insurance Study dated April 2, 1997, which includes the corresponding Flood Insurance Rate Maps. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 22 - FLOOD PLAIN CONTROL REGULATIONS:

A motion was made by Merkel and seconded by Dixon to pass Councillor's Bill No. 22 on first reading concerning the revised Flood Plain Ordinance. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 18 - LAND ACQUISITION FOR BIOSOLIDS PROGRAM:

A motion was made by Scott and seconded by Allen to adopt Resolution No. 18 authorizing the City Manager to proceed with the acquisition of a parcel of land owned by Habel Farms, Inc., located near Strasburg, east of Denver, for biosolids land application. Upon roll call vote, the motion carried unanimously.

EXPENDITURE FOR BIOSOLIDS PROGRAM LAND PURCHASE:

A motion was made by Scott and seconded by Dixon to authorize an expenditure of \$1,325,000 from the 1997 Utility Fund to purchase the Habel property for biosolids land application. The motion carried unanimously.

COMBINED ITEMS:

A motion was made by Merkel and seconded by Dixon to combine Agenda Items 10I, Comprehensive Land Use Plan Amended Contract; 10J, Westminster Boulevard Signal Equipment and Decorative Lighting; 10K, Reclaimed System Treatment Facility Design Contract; and 10L, Standley Lake Enlargement and Rehabilitation Expenditures. The motion carried unanimously.

A motion was made by Merkel and seconded by Dixon to authorize the City Manager to execute an amended planning services contract with Balloffet and Associates in the amount of \$19,600 for additional work on the Comprehensive Land Use Plan, thus establishing a total contract amount of \$119,350, and charge the expense to the appropriate account in the Planning Division budget; to authorize the expenditure of \$204,348 for the purchase of traffic signal equipment for Westminster Boulevard and authorize the expenditure of an amount not to exceed \$200,000 for the purchase of decorative lighting for the Westminster Promenade; and charge the expenses to the appropriate project account in the General Capital Improvement Fund; to authorize the City Manager to execute a contract with Black & Veatch in the amount of \$220,103 for pilot plant testing, design and bidding of the Westminster Reclaimed Water Treatment Facility and approve a design contingency of \$30,000. Charge the cost associated with this work to the Reclaimed Water Project Capital Improvement Account in the Utility Fund; and, to authorize expenditures of up to \$400,000 from the 1997 Standley Lake Enlargement Capital Improvement Project account to reimburse the Farmers Reservoir and Irrigation Company for expenses related to the maintenance and potential future enlargement of Standley Lake Dam. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session regarding Westminster Promenade East Business Assistance Negotiations.

ADJOURNMENT:

The meeting was adjourned at 8:55 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** March 17, 1997

**Subject:** 1997 American Consulting Engineers Council of Colorado Awards

**Prepared by:** Andy Mead, Assistant to the Director of Public Works and Utilities

### **Introduction**

City Council is requested to accept two awards involving capital projects in the City of Westminster. The two projects which were selected for awards by the American Consulting Engineers Council of Colorado are the Sheridan Boulevard Corridor project and the Big Dry Creek Water Reclamation Facility upgrade project. Both of these projects were completed in conjunction with HDR Engineering, Inc.

### **Summary**

The American Consulting Engineers Council of Colorado annually selects engineering projects for their Engineering Excellence Awards. This year, two projects from the City of Westminster were selected: Sheridan Boulevard Corridor project, managed through the Department of Community Development; and the Big Dry Creek Water Reclamation Facility upgrade, managed by the Department of Public Works and Utilities.

Mr. Rod Hoffman, Vice President, HDR Engineering, Inc., would like to make these awards presentations to the Mayor and City Council. City Staff attending this awards presentation will include: John Carpenter, Director of Community Development, and Ron Hellbusch, Director of Public Works and Utilities, Utilities Operations Manager Alex Iacovetta, Water Reclamation Facility Supervisor Harry Britton, City Engineer Dave Downing, and Senior Projects Engineer Dave Loseman.

### **Staff Recommendation**

Receive the awards presented by Mr. Rod Hoffman of HDR Engineering, Inc., from the American Consulting Engineers Council of Colorado.

### **Background Information**

The American Consulting Engineers Council annually honors engineering achievements that demonstrate the highest degree of merit and ingenuity, and providing a major contribution to technical, economical, or social advancement. HDR Engineering, Inc., was instrumental in achieving successful results with two major capital projects in the City: the Sheridan Boulevard Corridor project and the Big Dry Creek Water Reclamation Facility upgrade.

The Sheridan Boulevard Corridor project combined high-quality design and technical innovation to meet the following challenges:

replace crucial in-service water mains with parallel new construction; integrate multiple projects of bridges, roadways, utilities, and landscaping; construct a new bridge over an active stream, next to high-speed traffic; and rebuild an intersection at one of the busiest locations in the City.

The City had a two-year deadline for complying with new United States Environmental Protection Agency (EPA) regulations, along with limited land space at its Big Dry Creek Water Reclamation Facility (BDCWRF). These considerations, along with the financial implications of a facility upgrade, posed some unique challenges to approaching this project. HDR's innovative solutions solved each of these problems, along with providing several side benefits. The BDCWRF project presents a good example of how sound environmental stewardship, optimum use of resources, and wise financial management can go hand-in-hand.

Both of these projects were nominated for this prestigious award by HDR Engineering, Inc., and were selected as award winners for 1997. Rarely does a firm receive two awards in one year and for the same client.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** March 17, 1997  
**Subject:** Bids re Tandem Dump Trucks  
**Prepared by:** Gary Casner, Purchasing/Telecommunications Officer and Sam LaConte, Street Operations Manager

### **Introduction**

City Council action is requested to award the bid for four replacement tandem dump trucks. Funds are available and have been specifically allocated in the 1997 Public Works and Utilities Department budget for this expense.

### **Summary**

City Council previously allocated funds in the 1997 budget for the purchase of four tandem dump trucks.

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

The low bid is being recommended for the purchase.

### **Staff Recommendation**

Award the bid for four tandem dump trucks to Volvo White GMC in the amount of \$402,732, authorize the trade-in of the four current tandem trucks to be replaced, and charge the expense to the appropriate 1997 Public Works and Utilities Department budget.

### **Background Information**

City Council previously allocated funds in the 1997 budget for the purchase of four replacement tandem dump trucks. Three of the replacement vehicles will be used by Street Division crews for the hauling of materials for the maintenance and construction of City streets, and for snow removal. The fourth vehicle will be used by Water Division crews for the construction and maintenance of the City's water system, as well as snow removal duties.

The current vehicles being replaced are two 1985 and two 1986 GMC tandem dump trucks. All of these vehicle have in excess of 110,000 miles of use. Each truck needs extensive maintenance, including new engine, transmission, hydraulic system, and replacement beds. Cost to refurbish each truck is in excess of \$70,000. As these trucks are all front line equipment, refurbishment is not a cost effective option.

Formal bids in accordance with City Charter bidding requirements were obtained for this purchase with the following results:

Volvo White GMC	\$402,732
NaviStar International	\$402,916
Colorado Kenworth	\$406,968
Transwest GMC	\$425,152



The low bid from Volvo White GMC meets all of the City's specifications and is within the amount previously allocated by City Council for this expense. Included in the bid was a trade-in deduction for the vehicles that are to be replaced. The trade-in is reflected in each of the figures above. The trade-in allowance from Volvo White GMC was \$72,000 for the four vehicles, far more than the City would be able to obtain through the auction process.

The cost of the trucks compare favorably with the cost of dump trucks in 1995 and 1996, which was \$101,790. This price is adjusted for the trade-in value.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** March 17, 1997

**Subject:** Bids re Excavator

**Prepared by:** Gary Casner, Purchasing/Telecommunications Officer  
Alex Iacovetta, Utilities Operations Manager

### **Introduction**

City Council action is requested to award the bid for an excavator. Funds are available and have been specifically allocated in the 1997 Water Fund Public Works and Utilities Department budget for this expense.

### **Summary**

City Council previously allocated funds in the 1997 budget for the purchase of a replacement excavator.

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

The low bid is being recommended for this purchase.

### **Staff Recommendation**

Award the bid for one replacement excavator to the low bidder, Universal Tractor, in the amount of \$117,257 and charge the expense to the appropriate 1997 Public Works and Utilities budget account.

### **Background Information**

City Council allocated funds in the 1997 budget for the purchase of a replacement excavator. This piece of equipment will be used by Water Field Operations crews within the Public Works and Utilities Department for the construction and maintenance of the City's water system. Due to the extensive number of waterbreaks being experienced in the City, the major use for this piece of equipment will be water line construction. The Utilities Division is scheduled to replace 5 miles of deteriorating water line in 1997. To meet this objective, this excavator will be used 5 days a week on water line construction projects. In addition, if the City experiences several waterbreaks at the same time, this excavator would be used for assisting with the repairs.

The excavator to be replaced, a 1986 model, will be retired to a backup function. This will help to keep the construction of water lines on schedule during the busy construction season.

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

Excavator Purchase

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Universal Tractor	\$117,257
Century Equipment	\$123,735
Wagner Equipment Company	\$156,825
Liebherr-America Inc.	\$163,528
Power Motive	\$182,818

The low bid from Universal Tractor meets all of the City's specifications for this piece of equipment. As a part of the bidding process, City Staff had a hands-on demonstration of the unit from Universal Tractor, including operating the excavator with City operators, to ensure that this piece of equipment would do what would be required of it.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** March 17, 1997

**Subject:** Resolutions re Category B-1 and Category B-2 Service Commitment Awards

**Prepared by:** Shannon Sweeney, Planner II

## **Introduction**

City Council action is requested to adopt the attached Resolutions awarding Category B-1 Service Commitments to new Single-Family Detached (SFD) residential projects; awarding Category B-2 Service Commitments to new Single-Family Attached (SFA) residential projects, and allocating supplemental Category B-2 Service Commitments to new Single-Family Attached (SFA) residential projects for 1997. These all relate to the City's Growth Management Program.

## **Summary**

City Staff recently concluded review of applications received for the Categories B-1 (Single-Family Detached) and B-2 (Single-Family Attached) with 10 or fewer dwelling units per acre (du/a) service commitment competitions. A total of eight projects were submitted for the two competitions for 60 service commitments allocated for Category B-1 and 25 service commitments for Category B-2 in 1997.

Four of the projects submitted propose only single-family detached residential, two are solely single-family attached, and one project is a combination of detached and townhome units. Because criteria has not been established for combination projects (which may be a recommended change for the 1998 competitions), the developer for this combined project (McStain Enterprises) submitted separate application packets for the two housing types for the Stratford Lakes project site. Developers for all of the projects comply with the land use designation and maximum density requirements of the Comprehensive Land Use Plan Map.

For general information regarding each submittal, please see Tables I (Single-Family Detached Projects) and II (Single-Family Attached Projects) in the Background section of this report. Each project location is shown on the attached map (Figure 1).

Summarized below, for each of the two categories, are various options for Council consideration. Figures 2 and 3 (attached) show the scoring totals for each of the projects, the number of service commitments requested per year for each project, and details of each option proposed below. The applicants have been notified that, if desired, they may present a short, five-minute overview of each project at the City Council meeting.

### CATEGORY B-1 (New Single-Family Detached Residential)

Category B-1 applicants requested a total of 248 service commitments among the five projects over a three-year period. Below are several options for Council consideration. Please see Figure 2 (attached) for greater detail on each of the options.

Option 1 proposes awarding service commitments to the two highest-scoring projects, Option 2 would award the three highest-scoring projects, and Option 3 proposes a plan that would accommodate all five of the Category B-1 projects. None of the options exceeds the 60 service commitments City Council already allocated for 1997.

Option 1: Option 1 would award service commitments to the two highest-scoring projects (Vista Ridge-located at the southeast corner of 104th Avenue & Wolff Street and Savory Farm-located at the southeast corner of 112th Avenue & Federal Boulevard). The total award necessary for these two projects is 148 service commitments over a three-year period. Twenty-five service commitments are requested for 1997, 85 in 1998, and 38 in 1999. This is an average annual demand of 49 service commitments over the three-year period.

Option 2: This option would award the three highest-scoring Category B-1 projects (Vista Ridge, Savory Farm, and Stratford Lakes-located at the northwest corner of 112th Avenue & Federal Boulevard) which all scored more than 2,200 points each with only 84 points separating each of these projects. Vista Ridge, at the southeast corner of 104th & Wolff, proposes build-out in 1998, and the other two projects estimate 1999 build-out.

Of the 60 service commitments available for 1997, only 31 service commitments are requested from these three projects for 1997. The remaining 29 service commitments from the 1997 allocation could be "carried over" into 1998 to supplement the next year's allocation, since 121 total commitments would be needed by these projects in 1998. An additional allocation of 52 service commitments would be needed in 1999. This is a three-year total of 204 service commitments with an average of 68 service commitments per year over that period.

Option 3 (Staff Recommendation): Option 3 is similar to Option 2 in that the top three projects would be awarded following the same yearly awards for each as detailed in Figure 2 (attached); however, this option would accommodate all five projects (including Torrey Peaks and Autumn Chase) without exceeding the 60-service commitment allocation for 1997. A total of 248 service commitments (60 in 1997, 136 in 1998, and 52 in 1999) would be necessary over a three-year period for this option. This would be an average of 83 service commitments per year for the five projects.

The Torrey Peaks and Autumn Chase projects did not receive the highest scores in the competition; however, each does meet all of the minimum design guidelines, and the developer (Richmond Homes) reduced the density of each project to comply with the draft Comprehensive Land Use Plan Map. Richmond reduced their desired unit total in Torrey Peaks from 25 to 20 and in Autumn Chase from 31 to 24 units.

In addition, each of these two projects is a small, infill-type project on a site less than seven acres. Smaller single-family detached projects have difficulty offering certain amenities (such as clubhouses, pools, large private open space areas, etc.) that projects with larger land areas are able to offer through the competition thus placing these two projects at a competitive disadvantage. Richmond Homes has desired to build out these two projects for quite some time, but because these two projects were not platted prior to the moratorium on new residential projects, Richmond Homes was unable to proceed with development of these projects.

Staff estimated that there would be a higher demand for the single-family detached service commitments in 1997 than the applicants have requested. Based on the average annual demand of some of the active residential projects currently under construction in the City, it was projected that 60 service commitments would be adequate to serve one to two single-family detached projects in 1997. After reviewing the applications, however, all of the projects submitted are for smaller sites than anticipated, and the total requested demand for the five projects was 75 service commitments.

Option 3, which would award a total of 60 service commitments in 1997, is recommended by Staff as it would award the requested number of service commitments for 1997 for the top three projects, would also allow the two, smaller Richmond sites to be completed (although at a slightly lesser number for 1997 than desired), and would not exceed the 60-service commitment allocation already completed for 1997.

Figure 4 (attached) gives the number of approved units remaining for each of the City's Active Residential Developments. Approximately only 1,100 single-family detached units remain to be developed from Categories A-1 (Active Single-Family Detached) and L (Legacy Ridge) developments. Staff estimates that most of these will build out in the next 2 1/2 years including two of the City's largest residential developments, the Amherst and Westcliff Subdivisions.

#### CATEGORY B-2 (New Single-Family Attached Residential-10 or fewer du/a)

Category B-2 applicants requested a total of 169.6 service commitments (212 units) among the three projects over a three-year period. Below are three possible options for Council consideration. Please see Figure 3 (attached) for greater detail on each of the options. Because each single-family attached unit is calculated at .8 service commitments, both unit totals and service commitment totals are shown.

Option 1: Option 1 would award service commitments to the highest-scoring project (Stratford Lakes) within the single-family attached category. The total award necessary for the project is 80 service commitments (100 units) over a three-year period. Twenty-four service commitments (30 units) are requested for 1997, 38.4 (48 units) in 1998, and 17.6 (22 units) in 1999. This is an average annual demand of 27 service commitments over the three-year period. If Option 1 is chosen, no supplemental 1997 service commitment allocation would be necessary as the 1997 request is below the 25 service commitments already allocated for this year.

Option 2 (Staff Recommendation): This option would award the two highest-scoring Category B-2 projects (Stratford Lakes and Westminster Park-located at the northwest corner of 96th Avenue & Federal Boulevard).

The total service commitment award for the two projects would be 136 service commitments (170 units) over a three-year period. This would be an average of 45 service commitments per year over that period. If Option 2 is preferred by Council, a supplemental 1997 service commitment allocation for 31 service commitments would be necessary.

Although this option would require a supplemental allocation for 1997, Staff recommends this option as the conceptual plan submitted for Westminster Park would also be a higher-quality single-family attached project which would offer amenities such as a pool for its residents. In addition, the plan submitted shows a road connection of importance to the City, and the surrounding neighborhood also supports this concept.

Option 3: A third option is to award service commitments to all three projects. This would require a total of 169.6 service commitments (212 units) over a three-year period for an average annual demand of 56.5 (approximately 70 units). Sixty-four service commitments (80 units) would be needed in 1997, 80 (100 units) in 1998, and another 25.6 (32 units) in 1999. The Westminster Park project proposes build-out in 1998 while the other two projects show 1999 build-out dates.

### **Staff Recommendation**

1. Adopt Resolution No. awarding Category B-1 Service Commitments to new Single-Family Detached residential projects.
2. Adopt Resolution No. awarding Category B-2 Service Commitments to new Single-Family Attached residential projects.
3. Adopt Resolution No. allocating 31 additional Service Commitments to Category B-2 to accommodate the Service Commitment awards for 1997.

The Resolutions prepared and attached to this agenda memorandum follow the Staff recommendations for each Category.

### **Background**

In December 1996, City Council allocated 60 Service Commitments for new Single-Family Detached residential development (Category B-1) and 25 Service Commitments for new Single-Family Attached residential development (Category B-2) in 1997. Because Council adopted a moratorium on new multiple-family residential development until adoption of the City's Comprehensive Land Use Plan, no service commitments are currently available for award in Category B-3. The Growth Management Program specifies that "Categories B-1, B-2, and B-3 service commitments shall be awarded on a competitive basis in accordance with criteria adopted periodically through resolution of City Council." In January, Council adopted revised criteria for the B-1 and B-2 competitions.

City Staff sent notices to builders and developers regarding the service commitment competitions and mailed or distributed application packets to those interested in entering the competitions. Each application packet included a General Information Sheet, Application Form, Competition Score Sheets, and a copy of the City's Design Regulations for the housing type applicable to the proposed project. For each project, the applicant was required to complete and submit an application, competition score sheets, and submit a sketch plan, vicinity map, and legal description of the property.

Staff received a total of eight applications for the two competitions. Five of these submittals proposed single-family detached (Category B-1) projects, and the other three were single-family attached (Category B-2). Information regarding each of the submittals is detailed below and each project location is shown on the attached map (Figure 1).

**Table I SINGLE-FAMILY DETACHED PROJECTS:**

<u>Map#</u>	<u>Project Name</u>	<u>PUD Name</u>	<u>Location</u>	<u>Developer</u>
1	Vista Ridge	Hyland Greens	SEC 104th & Wolff	Stites
2	Savory Farm	Federal Square	SEC 112th & Fed	BGD II
3	Stratford Lakes	College Hills	NWC 112th & Fed.	McStain
4	Torrey Peaks	Docheff	SWC 117th & Sher.	Richmond
5	Autumn Chase	Wandering View	107th Pl. & Grove	Richmond

<u>SFD</u>	<u>#</u>	<u>#</u>	<u>Comp. Plan</u>	<u># SC's Requested</u>	<u>Final</u>	<u>Score</u>			
<u>Project</u>	<u>Acres</u>	<u>Units</u>	<u>du/a</u>	<u>Designation</u>	<u>'97</u>	<u>'98</u>	<u>'99</u>	<u>Totals</u>	<u>Score</u>
Vista	15.71	55	3.5	SFD 3.5 du/a	10	45	0	55	2459
Savory	37.18	93	2.5	SFD 2.5 du/a	15	40	38	93	2375
Stratford	8.73	56	*6.4	SFA 10 du/a	6	36	14	56	2290
Torrey	5.65	20	3.5	SFD 3.5 du/a	20	0	0	20	1430
Autumn	6.84	<u>24</u>	3.5	SFD 3.5 du/a	<u>24</u>	<u>0</u>	<u>0</u>	<u>24</u>	1244
<b>Totals</b>		<b>248</b>			<b>75</b>	<b>121</b>	<b>52</b>	<b>248</b>	

\*Although the Draft Comprehensive Land Use Plan indicates single-family attached as the land use designation for this site, this single-family detached project would conform with the Plan as it meets the "Neighborhood Mixed-Use Residential" concept within the Plan. This permits a mix of housing units for innovative, residential mixed-use developments provided the maximum net density as defined the Plan is not exceeded.

**Table II SINGLE-FAMILY ATTACHED PROJECTS:**

<u>Map#</u>	<u>Project Name</u>	<u>PUD Name</u>	<u>Location</u>	<u>Developer</u>
6	Stratford Lakes	College Hills	NWC 112th & Fed.	McStain
7	Westminster Park	RE zoning	NWC 96th & Fed.	Frontier
8	Quail Crossing	136th & Huron	136th & Huron	Rose Creek

<u>SFA</u>	<u>#</u>	<u>#</u>	<u>Comp. Plan</u>	<u># SC's Requested</u>	<u>Final</u>	<u>Score</u>			
<u>Project</u>	<u>Acres</u>	<u>Units</u>	<u>du/a</u>	<u>Designation</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>Total</u>	<u>Score</u>
Stratf.	11.3	100	8.8	SFA 10 du/a	24.0	38.4	17.6	80.0	2097
Westmin.	7.3	70	9.6	SFA 10 du/a	32.0	24.0	0.0	56.0	1822
Quail C.	14.5	<u>42</u>	2.9	*SFD 3.5 du/a	<u>8.0</u>	<u>17.6</u>	<u>8.0</u>	<u>33.6</u>	1522
<b>Totals</b>		<b>212</b>			<b>64.0</b>	<b>80.0</b>	<b>25.6</b>	<b>169.6</b>	

\*This site complies with the Comprehensive Land Use Plan Map under the "Neighborhood Mixed-Use Residential" concept within the Plan.

Because of the uncertainty of whether a project will be chosen in the competition as well as the expense and time involved, engineered drawings and studies are not required in order to enter the competitions. However, because this detailed level of review is not yet required, the service commitment awards do not guarantee approval of a project. A thorough review of each project will be necessary, and it is probable that most, if not all, of the conceptual site plans submitted for the competition will change prior to City approval. Staff review, and possibly Planning Commission and City Council review, of any and all required Preliminary and Official Development Plans are required following the service commitment awards. Once Council awards service commitments to specific projects, a Letter of Intent will be sent to each award recipient to verify that the applicant wishes to proceed with the development plan review process.



The Competition Score Sheets list all of the minimum requirements specified in the design criteria, and all minimums must be met for a project to be eligible for the competition. No points are given for the minimum requirements but are listed to ensure the developer is aware of the requirements. "Incentive" items are also listed, and if provided as part of the proposed project, the developer is able to receive points for applicable incentives. Although the site plans may likely change through the development review process, incentive items the developers committed to and all of the minimums must be met prior to project approval. The possibility always exists that, during the detailed planning process, the applicant may decide not to proceed and may withdraw from the review process. Many items have been included in the attached Resolutions which require that various conditions be met before the project-specific service commitment awards will be issued.

Please note that, because the Comprehensive Land Use Plan has not yet been adopted, compliance with the Comprehensive Land Use Plan Map is included as an incentive item within each of the competitions. Due to the importance of this item to the City, many points were given for conformance with the land use shown on the Map for the site and the applicable maximum density. Once the Plan is adopted, compliance with the Plan will be a minimum requirement rather than an incentive item in any future competitions.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

CATEGORY B-1 (NEW SINGLE-FAMILY DETACHED RESIDENTIAL)  
COMPETITION AND SERVICE COMMITMENT AWARDS

WHEREAS, the City of Westminster has adopted by Ordinance No. 2480 a Growth Management Program for the period 1990 through 2000; and

WHEREAS, within Ordinance No. 2480 there is a provision that Service Commitments for residential projects shall be awarded in Category B-1 (new single-family detached) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City of Westminster has adopted Resolution No. 2, Series of 1997, specifying the various standards based upon their impact on the health, safety and welfare of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has allocated 60 service commitments for the year 1997 for use in servicing new single-family detached residential projects; and

WHEREAS, the service commitment awards to the various categories of the Growth Management Program are made each year in order to allow various types of development to occur during the ensuing year; and

WHEREAS, five applications were received for the single-family detached competition with a total of 248.0 service commitments requested over the next three years for the total build-out of the 248 total single-family detached units proposed; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

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

1. Category B-1 service commitment awards are hereby made to the specific projects listed below as follows:

<u>Project</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>Totals</u>
Vista Ridge	10.0	45.0	0.0	55.0
Savory Farm	15.0	40.0	38.0	93.0
Stratford Lakes	6.0	36.0	14.0	56.0
Torrey Peaks	13.0	7.0	0.0	20.0
Autumn Chase	<u>16.0</u>	<u>8.0</u>	<u>0.0</u>	<u>24.0</u>
TOTALS	60.0	136.0	52.0	248.0

2. These service commitment awards to the projects listed above are conditional and subject to the following:
  - a. For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.
  - b. Each service commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project or proposed density.
  - c. The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-1 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-1 award.
  - d. Any and all projects which do not receive City approval are not entitled to the service commitment awards, and the service commitments shall be returned to the water supply figures.
  - e. Service commitment awards for the projects listed above, if approved by the City, may only be used within the project specified above.
  - f. The Category B-1 service commitments shall be valid for a period of two (2) years from the date of award provided the applicant proceeds with the development review process and the project is approved by the City.
  - g. These service commitment awards shall be subject to all of the provisions specified in Chapter 5 of Title XI of the Westminster Municipal Code.
  - h. If service commitments are allowed to expire, or if the applicant chooses not to pursue the development, the service commitment award shall be returned to the water supply figures.
  - i. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
3. The Category B-1 service commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer service commitments are needed in the year specified, the City reserves the right to make the necessary modifications. Requests for additional service commitments from future award years must be submitted in writing to the City for review and consideration.

Passed and adopted this 17th day of March, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

CATEGORY B-2 (NEW SINGLE-FAMILY ATTACHED RESIDENTIAL)  
COMPETITION AND SERVICE COMMITMENT AWARDS

WHEREAS, the City of Westminster has adopted by Ordinance No. 2480 a Growth Management Program for the period 1990 through 2000; and

WHEREAS, within Ordinance No. 2480 there is a provision that Service Commitments for residential projects shall be awarded in Category B-2 (new single-family attached) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City of Westminster has adopted Resolution No. 3, Series of 1997, specifying what the various standards based upon their impact on the health, safety and welfare of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has allocated 25 service commitments for the year 1997 for use in servicing new single-family attached residential projects with 10 or fewer dwelling units per acre; and

WHEREAS, the service commitment awards to the various categories of the Growth Management Program are made each year in order to allow various types of development to occur during the ensuing year; and

WHEREAS, three applications were received for the single-family attached competition with a total of 169.6 service commitments requested over the next three years for the total build-out of the 212 total townhome and duplex units proposed; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

WHEREAS, of the three applications submitted for the single-family attached competition, two of the projects scored a significantly higher number of points for criteria exceeding the minimum standards.

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

- 1. Category B-2 service commitment awards are hereby made to the specific projects listed below as follows:

<u>Project</u>		<u>1997</u>		<u>1998</u>		<u>1999</u>	<u>Totals</u>
Stratford Lakes	24.0		38.4		17.6	80.0	
Westminster Park		<u>32.0</u>		<u>24.0</u>		<u>0.0</u>	<u>56.0</u>
TOTALS			56.0		62.4	17.6	136.0

2. These service commitment awards to the projects listed above are conditional and subject to the following:
  - a. For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.
  - b. Each service commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project or proposed density.
  - c. The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-2 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-2 award.
  - d. Any and all projects which do not receive City approval are not entitled to the service commitment awards, and the service commitments shall be returned to the water supply figures.
  - e. Service commitment awards for the projects listed above, if approved by the City, may only be used within the project specified above.
  - f. The Category B-2 service commitments shall be valid for a period of two (2) years from the date of award provided the applicant proceeds with the development review process and the project is approved by the City.
  - g. These service commitment awards shall be subject to all of the provisions specified in Chapter 5 of Title XI of the Westminster Municipal Code.
  - h. If service commitments are allowed to expire, or if the applicant chooses not to pursue the development, the service commitment award shall be returned to the water supply figures.
  - i. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
3. The Category B-2 service commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer service commitments are needed in the year specified, the City reserves the right to make the necessary modifications. Requests for additional service commitments from future award years must be submitted in writing to the City for review and consideration.

Passed and adopted this 17th day of March, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

\_\_\_\_\_

SUPPLEMENTAL 1997 SERVICE COMMITMENT ALLOCATION TO CATEGORY B-2

WHEREAS, by Ordinance No. 2396, Series of 1996, the City of Westminster adopted a Growth Management Program for the period of 1990-2000 which contains provisions for the allocation of service commitments for new developments within the City; and

WHEREAS, Section 11-5-5 of the Westminster Municipal Code allows City Council by resolution to allocate service commitments to be available for Category B development; and

WHEREAS, Category B-2 is the service commitment category designated for new single-family attached residential developments having a density of ten (10) or less dwelling units per acre; and

WHEREAS, City Council allocated 25 service commitments for Category B-2 development for 1997; and

WHEREAS, City Council has awarded Category B-2 service commitments to specific projects through a competition in 1997; and

WHEREAS, additional service commitments are necessary to accommodate the 1997 Category B-2 service commitment awards; and

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that based on the above information, a supplemental allocation of 31 service commitments is hereby made to Category B-2.

Passed and adopted this 17th day of March, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** March 17, 1997

**Subject:** Councillor's Bill No. re NorthPark Plaza Assistance Package

**Prepared by:** Susan Grafton, Economic Development Manager

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading approving an assistance package for SW Productions Company to build the NorthPark Plaza at the southwest corner of 104th Avenue and Federal Boulevard.

### **Summary**

The Official Development Plan (ODP) for this project was approved by City Council on February 24, 1997. The center will be anchored by a King Soopers grocery store and contain almost 74,000 sf of additional retail and office space. To facilitate this project, a \$300,000 assistance package is being proposed. New revenue generated by the NorthPark Plaza retail center will fund this proposed package.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading authorizing the City Manager to execute and implement in substantially the same form, the attached Assistance Agreement with SW Productions Company to build the NorthPark Plaza.

### **Background Information**

Staff began working with Mark Campbell of SW Productions Company in June 1995 concerning the potential development of the NorthPark Plaza Shopping Center. At that time, Mr. Campbell asked only that the City assist with the attraction of the potential anchor grocery store. No financial assistance was requested at that time for the development of the center itself.

Subsequently, King Soopers was attracted to the shopping center. The City did, in fact, offer an assistance package to King Soopers which was formally approved at the February 24 Council meeting.

The approximately 144,000 sf retail center will include an 18,000 sf office building, a 70,000 sf grocery store, 45,800 sf of in-line retail space, and over 10,000 sf of retail pad sites. The development also incorporates the City's large entry sign at its northeast corner.

SW Productions Company has held numerous neighborhood meetings with NorthPark residents and has been extremely responsive in addressing the concerns and issues raised. As a result over \$500,000 in additional unexpected costs have been added to the project. These costs include the retention wall and berm, working with Federal Heights to redesign a joint access point off Federal Boulevard, and the installation of more mature landscaping. SW Productions Company has requested \$300,000 in assistance.

Project Revenue

Exclusive of King Soopers grocery, it is expected that the NorthPark Plaza Shopping Center will generate approximately \$450,000 in general sales tax revenue per year. This is based on average sales of \$270/square foot for the approximately 56,000 square feet of additional in-line and pad retail space at the center. The total revenue from this project (excluding King Soopers) over the next 5 years is estimated to be \$2,250,000.

SW Productions Company will build the in-line retail space and the office building. Permit fees for the structures being built by SW Productions Company are expected to total \$32,600. Construction Use Tax is estimated to be \$59,900.

Recommended Assistance

SW Productions Company has worked diligently to address all the needs and issues raised by Staff and the project's neighbors. The finished project will have the design features and landscaping desired for an entry point into the City. Staff believes that the \$300,000 assistance requested by SW Productions Company is reasonable. Staff recommends that assistance be provided to the project as follows:

Permit Fee Waiver 50% of the fees applicable to building and other related permits will be waived ( $\$32,600 \times 50\% = \$16,300$ )	\$16,300
Construction Use Tax Waiver 50% of the Use Tax assessed on Construction will be waived ( $\$59,900 \times 50\% = \$29,950$ )	\$29,950
Sales Tax Rebate 50% of the Sales Tax collected from NorthPark Shopping Center <u>excluding</u> King Soopers until \$253,750 is realized (based on 3% sales tax, excludes Open Space Tax)	\$253,750
Total assistance	\$300,000

It is estimated that this assistance will be paid within 14 months of the opening of the shopping center which is within the City's guideline on retail development. Also, no capital outlay by the City is necessary to fund this assistance package, which will be funded completely by new dollars generated by the retail center.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments



ASSISTANCE AGREEMENT  
FOR THE CONSTRUCTION OF THE NORTHPARK PLAZA SHOPPING CENTER  
IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1997, between the CITY OF WESTMINSTER (the "City"), and SW PRODUCTIONS COMPANY, a Colorado Limited Partnership (SW Productions),

WHEREAS, the City wishes to provide certain assistance to SW Productions to aid in the construction of their shopping center within the City ; and

WHEREAS, the proposed center (excluding King Soopers) is projected to generate over \$450,000 annually in sales and use tax; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and SW Productions agree as follows:

1. The City shall waive the payment of 50% of the building and related permit fees, not including tap fees, required under W.M.C. Section 11-10-3(E), which will result from the construction of the approximately 63,800 square foot in-line retail and office space to be completed no later than December 31, 1998. The value of the permit fee waiver is estimated to be \$16,300.

2. The City shall waive the payment of 50% of the Building Use Taxes on the construction materials, which are to be used in the construction of the approximately 63,800 square foot of in-line retail and office space, required under W.M.C. sections 4-2-9 and 4-2-3. The value of the waiver is estimated to be \$29,950.

3. Sales Tax Rebate.

a. The City shall rebate to SW Productions an amount not to exceed \$300,000 less the amount actually waived per paragraph 1 and 2 above and estimated to be \$254,000 (the "Rebate"). Such rebate shall be payable exclusively from sales tax revenues collected by the City from the NorthPark Plaza shopping center (excluding King Soopers) and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax).

b. Such quarterly installments shall continue and be paid until such time as the maximum amount (estimated to be \$254,000) has been paid. The final installment will be adjusted as may be necessary to limit the total fee and use tax waivers and the rebate to no more than (\$300,000).

c. The payment of each quarterly installment shall be made within 20 days following the close of each calander quarter.

4. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if SW Productions has not completed construction by December 31, 1998.

5. In the event SW Productions ceases business operations at the NorthPark Plaza within the City within three (3) years after the new operations commence, then in such event SW Productions shall pay to the City the total amount of fees and taxes which were due and payable by SW Productions to the City but were waived by the City, as well as reimburse the City for all funds provided to SW Productions pursuant to this Agreement.

6. This instrument shall constitute the entire agreement between the City and SW Productions, and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

7. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bonded indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

8. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

9. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code.

SW PRODUCTIONS COMPANY

CITY OF WESTMINSTER

By \_\_\_\_\_

\_\_\_\_\_  
William Christopher  
City Manager

4800 West 92nd Avenue  
Westminster, CO 80030

ATTEST:

ATTEST:

\_\_\_\_\_  
Title

\_\_\_\_\_  
Michele Kelley  
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1997

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH SW PRODUCTIONS COMPANY, A COLORADO LIMITED PARTNERSHIP (SW Productions)

WHEREAS, the successful attraction of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating incentives for high quality development to locate in the City; and

WHEREAS, SW Productions has indicated an interest in building a new retail center in the City of Westminster known as the NorthPark Plaza project; and

WHEREAS, SW Productions will build an approximately 144,000 square foot retail center with an estimated project cost of \$11.0 million; and

WHEREAS, a proposed Assistance Agreement between the City and SW Productions is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with SW Production in substantially the same form as the one attached as Exhibit "A," and upon execution of the Agreement to fund and implement said Agreement.

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 17th day of March, 1997.

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

ATTEST:

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Mayor

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City Clerk

**Date:** March 17, 1997

**Subject:** Resolution No. re Flood Insurance Study and Councillor's Bill No. Revised Flood Plain Ordinance

**Prepared by:** David W. Loseman, Senior Projects Engineer

### **Introduction**

City Council action is requested to adopt the Federal Emergency Management Agency's (FEMA) Flood Insurance Study dated April 2, 1997, which includes the corresponding Flood Insurance Rate Maps, and to adopt a revised Flood Plain Ordinance.

### **Summary**

The City of Westminster must adopt the Flood Insurance Study and revised Flood Plain Ordinance by April 2, 1997, in order to remain in the Regular Phase of the National Flood Insurance Program or be suspended from the program entirely. City Staff has reviewed the revised Flood Insurance Study proposed by FEMA and find it to be acceptable. FEMA has reviewed the proposed revised Flood Plain Ordinance and find it adequate to meet their requirements.

If the City does not take this action to remain in the Regular Phase of the program by midnight April 2, it will be suspended from the program. The result of this would be that residents and property owners in the City would be unable to obtain flood insurance protection, nor would they be able to obtain federally subsidized home loans.

### **Staff Recommendation**

1. Pass Resolution No. which adopts the Federal Emergency Management Agency's Revised Flood Insurance Study dated April 2, 1997, which includes the corresponding Flood Insurance Rate Maps.
2. Pass Councillor's Bill No. concerning the revised Flood Plain Ordinance on first reading.

### **Background Information**

The National Flood Insurance Program (NFIP) enables people owning or buying property in a participating community to insure against flood losses. By employing wise Flood Plain management, a participating community can protect its residents against much of the devastating financial and human loss resulting from flood disasters. Careful local management of new construction in the Flood Plains will result in construction and land use practices that can reduce flood losses and the high costs associated with flood disaster to all levels of government.

Without community oversight of building activities in the Flood Plain, the best efforts of some to reduce flood losses could be undermined or nullified by the careless construction of others. Unless the community as a whole is practicing adequate flood hazard mitigation, the potential for loss cannot be reduced sufficiently to reduce disaster relief costs.

The National Flood Insurance Program (NFIP) has two phases: the Emergency Phase and the Regular Phase. When a community initially enters the Flood Insurance Program, it is admitted into the Emergency Phase. After a detailed Flood Insurance Study has been completed, which indicates flood elevations and flood hazard zones for insurance rating purposes, the community can enter the Regular Phase. However, before a community is officially "inducted" into the Regular Phase, it must adopt Flood Plain management ordinances that meet the minimum standards for flood hazard reduction as set forth by FEMA. The City has been in the Regular Phase since September 30, 1988.

It should be noted that community participation in the NFIP is not mandatory. However, each identified flood-prone community must assess its flood hazard and determine whether flood insurance and Flood Plain management would benefit the community's residents and economy. A community that chooses not to participate after the flood hazard area has been identified and a flood risk map has been provided is subject to significant consequences. Because participation or non-participation significantly affects all current and future property owners in the community's Flood Plains and the federal assistance available in the flood-prone areas of the community, the decision should be made with a full awareness of the consequence of each action.

Under the Flood Disaster Protection Act of 1973, as amended, flood insurance is required to protect federal financial investments and federal assistance for acquisition or construction purposes in identified flood-prone areas of communities participating in the NFIP. If the hazard area has been identified for a year, which it has been for Westminster, and the community is not participating in the NFIP for whatever reason, the insurance protection is not available. Grants, loans, or guarantees made by federal agencies such as the Small Business Administration, Federal Housing Administration, and Veterans Administration are prohibited for acquisition or construction in identified areas. Lending institutions insured or regulated by a federal agency may make conventional loans at their own discretion in these areas. By law, if a flood disaster situation occurs in a non-participating flood-prone community, no federal assistance for acquisition or construction (insurance protection) may be provided in flood hazard areas. Under the temporary housing program, families may receive assistance that is not related to acquisition and construction (i.e., provisions for a rental unit) but may not receive financial assistance for repairs to their dwelling. Individual and family grant assistance for housing and personal property would not be available after a flood disaster.

An important point that Council should be aware of regarding the detailed Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM) for the Big Dry Creek Basin is that this study will need to be updated from time to time as development proceeds within this basin. FEMA bases its criteria for calculating 100-year Flood Plains in detailed studies on existing development conditions as of the date the FIS commences. That date was 1983 for Westminster. Since 1983, considerable development has occurred in the Big Dry Creek Basin which increases the 100-year flows and corresponding 100-year Flood Plains. It can be anticipated that FEMA will continue to revise the Flood Insurance Study and the Flood Insurance Rate Maps from time to time to reflect changes in the basin conditions (i.e., development and channel improvements).

The adoption of the Revised Flood Insurance Study is a continuing step for a community to remain in the Regular Phase of the NFIP. The second step is the adoption of the revised Flood Plain Ordinance that meets the minimum standards for flood hazard reduction as set forth by FEMA. Westminster currently has a Flood Plain ordinance in the City Code. Unfortunately, it does not meet the new minimum standards that must be adhered to in order for the City to remain in the Regular Phase of the National Flood Insurance Program and, consequently, must be revised. The revisions requested by FEMA include the addition of new definitions only and do not change the intent of the original Ordinance. In revising the Flood Plain Ordinance, Staff had two essential goals. Obviously, one was to meet FEMA's minimum standards, and the other was to make this ordinance as equitable as possible to the owners of property located in flood hazard areas. Staff worked over the last few weeks collecting and evaluating various Flood Plain ordinances from several nearby communities (i.e., Broomfield, Boulder, Denver, Lakewood, etc.) and meeting with FEMA representatives to discuss the ordinance. It is Staff's opinion that the proposed ordinance achieves these goals.

After several drafts and revisions, FEMA has approved the proposed ordinance. Staff also compared the revised version to the existing version and found that in those areas of the ordinance where FEMA does not dictate specific criteria (i.e., lowest floor elevation criteria), the new version is no more restrictive than the old.

It is Staff's opinion that it is important that the City continue its involvement in the National Flood Insurance Program and, therefore, recommend that Council approve this action..

Respectfully submitted.

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILMEMBERS

SERIES OF 1997

WHEREAS, the National Flood Insurance Program (NFIP) was established by the National Flood Insurance Act of 1968 for the purpose of reducing the mounting losses of life and property from floods; and

WHEREAS, the National Flood Insurance Act established the principle of providing federally subsidized flood insurance for existing structures in return for local government adoption and enforcement of Flood Plain management and measures to reduce or avoid future flood losses; and

WHEREAS, under the National Flood Insurance Program, the Federal Emergency Management Agency (FEMA) has prepared a Revised Flood Insurance Study for the City of Westminster which includes original and revised Flood Insurance Rate Maps (FIRMs) for the major streams and tributaries located within the City of Westminster; and

WHEREAS, the Flood Insurance Rate Maps which have been prepared by the Federal Emergency Management Agency are by law based on existing conditions only; and

WHEREAS, the Flood Insurance Rate Maps are prepared to establish Flood Insurance Rate Zones by which flood insurance premiums are determined; and

WHEREAS, the National Flood Insurance Program is an ongoing effort which will likely result in further updated studies to be prepared by the Federal Emergency Management Agency in the future which would be based on the then-existing conditions within the drainage basin; and

WHEREAS, the City of Westminster desires to remain in the National Flood Insurance Program and provide the benefits thereof to its citizens and property owners; and

WHEREAS, the Federal Emergency Management Agency requires that the City adopt the revised Flood Insurance Rate Maps as a condition of remaining in the National Flood Insurance Program..

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, that the Flood Insurance Study dated April 2, 1997, and any future revisions as prepared by the Federal Emergency Management Agency and the accompanying Flood Insurance Rate Maps, are designated as an Official Flood Study for the City of Westminster for the purpose of the National Flood Insurance Program.

Passed and adopted this 17th day of March, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1997

INTRODUCED BY COUNCILMEMBERS

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A BILL  
FOR AN ORDINANCE CONCERNING FLOOD CONTROL REGULATIONS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 9 of Title XII of the Westminster Municipal Code is hereby REPEALED AND RE-ENACTED as Chapter 13 of Title XI as follows:

~~12-9-1:~~ **11-13-1: AUTHORIZATION:** Pursuant to Article XX of the Constitution of the State of Colorado and section 31-23-301, Colorado Revised Statutes, the City of Westminster has the authority to adopt flood control regulations designed to promote the public health, safety and general welfare of its citizenry.

~~12-9-2:~~ **11-13-2: FINDING OF FACTS:**

(A) The flood hazard areas of the City of Westminster are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which would adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in flood hazard areas which increase flood heights and velocities, and when inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

~~12-9-3:~~ **11-13-3: STATEMENT OF PURPOSE:** It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- (A) To protect human life and health;
- (B) To minimize expenditure of public money for costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize prolonged business interruptions;
- (E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood hazard areas;
- (F) To help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize future flood blight areas;
- (G) To ensure that potential buyers are notified that property is in a flood hazard area;
- (H) To ensure that those who occupy the flood hazards areas assume responsibility for their actions; and,
- (I) Encourage and facilitate urban water resources management techniques for the reduction of pollution and the enhancement of the urban environment.

~~12-9-4:~~ **11-13-4: METHODS OF REDUCING FLOOD LOSSES:** In order to accomplish its purposes, this ordinance includes methods and provisions for:



- (A) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- (B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Controlling the alteration of natural Flood Plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- (D) Controlling filling, grading, dredging and other development which may increase flood damage; and,
- (E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

~~12-9-5~~ **11-13-5: DEFINITIONS:** Words, phrases and terms defined herein shall be given the following defined meanings. Words, phrases and terms not defined herein, but defined elsewhere in the Westminster Municipal Code, shall be construed as defined in such Code. Words, phrases and terms neither defined herein nor elsewhere in the Westminster Municipal Code shall be given usual and customary meanings except where the context clearly indicates a different meaning. The word "shall" is mandatory and not permissive, the word "may" is permissive and not mandatory.

- (A) Appeal: A request for a review of the interpretation of any provisions of this ordinance, or a request for review of the identification of any Flood Plain or floodway as indicated in any Official Flood Study.
- (B) Base Flood (100-Year Flood): The flood having a one percent probability of being equalled or exceeded in any given year.
- (C) Base Flood Elevation (BFE): The water surface elevation of the base flood (100-year flood) as indicated in the Official Flood Studies.
- (D) Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.
- (E) Encroachment Lines: Lines that establish the floodway by the "Equal Conveyance Reduction Method" that differentiate those areas of the Flood Plain that must be preserved for the conveyance of flood flows and those areas of the Flood Plain that can be used for purposes other than flood flow conveyance.
- (F) Equal Conveyance Reduction Method: The procedure for determining the "Encroachment Lines," this method establishes the encroachment lines by reducing equal proportions of flood conveyance from both sides of a Flood Plain until the water surface elevation of the 100-year Flood Plain is increased by one foot (1').
- (G) Existing Construction: For the purposes of determining Flood Insurance Rates, structures for which the "start of construction" commenced before the effective date of this ordinance. "Existing Construction" may also be referred to as "Existing Structures."
- (H) EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A MANUFACTURED HOME PARK FOR WHICH THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOTS ON WHICH THE MANUFACTURED HOMES ARE TO BE AFFIXED (INCLUDING, AT A MINIMUM, THE INSTALLATION OF UTILITIES, THE CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS) WERE COMPLETED BEFORE SEPTEMBER 30, 1988.

(I) EXPANSION TO EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: THE PREPARATION OF ADDITIONAL SITES BY THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOTS ON WHICH THE MANUFACTURED HOMES ARE TO BE AFFIXED (INCLUDING THE INSTALLATION OF UTILITIES, THE CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS.

~~(H)~~ (J) Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source.

~~(I)~~ (K) Flood Hazard Area: The area which will be inundated during the occurrence of the 100-year flood (Base Flood).

~~(J)~~ (L) Flood Insurance Rate Map (FIRM): The map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community for the purpose of insurance rating only.

~~(K)~~ (M) Flood Insurance Study (FIS): The report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary, floodway map and the water surface elevation of the base flood for the purpose of insurance rating only.

~~(L)~~ (N) Flood Plain: The area which will be inundated during the occurrence of a storm of a given magnitude (or frequency).

~~(M)~~ (O) Flood Plain Development Permit: The permit required under Section 11-13-14.9 of this ordinance.

~~(N)~~ (P) Flood Plain Management: A program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and Flood Plain management regulations.

~~(O)~~ (Q) Floodproofing: Any combination of structural and non-structural additions, changes or adjustments to proposed or existing structures which reduce or substantially eliminate the potential for flood damage to real estate or improved real property, public or private facilities, structures and their contents.

~~(P)~~ (R) Flood Profile: A graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to the ground surface along a stream or river.

~~(Q)~~ (S) Flood Protection Elevation: An elevation two feet (2') above the water surface elevation or flood profile of the 100-year flood under existing channel and Flood Plain conditions. This elevation is applicable to development within the "Flood Storage Area."

~~(R)~~ (T) Flood Storage Area: Those portions of the Flood Plain that may serve as a temporary storage area for floodwaters from the 100-year flood that are outside the floodway area.

~~(S)~~ (U) Floodway: The channel of a river, stream or other water course and the adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation of the 100-year flood more than one foot (1') assuming an equal degree of conveyance reduction from both sides of a Flood Plain for a significant reach of channel. The floodway is located within the Flood Plain.

~~(F)~~ (V) Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of any portion of this ordinance.

~~(U)~~ (W) Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For Flood Plain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar ("Recreational Vehicles") vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

~~(V)~~ Manufactured Home Park or Manufactured Home Subdivision: ~~A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

~~(W)~~ (X) National Flood Insurance Program (NFIP): A Federal Regulatory Program created by Congress through the National Flood Insurance Act of 1968 (P.L. 90-449). This Program was established within the Federal Insurance Administration (FIA) for the purpose of providing federally subsidized flood insurance for those property owners located within communities participating in the NFIP.

~~(X)~~ (Y) New Construction: For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after ~~the effective date of this ordinance~~ SEPTEMBER 30, 1988, AND INCLUDES ANY SUBSEQUENT IMPROVEMENTS TO SUCH STRUCTURES.

(Z) NEW MANUFACTURED HOME PARK OR SUBDIVISION: A MANUFACTURED HOME PARK OR SUBDIVISION FOR WHICH THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOTS ON WHICH THE MANUFACTURED HOMES ARE TO BE AFFIXED (INCLUDING AT A MINIMUM, THE INSTALLATION OF UTILITIES, THE CONSTRUCTION OF STREETS AND EITHER FINAL SITE GRADING OR POURING OF CONCRETE PADS) IS COMPLETED ON OR BEFORE SEPTEMBER 30, 1988.

~~(Y)~~ (AA) Official Flood Studies: Flood studies adopted by official action of the City Council.

~~(Z)~~ (BB) One Hundred Year Flood (Base Flood): The flood having a one percent probability of being equaled or exceeded in any given year.

~~(AA)~~ (CC) One Hundred Year Flood Plain (100-year Flood Plain): The area of land which will be inundated during the occurrence of 100-year flood (Base Flood).

~~(BB)~~ (DD) One Hundred Year Flood Elevation (100-year Flood Elevation): The water surface elevation of the 100-year flood (Base Flood) as indicated in the Official Flood Studies.

~~(CC)~~ (EE) Professional Engineer: An engineer that is registered to practice engineering in the State of Colorado.

(FF) RECREATIONAL VEHICLE: A VEHICLE WHICH IS (1) BUILT ON A SINGLE CHASSIS; (2) 400 SQUARE FEET OR LESS WHEN MEASURED AT THE LARGEST HORIZONTAL PROJECTIONS; (3) DESIGNED TO BE SELF-PROPELLED OR PERMANENTLY TOWABLE BY A LIGHT DUTY TRUCK; AND (4) DESIGNED PRIMARILY NOT FOR USE AS A PERMANENT DWELLING BUT AS TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL OR SEASONAL USE.

~~(DD)~~ (GG) Shallow Flooding Areas: Areas within the 100-year Flood Plain where the base flood depths range from one to three feet, a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. On the Flood Insurance Rate Maps (FIRM) this area is designated as A0 or AH zones.

~~(EE)~~ (HH) Special Flood Hazard Areas: The areas of land which will be inundated during the occurrence of the 100-year flood (Base Flood).

~~(FF)~~ (II) Start of Construction: Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. FOR A SUBSTANTIAL IMPROVEMENT, THE ACTUAL START OF CONSTRUCTION MEANS THE FIRST ALTERATION OF ANY WALL, CEILING, FLOOR, OR OTHER STRUCTURAL PART OF A BUILDING, WHETHER OR NOT THAT ALTERATION AFFECTS THE EXTERNAL DIMENSIONS OF THE BUILDING.

~~(GG)~~ (JJ) Structure: A walled and roofed building, storage tank or manufactured home that is principally above ground.

(KK) SUBSTANTIAL DAMAGE MEANS DAMAGE OF ANY ORIGIN SUSTAINED BY A STRUCTURE WHEREBY THE COST OF RESTORING THE STRUCTURE TO ITS BEFORE DAMAGED CONDITION WOULD EQUAL OR EXCEED FIFTY PERCENT (50%) OF THE MARKET VALUE OF THE STRUCTURE BEFORE THE DAMAGE OCCURRED.

~~(HH)~~ (LL) Substantial Improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) any alteration of structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

~~(H)~~ (MM) Variance: A grant of relief by the City from the terms of this Flood Plain ordinance.

~~(J)~~ (NN) Water Surface Elevation: The height in relation to mean sea level, reached by floods of various magnitudes and frequencies in Flood Plains.

~~(KK)~~ (OO) Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

~~12-9-6:~~ **11-13-6: APPLICABILITY:** This ordinance shall apply to all lands within the City, that are located within the 100-year Flood Plain, as indicated in the Official Flood Studies.

~~12-9-7:~~ **11-13-7: BASIS FOR ESTABLISHING FLOOD PLAINS AND FLOODWAYS:** Westminster hereby establishes Flood Plains and floodways whose boundaries are those of the designated 100-year Flood Plain, special flood hazard areas and the designated floodways as are shown or tabulated in the Official Flood Studies.

~~12-9-8:~~ **11-13-8: BASIS FOR DETERMINING THE EXACT LOCATIONS OF THE 100-YEAR FLOOD PLAIN AND FLOODWAY:**

(A) The boundaries of the 100-year Flood Plain and the floodway shall be determined from information presented in the Official Flood Studies. In the absence of other information (i.e., site specific studies as provided by the property owner), boundaries shall be determined by scaling distances on the maps provided in the Official Flood Studies. Where interpretation is needed as to the exact location of the boundaries, the Director of Community Development shall make the necessary interpretation. In all cases, the 100-year flood elevation as provided in the Official Flood Studies shall be the governing factor in locating the boundary on any property.

(B) If the Official Flood Studies do not provide 100-year flood elevations, then the Director of Community Development shall obtain, review and reasonably utilize any 100-year flood elevation and floodway data available from any federal, state, local or other source as criteria for requiring that new construction, substantial improvements or other developments in Flood Plain areas are administered in accordance with section 11-13-14, Flood Plain Regulations, of this ordinance.

~~12-9-9:~~ **11-13-9: OFFICIAL FLOOD STUDIES:** Site specific drainage and Flood Plain studies are not Official Flood Studies unless specifically adopted as such by Council. All Official Flood Studies shall, at a minimum, meet all of the Federal Emergency Management Agency's rules and regulations for the National Flood Insurance Program. All flood studies previously adopted by City Council by resolution prior to the effective date of this ordinance shall be deemed Official Flood Studies of the City until such time as City Council may determine to repeal any such resolution.

~~12-9-10:~~ **11-13-10: COMPLIANCE:** No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

~~12-9-11:~~ **11-13-11: ABROGATION AND GREATER RESTRICTIONS:** This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

~~12-9-12:~~ **11-13-12: INTERPRETATION:** In the interpretation and application of this ordinance, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and,
- (C) Deemed neither to limit nor repeal any other powers granted under State statutes.

~~12-9-13:~~ **11-13-13: WARNING AND DISCLAIMER OF LIABILITY:** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of the 100-year Flood Plains or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Westminster, any officer or employee thereof or Federal Emergency Management Agency for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

~~12-9-14:~~ **11-13-14: FLOOD PLAIN REGULATIONS:** The following regulations shall apply to all lands located within the 100-year Flood Plain:

~~12-9-14.1:~~ **11-13-14.1: General Standards:**

(A) All proposed developments within the 100-year Flood Plain shall be designed and constructed in accordance with this ordinance and shall not adversely affect any upstream, downstream or adjacent properties.

(B) No development, use, fill, construction or alteration on or over any portion of a designated Flood Plain shall be permitted which would cause or result in any of the following:

1. The storage or processing of materials that in times of flooding are buoyant, flammable, explosive or otherwise potentially injurious to human, animal or plant life.
2. The disposal of garbage or other solid waste materials.
3. Substantial solid debris being carried downstream by flood waters.
4. Any obstruction which would impair the flow capacity of a designated Flood Plain so as to cause foreseeable damage to others, wherever located.

(C) All new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall be:

1. designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure,
2. constructed with materials and utility equipment resistant to flood damage, and
3. constructed by methods and practices that minimize flood damage,
4. constructed in conformance with all sections of this ordinance.

~~12-9-14.2:~~ **11-13-14.2: Residential Structures:**

(A) In Flood Plain areas in which the 100-year flood elevations are not known, all new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated two feet (2') above the gutter flowline of the nearest street.

(B) In Flood Plain areas in which the 100-year Flood Elevations are known or in areas where depth numbers for areas of shallow flooding are available, all new construction and substantial improvements of residential construction shall have the lowest floor, including basement, elevated one foot (1') above the 100-year Flood Elevation as indicated in the appropriate Official Flood Study.

~~12-9-14.3:~~ **11-13-14.3: Non-Residential Structures:**

(A) In Flood Plain areas in which the 100-year flood elevations are not known, all new construction and substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated two feet (2') above the gutter flow line of the nearest street.

(B) In Flood Plain areas in which the 100-year Flood Elevations are known, all new construction and substantial improvements of non-residential construction shall have the lowest floor, including basement, elevated one foot (1') above the 100-year Flood Elevation as indicated in the appropriate Official Flood Study.

(C) REQUIRE WITHIN ANY AO ZONE THAT ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS OF NON-RESIDENTIAL STRUCTURES HAVE THE LOWEST FLOOR (INCLUDING BASEMENT) ELEVATED TWO FEET ABOVE THE HIGHEST ADJACENT GRADE, IF NO DEPTH NUMBER IS SPECIFIED, OR AT LEAST ONE FOOT HIGHER THAN THE DEPTH NUMBER SPECIFIED (IN FEET) ON THE OFFICIAL FLOOD STUDY, OR TOGETHER WITH ATTENDANT UTILITY AND SANITARY FACILITIES BE COMPLETELY FLOODPROOFED TO THAT LEVEL TO MEET THE FLOODPROOFING STANDARDS SPECIFIED BELOW;

~~(C)~~ (D) As an alternative for non-residential structures only, the structure, including utility and sanitary facilities, can be completely floodproofed to the levels mentioned above in Sections 11-13-14.3(A), 11-13-14.3(B) and 11-13-14.3(C). The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure, AND;

- (1) BE FLOODPROOFED SO THAT BELOW THE BASE FLOOD ELEVATION THE STRUCTURE IS WATERTIGHT WITH WALLS SUBSTANTIALLY IMPERMEABLE TO THE PASSAGE OF WATER;
- (2) HAVE STRUCTURAL COMPONENTS CAPABLE OF RESISTING HYDROSTATIC AND HYDRODYNAMIC LOADS AND EFFECTS OF BUOYANCY; AND
- (3) BE CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT THAT THE DESIGN AND METHODS OF CONSTRUCTION ARE IN ACCORDANCE WITH ACCEPTED STANDARDS OF PRACTICE FOR MEETING THE PROVISIONS OF THIS PARAGRAPH. SUCH CERTIFICATION SHALL BE PROVIDED TO THE OFFICIAL AS SET FORTH IN SECTION 11-13-20.

When floodproofing is used for non-residential structures, a registered professional engineer or licensed architect shall certify that the floodproofing methods are adequate to withstand the flood pressures, velocities, impact and uplift forces, and other factors caused by the 100-year flood. A record of this certification shall be maintained on file with the building permit by the Building Official. The elevation to which the structure is floodproofed (based on mean sea level) shall be attached to certification.

~~12-9-14.4:~~ 11-13-14.4: Manufactured Homes:

(A) All new individual manufactured homes or other new manufactured structures, new manufactured home parks, expansions of manufactured home parks and manufactured home parks where the repair, reconstruction or improvements of the streets, utilities and pads equal or exceed 50 percent of their value before the repair, reconstruction or improvements was started, shall have stands or lots that are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be two feet (2') above the 100-year Flood Elevation as indicated in the appropriate Official Flood Study and adequate surface drainage and access for a hauler are provided. When manufactured homes are put on pilings, the pilings shall be designed and certified by a Registered Professional Engineer and shall be installed in conformance with that design.

(B) All new manufactured homes and substantially improved manufactured homes located in the 100-year Flood Plain shall be anchored to resist flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads. The anchoring shall be designed and certified by a registered professional engineer. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

1. Over-the-top ties provided at each of the four corners with one mid-point tie on each side of the manufactured home shorter than fifty feet (50'). Manufactured homes longer than fifty feet (50') shall have two ties at intermediate points on each side.
2. Frame ties provided at each corner with four (4) additional ties on each side of manufactured homes shorter than fifty feet (50'). Longer manufactured homes shall have five (5) ties on each side.
3. All components of the anchoring system shall have a minimum strength of 4,800 pounds.
4. Any additions to manufactured homes shall be anchored in the same way.

11-13-14.5: RECREATIONAL VEHICLES: IT IS A REQUIREMENT THAT ALL RECREATIONAL VEHICLES EITHER:

- (A) BE ON THE SITE FOR FEWER THAN 180 CONSECUTIVE DAYS;
- (B) BE FULLY LICENSED AND READY FOR HIGHWAY USE;
- (C) MEET THE PERMIT REQUIREMENTS AND ELEVATION AND ANCHORING REQUIREMENTS FOR RESISTING WIND FORCES.

~~12-9-14.5:~~ 11-13-14.6: New Development Proposals: All new development proposals, including subdivision proposals, shall be designed to minimize flooding potential. If all, or part of a proposed development is located within a 100-year Flood Plain, then the corresponding proposal shall conform to the following guidelines:

- (A) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (C) All subdivision proposals shall have adequate drainage facilities provided to reduce exposure to flood damage.
- (D) Base Flood Elevation data shall be provided for all subdivision proposals and any other proposed developments.

~~12-9-14.6:~~ 11-13-14.7: Construction Materials and Methods:

- (A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.



(C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

~~12-9-14.7:~~ 11-13-14.8: Utilities:

(A) All new replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

~~12-9-14.8:~~ 11-13-14.9: Establishment of Flood Plain Development Permit: A Flood Plain Development Permit shall be obtained before construction or development begins within any 100-year Flood Plain area as established in the appropriate Official Flood Study. Application for a Flood Plain Development Permit shall be made on forms furnished by the City of Westminster and may include, but are not limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

(A) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

(B) Elevation in relation to mean sea level to which any structure has been floodproofed;

(C) Certification by a registered professional engineer or certified architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 11-13-14.3;

(D) Description and analysis prepared by a registered professional engineer of the extent to which any watercourse, Flood Plain or floodway will be altered or relocated as a result of proposed development.

~~12-9-14.9:~~ 11-13-14.10: Review of Flood Plain Development Permits: The City of Westminster will:

(A) Review all Flood Plain Development Permit applications to determine that the permit requirements of this ordinance have been satisfied.

(B) Review all Flood Plain Development Permit applications to determine that all necessary permits (e.g., 404 permit, storm sewer outfall permit, FEMA permits, etc.) have been obtained by the applicant from Federal, State or local governmental agencies from which approval is required prior to the City of Westminster's approval of the Flood Plain Development Permit.

(C) Review all Flood Plain Development Permit applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the provisions as set forth in Section 11-13-14 have been met.

(D) Review all building permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(E) Require every applicant to submit certification from a registered land surveyor identifying the elevation of the lowest floor including basement.

~~12-9-15:~~ **11-13-15: FLOODWAY REGULATIONS:** There shall be no encroachment of fill, new construction, substantial improvements or any other development within or above a floodway unless certification by a professional engineer is provided demonstrating that encroachments shall not result in any increase in the 100-year Flood Elevations or any negative impacts on upstream, downstream or adjacent properties. If the above requirement is satisfied, then all new construction and substantial improvements shall comply with the following permitted uses in the floodway:

(A) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm and other similar agricultural, wildlife and related uses.

(B) Lawns, gardens, play areas, bikeways, pedestrian pathways and other similar uses.

(C) Portions of golf courses, driving ranges, archery ranges, pier grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses not involving structures.

~~12-9-16:~~ **11-13-16: PROCEDURES FOR MODIFYING THE OFFICIAL FLOOD STUDIES:**

(A) 100-year Flood Plain elevations may increase or decrease resulting from physical changes, hydrologic changes, or criteria changes that directly affect flooding conditions. Within six months of the date that such information becomes available to the City, the City shall notify the Federal Emergency Management Agency of changes by submitting technical or scientific data that the Official Flood Studies do not accurately reflect flood risks as they currently exist. When these changes are the result of new developments, the developer shall be responsible for submitting all required technical and scientific data necessary to identify and delineate the new Flood Plain elevation and floodway boundaries.

(B) The City shall notify adjacent communities, when affected, and the Federal Emergency Management Agency prior to any alteration or relocation of a watercourse on which the 100-year flood elevations have been provided by the Federal Emergency Management Agency. This notice will verify that the flood carrying capacity within the altered or relocated portion of the watercourse has been maintained.

(C) Any submissions that result in changes or corrections to the existing 100-year Flood Elevations as shown in the Official Flood Studies will not be officially approved by the City until after the Federal Emergency Management Agency has approved such changes or corrections.

~~12-9-17:~~ **11-13-17: NON-CONFORMING STRUCTURES:** A structure which was lawful before becoming subject to this article but which is not in conformity with the provisions of this article may be continued subject to the following conditions:

(A) Such structure shall not be expanded, changed, enlarged or altered in a way which increases its non-conformity.

(B) If any non-conforming structure is destroyed by any means, including floods, to the extent that the cost of restoration would equal or exceed 50 percent of the market value of the structure before the structure was damaged; the following regulations shall apply:

1. If the non-conforming structure is in the Floodway, the structure may be rebuilt; however, it shall not be expanded, changed, enlarged or altered in any way which would create an obstruction to water flow greater than that which existed before damage to the structure occurred. Upon reconstruction, nonresidential and residential structures shall be elevated two feet (2') above the 100-year Flood Elevation as indicated in the appropriate Official Flood Study. As an alternative nonresidential facilities can be completely floodproofed two feet (2') above the 100-year Flood Elevation as indicated in the appropriate Official Flood Study. The walls and basement floor shall be completely floodproofed and they shall be built to withstand lateral and uplift water pressure.
2. If the structure is located in the flood storage area, it may be reconstructed provided nonresidential and residential structures are elevated two feet (2') above the 100-year Flood Elevation as indicated in the appropriate Official Flood Study.

As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely floodproofed two feet (2') above the 100-year Flood Elevation as indicated in the appropriate Official Flood Study. The walls and basement floor shall completely floodproofed and they shall be built to withstand lateral and uplift water pressure.

3. If any manufactured home or home park is destroyed by any means such that the cost of restoration would exceed 50 percent of the market value of the structure prior to damage; then such manufactured home or manufactured home park shall not be rebuilt if it is located in the Floodway, and if it is located in the Flood Storage Area, it shall be rebuilt in conformance with this ordinance.

~~12-9-18:~~ **11-13-18: FLOOD PLAIN MANAGEMENT ORDINANCE ADMINISTRATOR:** This ordinance shall be administered and enforced by the Director of Community Development or his designee.

~~12-9-19:~~ **11-13-19: VARIANCES:**

~~12-9-19.1:~~ 11-13-19.1: Appeal Board:

(A) The Director of Community Development, shall hear and decide requests for variances from the requirements of this ordinance.

(B) The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Director of Community Development in the enforcement or administration of this ordinance.

(C) Those aggrieved by the decision of the City Council or any taxpayer, may appeal such decisions to a court of competent jurisdiction.

(D) In passing upon such applications, the Director of Community Development and the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger to life and property due to flooding or erosion damage;

3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity to the facility of a waterfront location, where applicable;
6. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. the compatibility of the proposed use with the existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and Flood Plain management program for that area;
9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(E) Upon consideration of the factors of Section 11-13-19.1(D) and the purposes of this ordinance, the Director of Community Development or the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(F) The City of Westminster shall maintain the records of all appeals actions, including technical information and report any variances to the Federal Emergency Management Agency.

~~12-9-19.2:~~ 11-13-19.2: Conditions for Variances:

(A) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items (1-11) in Section 11-13-19.1(D) have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.

(B) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

(C) Variances shall not be issued within any designated floodway if any increase in the 100-year Flood Elevation would result.

(D) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(E) Variances shall only be issued upon:

1. a showing of good and sufficient cause

- 2. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- 3. a determination that the granting of a variance will not result in increased flood heights, increased velocities, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 11-13-19.1(D) or conflict with existing local laws or ordinances.

(F) Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk from the granting of the variance.

~~12-9-20~~; **11-13-20: RECORDS:** The City of Westminster shall obtain, maintain, and have available for public inspection:

- (A) All of the Official Flood Studies.
- (B) Certificates of floodproofing and a statement whether a structure has been floodproofed and to what elevation (with Building Permits as applicable).
- (C) For structures in the Flood Plain:
  - 1. Information on the elevation of the lowest floor, including basement, for all new or substantially improved structures.
  - 2. A statement whether a new or substantially improved structure contains a basement.

~~12-9-21~~; **11-13-21: ANNEXATION NOTIFICATION OF FEDERAL INSURANCE:** The City will annually notify the Federal Emergency Management Agency whenever the boundaries of Westminster have been added to by annexation or decreased by disconnection. With the notification, the City will include a copy of the map of the community suitable for reproduction, clearly delineating the new corporate limits.

~~12-9-22~~; **11-13-22: BIENNIAL REPORT TO FEDERAL EMERGENCY MANAGEMENT AGENCY:** The City shall submit a biennial report to the Federal Emergency Management Agency Administrator, utilizing a biennial report form designated by the Federal Emergency Management Agency.

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 17TH day of March, 1997.

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

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** March 17, 1997

**Subject:** Land Acquisition for Biosolids Program

**Prepared by:** Ron Hellbusch, Director of Public Works & Utilities  
Alex Iacovetta, Utilities Operations Manager

### **Introduction**

City Council action is requested to adopt the attached Resolution authorizing the acquisition of a large parcel of agricultural land located near Strasburg east of Denver (see map) to provide a site for land application by the City's Big Dry Creek Water Reclamation Facility Biosolids Program. Funds in the amount of \$1,325,000 are available in the 1997 Utility Fund Capital Improvement Projects (CIP) Budget for this purchase.

### **Summary**

The City has operated a successful Biosolids Program using land application for a number of years on agricultural land located northeast of Westminster and near Brighton. In the past, the Program has utilized leased farm land located in relatively close proximity to the Big Dry Creek Water Reclamation Facility (Facility). Due primarily to urban land development pressures, the City has lost the use of a number of close-in sites. Other possible close-in sites are limited and located in future potential development areas and can be lost on short notice.

In an effort to provide needed long-range alternative land application sites, City Staff contracted with Black and Veatch Engineering Consultants to conduct a long-term biosolids management operations study. As a result of the study, Black and Veatch recommended the continuation of the present land application program with the acquisition of a substantial tract of land within 50 miles of the Facility. The City's purchase and control of land would insure there would always be a site for the utilization and land application of biosolids. The land acquisition recommended in this City Council action is in keeping with previous presentations to City Council last year.

### **Staff Recommendation**

1. Adopt Resolution No. \_\_\_\_\_ authorizing the City Manager to proceed with the acquisition of a parcel of land owned by Habel Farms, Inc., located near Strasburg east of Denver for biosolids land application.
2. Authorize an expenditure of \$1,325,000 from the 1997 Utility Fund for this purchase.

### **Background Information**

Public Works and Utilities Staff began investigation of available property sites north and east of the Metropolitan area. Through discussions with John Ehler, a farmer the City has worked with for the past 20 years on land application, an available 2,600 acre farm was located 45 miles from the Facility in the area north of Strasburg.

The property is located over 5 miles north of Strasburg in an area zoned exclusively for agriculture. Neighboring land activities include a large hog farm in addition to the typical dryland wheat and irrigated farm cropping. This land represents approximately 75% of the total land that will be required for the Biosolids Program at the City's ultimate buildout.

The trend among Metropolitan area cities operating wastewater treatment plants and biosolids programs is to look well beyond the Metropolitan/urban region for land application operations. This direction has been supported by the Colorado Department of Public Health and Environment. Currently, the Metro Wastewater Reclamation District, Littleton/Englewood, and Broomfield own similar farm operations in outlying rural areas.

Investigations and negotiations have been in process over the past 10 months with the land owner on a fair purchase price. The purchase price for the 2,600 acre farm site has been established by the owner at \$1,350,000. The purchase price is based on an adjusted appraised value for the land of \$1,229,000, which includes the 2,600 acres of farm land, improvements including 2 houses and other structures, and irrigation well water rights and mineral rights. The annual income generated from oil and gas royalties, land use leases to farmers, and rental income averaged \$50,000 per year for the last 5 years. The present value of this income stream over the next 5 years to the City is estimated at \$220,000.

The City also has the option to consider selling some pasture acreage to Mr. Ehler, who owns land adjacent to this property. This land would still be available for use by the Biosolids Program, but would be pastured or farmed by Mr. Ehler. This action would allow the City to recoup some of its capital expenditure and still have land available for biosolids application. Mr. Ehler also owns additional acreage around this site that will serve as a buffer between any future development and the City's land application operation.

Since June 1996, various investigations were performed to insure the property would meet the City's needs.

- > An appraisal was done to establish the value of the property. The appraised value was set at \$1,165,000. Following the appraisal, a substantial agricultural sale of adjacent land was completed at per acre values in excess of the City's appraiser's unit numbers. An adjustment using the recent sale would place this farm value at \$1,333,000.
- > The water rights and mineral rights were examined, and the holders of existing oil and gas production leases were identified.
- > The Colorado State University Extension Service was contacted to review the site's soil conditions and potential for future crop production.
- > Adams County was contacted to verify development and land use potential in the immediate area. The area to the south would allow a minimum of 35 acre rural residential uses. Other surrounding lands are zoned as agricultural.
- > Black and Veatch performed an environmental site assessment to determine there was no environmental contamination of the soil or water that would be required to be cleaned up by the City as the property owner.

- > The Colorado Department of Public Health and Environment has reviewed the City's preliminary applications to apply biosolids to the property and has given its approval pending the City's purchase of the site.

The environmental site assessment done by Black and Veatch did detect some contamination of groundwater at one of the oil storage sites. Further investigation and cleanup of this contamination by the oil producer will be required by the Colorado Oil and Gas Commission and will not involve the City of Westminster as the landowner.

If the City does not purchase agricultural property, it will be faced with the eventual reality of discontinuing its Program at current sites and looking for alternative sites or more costly methods of disposing of the Facility biosolids.

The disposal alternatives of composting or incineration were examined and were found to be much more costly and environmentally troublesome. A composting program would require start-up capital costs of \$2 million and result in per ton disposal costs of \$1,000. Incineration would require start-up capital costs of \$8 to \$10 million, with per ton disposal costs of \$500 to \$700. Under the current program, expenses for agricultural land application disposal are approximately \$300 per dry ton of solids.

The City's consultant, Black and Veatch, and Staff recommend the purchase of this property for biosolids disposal as the best approach for the City and its citizens. It is the most cost-effective solution and will allow the long-term disposal of biosolids at a site owned and controlled by the City of Westminster.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



RESOLUTION

RESOLUTION NO. \_\_\_\_\_

INTRODUCED BY COUNCILLORS

SERIES OF 1997

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety, and welfare to obtain the land described in Exhibit A as a site for future land application of biosolids; and

WHEREAS, appraisal services have been obtained in order to determine the fair market value for these parcels; and

WHEREAS, the City has made an earnest good faith offer of purchase for each of the subject parcels; and

WHEREAS, legal counsel for the City of Westminster advises that the City's right of eminent domain may be exercised should normal negotiations fail;

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

1. The City Manager is hereby authorized to establish the just compensation to be offered to acquire the property.
2. City Staff negotiated to acquire the parcels and interests identified in Exhibit A on the basis of the appraised value, or such amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation are satisfied, and the City Manager is hereby authorized to acquire such parcels consistent with applicable law, including the execution of all documents necessary to complete these purchases.
3. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the properties in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the properties should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request immediate possession of the properties.
4. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The costs shall be charged to the 1997 Utility Fund Budget; and
5. The Utilities Project Engineer is hereby authorized to amend the legal descriptions of the parcels to be acquired, and the nature of the interests to be acquired, if necessary.

PASSED AND ADOPTED this 17th day of March, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** March 17, 1997

**Subject:** Comprehensive Land Use Plan Amended Consulting Contract

**Prepared by:** Max Ruppeck, Planner III

### **Introduction**

City Council action is requested to authorize the City Manager to execute an amended Planning Services Contract with Balloffet and Associates for the preparation of the City's Comprehensive Land Use Plan. The amount of the increase in the contract amount shall not exceed \$19,600. Funds for this expense were anticipated and were placed in the 1997 Planning Division Professional Services account.

### **Summary**

In August of 1995, City Council authorized the execution of a Planning Services contract with Balloffet and Associates to prepare a Comprehensive Land Use Plan for the City. The original contract amount was \$99,750.

Since that time a number of additions to the scope of work, as well as a longer time period to complete the work have been necessitated.

The fee proposed by Balloffet and Associates to accomplish the additional work is \$19,600 which, when added to the original contract amount, brings the total contract amount to \$119,350. Staff believes that the increased budget is warranted.

### **Staff Recommendation**

Authorize the City Manager to execute an amended planning services contract with Balloffet and Associates in the amount of \$19,600 for additional work on the Comprehensive Land Use Plan, thus establishing a total contract amount of \$119,350, and charge the expense to the appropriate account in the Planning Division budget.

### **Background Information**

As originally envisioned in 1995 when City Council first authorized the Comprehensive Land Use Plan, the consultant was to prepare a general overall land use plan for the entire City and more detailed plans for two to three subareas in the City. However, as the planning process evolved, the "general" plan was prepared at a very high level of detail on a specific parcel-by-parcel basis for the entire City and it required a number of very detailed plan alternatives. In addition, the number of community/neighborhood meetings held doubled from six to 12, and the number of City Council presentations and public hearings was in excess of the original expectation. Due to the extended duration of the planning process, the number of coordination meetings with Staff was also increased. Balloffet and Associates have been extremely responsive to City Council and Staff requests, particularly in updating maps and tables for presentations and meetings.

The amended budget includes the final report production and the printing of 100 copies of the Plan. Considering the extended duration of the process by an additional five to six months, the increased complexity of the plan and the number of modifications incorporated in the Plan, Staff believes the consultant's request for the amended budget amount is justifiable and reasonable.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** March 17, 1997

**Subject:** Westminster Boulevard Traffic Signal Equipment and Architectural Lights Purchase

**Prepared by:** David W. Loseman, Senior Projects Engineer

### **Introduction**

City Council action is requested to authorize the expenditures of \$204,348 for the purchase of traffic signal equipment for Westminster Boulevard and an amount not to exceed \$200,000 for the purchase of architectural lighting for the Westminster Promenade. Funds for these expenses are available in the appropriate project account in the General Capital Improvement Fund.

### **Summary**

The Westminster Boulevard Project was advertised for construction on March 6 and Council will be asked to award the construction contract on April 14. The Westminster Promenade project is under way now.

To keep these projects on schedule, it is necessary to order the traffic signal equipment for the street project and the architectural lighting for the Promenade pedestrian area at this time due to the amount of time it takes to manufacture these specialty items.

The requested traffic signal equipment is for four intersections along Westminster Boulevard -- 104th Avenue, 112th Avenue and the two entrances to the Westminster Promenade. The signal equipment will cost \$204,348. This price quote was obtained from suppliers of traffic signal poles and mast arms, controllers and cabinet, vehicle detection components and the emergency vehicle pre-emption equipment. Direct purchase of the signal equipment outlined above allows for a more timely installation of signal projects and produces cost savings by eliminating the traditional mark-ups by traffic signal contractors when they order the equipment.

The exact costs for the decorative lighting have not been determined at this time, but it is anticipated to be less than the \$200,000 earmarked for this expense in the preliminary budget for this project. A picture of the bridge architectural lighting is attached.

### **Staff Recommendation**

Authorize the expenditure of \$204,348 for the purchase of traffic signal equipment for Westminster Boulevard and authorize the expenditure of an amount not to exceed \$200,000 for the purchase of decorative lighting for the Westminster Promenade; and charge the expenses to the appropriate project account in the General Capital Improvement Fund.

## **Background Information**

Since the opening of the 104th Avenue/U.S. 36 Interchange, the City has considered the feasibility of a roadway connection that would provide quick access to U.S. 36 for residents of Sheridan Green Subdivision and other subdivisions to the north of 112th Avenue. Currently, motorists from these areas must travel east to Sheridan Boulevard, south to 104th Avenue, then west to U.S. 36, adding considerable distance to their trips and contributing to the air pollution problems of the Denver metro area.

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

The Westminster Boulevard project includes the construction of a four-lane minor arterial roadway with raised landscaped medians, similar to Sheridan Boulevard between 104th Avenue and 112th Avenue. As part of this project, signals will be installed at 104th Avenue, the two Promenade entrances and 112th Avenue. Traffic signal equipment requires significant lead time for ordering, manufacturing and delivering those components. In order to meet the construction schedule for Westminster, it is necessary to order the signal equipment now. Funds for this equipment have been budgeted in the project and the expenditure of \$204,348 must now be approved.

A main feature of the Westminster Promenade project is the pedestrian bridge that spans Westminster Boulevard, allowing pedestrians to avoid conflicts with vehicular traffic there. The pedestrian bridge is a significant architectural feature that will greet visitors to the Promenade, and unique light fixtures are planned for the structure. An artist's rendering of the bridge and the light fixtures is attached to this memo. As with the signal equipment, significant lead time is necessary to finalize design details and manufacture the lighting components. The estimated cost for lighting is \$200,000 and approval of this expenditure will allow the lighting to be ordered and manufactured in a timely fashion.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** March 17, 1997  
**Subject:** Reclaimed System Treatment Facility Design Contract  
**Prepared By:** Kelly DiNatale, Water Resources Manager

### **Introduction**

City Council action is requested to authorize the City Manager to sign a contract with Black & Veatch in the amount of \$220,103 and a design contingency of \$30,000 for the design of the Westminster Reclaimed Water System Treatment Facility. Funds are available in the Reclaimed Water Project Capital Improvement Project Account in the Utilities Fund for this expense.

### **Summary**

The Westminster Reclaimed Water System will provide from 1,100 acre-feet (first phase) to 3,000+ acre-feet (ultimate) of reclaimed water from the City's Big Dry Creek Water Reclamation Facility (BDCWRF) for irrigation of City Park, City Hall, Legacy Ridge and Hyland Hills golf courses and potential future irrigation uses such as the Countrydale golf course and business park, other business parks, city parks and private golf courses and greenbelts. The preliminary design of the Westminster Reclaimed Water System (WRWS) was completed in 1996 and design of the standpipe at the Northridge storage tanks is underway. Final design of the reclaimed water treatment facility and pipeline distribution system are required before construction can commence. The design of the pipeline distribution system will be bid separately.

Requests for Proposals for design of the 4.0 million gallon per day first phase of the Westminster Reclaimed Water Treatment Facility (RWTF) were sent to Richard P. Arber Associates, Black & Veatch and Burns and McDonnell. The following is a listing of the cost proposals from the three firms for project coordination, basis of design, design and bidding:

Black & Veatch	\$185,103
Richard P. Arber Associates	\$193,284
Burns and McDonnell	\$247,460

Richard P. Arber Associates and Black & Veatch were short-listed for interviews. The City's interview team consisted of Judy Ding, Capital Projects Coordinator, Harry Britton, Wastewater Plant Supervisor, Dan Strietelmeier, Water Resources Engineer, Alex Iacovetta, Utilities Operations Manager and Kelly DiNatale, Water Resources Manager. After the first interviews, the City's interview team had additional followup questions and determined that a pilot plant study evaluating different treatment methods would provide valuable information and allow the City and consultant to design the most cost-effective treatment facility that met the City's goal of providing high quality reclaimed water. Followup interviews were held with Richard P. Arber Associates and Black & Veatch. Both consultants were deemed highly capable of conducting the design but it was the opinion of the selection team that Black & Veatch presented the clearest understanding of the issues and concerns related to the design project and had a greater depth of resources to conduct the pilot plant study and complete the project.

Further negotiations were held with Black & Veatch to scope a pilot plant study for the evaluation of four different filtration methods and pretreatment alternatives for providing reclaimed water. As part of the pilot plant study, the costs and effluent quality will be evaluated before one of the treatment and filtration methods is selected. The negotiated cost for the pilot plant study is \$35,000 including pilot plant rentals and laboratory testing.

Alternatives to proceeding with the recommendations above include:

1. Authorize Black & Veatch to proceed with final design without conducting the pilot plant study.

Comment: The selection team believes that the pilot plant testing is essential to selecting the most cost-effective and flexible treatment processes and can save hundreds of thousands of construction dollars and operating costs.

2. Select Richard P. Arber Associates to perform the design and pilot plant testing.

Comment: The selection team carefully reviewed all proposals and conducted two sets of interviews and believe Black & Veatch is best qualified for the design.

3. Do not proceed with design of the Reclaimed Water Treatment Facility.

Comment: The first phase of the Reclaimed Project provides over 1,000 acre-feet of supply that would have to be replaced from unidentified sources if the project does not proceed.

4. Increase the size of the first phase from 4.0 million gallons per day (MGD) to 6.0 MGD.

Comment: The City does not currently have the water rights to support a larger phase without leasing additional water rights for return flow obligations. The first phase allows the opportunity to enhance customer acceptance by providing reclaimed water to a limited number of sites before reclaimed water is supplied to additional users.

### **Staff Recommendation**

Authorize the City Manager to execute a contract with Black & Veatch in the amount of \$220,103 for pilot plant testing, design and bidding of the Westminster Reclaimed Water Treatment Facility and approve a design contingency of \$30,000. Charge the cost associated with this work to the Reclaimed Water Project Capital Improvement Account in the Utility Fund.

### **Background Information**

Richard P. Arber and Associates finalized the preliminary design report of Westminster's reclaimed water system in July, 1996. The study included a detailed site identification study to locate potential reclaimed water users in the City of Westminster, and market reclaimed water to potential customers outside of Westminster's jurisdiction. Golf courses, parks, greenbelts, street-scapes, rights-of-way, open space, city facilities, business parks, schools, churches, hospitals, lakes, ponds, and wetlands were all considered as potential reclaimed water users.

City owned landscapes that could be served by the proposed WRWS include Legacy Ridge Golf Course, Countrydale Golf Course, Westminster City Hall, City Park, and other City of Westminster parks, ponds, and wetlands areas. Other areas that could be served include the Ranch Golf Course, Hyland Hills Golf Course, and numerous commercial, industrial, and institutional sites.

A total of 195 potential reclaimed water sites were identified in this study; 104 sites controlled by the City, and 91 sites controlled by other entities. Water use for the identified sites was estimated to be 3,000+ acre feet per year. More areas can be served with reclaimed water as additional wastewater becomes available for reclamation and customer demand grows. Over 70 percent of the irrigated acreage and water use is accounted for by golf courses and parks.

The proposed WRWS initial phase can serve approximately 1,100 acre feet of irrigation usage. The initial sites that could be served include Legacy Ridge Golf Course, Countrydale Golf Course, The Ranch Golf Course, Hyland Hills Golf Course, City Park, and Westminster City Hall.

The study evaluated several alternative water treatment methods needed to meet Colorado Department of Public Health and Environment regulations. The recommended method of advanced wastewater treatment was direct filtration. Direct filtration includes chemical coagulation, sand filtration, and disinfection of the water with chlorine. In evaluating the proposals received for final design of the treatment facility, it was determined that a pilot plant study evaluating the DynaSand (Parkson), Strata-Sand (Leopold) and two conventional, granular media filtration technologies: monomedium and mixed media would be conducted. Different filter loading rates, chemical addition and pretreatment alternatives will be performed and the resulting effluent will be analyzed for esthetic, biological and chemical parameters related to customer acceptance and potential discharge permit compliance.

A preliminary design of the pipeline from BDCWRF to the sites that could potentially use reclaimed water was also completed as part of the preliminary design. Lateral pipeline extensions, including an extension to Countrydale Golf Course, were also included in the preliminary design. The pipeline analysis also considered locations for storage tanks on the system. The location and size of storage tanks was an important factor in determining pipeline size. Two storage locations were considered in this study, City Hall and BDCWRF.

The proposed WRWS components will consist of the RWTF south of the BDCWRF, a 2.5 million gallon equalizing storage reservoir at the Reclamation Facility for peak day demands, a standpipe at the existing Northridge tank site south of Westminster City Hall, and approximately 95,000 lineal feet of 2-inch to 36-inch diameter distribution system pipe. The standpipe is currently under design as part of the Northridge pump station capital improvement project.

The proposed WRWS will have a first phase capacity of 4 million gallons per day (MGD). Subsequent phases could be constructed as demand increases and additional wastewater becomes available.

The initial phase of WRWS is estimated to have probable capital costs of \$12 million and when completed, the 3,000+ acre feet ultimate WRWS is estimated to have capital costs of \$19.3 million.



The proposed WRWS can be financed via loan or other debt financing pledging a combination of tap fees and user rates. Colorado Water Conservation Board financing is currently under negotiation. The decision on tap fees and rates will be the subject of a future City Council action.

The proposed WRWS will be one of the largest systems in Colorado and can be "showcased" to Westminster customers and throughout the country as an example of conservation and wise stewardship of water resources. The results of the preliminary design show that the proposed reclaimed water system can provide water at a competitive cost per acre foot and should be considered as a key and feasible water supply alternative.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** March 17, 1997

**Subject:** Standley Lake Enlargement and Rehabilitation Expenditures

**Prepared By:** Kelly DiNatale, Water Resources Manager  
Dan Strietelmeier, Water Resources Engineer

### **Introduction**

City Council action is requested to approve expenditures up to \$400,000 to the Farmers Reservoir and Irrigation Company for work related to the maintenance, improvements and potential enlargement of Standley Lake Dam. Funds for the expense have been budgeted and are available in the Utilities Fund.

### **Summary**

GEI Consultants Inc. completed a Standley Lake Enlargement Facilities Evaluation Study in 1996 that presented an action plan for the enlargement and rehabilitation of Standley Lake dam.

Included in the action plan are recommendations for enlarging the spillway, relocating the valve house, and adding an additional berm on the downstream embankment. The costs for these maintenance items are estimated at \$19 Million.

The Colorado State Engineer's office has officially given notice that the spillway needs to be enlarged by the year 2002 and our consultants are strongly recommending relocation of the valve house to remove dam embankment stresses away from the conduit joints.

The recommended action plan has been initiated by the Standley Lake Cities (Northglenn, Thornton and Westminster). Major tasks that have been completed include inspection and video taping of the outlet works conduits, installation of seals on the remaining un-sealed conduit joints, establishment of a Standley Lake review board and geotechnical investigation of the Dam foundation.

The Standley Lake review board, which is comprised of three experts in dam foundations and outlet works from around the country, met in October to evaluate the Standley Lake action plan. The review recommended initiating the geotechnical investigation. The Standley Lake review board is scheduled to reconvene April to evaluate the results from the geotechnical investigation.

The Review Board will make recommendations on how to proceed with the enlargement of the dam in relation to required rehabilitation of the outlet works and spillway.

GEI Consultants Inc. estimated facilities rehabilitation costs of approximately \$19 Million and enlargement costs of an additional \$21 Million. These costs would be shared by the Standley Lake Cities with Westminster's share at approximately one-third of the costs. The \$19 Million rehabilitation costs would be necessary with or without future dam enlargement.

A portion of these costs have been expended by the Farmers Reservoir and Irrigation Company (FRICO). FRICO has been the contracting agency for the Standley Lake program and will bill the Standley Lake Cities through the Standley Lake Operating Committee (SLOC) as per the Four Way Agreement.

Additional funds will be needed this year for maintenance, design and construction of a new spillway and valve house.

### **Staff Recommendation**

Authorize expenditures of up to \$400,000 from the 1997 Standley Lake Enlargement Capital Improvement Project account to reimburse the Farmers Reservoir and Irrigation Company for expenses related to the maintenance and potential future enlargement of Standley Lake Dam.

### **Background Information**

The enlargement of Standley Lake would provide Westminster with additional firm water supply yield of approximately 1,500 acre feet, depending on the level of participation by the Cities of Northglenn and Thornton. This project continues to be a viable water supply option for the City even though many obstacles exist such as high costs and permitting requirements.

The Standley Lake Cities together with FRICO have been attempting to structure an arrangement for cost sharing and participation levels for funding the enlargement of Standley Lake. After several attempts to structure a participation agreement it was decided to have a consulting firm complete a planning study and facilities evaluation. The study would give the Standley Lake Cities a "road map" or planning document with costs that could be used as guide for cost sharing and enlargement participation levels.

The study completed by GEI Consultants Inc. in July 1996, contained cost estimates of approximately \$19 Million for needed rehabilitation of some facilities. This rehabilitation was recommended even if the dam was not enlarged. Rehabilitation or maintenance costs automatically divided three ways between the Standley Lake Cities according to the terms of the Four Way Agreement. The Standley Lake Cities have been put on notice by the Colorado State Engineer's Office that the spillway size is inadequate and needs to be enlarged. The valve house has also been the source of various problems over the years and relocation of the structure appears to be a necessity.

GEI's other recommendations were based on the assumption that the dam was constructed on a weak bedrock layer and will be subject to future sliding. To correct this situation, GEI recommended an additional berm be placed on the downstream portion of the dam at a 4:1 slope. This additional fill material was recommended even if the dam is not enlarged and has an estimated cost of approximately \$11 Million. The Standley Lake Cities decided to bring in a review board to examine these recommendation more thoroughly considering the costs involved.

The review board, after their October meeting, recommended an extensive drilling and core testing program to further analyze the strength of the dam foundation materials. The materials strength laboratory testing will help to determine the amount of berming or additional fill material required for dam enlargement and to improve the embankment stability. This analysis will help to further refine the costs, hopefully lowering them, so the Standley Cities can continue working on a Standley Lake enlargement agreement and begin rehabilitation of the valve house and spillway.

The drilling and testing program is presently underway. The review board is scheduled to meet again in April to provide the final recommendations and estimated costs for proceeding with the enlargement of Standley Lake dam. Design of recommended rehabilitation items will likely begin this year so additional expenditures are anticipated. The Standley Lake Cities are required to reimburse FRICO for expenditures related to the Standley Lake Dam according to the terms of the Four Way Agreement. FRICO will continue to act as the contracting agency soliciting bids for major work items and billing for expenses through the Standley Lake Operating Committee.

Respectfully submitted,

William M. Christopher  
City Manager