

March 23, 1998
7:00 PM

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

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Proclamation re KPOF 70 Year Anniversary
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. Easement Dedication to Public Service Company
 - B. Bids re Park Services Landscape Maintenance Contract
 - C. Bids re Replacement Fire Department Vehicles
 - D. Bids re Asphalt Rehabilitation Project
 - E. Bids re Tractor Mower
 - F. Copier Lease Authorization
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. School District 50 IGA re Career Enrichment Park
 - B. Public Hearing re Hyland Greens PDP and ODP
 - C. Hyland Greens Preliminary Development Plan 6th Amendment
 - D. Hyland Greens Official Development Plan Filing 11
 - E. Public Hearing re Bull Canal Open Space/Egging Property
 - F. Resolution No. 16 re Annexation Findings re Bull Canal Open Space
 - G. Councillor's Bill No. 4 re Annexing Bull Canal Open Space
 - H. Councillor's Bill No. 5 re Zoning Bull Canal Open Space
 - I. Bull Canal Open Space Preliminary Development Plan
 - J. Councillor's Bill No. 6 re Comp Plan Amendments re Egging Property
 - K. Westminster Mall Remodel Design Contract
 - L. Resolution No. 17 re Transfer of Funds re Westminster Mall
 - M. Resolution No. 18 re Church Ranch Blvd Annexation Findings
 - N. Councillor's Bill No. 7 re Church Ranch Blvd Annexation
 - O. Councillor's Bill No. 8 re Waverly Park Renovation
 - P. Replacement of Wavery Acres Pedestrian Bridge
 - Q. Westminster Promenade East Project Phase 1
 - R. City Park Companion Facility Transfer of Funds
 - S. Councillor's Bill No. 9 re City Park Softball Complex
 - T. Construction of City Park Softball Complex
 - U. Resolution No. 19 re Service Commitment re City Park Softball Complex
 - V. Resolution No. 20 re JeffCo Open Space Property at Standley Lake
 - W. Heritage at Westmoor Golf Course Phase 2 Construction
 - X. Councillor's Bill No. 10 re Theft
 - Y. Prosecution Services Contract
 - Z. Councillor's Bill No. 11 re Board of Adjustment Alternate

AA Councillor's Bill No. 12 re Ice Centre Financing

BB Ice Centre Sponsorship Contract

11. Old Business and Passage of Ordinances on Second Reading

None

12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business

A. Activity Report for 4th Quarter 1997

B. Financial Report for February, 1998

C. City Council

D. Request for Executive Session

1. Economic Development Prospect Update

2. Economic Development Impact Item.

13. Adjournment

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

PLEDGE OF ALLEGIANCE:

Members of Boy Scout Troop #98 led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Atchison to accept the minutes of the meeting of March 2, 1998 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil presented a proclamation to Pauline Dallenbach, granddaughter of KPOF founder Alma White, Reverend Dallenbach and other Pillar of Fire representatives in recognition of KPOF Radio Station's 70th anniversary.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher stated that the closing on the Westminster Plaza property to Hunt Properties took place last week.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: **Easement Dedication to Public Service Company** - Authorize the Mayor to execute the necessary documents to grant a non-exclusive easement to Public Service Company for the underground relocation of electric facilities across City-owned open space property in the vicinity of 128th Avenue and Big Dry Creek; **Bids for Park Services Landscape Maintenance Contract** - Award the landscape maintenance contract to the low bidder, Schultz Industries, Inc, in the amount of \$112,736 and charge the expense to the appropriate 1998 Parks, Recreation and Libraries account; **Bids for Replacement Fire Department Vehicle** - Award the bid for one four wheel drive Chevrolet Suburban to Burt Chevrolet in the amount of \$32,499.97 and charge the expense to the appropriate 1998 Fire Department budget account; **Bids 1998 Asphalt Pavement Rehabilitation Project** - Authorize the City Manager to sign a contract for the 1998 Asphalt Pavement Rehabilitation Project with the low bidder, Asphalt Specialties Co., in the amount of \$1,766,300; authorize a \$50,000 contingency amount, and charge the expense to the appropriate 1998 Department of Public Works and Utilities Street Division Budget and the 1998 Utilities Field Operations budget; and authorize the City Manager to sign the intergovernmental agreements with Adams County School Districts #14 and #50 for the Districts' asphalt parking lot repairs and District 50's Concrete Replacement, as part of the City's projects, at the Districts' expense; **Purchase of Right-of-Way Mower** - Award the bid to the second low bidder, with a price difference of \$882.77, to Longmont Farm Supply in the amount of \$45,211 and charge the expense to the appropriate Park Services account in the General Fund;

New Copier Lease Authorization - Authorize the City Manager to sign appropriate documents to enter into a lease agreement with Lewan & Associates for six copier machines and pay Citizens Bank the balance of the existing lease/purchase amount of \$22,332.78 in conjunction with entering a new lease agreement and charge this expense to the appropriate Department accounts.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

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

SCHOOL DISTRICT 50 IGA re CAREER ENRICHMENT PARK:

A motion was made by Atchison and seconded by Smith to authorize the City Manager to sign an Intergovernmental Agreement with Adams County School District 50 authorizing preparation of a site and utilization plan for the Career Enrichment Park and authorize the City Manager to sign a contract with Wenk and Associates for planning services not to exceed \$24,000. The motion carried unanimously.

PUBLIC HEARING re HYLAND GREENS PDP AND ODP:

At 7:20 P.M. the meeting was opened to a public hearing regarding the Sixth Amended Preliminary Development Plan and the Official Development plan for Filing 11 of the Hyland Greens PUD, located at the southeast corner of 104th Avenue and Wolff Street. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission Recommendation and other related items as exhibits. Thomas Goff of Stites Development Group, Ed Moss, 10362 Tennyson Court and Doris Giles, 4854 W. 103rd Place addressed Council with questions. At 7:30 P.M. the public hearing was declared closed.

HYLAND GREENS SIXTH AMENDED PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Atchison and seconded by Scott to approve the Sixth Amended Hyland Greens Subdivision Preliminary Development Plan which changes the allowed land uses for the site from apartments and commercial to 10.86 acres of medium density single-family detached residential and 5.44 acres of open space. The motion carried unanimously.

HYLAND GREENS OFFICIAL DEVELOPMENT PLAN FILING 11:

A motion was made by Atchison and seconded by Merkel to approve the Official Development Plan for the Hyland Greens Subdivision Filing 11 which allows 36 single-family detached residential units on the 10.86 acre site. The motion carried unanimously.

PUBLIC HEARING re BULL CANEL OPEN SPACE AND EGGING PROPERTY:

At 7:33 P.M. the meeting was opened to a public hearing regarding the annexation, zoning and amendment to the Comprehensive Land Use Plan for the properties generally located on the west side of Huron Street, and north and south of 128th Avenue. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission Recommendation and other related items as exhibits. Mark Geyer, Planner II, gave a brief presentation to Council. Bill McGuire addressed Council concerning the drainage problems that have occurred on his property. At 7:40 P.M. the public hearing was declared closed.

RESOLUTION NO. 16 - ANNEXATION FINDINGS FOR BULL CANAL OPEN SPACE:

A motion was made by Scott and seconded by Merkel to adopt Resolution No. 16 accepting the annexation findings for the Bull Canal Open Space and Egging properties. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 4 - BULL CANAL/EGGING PROPERTIES:

A motion was made by Scott and seconded by Atchison to pass Councillor's Bill No. 4 on first reading annexing the Bull Canal Open Space and Egging properties to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 5 - ZONING BULL CANAL/EGGING PROPERTIES:

A motion was made by Scott and seconded by Merkel to pass Councillor's Bill No. 5 on first reading rezoning the Bull Canal Open Space and Egging properties from Adams County A-1 to Westminster Planned Unit Development. Upon roll call vote, the motion carried unanimously.

BULL CANAL OPEN SPACE/EGGING PROPERTIES PDP AND ODP:

A motion was made by Scott and seconded by Smith to approve the Preliminary and Official Development Plan for the Bull Canal Open Space and Egging properties as submitted. The motion carried unanimously.

COUNCILLOR'S BILL NO. 6 - COMP PLAN AMENDMENTS FOR EGGING PROPERTY:

A motion was made by Scott and seconded by Smith to pass Councillor's Bill No. 6 on first reading amending the Comprehensive Land Use Plan to add the land use category of Single Family Detached-Very Low Density concerning the property south of 128th Avenue. Upon roll call vote, the motion carried unanimously.

WESTMINSTER MALL CONTRACT FOR REMODEL DESIGN:

A motion was made by Smith and seconded by Scott to authorize the City Manager to approve an addendum to the original contract with RTKL and Associates, and other necessary design sub-contracts and real estate assistance in the amount of \$56,000 including contract contingency to provide the concept studies for the potential renovation of the Westminster Mall. The amount of this contract addendum will not exceed \$ 51,000 with a contingency for a total of \$56,100. The motion carried unanimously.

RESOLUTION NO. 17 - TRANSFER OF FUNDS FOR WESTMINSTER MALL:

A motion was made by Smith and seconded by Merkel to adopt Resolution No. 17 authorizing a \$56,100 transfer from the 1998 General Fund Contingency to the Professional Services account in the 1998 Community Development Administration budget. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 18 - CHURCH RANCH BOULEVARD ANNEXATION FINDINGS:

A motion was made by Atchison and seconded by Smith to adopt Resolution No. 18 making certain findings of fact as required by State Statutes. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 7 - CHURCH RANCH BOULEVARD ANNEXATION:

A motion was made by Atchison and seconded by Merkel to pass Councillor's Bill No. 7 on first reading annexing the right-of-way for Church Ranch Boulevard between Wadsworth Parkway and Wadsworth Boulevard. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 8 - WAVERLY ACRES PARK RENOVATION:

A motion was made by Merkel and seconded by Scott to pass Councillor's Bill No. 8 on first reading appropriating \$65,000 into the General Capital Improvement Fund Park Improvement account and authorize the use of \$130,000 from the General Capital Park Improvement account for the renovation of Waverly Acres Park per the master plan. Upon roll call vote, the motion carried unanimously.

REPLACEMENT OF WAVERLY ACRES PARK PEDESTRIAN BRIDGE:

A motion was made by Merkel and seconded by Atchison to authorize the City Manager to sign a contract with Wycon Construction Company in the amount of \$37,133 for the replacement of the Waverly Acres Pedestrian Bridge, authorize a 10% contingency and charge this expense to the Trail Development account for \$40,846 in the 1998 General Capital Improvement Fund. The motion carried unanimously.

WESTMINSTER PROMENADE EAST PROJECT PHASE I:

A motion was made by Smith and seconded by Scott to authorize the expenditure of up to \$4,900,000 for construction of the Westminster Promenade East, Phase I improvements; authorize the City Manager to execute an Agreement with Inland Pacific and Hensel Phelps Construction Company or other qualified general contractor to act as General Contractor for the Promenade East Project as determined with Inland Pacific representatives; authorize the City Manager to execute an Agreement with Martin/Martin for Construction Engineering Services in an amount not to exceed \$355,000 and charge these expenses to the appropriate project accounts in the General Capital Improvement Fund.
The motion carried unanimously.

CITY PARK COMPANION FACILITY TRANSFER OF FUNDS:

A motion was made by Atchison and seconded by Merkel to authorize the transfer of \$5,795,000 from the unauthorized account in the companion facility General Capital Improvement Fund to the appropriate expenditure accounts in the General Capital Improvement Fund for the construction of the City Park Companion Facility as described in the design/build contract with Gerald H. Phipps dated May 1, 1997, and amended December 19, 1997. The motion carried unanimously.

COUNCILLOR'S BILL NO. 9 - CITY PARK SOFTBALL COMPLEX APPROPRIATION:

A motion was made by Scott and seconded by Merkel to pass Councillor's Bill No. 9 on first reading appropriating \$100,000 into the General Capital Improvement Fund, increasing the project budget by \$100,000, and authorize the use of these funds for construction of the City Park Softball Complex. Upon roll call vote, the motion carried unanimously.

CONSTRUCTION OF CITY PARK SOFTBALL COMPLEX:

A motion was made by Scott and seconded by Atchison to authorize the City Manager to sign contracts with Public Service Company in the amount of \$83,532, and a change order with TARCO in the amount of \$214,487; and approve a total bid alternative budget of \$337,569 for the construction of the last two bid alternatives to fully complete phase I of the City Park Softball Complex. The motion carried unanimously.

RESOLUTION NO. 19 - CITY PARK SOFTBALL COMPLEX SERVICE COMMITMENTS:

A motion was made by Scott and seconded by Merkel to adopt Resolution No. 19 allocating 0.8 Category F Water Service Commitments to the City Park Softball Complex. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 20 - JEFFCO OPEN SPACE PROPERTY AT STANDLEY LAKE:

A motion was made by Atchison and seconded by Scott to adopt Resolution No. 20 authorizing the City Manager to sign such agreements and documents as may be necessary to facilitate the conveyance of Standley Lake Recreation Area properties and recreation easement rights from the Farmers Reservoir and Irrigation Company and Jefferson County Open Space to the City of Westminster, including the City's commitment and understanding with respect to the conditions for the County's disbursement of the \$1,000,000 water quality mitigation funds, and authorize the payment of \$100,000 to the Farmers Reservoir and Irrigation Company for interest payments on the \$3,000,000 multi-year payment from Jefferson County Open Space to Farmers Reservoir and Irrigation Company, all in accordance with the 1994 Intergovernmental Agreement between the Cities of Westminster, Thornton and Northglenn, and subject to the condition that no such supplement, agreement or document shall create any new or increase any prior obligation of the City with respect to this project, other than the City agreement to pay the FRICO interest as already noted, without the further approval of City Council. Upon roll call vote, the motion carried unanimously.

HERITAGE AT WESTMOOR GOLF COURSE PHASE 2 CONSTRUCTION:

A motion was made by Merkel and seconded by Smith to authorize the City Manager to execute a three party contract with Westmoor Business Park Ltd., LLLP and Niebur Golf, the low bid contractor, in the amount of \$370,747 plus a 5% contingency of \$18,537 for the construction of storm drainage improvements at the Heritage Golf Course and charge the City's share of the contract amount, \$193,289 to the existing Niebur Heritage Golf Course construction budget. Westmoor Business Park Ltd., LLLP will be responsible for \$177,458 of the contract amount in which Westmoor will pay the contractor directly. The motion carried unanimously.

COUNCILLOR'S BILL NO. 10 - AMEND WESTMINSTER MUNICIPAL CODE RE THEFT:

A motion was made by Atchison and seconded by Scott to pass Councillor's Bill No. 10 on first reading amending the Westminster Municipal Code concerning theft and certain related offenses. Upon roll call vote, the motion carried unanimously.

PROSECUTION SERVICES CONTRACT:

A motion was made by Smith and seconded by Atchison to authorize the City Manager to execute a contract with Alan C. Katz, P.C. to continue to provide a portion of the City's prosecution services through May of 1998. The motion carried unanimously.

COUNCILLOR'S BILL NO. 11 - BOARD OF ADJUSTMENT ALTERNATE POSITION:

A motion was made by Atchison and seconded by Scott to pass Councillor's Bill No. 11 on first reading creating the alternate member to the Board of Adjustment. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2577 - ICE CENTRE FINANCING DOCUMENTS:

A motion was made by Scott and seconded by Atchison to adopt Councillor's Bill No. 12 as an emergency ordinance approving selected documents for the financing of \$13,995,000 for the construction of the Ice Centre and authorize the Mayor and Finance Director to sign the necessary documents on behalf of the City. Upon roll call vote, the motion carried unanimously.

ICE CENTRE SPONSORSHIP CONTRACT:

A motion was made by Merkel and seconded by Atchison to authorize the City Manager to sign a contract with Major League Marketing Incorporated to represent the City of Westminster in securing corporate sponsorship proposals for the Ice Centre at the Promenade Ice Arena in cooperation with the Hyland Hills Parks and Recreation District. The terms of said contract shall conform to the conditions described in the agenda memorandum. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the 1997 Fourth Quarter Activity Report and the Financial Report for February, 1998.

Councillor Scott stated that the Westminster Mall is a vital part of the City's economy and is doing well. Mayor Heil commented on the Jefferson County Symphony that was held Saturday at Ranum High School. Councillor Atchison meet with Amoco representatives on their grants and scholarships program and that the receiving schools would be based on needs of the recipient school.

The Mayor stated there would be an Executive Session concerning a Economic Development Prospect update, a Economic Development Impact item and an update on the Westminster Mall Development.

ADJOURNMENT:

The meeting was adjourned at 8:20 P.M.

ATTEST:

Mayor

City Clerk

Date: March 23, 1998
Subject: Proclamation re KPOF 70th Anniversary
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to proclaim Tuesday, March 24th as Pillar of Fire Day in the City of Westminster in recognition of KPOF Radio Station's 70th Anniversary.

Summary

KPOF is one of the oldest religious radio stations in the nation, having celebrated their 70th anniversary on March 9th. KPOF was founded by Alma White, who also founded the Pillar of Fire Church.

Pillar of Fire church bought the Westminster University property located at 82nd Avenue & Lowell Boulevard in January 1920.

Pauline Dallenbach, granddaughter of Alma White, who began singing on the radio station at the age of 2 when the radio station began, closing the show with the children's bedtime song "Good Night Everyone, Good Night" will be present at Monday night's meeting to accept this proclamation.

Other representatives that will also be present include Reverend Bob Dallenbach, General Manager of the radio station; Dr. Donald Wolfrun, General Superintendent of Broadcasting and National President of Pillar of Fire and Gary Dickerson, Principal of Belleview Schools.

Staff Recommendation

City Council present proclamation celebrating the 70th years of broadcasting of KPOF.

Background Information

KPOF radio station broadcasts church services, lectures, Bible studies, devotions and sacred concerts. It has regular news programs and as it has done for 70 years, broadcasts three hours of classical music each weekday afternoon.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Proclamation

WHEREAS, KPOF is the oldest Denver station whose license still belongs to the original holder; and

WHEREAS, Pillar of Fire was granted its broadcasting license in 1928; and

WHEREAS, The first broadcasts from KPOF were on March 9, 1928 from the Westminster Pillar of Fire location; and

WHEREAS, KPOF has a listening audience from their Westminster transmitters of approximately 1.5 million people with their broadcasts being heard not only in the Denver metropolitan area but also in Colorado Springs, Kansas, Wyoming and Nebraska; and

WHEREAS, KPOF through its network in Zarephath, New Jersey and Cincinnati, Ohio reach a total of 30 million listeners; and

WHEREAS, KPOF original transmitter was located at Pillar of Fire's Westminster location and Pillar of Fire received the prestigious designation of the first building in Adams County to be registered as a National Historic Building.

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

KPOF DAY

in the City of Westminster in recognition of Pillar of Fire's 70th anniversary of broadcasting.

Signed this 23rd day of March, 1998.

Nancy M. Heil, Mayor

Date: March 23, 1998

Subject: Easement Dedication to Public Service Company

Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested to authorize the Mayor to execute the necessary documents to grant a non-exclusive easement to Public Service Company for their relocation of an existing overhead utility line along the south side of 128th Avenue and within Open Space property owned by the City.

Summary

- > Public Service Company (PSCo) owns and operates an existing overhead electric line that runs along the south side of 128th Avenue between Pecos Street and Zuni Street.
- > Due to the need to upgrade this particular electric line, PSCo planned to install new poles and cable, also in an overhead location, along the south side of 128th Avenue. The old poles and cable would then be removed. Such an overhead to overhead relocation would be in accordance with the franchise agreement between the City and PSCo.
- > The proposed location of the new poles would require the acquisition of an easement by PSCo from the City across City-owned open space located in the vicinity of Big Dry Creek (see attached map).
- > In exchange for the requested easement, City Staff negotiated a greatly reduced charge from PSCo to the City for the underground relocation of the electric utilities instead of the proposed overhead relocation. As agreed by PSCo, the City's 1% undergrounding fund would be charged a total of \$40,000 to accomplish the work. This amount is approximately @\$20,000 less than the expense that the City would be charged for a future conversion of the overhead line to an underground position.

Staff Recommendation

Authorize the Mayor to execute the necessary documents to grant a non-exclusive easement to Public Service Company for the underground relocation of electric facilities across City-owned open space property in the vicinity of 128th Avenue and Big Dry Creek.

Background Information

128th Avenue between the Home Farm Subdivision and Big Dry Creek is currently a two-lane roadway. According to the City's Comprehensive Roadway Plan, 128th Avenue will need to be widened to a four-lane facility in the future. Recognizing this fact, PSCo proposed that the necessary relocation of the existing overhead electric line along the south side of the street be moved to a position that would be out of the future asphalt surface.

Under this proposal, a future project to widen 128th Avenue would not face the possibility of being delayed while PSCo moved the overhead line out of the way of the street construction. However, such a relocation far to the south of the existing roadway would necessitate the acquisition of an easement across a portion of the City-owned open space near Big Dry Creek.

City Staff was pleased that PSCo was thoughtful enough to consider the accommodation of a future street widening project, but the prospect of an overhead electric line within open space was disturbing. Since the Company had the viable option of upgrading the overhead line in its current, overhead position within public right-of-way (without the need for the City's permission to do so), City Staff began to explore schemes that might allow both the City and PSCo to profit. After much discussion between the parties, PSCo agreed that they would place the new electric facilities underground and charge the City's 1% undergrounding fund a reduced rate of \$40,000 in exchange for the requested easement. Under this agreement, the City will enjoy the benefit of underground utilities (instead of unsightly, overhead lines) that are removed from the future work zone of a 128th Avenue widening project.

As mentioned above, the alternative to Staff's recommendation is to refuse the dedication of the requested easement and direct PSCo to relocate their facilities within the current street right-of-way. Unfortunately, such a relocation within the existing right-of-way must be overhead. The electric line could not be placed underground within the existing right-of-way because occasional above-ground appurtenances (e.g., transformers) would be located within the future asphalt surface of the widened street. Staff recommends that the City take advantage of the recent offer by PSCo to place the electric facilities in their ultimate position at this time.

Respectfully submitted,

Bill Christopher
City Manager

Attachment

Date: March 23, 1998
Subject: Bids re Park Services Landscape Maintenance Contract
Prepared by: Richard Dahl, Park Services Manager
John Kasza, Park Crewleader

Introduction

City Council action is requested to award the bid for a landscape maintenance contract for maintaining City right-of-ways to Schultz Industries, Inc. in the amount of \$112,736. Funds have been specifically allocated and are available in the 1998 Parks, Recreation and Libraries budget for this expenditure.

Summary

The Park Services Division has experienced large increases in its parks and right-of-way maintenance responsibilities for the last several years. New acreage at City Park, Skyline Vista, Cobblestone, Westminster Boulevard, Gateways and Sheridan Boulevard will add to the parks maintenance responsibilities.

Using contractors to mow, irrigate, and clean up non-park areas such as streetscapes and medians allows Staff the time to properly maintain new and existing parks to standards expected by Westminster residents as expressed in the Citizen Survey.

The private contractor will maintain assigned areas for six months commencing on March 30 and ending on October 15. Park Services Division personnel will perform all winter maintenance operations. Please see attachment for the right-of-way areas that will fall within the scope of this contract.

Formal bids, in accordance with City Charter bidding requirements, were solicited from area contractors for the service, with the following results:

Schultz Industries, Inc.	\$112,736.00
L.I.D., Inc.	\$118,892.37
Colorado Landscape Solutions, Inc.	\$158,020.00
Custom Landscapes of Colorado, Inc.	\$194,552.00
Real Property Maintenance, Inc.	No Bid

The low bid, from Schultz Industries, meets all the City's specifications and is a good bid. Reference checks have produced good recommendations for this company. The amount of the bid, \$112,736, is within the funding previously approved by City Council for this expense.

John Kasza, Park Crewleader, will be inspecting all work performed by the contractor to ensure compliance with maintenance standards established within the contract.

Staff Recommendation

Award the landscape maintenance contract to the low bidder Schultz Industries, Inc. in the amount of \$112,736 and charge the expense to the appropriate 1998 Parks, Recreation and Libraries account.

Alternatives

- 1) Not accept private contractor maintenance and use the available funds to hire City staff and purchase equipment necessary to maintain designated areas.
- 2) Take no action. Due to the limited time frame involved for spring maintenance, Staff does not recommend this option if service levels are to be maintained.

Background Information

City Council previously allocated funds in the 1998 Park, Recreation and Libraries budget for the maintenance of City-owned streetscapes and medians.

The Park Services Division is currently divided into four maintenance districts with 92nd Avenue and Sheridan Boulevard being the dividing lines. Since 1985 this system has worked well and allowed Staff to devote enough time to the parks and public facilities within each district. However, with the addition of new park sites and public facilities, it has become clearly evident new methods of utilizing available resources are needed. In light of this, starting in 1995, park employees proposed, researched, and collected information for the use of contract maintenance as a viable alternative to maintain streetscape and medians throughout the City. For the past three years, the use of a private contractors to maintain these areas has worked out extremely well and City Council has been supportive in providing funding for contract maintenance over the past three years. This public/private partnership has worked very well by allowing City crews to concentrate on services they can perform more efficiently and at a greater level of detail.

John Kasza, Park Crewleader, has administered the Contract Maintenance Agreement for the past three years and has gained extensive insight into issues dealing with private maintenance contractors. This experience was used in developing the documents and maintenance standards for the work to be performed under the 1998 Landscape Maintenance Contract, which this company will be operating under for the next three years.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: List of Right-of-Way Areas

Date: March 23, 1998
Subject: Bids re Replacement Fire Department Vehicle
Prepared by: Ken Watkins, Battalion Chief

Introduction

City Council action is requested to award the bid for one 1999 Chevrolet Suburban, a full size four wheel drive vehicle, as a replacement for a similarly equipped 1988 Chevrolet Suburban. Funds are available and have been specifically allocated in the 1998 Fire Department budget for this expense.

Summary

Formal bids in accordance with City Charter bidding requirements were obtained for this purchase. The new vehicle will replace an existing vehicle in the Fire Department fleet, a 1988 four wheel drive Chevrolet Suburban with mechanical problems and higher mileage. The low bid in the amount of \$32,499.97 is being recommended for this purchase.

Staff Recommendation

Award the bid for one four wheel drive Chevrolet Suburban to Burt Chevrolet in the amount of \$32,499.97 and charge the expense to the appropriate 1998 Fire Department budget account.

Background Information

City Council previously allocated funds in the 1998 Fire Department budget for a replacement vehicle. The vehicle to be replaced is a four wheel drive 1988 Chevrolet Suburban. This vehicle has over 65,500 miles on it and is in need of cosmetic, suspension and mechanical work. The refurbishment cost to make this vehicle viable for short term emergency use by the department exceeds the approximate resale value of \$6,000. Therefore funds were requested in the 1998 budget for the replacement of this vehicle.

The replacement vehicle is an equivalent four wheel drive, four door Chevrolet Suburban. It will serve as the Fire Department command vehicle, hence the need for this size of vehicle and four wheel drive capabilities.

Formal bids in accordance with City Charter bidding requirements were requested from area dealers with the following results:

Burt Chevrolet, Inc.	\$32,499.47
Transwest Trucks, Inc.	\$32,619.00
Fogle Oldsmobile/GMC	\$33,200.00
Johnson Auto Plaza (Unable to meet bid requirements).	

Replacement Fire Department Vehicle
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The low bid from Burt Chevrolet meets all of the City's specifications for this bid and is within the amount previously allocated by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager

Date: March 23, 1998
Subject: 1998 Asphalt Pavement Rehabilitation Project Bid
Prepared by: Ray Porter, Street Projects Coordinator

Introduction

City Council action is requested to award the bid for the 1998 Asphalt Pavement Rehabilitation Project and authorize the City Manager to execute intergovernmental agreements with Adams County School Districts No. 14 and No. 50. Funds have been specifically allocated in the 1998 Department of Public Works and Utilities Street Division budget and the 1998 Utilities Field Operations budget for this expense.

Summary

City Council approved funds in the 1998 Street Operations Budget for resurfacing and reconstruction of 24 lane miles of paved roadways on 30 streets throughout the City.

Formal bids were solicited in accordance with City Charter bidding requirements for the 1998 Asphalt Pavement Rehabilitation Project. Eight contractors obtained bid packages and four bids were received. The low bidder, Asphalt Specialties Co., at \$1,636,300 meets all the City bid requirements and has successfully completed City paving projects over the past five years. Adams County School Districts #14 and District #50 participated in this bid process and \$225,614 of Asphalt Specialties' bid is for school district work. Also participating in this bid is the Utilities Field Operations' construction crew for patching behind waterline replacements at a cost of \$260,000.

Staff is recommending that two additional street sections be added to the project due to the lower prices than what was estimated. The increase to Asphalt Specialties Co.'s contract to reconstruct these two streets is \$100,000. The streets to add to the City's 1998 street rehabilitation program are as follows:

90th Place, Field Street to Garrison Street
99th Avenue, 100th Avenue to Holland Circle

Staff Recommendation

Authorize the City Manager to sign a contract for the 1998 Asphalt Pavement Rehabilitation Project with the low bidder, Asphalt Specialties Co., in the amount of \$1,766,300; authorize a \$50,000 contingency amount, and charge the expense to the appropriate 1998 Department of Public Works and Utilities Street Division Budget and the 1998 Utilities Field Operations budget; and authorize the City Manager to sign the intergovernmental agreements with Adams County School Districts #14 and #50 for the Districts' asphalt parking lot repairs and District 50's Concrete Replacement, as part of the City's projects, at the Districts' expense.

Background Information

An alternative to this project is to combine the bids for the concrete replacement projects and the Asphalt Rehabilitation Project.

- > City administrative costs would decrease because there would only be one bid instead of three.
- > Bid prices for concrete work would increase because the general contractor's profit margin would be added to the subcontractor's costs.
- > The contract time would have to be increased.
- > The risk of not completing the contract in 1998 would be higher.
- > The need to accomplish work outside the window of time for the prime construction season creates a greater risk for poor quality construction.

The results of the bidding were as follows:

<u>Contractor</u>	<u>City Bid</u>	<u>School Dist. #14 & #50 Bid</u>	<u>Total</u>
Asphalt Specialties	\$1,410,686	\$225,614	\$1,636,300
Brannan Sand & Gravel	\$1,477,085	\$240,456	\$1,717,541
Asphalt Paving	\$1,525,385	\$248,318	\$1,773,703
Western Mobile Denver	\$1,526,599	\$248,516	\$1,775,115
Staff Estimate	\$1,585,327	\$259,289	\$1,844,616

Contractual asphalt work prices decreased 11% from 1997. The decrease can be directly attributed to the current low prices of oil which decreases the cost of liquid asphalt to the suppliers.

The 1998 Asphalt Pavement Rehabilitation Project consists of 24 lane miles of street improvements at 32 locations throughout the City. This program was recommended by Staff after each street segment was carefully analyzed through the computerized pavement management process and the most cost effective rehabilitation strategies have been determined.

Also included in the 1998 Asphalt Pavement Rehabilitation Project are parking lot repairs and resurfacing for Adams County School Districts' #14 and #50. This joint bidding continues to be a beneficial practice for School District taxpayers. Bid prices are lower than what the School Districts were paying in 1989 for these type of repairs.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: location list

**CITY OF WESTMINSTER
DEPARTMENT OF PUBLIC WORKS AND UTILITIES
1998 ASPHALT PAVEMENT REHABILITATION PROJECT
PROJECT NO. SPR-98-3
LOCATIONS LIST**

RESURFACING

1. 72nd Avenue, Zuni Street to Eliot Circle
2. 72nd Avenue, Sheridan Boulevard to Pierce Street
3. 76th Avenue, Quitman Street to Winona Court
4. 80th Avenue, Lowell Boulevard to Federal Boulevard
5. Lowell Boulevard, 92nd Avenue to 94th Avenue
6. Lowell Boulevard, 96th Avenue to 97th Avenue
- *7. Vrain Court, 101st Place to East End
- *8. 99th Place, 101st Place to East End
9. Wolff Court, 99th Avenue to South End
10. 102nd Avenue, Wolff Street to West End
11. 102nd Avenue, Wolff Street to 102nd Place
12. Eliot Street, 104th Avenue to 105th Drive
13. Canosa Court, 105th Place to West End
14. 104th Circle, Bryant Street to Bryant Street
- **15. 118th Avenue, Zuni Street to East End

Reconstruction

- *1. Irving Street, 72nd Avenue to 71st Place
2. Depew Street, 72nd Avenue to 73rd Avenue
3. 73rd Place, Kendall Street to Otis Court
4. 73rd Avenue, Lowell Boulevard to Irving Street
5. Raleigh Place, 80th Avenue to Tennyson Street
6. LaPlace Court, Oakwood Drive to Bradburn Drive
7. Lowell Boulevard, 94th Avenue to 96th Avenue
8. 101st Avenue, 101st Circle West to Wolff Street
9. Xavier Court, 98th Avenue to North End
10. 105th Court, Bryant Way to South End
11. 105th Place, Bryant Street East to City Limits
12. Bryant Way, Bryant Street to 105th Place
13. 108th Avenue, Eaton Street to Westminster Boulevard
14. 113th Avenue, Pecos Street to Quivas Way
- ***15. Tennyson Street, 90th Avenue to 92nd Avenue

* Resurfacing/Reconstruct by City Crews

** Patching by City Crew prior to Resurfacing

*** To be done in conjunction with Community Development Storm Sewer Project

Date: March 23, 1998
Subject: Purchase of Right-of-Way Mower
Prepared by: Rod Larsen, Open Space Supervisor

Introduction

City Council action is requested to waive low bid purchasing requirements for the purchase of a right-of-way mowing tractor and award the bid in the amount of \$45,211 to the second low bidder, Longmont Farm Supply. Funds are specifically allocated in the 1998 Parks, Recreation, and Libraries operating budget for this expenditure.

Summary

The City of Westminster currently maintains 2,200 acres of open space, right-of-way, trails and undeveloped park sites.

Since 1979, tractor mowing operations have been accomplished using John Deere equipment purchased in 1978 (R125). Tractor mowing is extremely hard on equipment due to hidden obstacles such as concrete, wire, roadside debris, construction materials and grass types. It is a credit to the mechanics in the Park Services Division that this equipment is still serviceable after twenty years of roadside and Open Space mowing.

The new tractor being recommended is capable of mowing twice as much acreage as existing equipment in the same amount of time without additional Staff. This will allow supervisors to maintain a three week mowing cycle in areas requiring rough mowing such as; right-of-ways, medians, vacant lands, trails and open space.

Three manufacturers of tractor equipment, Massey Ferguson, New Holland and John Deere submitted bids through five area distributors.

After comparing specifications of the three tractor models, Staff is recommending the New Holland model 7635 as the best tractor/mower unit based on more engine horsepower, power take off (PTO) horsepower, operator safety and the power, safety and durability of the unit. (See specification comparison chart in Background section of this report.) Because there is a wide variety of tractor equipment, ranging from industrial to agriculture, Staff elected to write bid specifications which allowed each vendor to select units within their product line best suited for roadside and rough mowing. Staff then evaluated each piece of equipment and concentrated on safety, ease of operation, and available implement horsepower as being the most critical factors for unit selection.

Longmont Farm Supply, the low bidder for the New Holland Tractor, has a good reputation for service, parts availability, and warranty work.

Bids received were as follows:

Colorado General	\$44,328.23	Massey Ferguson
<u>Longmont Farm Supply</u>	<u>\$45,211</u>	<u>New Holland</u>
Universal Tractor	\$47,321	New Holland
Longs Peak Equipment	\$50,247.50	John Deere
Honnen Equipment	\$60,942	New Holland

Staff Recommendation

Award the bid to the second low bidder, with a price difference of \$882.77, to Longmont Farm Supply in the amount of \$45,211 and charge the expense to the appropriate Park Services account in the General Fund.

Alternatives

Award the tractor purchase to the low bidder, Colorado General in the amount of \$44,328.23.

Request Staff to rebid the tractor purchase.

Background Information

Staff has determined the most effective mower width, based on safety, transport and operation, to be fifteen feet. Staff also recommends a four-wheel drive tractor for best traction and performance. Currently, Park Services uses eight-foot mowing decks mounted on two wheel drive tractors which causes traction problems in wide, poorly drained areas.

The number of open space and undeveloped park acres has increased substantially in past 10 years. Currently, it takes four to six weeks to complete a mowing cycle of parks, open spaces, right-of-ways, and vacant lots. Adverse weather conditions and downtime can significantly add to the length of the mowing cycle.

The tractor recommended for replacement (R125) currently has 6,370 hours of use which equates to 325,000 vehicle miles. The "downtime" for repair has increased steadily over the past few years resulting in an increase in the mowing cycle beyond the estimated time that it should take.

Tractor Specification	New Holland	Massey Ferguson	John Deere
Engine hp	96	85	96
Pto hp	85	75	85
Clutch	15"	13"	15"
Controls	Fingertip	Handslide	Handslide
Manufactured in	USA	Canada	USA
Cost	\$45,211	\$44,328	\$50,247
Difference	\$ 883	\$ 0	\$ 5,919

The New Holland brand name is well known throughout the industry for quality products.

Respectfully submitted,

William M. Christopher
City Manager

Date: March 23, 1998
Subject: Authorization for New Copier Lease - REVISED
Prepared by: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council action is requested to authorize the City Manager to enter into a five year lease agreement with Lewan & Associates for six replacement copier machines, four to be located in City Hall (i.e., the City Clerk's Office; Parks, Recreation & Libraries; and two in the City Manager's/City Attorney's Office) and two to be located in the Police Department and make the final payments on the current copier machines so that they may be traded in.

This agenda memorandum was modified from four copier machines to six as Staff worked with Lewan & Associates and determined an additional benefit was available by replacing the six machines versus the four noted in the original memorandum.

Summary

In January 1994, the City purchased four copiers (two in City Hall and two in the Police Department) via a lease/purchase option. Over the past four years, these copiers have experienced a great deal of use and have become unreliable and a burden as Staff encounters many break downs and paper jams. The four machines purchased in 1994 were manufactured by Kodak which is no longer in the copier machine business. The Kodak machine in Parks, Recreation & Libraries was purchased in 1988 and the smaller Canon machine in the City Manager's/City Attorney's Office was purchased in 1995.

The annual expense of the new lease for six machines will be approximately \$15,000, which is about \$7,000 less than our current annual payments for four machines. However, since it is a multiple year agreement of which will total over the \$25,000 amount that the Council leaves to the City Manager's discretion, Staff is requesting authorization for the City Manager to sign appropriate documents to enter into this lease agreement.

Staff contacted both the Xerox and Sharp dealer on the State bid for providing copier equipment to various government entities. Based on the information provided by the dealers, the Sharp machines are less expensive. In addition, Staff has had good experience with Lewan & Associates working with them on small office equipment (e.g., fax machines, etc.).

Lewan & Associates fiscal year ends March 31, 1998, and as such are willing to negotiate a higher trade-in value for the City's current machines than if the City were to act after March 31. As Staff worked more with Lewan & Associates, it was determined an additional benefit could be obtained by replacing the six machines versus the four noted in the original memorandum to City Council.

Staff recommends trading the current six copier machines as a discount on a five year lease with Lewan & Associates.

Staff Recommendation

Authorize the City Manager to sign appropriate documents to enter into a lease agreement with Lewan & Associates for six copier machines and pay Citizens Bank the balance of the existing lease/purchase amount of \$22,332.78 in conjunction with entering a new lease agreement and charge this expense to the appropriate Department accounts.

Background Information

Each of the five Kodak copiers currently are producing an average of 38,000 copies per month (approximately 456,000 annually). The smaller Canon copier in the City Manager's/City Attorney's Office is generating less copies as it is intended for a smaller volume of copies in comparison to the other five machines. Regardless, all six machines have experienced a continuously high level of use which has taken its toll on these machines. In order to maintain an efficient use of Staff time and minimize frustration and down time, replacement of these machines is needed.

The four Kodak machines purchased in 1994 have their final payment of \$22,332.78 budgeted in 1998 (final payment scheduled for 12/31/98). Staff recommends paying Citizens Bank, who currently holds the loan, the balance in order to trade in these machines. The fifth Kodak machine in Parks, Recreation & Libraries is owned by the City. The current trade-in value of each of the five machines is \$250 and Lewan & Associates is willing to offer \$1,500 per copier, building the trade-in value into the lease amount. In addition, Lewan & Associates is willing to credit the City \$500 for the smaller Canon machine in the City Manager's/City Attorney's Office, building the trade-in value into the lease amount as well.

In contrast to the current machines, at the end of the five year lease, the City will not own the machines. At this time, with the high level of use and the rapidly changing technology, a straight lease for copier machines appears to be the best option rather than a lease/purchase option.

Respectfully submitted,

Matt Lutkus
Acting City Manager

Date: March 23, 1998

Subject: IGA with Adams County School District 50 re CEP

Prepared by: Tony Chacon, So. Westminster Revitalization Projects Coordinator

Introduction

City Council action is requested to authorize the City Manager to enter into an Intergovernmental Agreement with Adams County School District No. 50 for the purposes of preparing a joint site and utilization plan for the District property known as the Career Enrichment Park (CEP).

Summary

City and Adams County School District No.50 Staff's have agreed to pursue a joint planning effort to improve the physical conditions and utilization of buildings and property at the Career Enrichment Park (CEP). Through a jointly administered Request for Proposal (RFP) process between the City and District, Wenk Associates, Inc. was selected as the principal planning consultant for the project.

The project cost is \$24,000.

Terms and conditions of the IGA are generally as follows:

- 1) The District is to contribute \$10,000 towards the project to cover its share of the plan relative to District owned property. The City's contribution is \$14,000, of which \$10,000 matches the District contribution, with the other \$4,000 for planning activities related to other adjoining non-District property.
- 2) The District will deposit the \$10,000 with the City which will be used to pay the consultant.
- 3) City will serve as the contracting agency with Wenk and Associates, Inc. and general project manager. The District will be directly involved in all aspects of the planning and decision-making process.
- 4) The City and District will come to agreement on a final plan for adoption. Each entity will be responsible for independently approving the final plan.

Upon approval of the IGA, staff will instruct Wenk and Associates to proceed with preparation of the plan. Scheduled completion is May 31, 1998.

Staff Recommendation

Authorize the City Manager to sign an Intergovernmental Agreement with Adams County School District 50 authorizing preparation of a site and utilization plan for the Career Enrichment Park (CEP) and authorize the City Manager to sign a contract with Wenk Associates for planning services not to exceed \$24,000.

Background Information

In the Summer of 1997, representatives of the City and Adams County School District 50 discussed matters related to the Career Enrichment Park (CEP) located along 72nd Avenue, between Lowell Boulevard and Irving Street. It was determined during these discussions that the City and District have mutual interest preserving and enhancing the property as both an educational and community resource. It was further concluded that any planning effort should include adjoining, privately owned, property along 72nd and 73rd Avenues and Irving Street, that could significantly influence decisions related to the physical improvement and appearance of the CEP.

The result of these discussions was an agreement between the City and District staff to hire a consultant to prepare a land and utilization plan for the CEP as a joint project between the City and District. Accordingly, the City and District prepared an RFP for a planning consulting team. A total of four proposals were received from which the City and District staff jointly selected Wenk Associates, Inc. as the preferred lead consultant. Wenk proposes to prepare the plan at a cost of \$24,000.

Wenk Associates, Inc. is a reliable and respected Denver-based planning and design firm specializing in urban design and landscape architecture. They have served in a planning and construction management and administration capacity on many trails projects and the Skyline Vista Park for the City of Westminster. Wenk also has experience in the planning of a site similar to that of the CEP, having prepared a use and facility plan for the Jefferson County Open School in Lakewood.

Wenk Associates will also expand their base of expertise by subcontracting work related to building architecture, historic preservation, parking, traffic, and facility utilization and community programming. The following consultants are included on the Wenk team:

- Poli/Humphries Architects -- Architecture and historic preservation;
- BBC Research & Consulting -- Space utilization, programming, and feasibility analysis;
- Martin Martin Engineers -- Traffic and parking.

The scope of the planning effort will focus on two primary areas. The first focus will look at the physical aspects of the site, including landscaping, buildings, parking areas, open areas, and adjoining property use and aesthetics to devise a strategy for future improvements. The second aspect of the plan will look at current utilization of the property, both by the District and other current users, and make recommendations on opportunities and associated improvements to improve utilization of the property as a community resource.

The proposal for a joint planning effort was endorsed by the District Board which agreed to contribute an amount of \$10,000 to the effort as the District's share for planning directly related to District owned property. The City's share in the planning effort amounts to \$14,000 of which \$10,000 is used to match the District's contribution relative to the CEP property, and with \$4,000 applied towards other off-site work and study.

Work on the project would commence immediately upon approval of the IGA. Completion is scheduled for May 31, 1998.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

**INTERGOVERNMENTAL AGREEMENT BETWEEN
ADAMS COUNTY SCHOOL DISTRICT NO. 50 AND
THE CITY OF WESTMINSTER
FOR PREPARATION OF A SITE AND UTILIZATION PLAN FOR THE FUTURE
USE AND IMPROVEMENTS TO THE CAREER ENRICHMENT PARK**

THIS INTERGOVERNMENTAL AGREEMENT, dated for reference purposes only this _____ day of _____, 1998, between the ADAMS COUNTY SCHOOL DISTRICT NO.50, a political subdivision of the STATE OF COLORADO (hereafter referred to as "DISTRICT 50") and the CITY OF WESTMINSTER, a Colorado municipal corporation (hereinafter referred to as "CITY").

WHEREAS, District 50 and the City are desirous of entering into a joint effort to plan for the future use and improvement to the District 50 property known as the Career Enrichment Park (CEP); and

WHEREAS, District 50 and the City desire to enter into an intergovernmental agreement to secure the services of a design consultant to prepare recommendations related to future use and improvement.

NOW, THEREFORE, in consideration of the above premises, and the mutual covenants and promises herein contained, the parties agree as follows:

1. Scope of Work

The City of Westminster and Adams County School District No.50 agree to jointly prepare and fund a site and utilization plan for the District property known as the Career Enrichment Park (CEP). Both parties agree to utilize the services of Wenk Associates, Inc. as the principal design team, and that the scope of work is detailed in the contract between the City of Westminster and Wenk Associates dated _____, 1998, and hereby incorporated by reference.

2. Responsibility of Adams County School District #50

District 50 shall allocate funds in the amount of \$10,000 from the 1998 budget to be used in conjunction with City funds to hire a mutually agreed to consultant to prepare a design and utilization plan for the Career Enrichment Park, as described in paragraph 1.

District 50 shall provide the full funding amount within 15 days of approval of the Intergovernmental Agreement by the District 50 Board.

3. Responsibility of the City of Westminster

Westminster shall allocate funds in the amount of \$14,000 from the 1998 budget as the City's share of the planning project. The City shall administer and coordinate the work specified in the City's contract with Wenk Associates, Inc., and shall consult with and directly involve School District representatives and staff in such administration and coordination. The City further shall provide the District with regular updates and shall ensure that District representatives and staff are directly involved in the preparation of the plan by the consultant.

Westminster shall be responsible for accepting invoices and providing payment for work completed. The City shall provide copies of invoices to District staff for review and comment prior to payment to consultant.

4. Payment

The City shall deposit the proceeds from both the City and District 50 into a City account in the amount of \$24,000 from which the City shall make payments to the consultant as work is performed and has been approved by both City and District staff.

The City's obligation under this Agreement is expressly conditional on the prior receipt of the amount of \$10,000 from the District. The City shall have no obligation unless and until such funds are received.

5. Authorized Representatives

District 50 hereby designates Kenneth Kirkland, Chief Financial Officer, as its authorized representative. The City of Westminster hereby designates John Carpenter, Director of Community Development, as its authorized representative.

6. Cooperation

Adams County School District 50 and the City of Westminster will cooperate in scheduling of the work, and in supervision and review when applicable.

7. Third Party Claims or Suits

District 50 and the City agree that in the event any claim or suit is brought against either or both entities by any third party as a result of the operation of this agreement, that both parties will cooperate with each other, and with the insuring entities of Adams County School District 50 and the City of Westminster, in defending such claim or suit.

8. Termination

This agreement shall terminate upon completion of the work and payment therefore.

9. Amendment

This instrument contains the entire agreement between the parties, and no statement, promises, or inducements made by either party or agent of either party that is not contained in this written Agreement shall be valid or binding; this agreement may not be modified except in writing, signed by the parties and endorsed on this agreement.

IN WITNESS WHEREOF, the parties have hereto set their hand and seal on the dates so indicated below.

City of Westminster Adams County School District 50

By _____ By _____
William Christopher President
City Manager Board of Education

Attest: Attest:

Michele Kelley, City Clerk Secretary, Board of Education

Approved as to Form:

City Attorney

Date: March 23, 1998

Subject: Hyland Greens Preliminary and Official Development Plan

Prepared by: Shannon Sweeney, Planner II

Introduction

City Council is requested to hold a public hearing and, later on the agenda, take action on the requested approval of the Sixth Amended Preliminary Development Plan (PDP) and the Official Development Plan (ODP) for Filing 11 of the Hyland Greens Planned Unit Development.

Summary

Applicant/Property Owner - The developer for this project is Stites Development Group, Inc., and the current owner of the property is Embassy Homes, Inc.

Location - Southeast corner of W. 104th Avenue and Wolff Street in the Hyland Greens Subdivision Planned Unit Development. (Please see attached vicinity map).

Size of Site - When this project competed for and was awarded Service Commitments through the 1997 new single-family detached residential competition, the acreage shown on the approved PDP totaled 16.3 acres. Soon after this project was submitted for the development review process, the City Open Space Coordinator contacted the property owner to negotiate a City open space purchase of a portion of the property. The development site now shown on the PDP totals 10.86 acres with a 5.44-acre open space parcel just east of the site. Please note that although the PDP indicates 5.44 acres of open space, a portion has already been purchased by the City in recent years. This leaves a total of 3.95 acres remaining for City purchase. The land owner has agreed to finalize the City purchase once the PDP and ODP have received City approval.

Description of Proposed Use - The proposed use for the 10.86 development site is single-family detached residential with a total of 36 units. Prior to the City open space negotiation, 55 units were proposed for the entire site.

Although the existing PDP shows 6.3 acres of commercial use and 10 acres for apartments, the City's Comprehensive Land Use Plan designates this entire site for medium density single-family detached residential with a maximum density of 3.5 du/a. This project conforms with the Comprehensive Land Use Plan designation.

The existing PDP would have allowed an apartment project with 160-190 multi-family units and adjacent commercial.

Major Issues - The developer for this project received a total of 55 Category B-1 (New Single-Family Detached) Service Commitments in the 1997 new residential competition. Because the City is negotiating a purchase with the land owner for a portion (3.95 acres) of the original site, and the development site is now smaller in size, only 36 units are proposed. The development will only require 36 Service Commitments, and the remainder awarded will be returned to the City's water supply figures.

Even though the site is smaller in size, the developer will be able to conform to almost all of the requirements agreed to through the competition process. Listed below are items the developer agreed to as part of the competition, but will no longer provide as part of the project due to its reduced scope. Staff has reviewed each of these items and believes, because this project is smaller in size than originally anticipated, elimination or reduction of the following is reasonable:

1. The developer agreed to provide 4.15 acres of private open space which would have been 27% of the original site. While the private open space now proposed is less (3.2 acres), this constitutes a larger percentage of the reduced site (30%).
2. One item no longer provided with this proposal is a frontage road. Because the number of units was reduced by approximately 35%, the developer was unable to justify the cost of the additional roadway in the development.
3. The number of specialty street lights that will be installed has been reduced from eight to five.
4. While the homes will not encroach in the required setback areas for the lots, the developer did request an encroachment allowance for rear decks on two of the lots. For lots 8 and 9, the developer is requesting a two-foot deck encroachment into the required rear setback. Originally, the request submitted was for a nine-foot deck encroachment which is not supported by City Staff.

With this encroachment, the rear decks on these two lots will be 40 feet (rather than 42 feet as specified in the City's Design Guidelines) from the W. 104th Avenue right-of-way line.

One of the issues identified by a few of the residents at the neighborhood meeting was the view of the project from their existing homes located just south of the site. Six existing, two-story homes abut the south property line of the project. At the meeting, the developer agreed to restrict those six lots that abut these properties to one-story models only. Accordingly, this restriction was added to the ODP.

Some residents expressed concern over the building material choice (stucco) for the perimeter wall originally proposed along W. 104th Avenue and Wolff Street. The developer has since changed the material to wood fencing with stone columns which some residents believe coincides better with the design of the existing fencing within the Hyland Greens community. To buffer the environmental effects from the adjacent streets, six-foot fencing will be installed along Wolff Street and eight-foot fencing will be constructed along W. 104th Avenue and the pedestrian plaza area designed in the northwest corner of the site.

Another concern by residents was a stretch of missing sidewalk which was never completed along Wolff Street. This gap would extend about 15 feet south of the south property line of the proposed project. The developer has agreed to install the missing linkage as part of his project, and the City will reimburse the costs for the extension beyond the developer's property line.

As part of this project, the developer is required to provide an eight-foot trail linkage along the Farmers' High Line Canal at the southeast border of the site. The City requested an additional two-foot width of this pathway to provide a 10-foot wide path. While the developer will construct the 10-foot walkway, the City will reimburse the developer for the costs associated with the additional two-foot width.

The PDP amendment and ODP for this project are two separate documents and are listed separately under the Staff Recommendation section below. The developer has chosen to process, and seek approval of, the PDP amendment and ODP consecutively. Because approval of the ODP is contingent on PDP approval, and the PDP amendment requires City Council approval, Planning Commission recommendation to City Council is also necessary for the ODP document. If the PDP had not required an amendment, the ODP would have met the requirements for final approval by Planning Commission.

Planning Commission Recommendation

At their regular meeting on March 10, 1998, Planning Commission voted unanimously to make a recommendation to City Council to approve the Sixth Amended Hyland Greens Subdivision Preliminary Development Plan which changes the allowed land uses for the site from apartments and commercial to 10.86 acres of medium density single-family detached residential and 5.44 acres of open space and make a recommendation to City Council to approve the Official Development Plan for the Hyland Greens Subdivision Filing 11 which allows 36 single-family detached residential units on the 10.86-acre site.

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

Following the developer presentation at the Planning Commission public hearing, no one spoke in opposition to the proposed development. One person spoke in favor of the project stating he believes the development will be an "asset" to the community.

Staff Recommendation

1. Hold a public hearing.
2. Approve the Sixth Amended Hyland Greens Subdivision Preliminary Development Plan which changes the allowed land uses for the site from apartments and commercial to 10.86 acres of medium density single-family detached residential and 5.44 acres of open space.
3. Approve the Official Development Plan for the Hyland Greens Subdivision Filing 11 which allows 36 single-family detached residential units on the 10.86-acre site.

Background Information

Architectural/Building Materials - Seven different models are detailed in the ODP. Because the target market for the developer is the "empty-nester," and smaller ranch-style homes are often desired, the majority (four) of these models are ranch-style and three are two-story models ranging from 1,540 to 2,300 square feet.

All front elevations of the models are designed with at least 30% masonry.

Public Land Dedication, Parks/Trails - The public land dedication requirement for the Hyland Greens Subdivision was satisfied as approved with the existing PDP. However, while the majority of this site was previously approved for residential use, a small portion of the development site will be changed from commercial to residential use. Because of this, a small additional public land dedication is required as part of this project and is specified on the ODP.

Access and Circulation - The only access point approved for this project is near the southwest corner of the site to align with W. 103rd Circle to the west. Two cul-de-sac streets with landscaped islands are proposed, and in order to maintain adequate turning radii for large emergency vehicles, limited parking will be permitted in the bulb portions of the cul-de-sacs as indicated on the site plan. The landscaped island area within Winona Court will allow a limited number of parking spaces within the island area.

Site Design - Two landscaped amenity areas have been designed for the future residents. The pedestrian plaza and gazebo area is located near one of the two detention ponds on the site at the northwest corner. The developer is also providing a concrete pad for the existing bus stop along 104th Avenue near this corner. Both a bus shelter and bench will also be provided by the developer at this location, and no advertising on either will be permitted. A second landscaped amenity area is more central to the development near the second detention area. This area will include a gazebo, grill, and two picnic tables for residents.

Because this project targets the "empty-nester" market, who typically desire little or no yard maintenance, all landscaped areas will be maintained by the home owners association organized for this project. This includes the landscaping included on the individual lots.

Signage - One project identification sign will be constructed at the project entry area, and one smaller sign with the development logo will be built within the amenity area at the southeast corner of W. 104th Avenue and Wolff Street. Both signs meet the Westminster Sign Code requirements.

Service Commitment Category - This project received 55 Category B-1 Service Commitments through the 1997 new residential competition. Only 36 will be necessary for this project since the site size and unit numbers have been reduced. The 19 additional Service Commitments will be returned to the City's water supply figures.

Referral Agency Responses - City Staff did not receive responses from most of the referrals mailed out for this project review. The Farmers' High Line Canal did return comments regarding the landscaping proposed south of the project boundary line adjacent to the Canal. The City initially required irrigated landscaping in the canal area, but the Farmers' High Line Canal Company was adamantly opposed to any landscaping and especially irrigation within that area. The stability of the canal banks has been compromised in the past when this has been previously approved.

Public Comments - More than 30 Hyland Greens residents attended the neighborhood meeting held by the developer. Many had questions and comments regarding architecture, fencing, grading, building and roofing materials, traffic, pedestrian and vehicle access, home owner covenants, etc. Most seemed generally pleased with the proposed development and prefer single-family detached development in that location than the previously-approved apartments and commercial. At the residents' request, the developer agreed to review covenants for this project with the existing Hyland Greens Homeowners Association (HOA) to coordinate with the covenants already in place for the previous Filings of the Hyland Greens Subdivision. Once the covenants for this project have been drafted, these will be reviewed with the Hyland Greens HOA board. A letter from the Hyland Greens HOA is attached indicating their satisfaction with the project as presented at the neighborhood meeting.

Surrounding Zoning - North of this site is the Legacy Ridge Golf Course, east of the development site is proposed future City open space, south is the Farmers' High Line Canal and south and west are existing single-family detached homes from other Filings of the Hyland Greens Planned Unit Development.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

MEMORANDUM

TO: Mayor and Members of City Council

FROM: Bill Christopher, City Manager

DATE: March 13, 1998

SUBJECT: Planning Commission Action

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

Sixth Amended Hyland Greens Preliminary Development Plan and Official Development Plan for Filing 11 which is located at the southeast corner of 104th Avenue and Wolff Street.

Planning Commission voted unanimously to make a recommendation to City Council to approve the Sixth Amended Hyland Greens Subdivision Preliminary Development Plan which changes the allowed land uses for the site from 10 acres of apartments and 6.3 acres of commercial to 10.86 acres of medium density single-family detached residential and 5.44 acres of future open space.

Planning Commission also voted unanimously to make a recommendation to City Council to approve the Official Development Plan for the Hyland Greens Subdivision Filing 11 which allows 36 single-family detached residential units on the 10.86-acre site.

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

There was one person who spoke in favor of the development stating that he believed it was a well thought out project and would be an asset to the area.

Commissioners English, Brundage and Buntin were absent from the hearing. This item will be heard by City Council at their March 23, 1998 meeting.

Date: March 23, 1998
Subject: Bull Canal Open Space and Egging property
Prepared by: Mark E. Geyer, Planner II

Introduction

City Council action is requested on the annexation, zoning to Planned Unit Development (PUD) and amendment to the Comprehensive Land Use Plan for the properties generally located on the west side of Huron Street, and north and south of 128th Avenue (see attached vicinity map).

Summary

Applicant/Property Owner:

Applicant: The City of Westminster and Gerhard and Ruth Egging

Property owners: The City of Westminster (Open Space parcel), Farmers Reservoir and Irrigation Company (FRICO), Public Service Company of Colorado, Casa DeVista Mobile Home Park and Gerhard and Ruth Egging

Location The properties generally follow the Big Dry Creek Drainage from southwest to northeast between 128th Avenue and Huron Street, including one large-lot residential property south of 128th Avenue, west of Pecos Street.

Size of sites Bull Canal/Big Dry Creek Open Space Area: 84.959 acres Egging Area: 3.6 acres

Description of Proposed Use There will be several land uses proposed for the PUD corresponding to this annexation. The City owned parcel is public open space and will allow all uses of the O-1 zone district. The FRICO property will allow for a single family residence, all O-1 uses, and storage of construction equipment and materials needed for the maintenance of the Bull Canal. The existing residential use south of 128th Avenue will allow rural residential uses that include the existing chinchilla raising operation, keeping of horses according to the City Code, storage of antique tractors and the use of an existing barbed wire fence. The rural-type uses (horses, chinchillas, barbed wire fence, and tractors) will discontinue if the property is further subdivided in the future. Existing public utility uses on the Public Service Company property, as well as existing uses on the Casa DeVista (Casa Estates) Mobile Home property will also be allowed.

Major Issues The properties in question represent an enclave of several different ownerships that have been surrounded by the City for more than three years. Previously, in late 1997, Staff proposed a City initiated annexation and zoning in order to provide City services to the area in a more coordinated fashion and to eliminate the enclave within the City borders. During the course of that annexation two property owners, the McGuires and the Feldmans, expressed a strong desire not to be annexed.

City Staff does not wish to pursue annexation of these two properties at this time, and has dropped them from the requested annexation, zoning and Comprehensive Land Use Plan amendment.

The FRICO property houses an existing ditch-rider residence and maintenance facility for the Bull Canal.

The Egging residential property owner is currently governed under Adams County Agricultural zoning regulations. Mr. Egging wishes to continue on with his chinchilla raising operation and his rural residential life style. Mr. Egging is agreeable to the proposed zoning restrictions of the PDP/ODP.

The Comprehensive Land Use Plan needs to be amended in order to address the residential use south of 128th Avenue. Currently, the Comprehensive Land Use Plan does not identify any use category for the unincorporated properties located south of 128th Avenue and west of Pecos Street.

Planning Commission Recommendation

Planning Commission unanimously approved a motion to make a recommendation to City Council that the properties identified on the annexation map be annexed into the City; that the properties be zoned Planned Unit Development, and that the Preliminary/Official Development Plan be approved as submitted; and the Comprehensive Land Use Plan be amended to add the land use category of Single Family Detached-Very Low Density concerning the property south of 128th Avenue.

After hearing testimony from a neighboring property owner, Mr. McGuire, the Planning Commission moved to make an additional recommendation concerning that person's drainage problems. The Planning Commission recommended to Council to direct City Staff to prioritize Mr. McGuire's drainage problems and seek to resolve them as quickly as possible. Additional discussion on this issue can be found under the Public Comments section of this report.

Staff Recommendation

1. Hold a public hearing.
2. Adopt Resolution No. re accepting the annexation findings.
3. Pass Councillor's Bill No. on first reading annexating the properties identified on the annexation map to the City.
4. Pass Councillor's Bill No. on first reading rezoning from Adams County A-1 to Westminster Planned Unit Development.
5. Approve the Preliminary/Official Development Plan as submitted.
6. Pass Councillor's Bill No. on first reading amending the Comprehensive Land Use Plan to add the land use category of Single Family Detached-Very Low Density concerning the property south of 128th Avenue.

Background Information

Discussion of Major Issues

FRICO has entered into an annexation agreement with the City which permits the existing uses to continue as long as FRICO owns the property. If it is ever sold only one single family residence will be permitted.

Of the three existing owners of unincorporated residential lots south of 128th Avenue, only one, Mr. Egging, wishes to annex into the City. Mr. Egging is satisfied with the proposed zoning of his property as stated in the PDP/ODP.

The Comprehensive Land Use Plan does not indicate a use category for the unincorporated properties south of 128th Avenue. Therefore, an amendment of the Plan to designate a land use for Mr. Egging's property is required. Staff is proposing this property to be designated as Single Family Detached-Very Low Density. This density allows a maximum of one house per acre. The proposed PDP/ODP zoning would be in keeping with the City's lowest density residential district.

Architectural/Building Materials All existing buildings shall remain the same.

Access and Circulation All existing access shall remain the same.

Site Design No additional structures are contemplated as a result of this annexation.

Signage All properties are be subject to the requirements of the City Code regarding signs.

Service Commitment Category Services for the FRICO property and Mr. Egging's residence, are by private well and septic systems. If the property owners wish to connect to City Services in the future, these commitments will be awarded from Category A-1.

Referral Agency Responses All Special Districts have been notified as required. No comments have been received to date.

Public Comments Property owners within 300 feet were notified concerning the proposed annexation. Mr. Bill McGuire appeared at the Planning Commission hearing to discuss an on-going problem he has faced concerning drainage. Mr. McGuire built his home adjacent to Big Dry Creek in the mid-1960's. In the 1970's, Adams County constructed 128th Avenue and the bridge over Big Dry Creek, thus creating a "dam" that yields a 100-year flood plain that encompasses a portion of the McGuire property. As a result, his property is subject to periodic flooding associated with the Creek.

In recent years, he alleges that this this problem has been exasperated with the construction of the Home Farm residential development south and east of his property. He says that storm drainage has collected on his property as a result of drainage from this development. Mr. McGuire appeared to voice his concern, not over the proposed annexation, zoning, and Comprehensive Land Use Plan amendments, but to see if the City can propose a solution to his drainage problem.

The City's Engineering Division has reviewed this situation and has contacted the developer of Home Farm. Home Farm does acknowledge that the McGuire property suffered certain sedimentation damage during significant storms last summer due to the absence of vegetation within the new development. This problem should not recur in 1998. A member of the Engineering Division will be available to discuss this in detail at the hearing on the March 23rd. Regarding the 100-year flood plain, there is no short-term solution. Replacement of the 128th Avenue bridge over Big Dry Creek may alleviate some of the problems, but will not take all of Mr. McGuire's property out of the flood plain. Bridge replacement is not scheduled at this time.

It should also be pointed out that Mr. McGuire was one of the property owners objecting to the original annexation proposed by the City. His property remains an unincorporated Adams County enclave.

Surrounding Zoning

Bull Canal area: To the southeast: Huron Plaza-Commercial PUD; To the east (across Huron St.): Huron Park-Commercial/Light Industrial PUD; To the west: Dry Creek Estates-commercial/residential PUD; To the south: Park Center/Home Farm-industrial/residential PUD.

Egging area: To the north: Two unincorporated Adams County large lot residences; To the east and south: Home Farm PUD (residential); To the West: (south of 128th Ave.): Sting-Ray-residential PUD (City of Westminster open space).

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO

INTRODUCED BY COUNCILLORS

SERIES OF 1998

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN THAT PART OF LAND LYING IN THE NORTHWEST ONE QUARTER, SOUTHWEST ONE QUARTER OF SECTION 27, THE NORTHEAST ONE QUARTER, SOUTHEAST ONE QUARTER, SOUTHWEST ONE QUARTER OF SECTION 28 AND THE NORTHWEST ONE QUARTER OF SECTION 33 ALL IN TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk a petition (the "Petition") for Bull Canal Open Space and Egging Property described in said Petition; and

WHEREAS, City Council has previously adopted Resolution No. 8 and 9 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by sections 31-12-108 and -109, C.R.S.; and

WHEREAS, having completed the required hearing, the City Council wishes to set forth its findings of fact and conclusion regarding the proposed annexation.

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

1. The City Council finds:

- a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
- b. A community of interest exists between the area proposed to be annexed and the City;
- c. The area is urban or will be urbanized in the near future; and
- d. The area is integrated with or is capable of being integrated with the City.

2. The City Council further finds:

- a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
- b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and

improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

- a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;
- b. That the annexation will not result in the attachment of area from a school district;
- c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;
- d. That the City of Westminster has in place a plan for the area proposed to be annexed; and
- e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

4. The City Council further finds that an election is not required and no additional terms or conditions are to be imposed upon the area to be annexed.

5. The City Council concludes that the City may proceed to annex the area proposed to be annexed by ordinance pursuant to section 31-12-111, C.R.S.

PASSED AND ADOPTED this 23rd day of March, 1998.

ATTEST:

Mayor

City Clerk

Bull Canal Open Space and Egging Property

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN THAT PART OF LAND LYING IN THE NORTHWEST ONE QUARTER, SOUTHWEST ONE QUARTER OF SECTION 27, THE NORTHEAST ONE QUARTER, SOUTHEAST ONE QUARTER, SOUTHWEST ONE QUARTER OF SECTION 28 AND THE NORTHWEST ONE QUARTER OF SECTION 33 ALL IN TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 8 and 9 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A part of the northwest one quarter, southwest one quarter of Section 27, the northeast one quarter, southeast one quarter, southwest one quarter of Section 28 and the northwest one quarter of Section 33 all in Township 1 South, Range 68 West of the 6th P.M., County of Adams, State of Colorado more particularly described as follows:

Commencing at the southwest corner of said Section 28, thence easterly and along the south line of the SW 1/4 of said Section 28, a distance of 1464.10 feet to a point on annexation A73-6 and A72-2, said point being the TRUE POINT OF BEGINNING.

Thence along the boundary of annexation A73-6 the following three (3) courses:

1. At an angle to the right of $145^{\circ}52'$ feet a distance of 310.00 feet;
2. Thence at an angle to the left of $192^{\circ}08'$ feet a distance of 1304.03 feet to a point on the north-south centerline of said Section 28, said point being 1529.01 feet south of the center of said Section 28;
3. Thence northerly and along said north-south centerline a distance of 224.01 feet, more or less, to a point on the boundary of annexation A72-15, said point being 1305 feet, more or less, south of the center of said Section 28;

Thence along the boundary of annexation A72-15, the following eleven (11) courses:

1. At an angle to the left of $113^{\circ}03'$ feet a distance of 380.00 feet;
2. Thence at an angle to the left of $156^{\circ}57'$ feet a distance of 265.00 feet;
3. Thence at an angle to the left of $256^{\circ}17'$ feet a distance of 45.00 feet;
4. Thence at an angle to the left of $92^{\circ}00'$ feet a distance of 426.43 feet to a point of curvature;
5. Thence along a curve to the left, whose delta is $93^{\circ}58'$ feet, radius is 90.34 feet and arc distance of 148.16 feet to a point of tangency;
6. Thence along said tangent a distance of 250.00 feet to a point of curvature;
7. Thence along a curve to the right, whose delta is $46^{\circ}24'$ feet, radius is 195.00 feet, an arc distance of 157.92 feet to a point of tangency;
8. Thence along said tangent a distance of 100.00 feet to a point of curvature;
9. Thence along a curve to left, whose delta is $35^{\circ}20'$ feet, radius is 279.32 feet, an arc distance of 172.25 feet to a point of tangency;
10. Thence along said tangent a distance of 400.00 feet to a point of curvature;
11. Thence along a curve to the right whose radius is 260.00 feet to a point on the north line of the SE 1/4, said Section 28, said point being 1750 feet +/- east of the center of said Section 28, said point also being on the boundary line of annexation A72-8.

Thence along the boundary of annexation A72-8 the following five (5) courses:

1. Easterly and along the northline of the SE 1/4 said Section 28, a distance of 503.40 feet, more or less, to a point that is 373 feet west of the east 1/4 corner of said Section 28;
2. Thence northeasterly a distance of 356.63 feet to a point that is 98 feet north and 30 feet west of the E 1/4 corner of said Section 28;
3. Thence east 60.00 feet to a point on a line that is 30.00 feet east of the west line of the NW 1/4 said Section 27;
4. Thence southerly along a line that is 30.00 feet east and parallel with the west lines of the NW 1/4 and the SW 1/4 of said Section 27, a distance of 2742.40 feet to a point on the south line of the SW 1/4 said Section 27;
5. Thence westerly and along the southline of the SW 1/4 of said Section 27 a distance of 30.00 feet to the southeast corner of said Section 28, said point also being on the boundary of annexation A88-3;

Thence along the boundary line of Annexation A88-3 the following five (5) courses:

1. Northerly and along the east line of the SE 1/4 said Section 28 a distance of 1510.60 feet;
2. Thence at an angle to the left of $269^{\circ}55'43''$ a distance of 1176.01 feet;
3. Thence at an angle to the left of $269^{\circ}34'49''$ a distance of 458.51 feet;
4. Thence at an angle to the left of $131^{\circ}27'43''$ a distance of 1076.44 feet;

5. Thence at an angle to the left of 229°53'26" a distance of 347.24 feet to a point on the south line of the SW 1/4 said Section 28, said point being 1987.48 feet west of the southeast corner of said Section 28, said point also being on the boundary line of annexation A70-2;

Thence along the boundary line of annexation A70-2 the following two (2) courses:

1. Westerly and along the south line of the SW 1/4 said Section 28 a distance of 634.28 feet to the south 1/4 corner of said Section 28;
2. Thence southerly and along the west line of the NE 1/4 said Section 33 a distance of 30.00 feet to the southerly right-of-way line of 128th Avenue;

Thence westerly and along said southerly right-of-way line, a distance of 416.29 feet to a point on the boundary of annexation A72-1;

Thence along the boundary of annexations A72-1 and A72-2 the following two (2) courses:

1. Northerly a distance of 30.00 to a point on the northline of the NW 1/4 said Section 28, said point being 2208.5 feet east of the northwest corner of the NW 1/4 of Section 33;
2. Thence westerly and along the north line of the NW 1/4 said Section 33 a distance of 744.40 feet to the point of beginning.

AND

A part of the Northwest one-quarter Section 33, Township 1 South, Range 68 West of the 6th P.M., County of Adams, State of Colorado. More particularly described as follows:

Commencing at the N 1/4 corner of Said Section 33, Thence southerly and long the east line of said NW 1/4 of said Section 33 and along the boundary line of the annexation recorded Rec. 906441, a distance of 1319.08 feet to the NE Corner of the SE 1/4, NW 1/4, Said Section 33. Thence westerly and along the north line of the SE 1/4, NW 1/4 said Section 33 and along the boundary line of said Annexation a distance of 40 feet to a point on the westerly right-of-way line of North Pecos Street, said point being the True Point of Beginning.

Thence westerly along the north line of the SE 1/4, NW 1/4, said Section 33 and along the boundary line of said annexation, a distance of 376.29 feet to a point on the west line of the Egging Parcel. Said parcel having an address of 12631 Pecos Street and an Adams County Assessor's number of 0157333000007, said point also being the boundary line of the annexation recorded at Rec. 956482. Thence northerly and along said annexation line and along the westerly line of the Egging Parcel, a distance of 417.50 feet to the NW Corner of the Egging Parcel and the southerly line of the Feldman Parcel as recorded in Book 4876 at Page 30 of the Adams County Records. Thence easterly and along said northerly line of the Egging Parcel and the southerly line of the Feldman Parcel, a distance of 376.29 feet to a point on the westerly right-of-way line of North Pecos Street. Thence southerly and along said westerly right-of-way line of North Pecos Street, a distance of 417.5 feet to the Point of Beginning.

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 23rd day of March, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of April, 1998.

ATTEST:

Mayor

City Clerk

Bull Canal Open Space and Egging Property annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN THAT PART OF LAND LYING IN THE NORTHWEST ONE QUARTER, SOUTHWEST ONE QUARTER OF SECTION 27, THE NORTHEAST ONE QUARTER, SOUTHEAST ONE QUARTER, SOUTHWEST ONE QUARTER OF SECTION 28 AND THE NORTHWEST ONE QUARTER OF SECTION 33 ALL IN TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Adams County A-1 to City of Westminster PUD - Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code section 11-2-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 2 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code sections 11-5-1.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Adams County A-1 to City of Westminster PUD--Planned Unit Development.

A part of the northwest one quarter, southwest one quarter of Section 27, the northeast one quarter, southeast one quarter, southwest one quarter of Section 28 and the northwest one quarter of Section 33 all in Township 1 South, Range 68 West of the 6th P.M., County of Adams, State of Colorado more particularly described as follows:

Commencing at the southwest corner of said Section 28, thence easterly and along the south line of the SW 1/4 of said Section 28, a distance of 1464.10 feet to a point on annexation A73-6 and A72-2, said point being the TRUE POINT OF BEGINNING.

Thence along the boundary of annexation A73-6 the following three (3) courses:

1. At an angle to the right of 145°52 feet a distance of 310.00 feet;
2. Thence at an angle to the left of 192°08 feet a distance of 1304.03 feet to a point on the north-south centerline of said Section 28, said point being 1529.01 feet south of the center of said Section 28;

3. Thence northerly and along said north-south centerline a distance of 224.01 feet, more or less, to a point on the boundary of annexation A72-15, said point being 1305 feet, more or less, south of the center of said Section 28;

Thence along the boundary of annexation A72-15, the following eleven (11) courses:

1. At an angle to the left of $113^{\circ}03'$ feet a distance of 380.00 feet;
2. Thence at an angle to the left of $156^{\circ}57'$ feet a distance of 265.00 feet;
3. Thence at an angle to the left of $256^{\circ}17'$ feet a distance of 45.00 feet;
4. Thence at an angle to the left of $92^{\circ}00'$ feet a distance of 426.43 feet to a point of curvature;
5. Thence along a curve to the left, whose delta is $93^{\circ}58'$ feet, radius is 90.34 feet and arc distance of 148.16 feet to a point of tangency;
6. Thence along said tangent a distance of 250.00 feet to a point of curvature;
7. Thence along a curve to the right, whose delta is $46^{\circ}24'$ feet, radius is 195.00 feet, an arc distance of 157.92 feet to a point of tangency;
8. Thence along said tangent a distance of 100.00 feet to a point of curvature;
9. Thence along a curve to left, whose delta is $35^{\circ}20'$ feet, radius is 279.32 feet, an arc distance of 172.25 feet to a point of tangency;
10. Thence along said tangent a distance of 400.00 feet to a point of curvature;
11. Thence along a curve to the right whose radius is 260.00 feet to a point on the north line of the SE 1/4, said Section 28, said point being 1750 feet +/- east of the center of said Section 28, said point also being on the boundary line of annexation A72-8.

Thence along the boundary of annexation A72-8 the following five (5) courses:

1. Easterly and along the northline of the SE 1/4 said Section 28, a distance of 503.40 feet, more or less, to a point that is 373 feet west of the east 1/4 corner of said Section 28;
2. Thence northeasterly a distance of 356.63 feet to a point that is 98 feet north and 30 feet west of the E 1/4 corner of said Section 28;
3. Thence east 60.00 feet to a point on a line that is 30.00 feet east of the west line of the NW 1/4 said Section 27;
4. Thence southerly along a line that is 30.00 feet east and parallel with the west lines of the NW 1/4 and the SW 1/4 of said Section 27, a distance of 2742.40 feet to a point on the south line of the SW 1/4 said Section 27;
5. Thence westerly and along the southline of the SW 1/4 of said Section 27 a distance of 30.00 feet to the southeast corner of said Section 28, said point also being on the boundary of annexation A88-3;

Thence along the boundary line of Annexation A88-3 the following five (5) courses:

1. Northerly and along the east line of the SE 1/4 said Section 28 a distance of 1510.60 feet;
2. Thence at an angle to the left of $269^{\circ}55'43''$ a distance of 1176.01 feet;
3. Thence at an angle to the left of $269^{\circ}34'49''$ a distance of 458.51 feet;
4. Thence at an angle to the left of $131^{\circ}27'43''$ a distance of 1076.44 feet;
5. Thence at an angle to the left of $229^{\circ}53'26''$ a distance of 347.24 feet to a point on the south line of the SW 1/4 said Section 28, said point being 1987.48 feet west of the southeast corner of said Section 28, said point also being on the boundary line of annexation A70-2;

Thence along the boundary line of annexation A70-2 the following two (2) courses:

1. Westerly and along the south line of the SW 1/4 said Section 28 a distance of 634.28 feet to the south 1/4 corner of said Section 28;
2. Thence southerly and along the west line of the NE 1/4 said Section 33 a distance of 30.00 feet to the southerly right-of-way line of 128th Avenue;

Thence westerly and along said southerly right-of-way line, a distance of 416.29 feet to a point on the boundary of annexation A72-1;

Thence along the boundary of annexations A72-1 and A72-2 the following two (2) courses:

1. Northerly a distance of 30.00 to a point on the northline of the NW 1/4 said Section 28, said point being 2208.5 feet east of the northwest corner of the NW 1/4 of Section 33;
2. Thence westerly and along the north line of the NW 1/4 said Section 33 a distance of 744.40 feet to the point of beginning.

AND

A part of the Northwest one-quarter Section 33, Township 1 South, Range 68 West of the 6th P.M., County of Adams, State of Colorado. More particularly described as follows:

Commencing at the N 1/4 corner of Said Section 33, Thence southerly and long the east line of said NW 1/4 of said Section 33 and along the boundary line of the annexation recorded Rec. 906441, a distance of 1319.08 feet to the NE Corner of the SE 1/4, NW 1/4, Said Section 33. Thence westerly and along the north line of the SE 1/4, NW 1/4 said Section 33 and along the boundary line of said Annexation a distance of 40 feet to a point on the westerly right-of-way line of North Pecos Street, said point being the True Point of Beginning.

Thence westerly along the north line of the SE 1/4, NW 1/4, said Section 33 and along the boundary line of said annexation, a distance of 376.29 feet to a point on the west line of the Egging Parcel. Said parcel having an address of 12631 Pecos Street and an Adams County Assessor's number of 0157333000007, said point also being the boundary line of the annexation recorded at Rec. 956482. Thence northerly and along said annexation line and along the westerly line of the Egging Parcel, a distance of 417.50 feet to the NW Corner of the Egging Parcel and the southerly line of the Feldman Parcel as recorded in Book 4876 at Page 30 of the Adams County Records. Thence easterly and along said northerly line of the Egging Parcel and the southerly line of the Feldman Parcel, a distance of 376.29 feet to a point on the westerly right-of-way line of North Pecos Street. Thence southerly and along said westerly right-of-way line of North Pecos Street, a distance of 417.5 feet to the Point of Beginning.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of March, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of April, 1998.

ATTEST:

Mayor

City Clerk

Bull Canal Open Space and Egging Property zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described in "Exhibit A"; and

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to add the Egging Property, 12631 Pecos Street, legally described in "Exhibit A" attached hereto. The Egging Property shall be designated "Single Family Detached-Very Low Density".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of March, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of April, 1998.

ATTEST:

Mayor

City Clerk

EXHIBIT A

A part of the Northwest one-quarter Section 33, Township 1 South, Range 68 West of the 6th P.M., County of Adams, State of Colorado. More particularly described as follows:

Commencing at the N 1/4 corner of Said Section 33, Thence southerly and long the east line of said NW 1/4 of said Section 33 and along the boundary line of the annexation recorded Rec. 906441, a distance of 1319.08 feet to the NE Corner of the SE 1/4, NW 1/4, Said Section 33. Thence westerly and along the north line of the SE 1/4, NW 1/4 said Section 33 and along the boundary line of said Annexation a distance of 40 feet to a point on the westerly right-of-way line of North Pecos Street, said point being the True Point of Beginning.

Thence westerly along the north line of the SE 1/4, NW 1/4, said Section 33 and along the boundary line of said annexation, a distance of 376.29 feet to a point on the west line of the Egging Parcel. Said parcel having an address of 12631 Pecos Street and an Adams County Assessor's number of 0157333000007, said point also being the boundary line of the annexation recorded at Rec. 956482. Thence northerly and along said annexation line and along the westerly line of the Egging Parcel, a distance of 417.50 feet to the NW Corner of the Egging Parcel and the southerly line of the Feldman Parcel as recorded in Book 4876 at Page 30 of the Adams County Records. Thence easterly and along said northerly line of the Egging Parcel and the southerly line of the Feldman Parcel, a distance of 376.29 feet to a point on the westerly right-of-way line of North Pecos Street. Thence southerly and along said westerly right-of-way line of North Pecos Street, a distance of 417.5 feet to the Point of Beginning.

MEMORANDUM

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

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

Bull Canal Open Space and Egging Property Annexation, Preliminary and Official Development Plan, and Comprehensive Land Use Plan Amendment The Bull Canal Open Space is located north of 128th Avenue between Huron Street and the Pecos Street alignment. The Egging Property is located at 12661 Pecos Street.

After a public hearing, Planning Commission unanimously approved a motion to make a recommendation to City Council that the properties identified on the annexation map be annexed into the City; that the properties be zoned Planned Unit Development, and that the Preliminary/Official Development Plan be approved as submitted; and the Comprehensive Land Use Plan be amended to add the land use category of Single Family Detached-Very Low Density concerning the property south of 128th Avenue. Planning Commission also voted to recommend to City Council that once these properties are annexed into the City that Staff be directed to work on and solve the drainage problems mentioned by the McGuires.

The McGuires who reside at 1624 West 128th Avenue were present and spoke about the drainage problems that exist along Big Dry Creek due to the development of Home Farm. They did not object to the proposed annexation, zoning or Comprehensive Land Use Plan amendment.

Date: March 23, 1998

Subject: Westminster Mall Contract for Remodel Design

Prepared by: Larry Hulse, Projects Coordinator

Introduction

City Council is requested to authorize the City Manager to execute a contract with RTKL for architectural and professional services for the Westminster Mall, and adopt the attached Resolution authorizing a General Fund contingency transfer to fund this contract expense that is not budgeted for 1998.

Summary

The owner of the Westminster Mall, (Westminster Mall Company, represented by Mr. Sherman Dreiseszun) and the City are jointly reviewing the feasibility of renovating and remodeling the Westminster Mall. The scope of the proposed contract with RTKL provides for interior and exterior design alternatives.

According to the Urban Land Institute, one of the leading trends in the shopping center development industry today is the expansion and renovation of existing centers. It is often necessary for shopping centers and regional malls to complete face lifts and other enhancements over time to keep them fresh, interesting and competitive.

Over the past few years, a number of tenants in the mall have upgraded their stores and store fronts, and three of the six major anchors have completed remodeling, valued at more than \$6 million: Joslins, Sears, and most recently, JC Penney's. However, it is the conclusion of both City Staff and the Mall ownership that it is time to explore the feasibility of improvements to the common areas of the Mall, with the first step being the completion of conceptual designs studies.

In cooperation with Sherman Dreiseszun, the City has retained the firm of RTKL and Associates to look at alternatives for the enhancement of the interior common area of the Mall and options to improve the exterior and entry ways to the Mall. The timing of this design study is logical given the ongoing improvements to the street system around the Mall and the circulation and parking configuration on the Mall property.

The City sees the continued success and viability of the Mall as a partnership effort between the City and the Westminster Mall Company. Staff is excited with the opportunity to review various design alternatives with the Mall ownership for possible renovation and continued improvements. The project was not included in the 1998 Budget as the opportunity to assist in this partnership with the Westminster Mall only became feasible within the last few months. Therefore a transfer of funds from the General Contingency Fund is necessary to carry out the full extent of this design project.

Staff Recommendation

1. Authorize the City Manager to approve an addendum to the original contract with RTKL and Associates, and other necessary design sub-contracts and real estate assistance in the amount of \$56,000 including contract contingency to provide the concept studies for the potential renovation of the Westminster Mall. The amount of this contract addendum will not exceed \$ 51,000 with a contingency for a total of \$56,100.
2. Adopt Resolution No. _____ authorizing a \$56,100 transfer from the 1998 General Fund Contingency to the Professional Services account in the 1998 Community Development Administration budget.

Background Information

The Westminster Mall is the single largest "economic engine" for the City of Westminster. Approximately 25% of all of the City's sales tax revenue is generated by the assembly of retail stores at the Mall. It is considered imperative to work in partnership with the Mall to assure its continued vitality and success as a regional Mall.

Over the past several years, the City has been working in conjunction with the Westminster Mall ownership to evaluate and make strategic improvements to the Mall and the surrounding area. Most of the effort has been centered around traffic congestion and parking concerns in and around the Mall. Since the passage of the bond issue for traffic improvements in the City Center area in November, 1996, improvements have been completed to 88th Avenue, along with the eastern portion of the Mall ring (circulation) road.

These improvements will continue over the next several years with the Mall parking and balance of the ring road (circulation) improvements and improvements to 92nd Avenue slated to start this year.

The Westminster Mall was originally built in the 1970's with the Joslins Department Store and expanded in 1986 to a center with six major anchors, the largest assemblage of department stores in Colorado. It has been 13 years since the expansion, and with the ongoing improvements to the circulation and parking at the Mall, this is a desirable time to review the potential for architectural renovation and improvements.

During discussions between Mr. Dreiseszun and the City Manager, the City was given an opportunity to prepare some architectural concepts and ideas related to improvements to the common areas of the Mall such as the center court, main corridors, food court and some alternatives for improvements to the exterior of the Mall. After discussing this idea with Mr. Dreiseszun, the City selected the architectural firm of RTKL and Associates, to prepare the conceptual planning studies related to the continued improvement and enhancement of the Westminster Mall.

The architecture firm of RTKL and Associates is well known and respected worldwide for their work in retail design. A special emphasis of RTKL is in the area of shopping center renovation, and the firm recently completed the renovation of the Oak Park Mall in Overland Park, Kansas; a center owned in part by the Dreiseszun Group, the owners of the Westminster Mall. RTKL is one of the world's largest design firms founded in 1946 and is guided by a design philosophy that emphasizes cooperative client relations, respect for excellence, and dedication to enhancing the built environment. RTKL is a full-service firm of architects, planners, urban designers, structural, mechanical and electrical engineers, interior and landscape architects, and environmental designers.

Some recent examples of the many shopping center renovation projects completed by RTKL include projects in Northridge, California; Las Vegas, Nevada; Atlanta, Georgia; Towson, Maryland; Houston, Texas; Woodward Hills, California; Bethesda, Maryland; and Thousand Oaks, California.

The specific team members who are working with the City on this project are Steven Loken and Keith Campbell. Mr. Loken and Mr. Campbell are Associate Vice-Presidents from RTKL's Chicago office. Both of these gentlemen worked directly on the Park Meadows Shopping Mall and are familiar with the shopping center design trends in the Denver market. At that time Mr. Loken and Mr. Campbell were associated with Anthony Belluschi Architects of Chicago, who was the principal architect for the Park Meadows Mall.

The core elements of the Westminster Mall project include:

- * Illustrative site planning
- * Special design concepts and alternatives
- * Graphic concepts for project identification, as well as graphic sketches for directional signage
- * Graphic and architectural sketches for the exterior pedestrian entry treatments
- * Floor plan indicating paving and amenity alternatives
- * Reflected ceiling plan illustrating ceiling treatments, and building cross sections as deemed necessary to illustrate where alternatives for further enhancements to the Westminster Mall

The Westminster Mall has certain agreements and rules of operation between the mall ownership and the department stores that require careful coordination and review. As such, part of this project will also entail the retention of additional consultants familiar with real estate needs of department stores and the development of shopping centers. To this end, the City may use the services of Marshal Baskin Consulting and Joseph Doino Consulting, both of California. Both of these consultants have assisted the City in the efforts to reach agreements for the parking lot circulation improvements already designed for the Mall. Their expertise in working with the real estate and legal representatives of the department stores will assist in review and feasibility of this project to the various ownerships and interests at the Mall.

The current balance of the General Fund Contingency is \$1,212,775.

Staff sees this design review effort as a key step to continue the public-private venture with Mr. Dreiseszun in maintaining the viability of the Westminster Mall.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

FOR A GENERAL FUND CONTINGENCY TRANSFER TO FUND A CONTRACT
FOR PROFESSIONAL ARCHITECTURAL SERVICES

WHEREAS, the City's Goals and Policies as adopted in the Comprehensive Land Use Plan call for the Westminster Center to continue to be enhanced as a vibrant and unique regional shopping and entertainment experience; and

WHEREAS, the City of Westminster recognizes the important economic impact of the Westminster Mall to the City, and other businesses in the Westminster Center; and

WHEREAS, the City has entered into a contract for professional services for design concepts to help in enhancing the viability of the Westminster Mall.

WHEREAS, as the expenditure required for this professional services contract is \$56,100.00; and

WHEREAS, the General Fund Contingency account of the 1998 budget year currently stands at \$1,212,775; and

NOW THEREFORE, be it resolved that the Westminster City Council hereby authorizes a General Fund Contingency Fund transfer of \$56,100 to the Community Development Department, Administration Division budget to provide the funds required for this contract.

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

ATTEST:

Mayor

City Clerk

Date: March 23, 1998
Subject: Councillor's Bill No. re Church Ranch Boulevard
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the City initiated annexation of the right-of-way for the newly constructed portion of Church Ranch Boulevard. Since the City owns more than 50% of the area proposed for annexation, the City Manager signed the petition for annexation.

Summary

Church Ranch Boulevard between Wadsworth Parkway and Olde Wadsworth Boulevard was completed in 1997 as a joint project with Jefferson County with funding assistance from the federal government. As part of that project, the City acquired the right-of-way from adjacent land owners. Now, in order to provide emergency services and to control access to the arterial, Staff is recommending that it be annexed to the City.

Staff Recommendation

1. Pass Resolution No. making certain findings of fact as required by State Statutes.
2. Adopt Councillor's Bill No. annexing the right-of-way for Church Ranch Boulevard between Wadsworth Parkway and Wadsworth Boulevard.

Background Information

It has been the policy of the City Council in the past to annex rights-of-way within and bordering the City in order to clarify emergency response and maintenance responsibilities. This policy has also permitted the City to control access to arterial streets affecting the City's traffic systems.

With the exception of the Burlington Northern Railroad right-of-way which crosses the road just east of Wadsworth Parkway, and a small portion of the old 101st Avenue right-of-way which is still owned by the County, the City owns all of the land proposed to be annexed. Since the City owned portion constitutes more than 50% of the area, the City can, by State Statute, include the other portions which are owned by other entities. Since no portion of the proposed area to be annexed will be available for development, it is not necessary that the property be zoned for any use.

Respectfully submitted,

William Christopher, City Manager
Attachments

RESOLUTION

RESOLUTION NO

INTRODUCED BY COUNCILLORS

SERIES OF 1998

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN THAT PART OF LAND LYING IN THE NORTH ONE-HALF OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk a petition (the "Petition") for Church Ranch Boulevard right-of-way described in said Petition; and

WHEREAS, City Council has previously adopted Resolution No. 7 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by sections 31-12-108 and -109, C.R.S.; and

WHEREAS, having completed the required hearing, the City Council wishes to set forth its findings of fact and conclusion regarding the proposed annexation.

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

1. The City Council finds:

- a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
- b. A community of interest exists between the area proposed to be annexed and the City;
- c. The area is urban or will be urbanized in the near future; and
- d. The area is integrated with or is capable of being integrated with the City.

2. The City Council further finds:

- a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
- b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

- a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;
- b. That the annexation will not result in the attachment of area from a school district;
- c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;
- d. That the City of Westminster has in place a plan for the area proposed to be annexed; and
- e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

4. The City Council further finds that an election is not required and no additional terms or conditions are to be imposed upon the area to be annexed.

5. The City Council concludes that the City may proceed to annex the area proposed to be annexed by ordinance pursuant to section 31-12-111, C.R.S.

PASSED AND ADOPTED this 23rd day of March, 1998.

ATTEST:

Mayor

City Clerk

Church Ranch Boulevard Right-of-Way

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN THAT PART OF LAND LYING IN THE NORTH ONE-HALF OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 7 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

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 23rd day of March, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of April, 1998.

ATTEST:

Mayor

City Clerk

Church Ranch Boulevard Right-of-Way

Date: March 23, 1998
Subject: Councillor's Bill No. re Waverly Acres Park Renovation
Prepared By: Becky Eades, Landscape Architect

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill for a supplemental appropriation of \$65,000, the amount of the 1997 Joint Venture grant from Jefferson County Open Space (JCOS), into the Park Improvement Program Construction Account in the General Capital Improvement Fund for renovation of Waverly Acres Park. The City has already budgeted the matching funds of \$65,000 in the Park Improvement Program in the General Capital Improvement Fund. City Council action is also requested to approve a contract with Wycon Construction Company in the amount of \$37,133 for the replacement of the pedestrian bridge that provides access to the park.

Summary

The Waverly Acres park site is located within the Waverly Acres public land dedication, along the western border of the residential development. On January 15, 1997, Staff applied for a \$65,000 Joint Venture Grant sponsored by Jefferson County Open Space to help with the renovation and additions to the park. The City was awarded the grant for \$65,000 on February 6, 1997. Construction of the actual park renovation project will be completed by the Department of Park's, Recreation, and Libraries, Design and Development Construction Staff. The renovation includes a new play structure, a tot lot, picnic shelter and tables and trail connections. Trail development will include connections to 98th Avenue and Hyland Ponds, and a loop trail through the Waverly Acres PLD. City Council reviewed the plan for this park on March 16 and gave their concurrence. The existing 6' wide pedestrian bridge that serves the park site is not wide enough or structurally strong enough to support maintenance vehicles which necessitates the replacement of this bridge. The new bridge will serve two functions: park access and as an extension of the Hyland Creek Trail Corridor.

The bridge replacement project was bid according to the City's purchasing ordinance, with bids being solicited from three qualified contractors. The following is the bid tabulation:

Wycon Construction Company	\$37,133.00
Stackholm Dev. & Const. Company	\$48,055.35
Randall & Blake, Inc.	\$67,002.00

The apparent low bid from Wycon Construction Company is considered a good bid when compared with the engineer's final estimate of cost of \$48,529.00. Wycon Construction Company has done similar work for the City, and current references also verify Wycon as a qualified contractor.

Projected budget for the bridge renovation is as follows:

Wycon Construction Co.	\$37,133.00
10% Construction Contingency	\$3,713.00
TOTAL	\$40,846.00

Staff Recommendation

1. Pass Councillor's Bill No. on first reading appropriating \$65,000 into the General Capital Improvement Fund Park Improvement account and authorize the use of \$130,000 from the General Capital Park Improvement account for the renovation of Waverly Acres Park per the master plan.
2. Authorize the City Manager to sign a contract with Wycon Construction Company in the amount of \$37,133 for the replacement of the Waverly Acres Pedestrian Bridge, authorize a 10% contingency and charge this expense to the Trail Development account for \$40,846 in the 1998 General Capital Improvement Fund.

Background Information

The project site is located at approximately 103rd Avenue and Eaton Street. The site for the playground renovation is within the Public Land Dedication of approximately 13 acres. Currently a wooden playground structure exists on the site, which was built by the developer approximately 15 years ago. The proposed renovation covers approximately 0.5 acres. Within the next year, as part of another project, the Hyland Creek Trail will be connected to City Park through the existing underpass on 104th Avenue.

The master planning process for the park renovation was initiated with a neighborhood meeting held on July 9, 1997. Approximately 20 neighborhood residents attended this meeting. A discussion of possible park features and locations on the site followed a slide presentation of various park improvements throughout the City. Numerous ideas were presented, and it was a unanimous decision to compile these ideas into a survey to be distributed to the entire neighborhood. Of the 205 surveys mailed to neighborhood residents, 94 were returned for a 46% return rate. The Conceptual Master Plan was presented at a second neighborhood meeting on September 17, to a favorable response. The access to the park through the neighborhood was readily accepted by the neighborhood; this is the only accessible route into the existing park now, and has caused no problems.

In order to save time and cost due to contractor mark-up, the purchase of the bridge was bid and ordered by Staff, following the City's purchasing ordinance. The following is a summary of bids received for the bridge:

Continental Custom Bridge Co.	\$18,818.00
Excel Bridge Manufacturing Co.	\$20,900.00
Big R Manufacturing and Distributing, Inc.	\$21,850.00
Steadfast Bridges	\$22,792.00

The City has successfully installed bridges supplied by Continental Bridge in the past, and the order with Continental Bridge is already in process.

Budget expenses that will be charged to the Park Improvement Program include:

Site Furnishings	\$10,000
Playground Equipment	\$33,400
Playground Surfacing	\$10,000
Construction Supplies	<u>\$76,600</u>
Total	\$130,000

It is anticipated that construction should be complete in late spring.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Councillor's Bill, Master Plan, and Site Location Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1998 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1998 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1998 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance No. 2566 in the amount of \$26,130,000 is hereby increased by \$65,000 which, when added to the fund balance as of the City Council action on March 23, 1998, will equal \$15,970,000. The actual amount in the General Capital Improvements Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Jefferson County Open Space Grant for Waverly Acres Park Renovation.

Section 2. The \$65,000 increase in the General Capital Improvements Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>REVENUES</u>		
Intergovernmental-Jeffco Open Space		
75-0420-020	\$840,000	<u>\$65,000</u>
\$905,000		
<u>EXPENSES</u>		
Park Improvement Program		
75-50-88-555-237	\$548,444	<u>\$65,000</u>
\$613,444		

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of March, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of , 1998.

ATTEST:

Mayor

City Clerk

Date: March 23, 1998
Subject: Westminster Promenade East Project, Phase I
Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an agreement with Inland Pacific Colorado and Hensel Phelps Construction Company or other qualified general contractor for the Phase 1 construction of the Westminster Promenade East Project and to authorize the expenditure of an amount not to exceed \$4,900,000 for this construction. Council is also requested to authorize the City Manager to execute a construction engineering services contract with Martin/Martin in an amount not to exceed \$355,000 for construction engineering services necessary to construct this project. Funds for these expenses are available in the appropriate project accounts in the General Capital Improvement Fund.

Summary

Construction of the Phase 1 Westminster Promenade East improvements is scheduled to begin in mid-April. There is a need to proceed expeditiously because these site improvements are needed for the Ice Centre to open on time and be operational. The Phase I improvements include the following major items:

- Overlot grading the entire Promenade East site.
- Installing most of the water lines and sanitary sewer lines.
- Landscaping the buffer area between Westminster Boulevard and Sheridan Green Subdivision.
- Constructing the parking lot and Promenade Plaza around the Ice Centre, which is currently under construction.

Hensel Phelps or other qualified general contractor will soon be under contract with Inland Pacific for the construction of the Westin Hotel and office buildings. The agreement the City has with Inland Pacific requires the use of the same contractor to construct the site improvements that constructs the hotel. This was done to assure there were not conflicts in construction scheduling and work. This arrangement is similar to the one that Council approved for the Westminster Promenade West Plaza project with Roche Constructors. To "open bid" this project to any general contractor would, in Staff's opinion, seriously affect the scheduling and coordination of this project. As part of the public-private joint venture with Inland Pacific Colorado (the O'Byrnes), using the same contractor provides cost efficiencies and easier construction coordination.

There is another general contract also being negotiated with to construct this project and in the event negotiations are unsuccessful with Hensel Phelps then there is an alternate contractor well qualified that is also ready to proceed on this project.

Inland Pacific and City Staff are negotiating a fee between 3% and 3.25% of the construction cost for Hensel Phelps to act as general contractor for this project. As reference, the City paid Roche Constructors 3.5% for the Promenade West Plaza construction. The actual total dollar amount to be paid will be based on the accepted low bids submitted by all sub-contractors. Staff will be involved in the bidding process with all of the sub-contractors to assure that the City obtains the most favorable price for the construction of this project.

The authorization of up to \$4,900,000 is necessary so that Staff can approve the selection of all sub-contractors prior to starting construction on April 13. This authorization will allow construction to begin immediately and should keep the project on schedule. Staff will inform Council of the actual cost of constructing Phase I of this project once the bidding process is complete.

Staff Recommendation

Authorize the expenditure of up to \$4,900,000 for construction of the Westminster Promenade East, Phase I improvements; authorize the City Manager to execute an Agreement with Inland Pacific and Hensel Phelps Construction Company or other qualified general contractor to act as General Contractor for the Promenade East Project as determined with Inland Pacific representatives; authorize the City Manager to execute an Agreement with Martin/Martin for Construction Engineering Services in an amount not to exceed \$355,000 and charge these expenses to the appropriate project accounts in the General Capital Improvement Fund.

Background Information

Staff has been working with Inland Pacific Companies, the developer of the Westin Hotel and adjacent offices, to design and construct a unified development plan for the area north of 104th Avenue between Westminster Boulevard and Big Dry Creek. The project includes high quality architectural guidelines and unique design features such as those recently constructed in the Promenade West Plaza. The Promenade East will feature the new Ice Centre, a Westin Hotel and office buildings. These buildings will be connected by a pedestrian oriented walk-way or "promenade" with special features such as a lake, shade structures, special landscape planter boxes and uniquely designed concrete pavers.

Plans for Phase I of this project are now complete. Pending City Council approval, construction will begin in mid-April so the Phase I improvements can be completed prior to the opening of the Ice Centre, which is scheduled to be opened in September 1998. In order to meet this aggressive schedule, Staff believes it is in the City's best interest to hire a general contractor at this time. It is important that the general contractor be the same for the public improvements as well as all the private improvements to assure coordination, simplified management and fixed responsibility. This was the basis for this requirement being in the agreement between the City and Inland Pacific.

Capital improvement projects as significant as this demand full-time inspection, surveying and materials testing services. The City is not adequately staffed to provide these services "in-house." In almost all cases, it is best to retain the design consultant to provide construction engineering services on that project. Such a contractual relationship eliminates any potential for "finger pointing" between consultants whenever problems arise in the field. It also allows the most informed individuals on a particular project to actually inspect the progress of the work. Staff checks proposed construction services against generally accepted industry standards relating to fair percentage of the value of the work being constructed. Depending upon the size of the project, construction service fees usually are within a range of 5% to 15% of the cost of construction. For the Westminster Promenade East project, Martin/Martin's proposed fee is \$355,000 (7.2% of the expected cost of this project) which Staff considers to be fair to the City.

Respectfully submitted,

William M. Christopher
City Manager

Attachment - Map

Date: March 23, 1998
Subject: City Park Companion Facility Transfer of Funds
Prepared by: Bill Walenczak, Director of Parks, Recreation and Libraries

Introduction

City Council action is requested to transfer \$5,795,000 from the Capital Improvement Fund unauthorized account (companion facility) to the appropriate accounts in the General Capital Improvement Fund (companion facility).

Summary

On August 22, 1997, City Council reviewed design options for the new "companion facility/fitness center" to be built at City Park. The scheme that City Council selected had a total cost estimate of \$5,654,000 for the City's portion of the project.

In addition, City Council approved a long term lease agreement with the Colorado Rapids professional soccer team to build their training facility, which will be a separate component attached to the companion facility. The cost of the Rapids training facility is \$611,000.

Referencing a previous action dated April 14, 1997, City Council authorized an expenditure of \$470,000 to begin the design/build process for the project. Since then, the final project cost of \$6,265,000 has been fixed by the guaranteed maximum price clause of the design/builders' contract (Gerald H. Phipps).

Therefore, Staff is requesting authorization to transfer the remaining balance of project funds (\$6,265,000 - \$470,000 = \$5,795,000). In order to complete the project in a timely manner, funding for the Rapids training facility (\$611,000) will be secured sometime in May. At that time, the cost of the Rapids' portion of the contract will reimburse the companion facility project account.

The Rapids' lease calls for yearly rental payments at 7% of the capital construction cost of their facility. The cost to issue the Parks, Open Space, and Trails (POST) bonds was 5.36%, so the City will realize a net revenue surplus from the Rapids lease.

Alternatives

> City Council could deny this request, which would stop work on the project indefinitely.

> City Council could authorize a transfer of \$5,184,000 rather than the full amount requested (\$5,795,000), which would exclude the Rapids' portion of the building until the financing could be finalized in May along with the Promenade and convention facility financing.

Staff Recommendation

Authorize the transfer of \$5,795,000 from the unauthorized account in the companion facility General Capital Improvement Fund to the appropriate expenditure accounts in the General Capital Improvement Fund for the construction of the City Park Companion Facility as described in the design/build contract with Gerald H. Phipps dated May 1, 1997, and amended December 19, 1997.

Background Information

City Park Recreation Center was opened in 1986 and immediately became a popular place for youth and adult users alike in the community. City Staff estimates that over 1.0 million people visit the City Park facility on a yearly basis.

As a result of this overwhelming number of guests, many of the facilities and programs in the existing building can no longer accommodate the huge number of people that want to use them.

The weight room, gymnasium, aerobics room, and classrooms, for example, experience usage far beyond the capacity of their spaces.

In an attempt to relieve this overcrowding, City Council has authorized City Staff to move forward in designing a "companion facility" to the City Park Recreation Center. This new facility will have an expanded fitness area, aerobics room, additional classroom, multipurpose/childcare room, and lockers and showers. A separate training facility for the Colorado Rapids has also been designed as part of the project.

The project has been designed in phases so that the second phase will include a gymnasium, indoor track, additional meeting rooms, tunnel connection to City Park, and childcare facilities.

Respectfully submitted,

William M. Christopher
City Manager

Date: March 23, 1998
Subject: City Park Softball Complex Phase I
Prepared by: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill for a supplemental appropriation of \$100,000, the amount of the 1998 Jefferson County Open Space Joint Venture grant award, into the General Capital Improvement Project Fund which would increase the project account by \$100,000, for construction of two bid alternates for City Park Softball Complex Phase I. City Council action is requested to authorize the City Manager to sign a contract with Public Service Company in the amount of \$83,532 for street lights and parking lot lights and a change order with Tarco in the amount of \$214,487 for the construction of the west parking lot and topsoil for the softball fields. City Council is also requested to adopt the attached Resolution to award 0.8 Service Commitments for City Park. The total budget, for completing the two bid alternates, a 1-1/2" service water tap, and parking lot and street lighting is \$337,569. Funds for this expense are available in the City Park Phase III Project Budget in the 1998 General Capital Improvement Fund.

Summary

The City Park softball complex is divided into two phases of construction given the amount of earthwork and grading required for this project. Since almost 300,000 cubic yards of earth is required to be moved, completing the earthwork in a separate phase is necessary given the potential for settlement of the ground over the 45 acre site. The final phase of construction work will be completed 2 years later to allow time for the ground to settle.

Since funding was limited in 1997 for this project two of the bid alternatives were not selected. In December 1997, Staff applied for a \$100,000 Joint Venture grant sponsored by Jefferson County Open Space to construct the final two bid alternates. The City was awarded the grant in the amount of \$100,000 on January 22, 1998 for the construction of the final two bid alternates which are a 182 car west parking lot and imported topsoil for the softball fields. The total cost of these alternates is \$214,487.

City Council is also requested to adopt the attached Resolution which awards 0.8 Water Service Commitments from Category F required under Section 11-5-4 of the City Code for the City Park Softball Complex.

Alternatives

City Council could reject the construction of the two remaining bid alternates, the west parking lot and the topsoil and postpone this work. However, Jefferson County Open Space Joint Venture grant would pay for one third of the construction of these alternatives. Also, Tarco is honoring 1997 bid alternate prices to do this work.

City Council could decline action on the attached Resolution for Water Service Commitments, however, the service commitments are necessary for the restrooms and drinking fountains for the softball complex.

Staff Recommendation

1. Pass Councillor's Bill No. on first reading appropriating \$100,000 into the General Capital Improvement Fund, increasing the project budget by \$100,000, and authorize the use of these funds for construction of the City Park Softball Complex.
2. Authorize the City Manager to sign contracts with Public Service Company in the amount of \$83,532, and a change order with TARCO in the amount of \$214,487; and approve a total bid alternative budget of \$337,569 for the construction of the last two bid alternatives to fully complete phase I of the City Park Softball Complex.
3. Adopt Resolution No. allocating 0.8 Category F Water Service Commitments to the City Park Softball Complex.

Background Information

In 1994, the Jefferson County Board of County Commissioners agreed to enter into a partnership with the City of Westminster to master plan Standley Lake Regional Park and design City Park ballfield complex. The County allocated \$500,000 in 1995 to hire a landscape architect firm for both projects. DHM, Inc was selected as the most qualified firm for these projects and the County began negotiating a contract for their services. The total cost of the contract approved by the County Commissioners with DHM was \$687,500: \$280,000 for the City Park ballfields and \$407,500 for Standley Lake Regional Park.

On February 26, 1996, Staff presented the City Park Ballfield Complex master plan to City Council at a post Council meeting. The total cost of that plan was estimated to be \$6.7 million. Upon City Council's and Jefferson County Commissioners' approvals of this plan, City Council awarded a design contract to DHM to perform the additional services required by the scope of work. These design services were for the following amenities, in addition to the four softball fields and concession area, to the project: underground storage and maintenance facility, picnic shelters at each ballfield for shade, 104th Avenue access/Hyland Creek realignments, covered bleacher seating, over excavation of bedrock for ballfield drainage, expanded parking lot, and City Park entry monument on 104th Avenue to match the present entry to City Park. In finalizing the design of the City Park Ballfield master plan, the engineer's estimate for the project is \$6,990,000. This is \$290,000 over what was estimated to be the cost in February 1996.

August 1997, City Council instructed City Staff to evaluate the scope of the project to accomplish the ballfields at a reduced cost in the \$4.0 million range. A majority of the City Council has expressed their desire to move forward on the Phase III project while also doing the Companion Facility. Therefore, Staff prepared alternatives for City Council review. The first alternative for City Council's consideration is to adjust the project scope and budget to \$4.1 million. The second alternative is to adjust the project scope and budget to \$5.1 million. The additional \$1.0 million increase over the \$4.1 million budget could be accomplished by issuing a \$1.0 million revenue bond, pledging surplus ballfield revenues from the adult softball leagues.

This surplus revenue is estimated to be \$125,000 per year once the new complex is opened and fully operational. Following is a breakdown of the \$5.1 million alternative selected by City Council.

\$5.1 MILLION PLAN Alternative

Phase I Deletion

8" water line	\$56,000
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Phase II Deletions

Tennis, Volley, and Basketball courts	\$200,000
Concession Building \$400,000	
Entry Monumentation \$225,000	
Convert Maintenance Facility to at grade	\$195,000
Picnic shade structures at ballfields	\$248,000
Colored concrete in lieu of pavers	\$128,000
Perimeter walks and entry circles	\$95,000
Lightning Protection \$20,000	
Benches and Picnic Tables	\$15,000
Playground	\$30,000
Ballfield entry security gates	\$71,000
Reduce trees & shrubs by 50% and tree size	\$140,000
Reduce landscaping of east parking lot	\$54,000
Reduce landscaping of west parking lot	<u>\$72,000</u>

TOTAL COST REDUCTIONS FOR \$5.1 MILLION PLAN	\$1,952,000
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JCOS provides the opportunity to park and recreation agencies in Jefferson County to submit two joint venture grant applications each year for the development of parks, recreation facilities, open space, and trails. Staff is requesting City Council to adopt the attached Resolution supporting two joint venture grant applications. JCOS requires formal action (adopted Resolution) by City Council before joint venture development grant applications will be considered.

The sports field request was for construction of the two bid alternatives not selected for City Park Phase I Softball Complex base contract due to budget restraints. The base contract for City Park Phase I was \$2,018,116. The two alternates that were not selected as part of the base contract have a cost of \$214,488 for paving of the west parking lot and for topsoil on the ballfields. Since the general contractor, Tarco, will still be on site these two alternates can be completed as part of the first phase of construction. The total construction costs of the project, including the base contract and the two bid alternates is \$2,232,604 and Staff recommended a 4.5% match from JCOS totalling \$100,000 for this project.

Westminster has greatly benefited from the JCOS Joint Venture development grant program. From 1992-1997, Westminster has received nearly \$1.7 million from Joint Venture grants for City Park Phase II Soccer Fields, Westminster Sports Center renovation, Westbrook Park, Countryside Little League Fields, Waverly Park, and Trailside Park renovation. Although most of the grant applications were 50:50 matching grants, Westminster has matched funds in excess of \$5.5 million with the \$1.7 million over the past five years for the development of the Joint Venture projects. In addition, Westminster has also benefited from JCOS for trail development along Big Dry Creek as part of the Trails 2000 program, and Jefferson County's financial contribution of more than \$550,000 for design and engineering costs for Standley Lake Regional Park and City Park Ballfields.

JCOS has been supportive of Westminster projects over the years and Staff believes the 1998 proposed projects are good projects to be considered by the JCOS Advisory Committee.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Councillor's Bill, Resolution, Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1998 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1998 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1998 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2566 in the amount of \$26,130,000 is hereby increased by \$100,000 which, when added to the fund balance as of the City Council action on March 23, 1998, will equal \$16,070,000. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Jefferson County Open Space Joint Venture grant for the construction of City Park Ball Fields Phase I

Section 2. The \$100,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>Final Budget</u>		
<u>REVENUES</u>		
Intergovernmental-Jeffco Open Space		
75-0420-020	\$905,000	<u>\$100,000</u>
\$1,005,000		
<u>EXPENSES</u>		
City Park Phase III project		
75-50-88-555-159	\$2,370,060	<u>\$100,000</u>
\$2,470,060		

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

Section 4. This ordinance shall take effect upon its passage after the second reading and shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of March, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of April, 1998.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

AWARD OF SERVICE COMMITMENTS FOR CITY PARK
BALL FIELD COMPLEX FROM CATEGORY F

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

WHEREAS, the City of Westminster has adopted by ordinance a Growth Management Program for the period July 1, 1990, through June 30, 2000; and

WHEREAS, within that ordinance there is a provision for an award of Service Commitments to Category F, Contingency and Public Usage; and

WHEREAS, Category F is the category which is appropriate for City Park Ball Field Complex; and

WHEREAS, there are 230.0 Service Commitments available for award in Category F; and

WHEREAS, the City Council has approved the development of City Park Ball Field Complex; and

WHEREAS, the City Council is authorized to award Service Commitments by Section 11-5-5(F) of the City Code.

NOW, THEREFORE, be it resolved that:

1. An award of 0.8 Service Commitments is hereby made for use by City Park Ball Field Complex.
2. A reduction of 0.8 Service Commitments is hereby made to the total number of Service Commitments available in Category F.
3. This award shall be valid for a period ending March 23, 1999.
4. This shall constitute the resolution required under Section 11-5-4 of the City Code.

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

ATTEST:

Mayor

City Clerk

Date: March 23, 1998

Subject: Resolution No. re Conveyance of Jefferson County Open Space Property at Standley Lake

Prepared by: Richard Dahl, Park Services Manager
Kelly Dinatale, Water Resources Manager

Introduction

City Council action is requested to adopt the attached Resolution authorizing the City Manager to execute agreements and documents with Jefferson County Open Space (JCOS) concerning the land conveyance and recreation easement rights and water quality mitigation funds for the Standley Lake Regional Park. Also, the Resolution authorizes the expenditure of \$100,000 from the Capital Improvement Fund to pay 1998 interest charges on the \$3,000,000 purchase price previously agreed to by the Farmers Reservoir and Irrigation Company and Jefferson County Open Space for the purchase of 643 acres of park property and 1,100 acres of recreation rights on the lake.

Summary

On May 1, 1997, Jefferson County Open Space Advisory Board adopted Resolution 20-97 funding the Standley Lake Regional Park land acquisition at \$3,000,000. The total area needed for the park is 1,743 acres (park/land acquisition and recreation surface rights) and would be purchased by Jefferson County Open Space from the Farmers Reservoir and Irrigation Company (FRICO).

JCOS and FRICO agreed that the purchase price includes a perpetual easement on the water surface recreation rights of approximately 1,100 acres and 643 acres of real property at Standley Lake currently owned by FRICO. The parties have also agreed that \$1,000,000 of the \$3,000,000 purchase price will be used for water quality mitigation in accordance with the 1994 IGA among the Standley Lake cities.

The payment of the \$3,000,000 to FRICO from JCOS is a multi-year plan with \$1,000,000 paid at closing and \$1,000,000 paid in each subsequent year. During negotiations between JCOS, FRICO, and the City on the sale of Standley Lake, the City negotiating team agreed to recommend to City Council to pay the \$150,000 in interest costs generated by the multi-year payment plan. Funds have been allocated in the 1998 Capital Improvement Program to cover this expense in 1998 (\$100,000) and \$50,000 will be recommended to be budgeted in 1999 to fulfill the City's obligation.

Once the land is purchased by JCOS, it will be conveyed to the City of Westminster along with 500 acres of existing JCOS property located adjacent to Standley Lake for a total of 2,243 acres.

JCOS has also committed an additional \$2.5 million to fund the Phase I park improvements consisting of trails, boat ramps, parking lots, main entrance from 100th Avenue, restroom, campground improvements, and fish cleaning station.

The sale of the property from FRICO to JCOS is scheduled for the week of April 1. Prior to closing, it may be necessary for the City to execute certain agreements concerning the transaction, such as the dedication of the \$1,000,000 for water quality mitigation to the intended purpose.

Staff Recommendation

Adopt Resolution No. _____ authorizing the City Manager to sign such agreements and documents as may be necessary to facilitate the conveyance of Standley Lake Recreation Area properties and recreation easement rights from the Farmers Reservoir and Irrigation Company and Jefferson County Open Space to the City of Westminster, including the City's commitment and understanding with respect to the conditions for the County's disbursement of the \$1,000,000 water quality mitigation funds, and authorize the payment of \$100,000 to the Farmers Reservoir and Irrigation Company for interest payments on the \$3,000,000 multi-year payment from Jefferson County Open Space to Farmers Reservoir and Irrigation Company, all in accordance with the 1994 Intergovernmental Agreement between the Cities of Westminster, Thornton and Northglenn, and subject to the condition that no such supplement, agreement or document shall create any new or increase any prior obligation of the City with respect to this project, other than the City agreement to pay the FRICO interest as already noted, without the further approval of City Council.

Background Information

In 1994, the City entered into an Intergovernmental Agreement (IGA) with the cities of Northglenn and Thornton to develop a park at Standley Lake and the immediately surrounding lands with JCOS as co-developer of the park. The park would be improved with facilities, but the recreational uses would consist of essentially the same types of limited recreational activities currently in place at Standley Lake, which include boating, camping, picnicking, bank fishing, and hiking.

City and JCOS staff have been working on the land purchase for the Standley Lake Recreation Area since 1994. On a parallel track, the design and development of the Phase I improvements have been under development and are ninety-five percent complete. Once the property is conveyed to the City of Westminster, the construction of Phase I improvements will be managed by City Staff and funded by JCOS at \$2.5 million. Construction is anticipated to begin in the fall of 1998 and continue through 1999. The actual design and construction contracts will be subject to later City Council approval.

As part of the JCOS resolution, Jefferson County residents will receive resident rates for all permits and entrance fees charged at Standley Lake.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

STANDLEY LAKE RECREATION AREA CONVEYANCE

WHEREAS, Jefferson County Open Space owns the real property identified in Exhibit A, attached hereto, which includes a perpetual surface water recreation right; and

WHEREAS, Jefferson County Open Space is willing to convey the real property identified in Exhibit A to the City of Westminster; and

WHEREAS, the property conveyed is to facilitate the development and operation of the Standley Lake Regional Park Master Plan as presented to City Council and the Jefferson County Board of County Commissioners on March 18, 1996; and

WHEREAS, The City has agreed to make interest payments, not to exceed \$150,000, to the Farmers Reservoir and Irrigation Company on the \$3,000,000 multi-year purchase price Jefferson County Open Space will pay the Farmers Reservoir and Irrigation Company for 1,743 acres of Standley Lake property; and

WHEREAS, Jefferson County Open Space has designated \$2.5 million dollars to fund Phase I improvements of the Standley Lake Recreation Area consisting of; trails, boat ramps, campground improvements, entrance from 100th Avenue, restrooms, and fish cleaning stations; and

WHEREAS, the Standley Lake Recreation Area and Phase I improvements are in accordance with the Intergovernmental Agreement signed September 9, 1994 between the City of Westminster, City of Thornton and the City of Northglenn which outlines development and operation guidelines for the Standley Lake Recreation Area; and

WHEREAS, Jefferson County has allocated \$1,000,000 to be used by the Cities of Westminster, Northglenn and Thornton for water quality mitigation of any impacts from the Standley Lake Recreation Area in fulfillment of the September 9, 1994 Intergovernmental Agreement;

Now therefore be it resolved that:

The City Manager is authorized to accept title and other assignments from Jefferson County Open Space related to development of the Standley Lake Recreation Area and disburse the \$1,000,000 in water quality mitigation funds in accordance with the September 9, 1994 Intergovernmental Agreement between the Cities of Westminster, Northglenn and Thornton.

Passed and adopted this 23rd day of March, 1998

ATTEST:

Mayor

City Clerk

Date: March 23, 1998

Subject: Heritage at Westmoor Golf Course - Phase 2 Storm Drainage Contract

Prepared by: Richard Dahl, Park Services Manager
Kevin Berryhill, Senior Civil Engineer

Introduction

City Council action is requested to authorize the City Manager to sign a three party contract with Westmoor Business Park Ltd., LLLP and Niebur Golf of Colorado Springs, Colorado in the amount of \$370,747 plus a 5% contingency (\$18,537) for the construction of storm drainage facilities and utilities at the City's new 18-hole Heritage at Westmoor Golf Course and Westmoor Business Park. The City will be responsible for \$193,289 of the contract amount and Westmoor Business Park Ltd., LLLP will be responsible for \$177,458 of the contract amount in which Westmoor will pay the contractor directly. Funds for this contract are available in the Niebur Golf construction contract for the Heritage Golf Course.

Summary

Construction of the Heritage at Westmoor Golf Course - Phase 2 Storm Drainage Project is scheduled to begin in early April, pending Council's approval of this construction contract.

Two contractors submitted bids for this project with the low bid of \$370,747.00 being submitted by Niebur Golf. It is recommended that City Council award the contract to Niebur Golf.

Alternatives

City Council could reject all bids and require City Staff to re-bid the project. Staff recommends against this alternative in that it would slow down the construction of the golf course, which could cause a delay in the opening of the golf course scheduled for the of 1999. The two contractors that bid on this project are currently working on projects within the City of Westminster and are familiar with the City's requirements.

Staff Recommendation

Authorize the City Manager to execute a three party contract with Westmoor Business Park Ltd., LLLP and Niebur Golf, the low bid contractor, in the amount of \$370,747 plus a 5% contingency of \$18,537 for the construction of storm drainage improvements at the Heritage Golf Course and charge the City's share of the contract amount, \$193,289 to the existing Niebur Heritage Golf Course construction budget. Westmoor Business Park Ltd., LLLP will be responsible for \$177,458 of the contract amount in which Westmoor will pay the contractor directly.

Background Information

On July 28, 1997, City Council approved the Countrydale Business Park/Golf Course Business Agreement which represents the financial obligations and commitments on the part of both Westmoor Business Park and the City of Westminster. A key provision of the agreement requires the developer and the City to participate in the funding certain storm water drainage and water quality facilities that need to be constructed as part of the golf course construction.

The Heritage at Westmoor Golf Course - Phase 2 project includes storm drainage facilities that serve both the golf course and Westmoor Business Park, and a sanitary sewer main extension to serve the proposed Countryside Recreation Center. All construction for this project is located within or adjacent to the City golf course property. Construction is anticipated to begin in early April, 1998 and completed in late June, 1998.

The City solicited five qualified contractors for bids and received two bids. The names of the bidders and their bids are as follows:

<u>Contractor Name</u>	<u>Base Bid</u>
Neibur Golf	\$370,747.00
Tierdael Construction Co.	\$378,405.00
Tarco, Inc.	no bid
Heirschfeld Backhoe and Pipeline	no bid
Badger Trenching and Pipeline	no bid
Engineer's Estimate	\$442,039.00

The City has reviewed the results of the bidding process and recommends the low bidder, Niebur Golf be awarded the contract for construction in the amount of \$370,747.00. Both City Staff and the design consultant are familiar with Niebur Golf and believe this company is capable of performing this type of project. Niebur Golf was awarded the construction contract for the Heritage at Westmoor Golf Course by City Council on February 23, 1998.

Other parts of the project still to be bid include the clubhouse and maintenance building, golf cart bridge crossings and equipment purchases. Staff will detail these costs for Council at a later date.

The timing of the golf course construction is very critical. The specifications call for the completion of all seeding operations (greens, tees, fairways, rough) by September 18, 1998. Golf Course Staff has determined that date as the latest possible time frame for fall germination and grow-in to begin. The golf course will require one full year for growing grass and making the course ready for play. Both Staff and the Niebur Golf believe that timely execution for Phase 2 Storm Drainage construction is critical to meet project schedule deadlines.

Respectfully submitted,

William M. Christopher
City Manager

Date: March 23, 1998

Subject: Councillor's Bill No. WMC Amendment re Theft

Prepared by: Mark Cohen, Assistant Prosecuting Attorney

Introduction

City Council is requested to pass the attached Councillor's Bill on first reading amending the Westminster Municipal Code concerning theft and certain related offenses.

Summary

The City has adopted ordinances authorizing municipal prosecution for shoplifting, false pretenses, and theft, when the economic loss is less than \$400.00. Such matters are considered theft under Colorado's statutory scheme. Earlier this year, the Legislature amended Colorado's theft statute so that thefts involving less than \$500.00 are now misdemeanors. To bring the City's ordinances into line with the state counterpart statutes, Staff is recommending the City's separate ordinances governing shoplifting, false pretenses, and theft be consolidated into a single theft ordinance, and that the new theft ordinance authorize municipal prosecution of theft cases up to \$500.00.

Staff Recommendation

Pass Councillor's Bill No. on first reading amending the Westminster Municipal Code concerning theft and certain related offenses.

Background Information

The City has adopted ordinances authorizing municipal prosecution for certain offenses when the economic loss is less than \$400.00. Those ordinances include W.M.C. section 6-3-1 (shoplifting), section 6-3-2 (false pretenses), and 6-3-7 (theft). The \$400.00 limit was selected because, until recently, the state's theft statute classified such offenses as felonies when the economic loss was \$400.00 or more. In Colorado, felonies may be prosecuted only in the district courts.

Earlier this year, the Legislature amended Colorado's theft statute, C.R.S. section 18-4-401, so that all thefts involving less than \$500.00 are now misdemeanors and only those involving \$500.00 or more are felonies.

Given the Legislature's action, it is appropriate to amend the City's shoplifting, false pretenses, and theft ordinances to authorize municipal prosecution when the economic loss is less than \$500.00. This will bring the Westminster Municipal Code into line with the current statutory scheme. From a practical standpoint, it will benefit the City by enabling police officers to cite all misdemeanor theft offenders into Municipal Court, thereby avoiding the more cumbersome procedures used in the county and district courts and reducing the number of court appearances required in those courts.

In addition, the proposed ordinance would consolidate the City's separate ordinances governing shoplifting, false pretenses and theft into a single theft ordinance.

The proposed ordinance is in the nature of a housekeeping measure to maintain consistency between the City's ordinance and the counterpart state statute as the state statutes are amended. As an alternative, Council could decide not to implement the higher threshold for municipal court jurisdiction, but the effect would be that misdemeanor cases above \$400.00 and less than \$500.00 would have to be filed in the county courts.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE
CONCERNING THEFT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Sections 6-3-1, 6-3-2 and 6-3-7, W.M.C., are hereby REPEALED AND REENACTED AS NEW SECTION 6-3-1 as follows:

6-3-1: SHOPLIFTING THEFT: (A) It shall be unlawful to commit ~~shoplifting~~ THEFT. A person commits ~~shoplifting~~ THEFT when he knowingly ~~takes possession of any unpurchased goods, wares or merchandise of a value of less than four hundred dollars, owned or held by and offered or displayed for sale by any store or mercantile establishment, with the intention of converting such goods, ware or merchandise to his own use, without paying the purchase price thereof~~ OBTAINS OR EXERCISES CONTROL OVER ANYTHING OF VALUE OF ANOTHER WITHOUT AUTHORIZATION, OR BY THREAT OR DECEPTION, WHERE THE VALUE OF THE THING INVOLVED IS LESS THAN FIVE HUNDRED DOLLARS (\$500), AND

1. INTENDS TO DEPRIVE THE OTHER PERSON PERMANENTLY OF THE USE OR BENEFIT OF THE THING OF VALUE; OR
2. KNOWINGLY USES, CONCEALS, OR ABANDONS THE THING OF VALUE IN SUCH MANNER AS TO DEPRIVE THE OTHER PERSON PERMANENTLY OF ITS USE OR BENEFIT; OR
3. USES, CONCEALS, OR ABANDONS THE THING OF VALUE INTENDING THAT SUCH USE, CONCEALMENT OR ABANDONMENT WILL DEPRIVE THE OTHER PERSON PERMANENTLY OF ITS USE AND BENEFIT; OR
4. DEMANDS ANY CONSIDERATION TO WHICH HE IS NOT LEGALLY ENTITLED AS A CONDITION OF RESTORING THE THING OF VALUE TO THE OTHER PERSON.

~~(B) Concealment of Goods: If any person wilfully conceals unpurchased goods, wares or merchandise of a value of less than four hundred dollars (\$400), owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on his own person or otherwise, and whether on or off the premises of said store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit shoplifting.~~

(B) FOR THE PURPOSES OF THIS SECTION, A THING OF VALUE IS THAT OF "ANOTHER" IF ANYONE OTHER THAN THE DEFENDANT HAS A POSSESSORY OR PROPRIETARY INTEREST THEREIN.

(C) EVERY PERSON WHO OBTAINS CONTROL OVER ANY STOLEN THING OF VALYE, WHERE THE VALUE OF THE THING INVOLVED IS LESS THAN FIVE HUNDRED DOLLARS (\$500), KNOWING THE THING OF VALUE TO HAVE BEEN STOLEN BY ANOTHER, MAY BE TRIED, CONVICTED AND PUNISHED WHETHER OR NOT THE PRINCIPAL IS CHARGED, TRIED OR CONVICTED.

(C) Questioning of Person Suspected of Theft Without Liability: If any person conceals upon his person or otherwise carries away any unpurchased goods, wares or merchandise held or owned by any store or mercantile establishment, the merchant or any employee thereof or any police officer, acting in good faith and upon probable cause based upon reasonable grounds therefor, may detain and question such person, in a reasonable manner for the purpose of ascertaining whether the person is guilty of ~~shoplifting~~ THEFT. Such questioning of a person by a merchant, merchant's employee or police officer does not render the merchant, merchant's employee or police officer civilly or criminally liable for slander, false arrest, false imprisonment, malicious prosecution or unlawful detention.

(E) FOR PURPOSES OF THIS SECTION, ANY REFERENCE OR MENTION OF STEALING, FALSE PRETENSES, OR SHOPLIFTING SHALL BE INTERPRETED AS IF THE WORD "THEFT" WERE SUBSTITUTED THEREFOR.

(D) ~~Shoplifting~~ THEFT is a criminal offense, punishable by a fine or imprisonment, or both, as provided in section 1-8-1 of this Code.

~~6-3-2: FALSE PRETENSES: (A) It shall be unlawful for any person to order and obtain any food, drink, goods, wares or merchandise under false pretenses, and refuse to pay for same or depart without paying for or satisfying the person from whom he received the food, goods, wares and merchandise where the value of the food, goods, wares or merchandise is less than four hundred dollars (\$400.00).~~

~~(B) A violation of this Section is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.~~

~~6-3-7: THEFT: (A) It shall be unlawful to commit theft. A person commits theft when he knowingly obtains or exercises control over anything of value of another without authorization, or by threat or deception, with the intent to deprive the other person permanently of the use or benefit of the thing of value where the value of the thing involved is less than four hundred dollars (\$400).~~

~~(B) Theft is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.~~

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of March, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of _____, 1998.

Mayor

ATTEST:

City Clerk

Date: March 23, 1998

Subject: Prosecution Services Contract

Prepared by: Tami Berry, Paralegal
Marty McCullough, City Attorney

Introduction

City Council is requested to authorize the City Manager to execute a revised contract with Alan C. Katz, P.C. to continue to provide a portion of the City's prosecution services through May of 1998.

Summary

The need for office space for the in-house prosecution program at the Municipal Court has delayed the conversion process. At a recent Study Session in January, City Council agreed that a short-term extension of the current contract with Alan C. Katz, P.C., would be an appropriate interim measure.

Staff Recommendation

Authorize the City Manager to execute a contract with Alan C. Katz, P.C. to continue to provide a portion of the City's prosecution services through May of 1998.

Background Information

Council previously authorized a contract with Alan C. Katz, P.C., to provide a portion of the City's prosecution services in conjunction with increasing the two Assistant City Prosecutors' FTE status from .5 to .7, effective February 1, 1997. As part of the 1998 budget process, Council approved the conversion of the prosecution positions to 1 .75 FTE Lead Prosecutor, 1 .75 FTE Assistant Prosecuting Attorney II and 1 .5 FTE Assistant Prosecuting Attorney I, along with the proposed termination of the City's contract with Alan C. Katz, P.C.

However, due to the fact that the transition from the current arrangement to a fully in-house arrangement depends on the availability of space at the former City Hall building for the reception and filing functions to be taken over by the City as part of this transition, as well as the two new spaces that will be required for the Clerk-Typist II and the replacement prosecuting attorney, a short-term extension of the current contract with Alan C. Katz, P.C. is necessary. All other provisions of the current contract will remain the same.

As previously discussed with City Council, this new space will not be available until such time as it has been vacated by current Library Staff and the remodeling work can be completed. According to our Library Services Manager, the move of the Library Staff will occur sometime near the end of this month.

Immediately after this move, remodeling can begin. The remodeling will take approximately six weeks. Therefore, it is imperative that we continue under the existing arrangement until this new space is ready.

In the event we were to terminate our agreement with Mr. Katz prior to the availability of the space, that termination would result in the loss of the reception/clerical support and space for the prosecution services that is provided for under the City's current contract with Mr. Katz.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

CITY PROSECUTOR EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into effective this 1st day of February, 1998, by and between the CITY OF WESTMINSTER, State of Colorado, a home-rule City (the "City"), and the law firm of ALAN C. KATZ, P.C. (the "Firm").

W I T N E S S E T H:

WHEREAS, the City desires to employ the law firm of Alan C. Katz, P.C., as City Prosecutor for the City of Westminster as provided by City Charter, Chapter IV, Section 4.13(b); and

WHEREAS, City and the Firm have agreed upon the terms and conditions of such employment.

NOW, THEREFORE, in consideration of the mutual covenants of the parties contained herein, the parties agree as follows:

SECTION 1. TERM

A. The term of this Agreement shall be from February 1, 1998, until June 1, 1998, unless terminated earlier pursuant to paragraph 1.B. below.

B. Either party may elect to terminate this Agreement upon ninety (90) days advance written notice to the other. In the event of termination, the Firm shall be paid at the rates provided for herein for all services actually rendered through the effective date of termination, and for any services rendered beyond the termination date that are reasonably necessary to conclude any representation commenced prior to the date of the notice of termination and which have been agreed to in writing by the City.

SECTION 2. COMPENSATION

A. Fees. Prosecution of all cases in Municipal Court shall be provided by the Firm at a Fixed Hourly Rate of Forty-Two Dollars (\$42.00) per hour, twenty-four (24) hours per week. In addition, secretarial support shall be provided by the Firm for a fixed monthly fee of Fourteen Hundred Dollars (\$1,400.00) per month.

B. Expenses. The Firm shall be paid Two Hundred Fifty Dollars (\$250.00) per month for expenses incurred in providing the services pursuant to this Agreement.

C. Services. Compensation for the following services to be provided by the Firm are included as part of the Firm's Fixed Hourly Rate for attorney services to be billed pursuant to this contract or the fixed monthly fee for secretarial support and there shall be no additional charges for these services. Attorney time for these services shall not exceed twenty-four (24) hours per week:

1. Attorney time as may be appropriate and necessary for representing the City in court and for all necessary case preparation and miscellaneous office activities, including an average of 2 1/2 days of in-court appearances per week.

2. Attorney time related to the attendance of regular meetings, monthly or as may be agreed otherwise, with designated Police Department personnel for the purpose of receiving feedback concerning the City prosecution services.

3. Attorney time related to the attendance of meetings requested by the Court Administrator for the purpose of discussing Municipal Court procedures or such other matters reasonably related to the delivery of the City prosecution services including, but not limited to, anticipated meetings to be held for the purpose of reducing citizen waiting time.

4. Attorney time related to the review of proposed new ordinances or the enforcement of newly enacted ordinances.

5. Attorney time related to the review of proposed witness lists and selection of witnesses, provided, however, the Firm's attorneys shall endeavor to establish a system for the routine processing of subpoenas returned to the City Prosecutors' office by the Firm's support staff.

6. Attorney time of one (1) hour per month as requested for police training on recent legal developments and improving courtroom testimony. The selection of specific topics and training times shall be coordinated with the City Attorney and the Police Chief.

7. All secretarial and word processing services necessary to perform the Firm's duties under this Agreement. All secretarial service will be performed with personal computers, letter-quality word processors, IBM Selectric II typewriters, or their equivalent.

D. Attorneys. Alan C. Katz (and William Kelso when providing services pursuant to this Agreement as substitution for the Firm) shall be solely responsible for the performance of all legal duties enumerated herein (the "City Prosecutors").

E. Special Prosecutors. The City Prosecutors shall have the authority to engage, with the approval of the City Attorney, the services of a special prosecutor under circumstances in which a conflict or other ethical or legal impediment would justify the appointment of such a prosecutor.

The special prosecutor shall be retained by the Firm as an independent subcontractor to the Firm and, unless specifically agreed otherwise by the City Attorney and the City Manager, shall be paid at the lesser of the special prosecutor's actual hourly rate or the hourly rate set forth in Section 2.A. above.

SECTION 3. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

A. Insurance. When acting in his capacity as City Prosecutor and performing his duties under this contract, Alan C. Katz (and William Kelso when he is providing services pursuant to the Agreement as substitution for the Firm and any special prosecutor) shall be considered an employee of the City for purposes of liability insurance coverage for acts performed within the scope of his employment and shall be insured pursuant to the City of Westminster's self-insured public officials liability coverage. The City Prosecutors understand that the limits of coverage under the City's self-insured liability program is \$150,000 per person and \$600,000 per occurrence.

B. Time Records. The Firm shall maintain accurate and complete time records for all attorneys' work provided to the City by the Firm. Said time shall be kept in an orderly and consistent manner and shall contain information of time spent performing all duties and responsibilities of attorneys under this Agreement. The Firm shall forward one copy of said time records to the Office of the City Attorney on a monthly basis. The City Attorney shall review said records and approve the same for payment. Payment shall be made to the Firm within ten (10) working days of receipt by the City Attorney's Office of the Firm's statement.

C. Independent Contractors. The City Prosecutors shall be subject to the general supervision of the City Attorney but shall remain independent contractors to determine the means and methods of accomplishing their duties hereunder including the authority to exercise prosecutorial judgment and discretion necessary to meet their ethical obligation as prosecuting attorneys.

D. Modification. City Council may fix any other terms and conditions of employment as, from time to time, it may determine relating to the performance of the duties of the Firm, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter, or any other law. If any other such new terms or conditions impose additional responsibilities upon the Firm, not contemplated herein, additional compensation shall be provided therefor as agreed to by the parties. This Agreement may not be modified except in a writing duly authorized and executed by the parties hereto.

E. Conflicts. The Firm and the City Prosecutors agree not to represent any third party who may have an actual or potential conflict of interest with the City or with any City employee acting in his or her official capacity.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this ____ day of _____, 1998.

CITY OF WESTMINSTER, COLORADO

By _____
City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ALAN C. KATZ, P.C.

By _____
Alan C. Katz

Date: March 23, 1998

Subject: Councillor's Bill No. re Board of Adjustment

Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading creating an alternate position on the Board of Adjustment and changing the quorum to 4 members.

Summary

The proposed Councillor's Bill would amend Section 2-6-1 by creating an alternate member of the Board of Adjustment. This position is being created by Council's request because of problems in the past having a quorum of the members present for the meeting.

In reviewing the current City Code Staff also found that 5 members of the Board are required to be present to constitute a quorum. This Section of the Code is also being changed to 4 members constituting a quorum.

Staff Recommendation

Pass Councillor's Bill No. on first reading creating the alternate member to the Board of Adjustment.

Background Information

On March 2nd, City Council appointed a regular member and an alternate member to the Board of Adjustment.

This Code amendment will clarify Council's intent, and when the Councillor's Bill has passed on second reading, the new alternate appointee will be notified of his appointment.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillor's Bill
BY AUTHORITY

ORDINANCE NO. COUNCILLOR'S BILL NO. _____

SERIES OF 1998 INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE ADDING AN ALTERNATE MEMBER TO THE BOARD OF
ADJUSTMENT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 2, Chapter 6, Section 1 of the Westminster Municipal Code is hereby amended as follows:

2-6-1: CREATION: There is hereby created a Board of Adjustments and Appeals, hereinafter referred to as "THE BOARD," consisting of seven (7) regular members AND ONE ALTERNATE MEMBER.

Section 2. Title 2, Chapter 6, Section 3 of the Westminster Municipal Code is hereby amended as follows:

2-6-3: RULES AND REGULATIONS: A quorum of five (5) FOUR (4) members shall be present for the conduct of any hearing or the taking of any action. An affirmative vote of a majority of those members present shall be necessary to pass any motion. At the first regular meeting of each year the Board shall adopt such rules and regulations as it deems necessary for its procedure.

Section 3. Title 2, Chapter 6, Section 7 of the Westminster Municipal Code is hereby amended as follows:

2-6-7: APPEALS: DECISIONS OF THE BOARD ARE FINAL SUBJECT ONLY TO AN APPEAL TO DISTRICT COURT. Any person aggrieved, any taxpayer, the City or any officer or department of the City may have a decision of the Board reviewed in the District Court under Colorado Rules of Civil Procedure Rule 106.

Section 4. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 5. This ordinance shall take effect upon its passage after second reading.

Section 6. 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 23rd day of March, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of April, 1998.

ATTEST:

Mayor

City Clerk

Date: March 23, 1998

Subject: Councillor's Bill No. re Ice Centre Financing Documents

Prepared by: Mary Ann W. Parrot, Finance Director

Introduction

City Council is requested to adopt the attached Councillor's Bill as an emergency ordinance approving certain documents for the Ice Centre Financing Certificates of Participation in the amount of \$13,995,000, for purpose of financing the construction of the Ice Centre, to be built by the City of Westminster Building Authority and operated by the Hyland Hills Parks and Recreation District according to the Intergovernmental Agreement dated January 29, 1998.

Summary

The Lease Purchase financing for the Ice Centre Certificates of Participation ("COP's") \$13,995,000 were sold on Tuesday, March 17, 1998, at a net interest cost of 5.28%.

The COP's are securities which represent the right of the investors to receive rental payments made by the City pursuant to a Lease Purchase Agreement with the Building Authority. The Building Authority was established to finance and own the Ice Centre and to lease it to the City, thus guaranteeing the lowest-cost form of financing for this project, and ensuring compliance with various federal and State statutes.

Because of the use of the Lease-Purchase form of financing, and the relationship of the Building Authority to the City, as the City's financing arm, it is necessary for City Council to approve several of the documents required for the COP's:

- > Certificate Purchase Agreement, the actual contract between the Building Authority and the Underwriter, Hanifen-Imhoff, for the financing
- > Ground Lease between City of Westminster and the Building Authority, for the land on which the Ice Centre sits, as owned by the City
- > Lease between the City of Westminster and the Building Authority, for the Ice Centre building only, as owned by the Building Authority, to be turned over to the City at the end of the 25-year financing term
- > Form of the Indenture of Trust between the Building Authority and the Trustee Bank, Colorado National Bank, agreeing to terms surrounding the property, the financing, payments and certain assignments of contracts and other documents/duties
- > Preliminary Official Statement (POS), or prospectus
- > Access, Parking and Maintenance Agreement

The Building Authority will approve these documents as well.

With approval by City Council of these documents, the financing will be completed; upon closing and settlement of fund, scheduled for April 7, the advance funding of \$1 million from General Capital Improvement Fund, approved by City Council in January, 1998, will be remitted from financing proceeds back to the Capital Improvement Fund.

It is with a great sense of accomplishment and pride that City Council, Hyland Hills Board and Staff and City Staff and Consultants can bring this financing to completion. The Ice Centre is under construction and on schedule, with plans to open early September.

Staff Recommendation

Adopt Councillor's Bill No. as an emergency ordinance approving selected documents for the financing of \$13,995,000 for the construction of the Ice Centre, and authorize the Mayor and Finance Director to sign the necessary documents on behalf of the City.

Background Information

The City and Hyland Hills entered into an Intergovernmental Agreement in September, 1996, with the intent of fashioning a partnership to finance, build and operate a 3-sheet ice rink located at Promenade East. The Intergovernmental Agreement was revised significantly and approved in a joint meeting of the City Council of the City of Westminster and the Board of Directors of the Hyland Hills Parks and Recreation District on January 29, 1998.

The Intergovernmental Agreement stipulates that the financing for and construction of the Ice Centre would be the City's responsibility, with the operation and management of the Ice Centre under the day-to-day supervision of the Hyland Hills District. Hyland Hills would have approval rights on the financing and the City would participate in a two-person management committee to oversee budgeting and operations of the Ice Centre according to an agreed-on set of protocols. Costs and net revenues, as well as repayment of the financing are to be shared equally between the two entities.

The financing consists of Certificates of Participation; the nature of the financing is that of a Lease-Purchase, whereby the City's Building Authority, established in February, 1998, will finance and own the Ice Centre, in turn leasing it to the City for the life of the financing, or 25 years. At the end of the 25-year term, title to the building passes from the Building Authority to the City. In order to finance the construction for the Ice Centre, the Building Authority sells Certificates of Participation in the market, then uses the revenues generated by the facility to repay the certificate holders, thus retiring the lease obligation over the 25-year term.

Staff considered alternative forms of financing, including pay-as-you-go and revenue bonds. Neither of these options is viable, and neither will produce as low a cost of borrowing as the form of lease-purchase financing.

In anticipation of issuing COP's this month, Staff asked for Council approval, in January, 1998, to advance-fund a portion of the construction of the Ice Centre with \$1 million from the General Capital Improvement Fund, to be repaid immediately upon a successful sale of securities.

Interest rates are very low at this time, and it is Staff's recommendation to issue the COP's and keep construction on schedule for an early September opening.

Alternatives include not approving the financing documents. In this event, the financing would fail, and construction would halt on the Ice Centre until funds were found to continue.

Another alternative is direct Staff to arrange alternative financing; this alternative is not recommended because of time constraints, and because of the need to minimize interest costs and to maximize construction funds made available by the financing. Any other form of financing would not raise enough proceeds to finance the cost of the facility. This alternative is also not recommended.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO. 2577

COUNCILLOR'S BILL NO. 12

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN EMERGENCY ORDINANCE AUTHORIZING THE ISSUANCE OF CERTIFICATES OF PARTICIPATION, SERIES 1998, OF THE CITY OF WESTMINSTER, COLORADO, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$13,995,000, AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A GROUND LEASE AGREEMENT, A LEASE PURCHASE AND SUBLEASE AGREEMENT AND AN OFFICIAL STATEMENT; APPROVING THE FORM OF A MORTGAGE AND INDENTURE OF TRUST; RATIFYING ACTION PREVIOUSLY TAKEN CONCERNING THE CERTIFICATES; PROVIDING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY

WHEREAS, the City of Westminster, Adams and Jefferson Counties, Colorado (the "City") is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the "Charter"); and

WHEREAS, pursuant to Chapter XI of the Charter, the City is authorized to enter into one or more leases or lease-purchase agreements for land, buildings, equipment and other property for governmental or proprietary purposes; and

WHEREAS, the City Council has determined, and hereby deems, it is in the best interest of the City and its inhabitants that the City and The City of Westminster Building Authority (the "Lessor") enter into a Ground Lease Agreement dated as of March 1, 1998 (the "Lease"), which provide for the leasing of a parcel of land (the "Site") by the City to the lessor and the acquisition, construction and equipping thereon of a recreational facility (the "Project") by the Lessor and the leasing of the Project and the subleasing of the Site by the Lessor to the City; and

WHEREAS, the City has entered into the Second Intergovernmental Agreement, dated January 29, 1998 (the "Intergovernmental Agreement"), with Hyland Hills Park and Recreation District (the "District") in order to set forth various terms concerning the design, construction, financing, operation and maintenance of the Project; and

WHEREAS, in connection with the Intergovernmental Agreement, the City, the District and U.S. Bank National Association d/b/a Colorado National Bank, Denver, Colorado, as Trustee (the "Trustee"), will enter into an Escrow Agreement (the "Escrow Agreement") providing for the custody and administration of certain funds and documents related to the Project; and

WHEREAS, to accomplish the purposes of the Ground Lease and the Lease, the Lessor and U.S. Bank National Association d/b/a Colorado National Bank, Denver, Colorado, as Trustee (the "Trustee"), will enter into a Mortgage and Indenture of Trust dated as of March 1, 1998 (the "Indenture"), pursuant to which there will be issued certain Certificates of Participation (Ice Centre Project), Series 1998, dated March 1, 1998, in the aggregate principal amount of \$13,995,000 (the "Certificates"); and

WHEREAS, in connection with the Ground Lease and the Indenture, the City will enter into an Access, Parking and Maintenance Agreement with the Lessor (the "Access Agreement"); and

WHEREAS, the obligation of the City to pay Base Rentals and Additional Rentals (both as defined in the Lease) shall be from year to year only; shall constitute currently budgeted expenditures of the City; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional, statutory or Charter limitation or requirement concerning the creation of indebtedness or multiple fiscal year financial obligation, nor a mandatory payment obligation of the City in any ensuing fiscal year beyond any fiscal year during which the Lease shall be in effect; and

WHEREAS, the Certificates shall evidence assignments of proportionate undivided interests in the rights to receive certain Revenues (as defined in the Lease), shall be payable solely from the sources therein provided, and shall not constitute a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional, statutory or Charter limitation or requirement concerning the creation of indebtedness or multiple fiscal year financial obligation, nor a mandatory payment obligation of the City in any ensuing fiscal year beyond the current fiscal year; and

WHEREAS, neither the Lease nor the issuance of the Certificates shall directly or indirectly obligate the City to make any payments beyond those appropriated for any fiscal year during which the Lease shall be in effect; and

WHEREAS, the City has determined, and does hereby declare, that the proposal (the "Purchase Agreement") submitted by Hanifen, Imhoff Inc., Denver, Colorado (the "Purchaser") for the purchase of the Certificates at the purchase price as set forth, and otherwise upon the terms and provisions provided therein is a responsible proposal to the best advantage of the City; and

WHEREAS, there have been presented to the City Council at this meeting: (i) the proposed form of the Ground Lease, (ii) the proposed form of the Lease, (iii) the proposed form of the Indenture, (iv) the proposed form of the Continuing Disclosure Certificate to be provided by the City; (v) the proposed form of the Purchase Agreement; (vi) the proposed form of the Access Agreement; and (vii) the proposed form of the Escrow Agreement; and (ix) the Preliminary Official Statement dated March 4, 1998 (the "Preliminary Official Statement") relating to the Certificates; and

WHEREAS, no member of the City Council has any conflict of interest or is interested in any pecuniary manner in the issuance of the Certificates;

THE CITY OF WESTMINSTER ORDAINS:

S1. Short Title. This Ordinance shall be known and may be cited by the short title "Certificates of Participation (Ice Centre Project), Series 1998 Ordinance."

S2. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this ordinance) by the City Council or the officers or agents of the City Council or the City relating to the authorization, sale, issuance and delivery of the Certificates (including without limitation, preparation and distribution of the Preliminary Official Statement and qualification of the Certificates for book-entry with DTC), is hereby ratified, approved and confirmed. The designation of the Preliminary Official Statement by the City's Finance Director as a "nearly final Official Statement" for purposes of Rule 15c2-12 of the U.S. Securities and Exchange Commission is hereby ratified, approved and confirmed.

S3. Finding of Best Interests. The City Council hereby finds and determines, pursuant to the Constitution, the laws of the State of Colorado and the Charter, that the acquisition, construction, equipping and leasing of the Project under the terms and provisions set forth in the Lease, the Indenture and the Ground Lease is necessary, convenient and in furtherance of the City's purposes and is in the best interests of the inhabitants of the City; and the City Council hereby authorizes and approves such acquisition, construction, equipping and leasing of the Project, all under the terms and provisions of the Ground Lease, the Lease and the Indenture.

S4. Approval of Ground Lease, Lease, Access Agreement, and Escrow Agreement. The Ground Lease, Lease, Access Agreement, and Escrow Agreement, each in substantially the form presented to this meeting of the City Council, are in all respects approved, authorized and confirmed, and the Mayor of the City is authorized and directed to execute and deliver the Ground Lease, Lease, Access Agreement, and Escrow Agreement in substantially the forms and with substantially the same contents as presented to this meeting of the City Council, for and on behalf of the City.

S5. Approval of Indenture. The City Council hereby approves the execution and delivery by the Lessor and the Trustee of the Indenture in substantially the form and with substantially the same contents as presented to this meeting of the City Council.

S6. Approval of Assignment. The City Council hereby acknowledges and consents to the assignment by the Lessor to the Trustee, pursuant to the Indenture, of all right, title and interest of the Lessor in, to and under the Lease, the Ground Lease, the Easement and the License.

S7. Approval of Certificates. The City Council hereby acknowledges and consents to the issuance and sale of the Certificates pursuant to the Indenture. The City Council hereby acknowledges and approves the form, terms and provisions of the Certificates contained in the Indenture, in substantially the form presented at this meeting of the City Council. The City Clerk is hereby authorized and directed to affix her signature or a facsimile thereof to authenticate the Certificates, as provided in the Indenture.

S8. Approval of Purchase Agreement. The City Council does hereby accept and approve the Purchase Agreement as submitted by the Purchaser, and the Certificates shall be sold to the Purchaser upon the terms, conditions and provisions as set forth in the Purchase Agreement.

S9. Approval of Official Statement. A final Official Statement, in substantially the form of the Preliminary Official Statement presented to this meeting of the City Council, is in all respects approved and authorized. The Mayor is hereby authorized and directed for and on behalf of the City to execute and deliver the final Official Statement in substantially the form and with substantially the same content as the Preliminary Official Statement presented to this meeting of the City Council, with such changes as may be approved by the Finance Director. The distribution by the Purchaser of the Preliminary Official Statement and the final Official Statement to all interested persons in connection with the sale of the Certificates is hereby ratified, approved and authorized.

S10. Authorization to Execute Collateral Documents. The City Clerk is hereby authorized and directed to attest all signatures and acts of any official of the City in connection with the matters authorized by this ordinance.

The Mayor and City Clerk and other appropriate officials or employees of the City are hereby authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this ordinance, including but not limited to the execution of the Letter of Representations, the Purchase Agreement, the Continuing Disclosure Certificate and such other certificates and affidavits as may be reasonably required by the Purchaser. The appropriate officers of the City are authorized to execute on behalf of the City agreements concerning the deposit and investment of funds in connection with the transactions contemplated by this ordinance. The execution of any instrument by the aforementioned officers or members of the City Council shall be conclusive evidence of the approval by the City of such instrument in accordance with the terms hereof and thereof.

S11. Approval of Mortgage. The City Council hereby approves the borrowing by the Lessor evidenced by the Certificates and the mortgaging of the Project pursuant to the terms of the Indenture.

S12. No General Obligation Debt. No provision of this ordinance, the Ground Lease, the Lease, the Indenture, the Preliminary Official Statement or the final Official Statement shall be construed as creating or constituting a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional or statutory provision, nor a mandatory charge or requirement against the City in any ensuing fiscal year beyond the then current fiscal year. The City shall not have any obligation to make any payment with respect to the Certificates except in connection with the payment of the Base Rentals (as defined in the Lease) and certain other payments under the Lease, which payments may be terminated by the City in accordance with the provisions of the Lease. Each Certificate shall evidence an assignment of a proportionate interest in the right to receive revenues under the Lease. The Certificates shall not constitute a mandatory charge or requirement of the City in any ensuing fiscal year beyond the then current fiscal year, and shall not constitute or give rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional, statutory or Charter debt limitation and shall not constitute a multiple fiscal year direct or indirect City debt or other financial obligation whatsoever. No provision of the Certificates shall be construed or interpreted as creating an unlawful delegation of governmental powers nor as a donation by or a lending of the credit of the City within the meaning of Sections 1 or 2 of Article XI of the Colorado Constitution. The issuance of the Certificates shall not directly or indirectly obligate the City to make any payments beyond those budgeted and appropriated for the City's then current fiscal year.

S13. Reasonableness of Rentals. The City Council hereby determines and declares that the Base Rentals do not exceed a reasonable amount so as to place the City under an economic compulsion to renew the Lease or to exercise its option to purchase the Project pursuant to the Lease. The City Council hereby determines and declares that the period during which the City has an option to purchase the Project (i.e., the entire maximum term of the Lease) does not exceed the useful life of the Project.

S14. Repealer. All bylaws, orders, resolutions and ordinances of the City, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any other such bylaw, order, resolution or ordinance of the City, or part thereof, heretofore repealed. All rules of the City Council, if any, which might prevent the final passage and adoption of this ordinance as an emergency measure at this meeting of the City Council be, and the same hereby are, suspended.

S15. Severability. If any section, subsection, paragraph, clause or other provision of this ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this ordinance, the intent being that the same are severable.

S16. Declaration of Emergency. In order to complete the issuance and sale of the Certificates while favorable market conditions exist to effect the Project, it is hereby declared that an emergency exists and that this ordinance is immediately necessary for the preservation of the public peace, health, safety and financial well-being of the City. This ordinance is hereby declared, pursuant to Section 8.14 of the Charter, exempt from referendum.

S17. Effective Date, Recording and Authentication. This ordinance shall be in full force and effect immediately upon enactment following final passage. This ordinance shall be recorded in "The Ordinance Book" of the City kept for that purpose, and shall be authenticated by the signatures of the Mayor and City Clerk, and published in accordance with law.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE on March 23, 1998.

Mayor

(SEAL)

ATTESTED:

City Clerk

STATE OF COLORADO)
)
COUNTIES OF ADAMS) SS.
AND JEFFERSON)
)
CITY OF WESTMINSTER)

I, the duly elected, qualified and acting City Clerk of the City of Westminster, Colorado (the "City") do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council (the "Council") of the City at a regular meeting of the Council held at the City Hall on March 23, 1998.

2. The Ordinance has been signed by the Mayor, sealed with the corporate seal of the City, attested by me as City Clerk, and duly recorded in the books of the City; and that the same remains of record in the book of records of the City.

3. The passage of the Ordinance as emergency was duly moved and seconded and the Ordinance was approved by vote of five of the seven members of the Council as follows:

- Those Voting Yes: Councillor Herb Atchison
- Mayor Nancy M. Heil
- Mayor Pro Tem Ann Merkel
- Councillor Glenn Scott
- Councillor Suzanne Smith

Those Voting No: None

Those Abstaining: None

- Those Absent: Councillor Fred Allen
- Councillor Sam Dixon

4. That notice of the meeting of March 23, 1998, in the form, attached hereto as Exhibit A, was posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

5. That the ordinance was published in full after adoption in Westminster Window, a newspaper of general circulation within the City on April 2, 1998. The affidavit of publication is attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 31st day of March, 1998.

(SEAL)

City Clerk

EXHIBIT A

(Attach Notice of Meeting)

EXHIBIT B

(Attach Affidavit of Publication)

Date: March 23, 1998

Subject: Ice Centre Sponsorship Contract

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

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Major League Marketing Incorporated to act as the City of Westminster's agent for securing corporate sponsorship agreements for the "Ice Centre at the Promenade." The Hyland Hills Park and Recreation District Board has already approved a similar agreement with this company for their share of ownership in the ice arena.

Summary

At the March 16 meeting, City Council reviewed a proposal to secure the services of Major League Marketing Incorporated, (MLM), to act on behalf of the City and Hyland Hills Parks and Recreation District to sign up potential corporate sponsors to advertise at the new ice arena.

City Council gave consensus to proceed with bringing a contract back for Council's consideration at a regular meeting. Thomas Manogian, the president of Major League Marketing, has strategic experience coordinating corporate sponsorship agreements. His most notable accomplishment was the package that he negotiated for Jefferson County R-1 schools which totaled several millions of dollars, and will allow the district to build a new sports stadium. Mr. Manoogian has reviewed the details of the Ice Centre project and believes a great potential exists for substantial fees to be paid to the arena enterprise for naming rights, pouring rights, (soda vending), dasher board advertising, banners and arena signage.

The terms of this contract will include the following:

1. Major League Marketing will be paid a fee of 15% of any sponsorship money that they generate. If they do not sign up any sponsors, they will not receive any compensation for their services.
2. Major League Marketing's fee will only be paid when the City and District have cash in hand. If the terms of a particular agreement call for payments to be spread over a number of years, the fee to Major League Marketing will likewise be distributed in a similar manner. For example, if an agreement calls for payments of \$50,000 per year for 10 years, MLM'S share will be $\$50,000 \times .15 = \$7,500$ per year for 10 years. Again their fee will not be paid until the arena enterprise has cash in hand.
3. Any final decisions on sponsorships will be taken to City Council and the Hyland Hills Board for final approval.
4. Certain eligible expenses for MLM will be reimbursable after being reviewed and approved by Staff.

5. If the City or the District should secure a sponsorship on their own without the help of MLM, that sponsorship and all of the associated revenues become the property of the ice arena enterprise, and exempt from any MLM fees.

Alternatives

City Council could reject this recommendation and instruct Staff to proceed in soliciting sponsorships on their own without any outside professional assistance.

City Council could reject this recommendation and instruct Staff to do a formal request for proposals (RFP) for this service in hopes that a consultant could be secured at a lower fee rate.

City Council could reject this proposal and adopt a policy prohibiting outside advertisements and sponsorships at the ice arena.

Staff Recommendation

Authorize the City Manager to sign a contract with Major League Marketing Incorporated to represent the City of Westminster in securing corporate sponsorship proposals for the Ice Centre at the Promenade Ice Arena in cooperation with the Hyland Hills Parks and Recreation District. The terms of said contract shall conform to the conditions described in the summary section of this memorandum.

Background Information

On January 29, 1998, City Council approved an intergovernmental agreement with the Hyland Hills Park and Recreation District Board of Directors for the construction, financing, and operation of a new ice arena "The Ice Centre at the Promenade." This facility is currently under construction and will house three full size NHL sized skating rinks, team changing rooms, pro shop, concessions, party rooms, warming rooms, restaurant, and other retail space. The total cost of the project including issuing certificates of participation to fund the construction will be approximately \$14 million.

An enterprise fund through the Hyland Hills Park and Recreation District will be set up to operate, maintain, and pay off the capital construction debt of the facility. The Hyland Hills District will be responsible for operating the enterprise.

The potential exists for securing corporate sponsorships for the facility. Staff believes that any sponsorship money could be used to pay operating costs, pay for some of the capital construction costs, or be used to purchase or replace equipment in the ice arena. Staff is hopeful that City Council will support the concept of corporate sponsorships for the new ice arena to potentially bring in additional revenues for the ice arena enterprise.

The concept of governmental entities, i.e. school districts and City governments, entering into such contracts with private sector companies is relatively new. The Jefferson County R-1 School District Stadium pact has created new thinking among governmental entities. The Ice Centre certainly lends itself to this concept. As a business enterprise operation, selling these sponsorships seems to be "on target".

Respectfully submitted,

William M. Christopher
City Manager

Date March 16, 1998
Subject: 1997 Fourth Quarter Activity Report
Prepared By: Barbara Gadecki, Assistant to the City Manager

Attached for City Council's review is the 1997 Fourth Quarter Activity Report which covers Departmental activities for the quarter ending December 31, 1997.

As apparent with the information which follows, the City continues to experience steady activity. The activities include achieving stated objectives as well as acting upon unanticipated "opportunities."

Respectfully submitted,

Bill Christopher
City Manager

Attachment

FOURTH QUARTER ACTIVITY REPORT
October 1, 1997 through December 31, 1997

COMMUNITY DEVELOPMENT DEPARTMENT

Building Division

Projects completed during the 4th quarter:

- *Dynamic Data Systems
- *Comfort Suites Inn
- *Jared's Galleria of Jewelry Marketplace
- *Shane Company
- *King Soopers at Northpark Plaza
- *First Bank at Northpark Plaza
- *Wendy's Restaurant at Northpark Plaza
- *Shell Buildings at Northpark Plaza
- *Northpark Plaza Tenant Finishes:
 - Naomi's Hallmark Shop
 - Preferred Communications
 - Cabinet Corner
 - Photo Express
- *Westminster Mall Tenant Finishes:
 - Easy Spirit
 - Afterthoughts
 - Ladies Footlocker
- *Westminster City Center Marketplace:
 - Davids Bridal
- *Church Ranch Business Park Tenant Finishes:
 - MC Technology
 - Childrens Hospital Northeast Satellite
 - Itelco
 - Marshall Industries
- *Lake Arbor Industrial Park Tenant Finishes:
 - Phycor of Denver
 - Master Tek International
 - Laser Storm
 - Upscale Furniture
 - HSI/Geo Trans Inc.
- *Sheridan Green Commercial Tenant Finishes:
 - Wally's Meats
 - Continental Bakingco.
 - Great Clips
 - State Farm Insurance
 - Discount Liquor
- *Sheridan Crossing Tenant Finishes:
 - One-Hour Martinizing
 - Air Touch Paging
- *Westminster Village Tenant Finishes:
 - United Airline Ticket Office
 - Ritz Camera

Summary of 4th quarter statistics compared to 1996:

	<u>1996</u>	<u>1997</u>	<u>% Change</u>
Construction valuation	\$42.0M	\$32.3M	-23%
Single family starts	179	114	-36%

Tenant finishes	20	31	+55%
Commercial plans	18	16	-11%
Residential plans	105	75	-29%
Inspections	13,578	9,283	-32%

Engineering Division

Continuing work on major Capital Improvement Projects yielded the following progress:

- * 88th Avenue (Sheridan-Harlan) - Construction of this project was completed in October 1998 with the exception of sodding the areas in front of the Mall, which will be done in February 1998.
- * 92nd Avenue (Harlan-Yates) - Design of the widening to 92nd Avenue between Marshall and Yates is ongoing. Construction of the bridge widening will occur in late summer 1998 with construction of the road widening occurring in early 1999.
- * Harlan Street Flyover - Consultant began preliminary design and evaluating roadway alignment possibilities.
- * Westminster Promenade - The construction of the Plaza is 90% complete with completion anticipated by the end of March 1998. Westminster Boulevard area construction will be complete by the end of March 1998.
- * Westmoor Business Park - On December 31, 1997, the City and Westfield closed on the purchase of City property, open space, parks and recreation center property and golf course property. Also, during the fourth quarter, the construction drawings were finalized for 108th Avenue, Spine Road and the reclaimed water line improvements.

Planning Division

Twelve major projects were approved through the planning process during the fourth quarter of 1997; they include the following:

- * Church Ranch Alzheimer Clinic ODP
- * Westminster City Center (Marketplace) Amended ODP
- * Jeffco Airport property annexation and rezoning
- * Fonay annexation
- * Comp Plan Amendment to the amendment procedures
- * Comp Plan Amendment to incorporate the Northeast Comprehensive Plan
- * Promenade East PDP (part of Northpoint Center PDP)
- * Westmoor Business Park PDP
- * Martin Annexation and Zoning
- * Comp Plan Amendment for the Jeffco Enclave Area
- * Cambridge Farms Amended ODP for models
- * Third Amended Wandering View PDP

28 projects are currently under Development Review:

- * Costco ODP amendment
- * Melody Homes Office Building ODP amendment
- * New Westminster Post Office Concept Review
- * Westminster Plaza ODP amendment
- * Omni Electric - Administrative amendment
- * Westminster Mall Parking Lot
- * Restaurant Park ODP
- * Legacy Ridge Filing 9 & 10
- * Ice Arena Design
- * Bull Canal annexation
- * Torrey Peaks ODP
- * DePalma annexation
- * Turnpike 112 PDP
- * Ranch Office ODP
- * Hyland Greens PDP
- * Federal Square PDP
- * Vista Ridge ODP
- * Savory Farm ODP
- * College Hills Filing 8 (McStain) ODP
- * Apple Valley North ODP amendment
- * Westbrook PDP

- * Greenlawn PDP
- * City Pump Station
- * Wallace Village PDP
- * Oil & Gas Well PDP/ODP
- * Next Stage PDP Concept
- * 81st & Sheridan combined PDP/ODP
- * Confertech ODP amendment

Summary of Other Review Activities for the fourth quarter:

- * 16 Planning Commission/City Council Agenda Items
- * 6 Transportation/Special Use & License Board Hearings
- * 19 Administrative ODP Approvals/Waivers

- * 6 Referrals by other agencies
- * 28 Items reviewed in Concept and Technical Review
- * 760 Technical assistance inquiries from the general public
- * 77 Sign permits approved
- * 22 Building permits reviewed
- * 91 Business Licenses reviewed
- * 3 Board of Adjustment meetings

Major Planning Activities:

- * Development Review Task Force
- * Development Review Process revisions and guidebook
- * Park Centre - conceptual planning
- * Park Centre - Trail Planning Project
- * Assistance on Urban Renewal Program - Safeway ODP Review
- * Economic Development support activities
- * Update of land use and demographic data base
- * Growth Management Program Coordination - Category B Competition for 1998 reviewed
- * 1996 Design Awards
- * Comprehensive Plan - Implementation and Amendments
- * Westminster Mall Enhancement Study - preliminary design concept
- * Preliminary golf course layouts for proposed Heritage at Westmoor Golf Course - ODP submission
- * Monitoring of the DRCOG Vision 2020 process
- * Promenade West/AMC Construction monitoring - Promenade East - Master Planning/Design Studies
- * Adams County IGA
- * Community Development Customer Service Survey - Development Review Process review
- * Planner II Recruitment
- * Monthly Residential Development Staff Reports
- * Single Family Detached Design Guidelines
- * Comprehensive Plan Lawsuit
- * Face-lift Program Task Force

Open Space Division

- * The Open Space Advisory Board (OSAB) and Staff met frequently throughout 1997, developed an expanded list of priority Open Space properties, and presented these recommendations to City Council in November. This followed voter approval of additional funding in November 1996 and the concern from many residents that the City should move quickly to "save the land before it's too late". Every request or suggestion was given careful consideration by the Board and Staff which has enabled the City to establish a good "road map" to guide priority acquisitions over the next few years.

- * Purchase of 33 acres of park and open space was closed in October. This parcel lies just south of 128th Avenue, along Big Dry Creek. City Council approved the purchase of another 40 acres of open space southwest of 120th Avenue and Federal Boulevard. This purchase will close in January 1998. Staff and the developer closed the acquisition of land for open space, the Heritage at Westmoor Golf Course, and a proposed Recreation Center at the very end of the year.
- * Negotiations are underway on many key properties, as identified by OSAB and City Council. Additional closings will take place in 1998.
- * Many volunteer projects were completed in coordination with the Department of Parks, Recreation and Libraries in 1997. Open Space fencing and new signs have been installed at key locations to identify new open space acquisitions.
- * Various Community Enhancement projects were completed or approved by City Council and underway - including Sheridan Boulevard Median Landscape between 104th and 112th Avenues, Church Ranch Boulevard Median Landscape between Wadsworth Boulevard and Wadsworth Parkway, a new stone signwall at US36/Church Ranch Boulevard, and stone signwalls with landscape at 120th Avenue and Sheridan Boulevard and 104th Avenue and Federal Boulevard. Design of 1998 projects is underway.
- * Work is continuing on a redevelopment plan for Little Dry Creek between approximately 72nd Avenue and Lowell Boulevard. City Council approved an IGA with the Urban Drainage and Flood Control District to construct channel improvements to reduce flooding and improve the appearance of this area. The project is about to go to bid, with construction beginning in early 1998.

Economic Development Division

- * Continued maintenance of real estate data base through regular contact with property owners and commercial real estate brokers. Also provided property updates to the Jefferson Economic Council and Adams County Economic Development. Current data base listings include 89 office buildings, 16 industrial buildings, 47 retail spaces, 87 land parcels and 10 build-to-suit projects for a total of 249 non-residential real estate listings in the data base.
- * Participated in the Metro North Chamber of Commerce Business Trade Faire and the Rocky Mountain Commercial Real Estate Expo.
- * Coordinated the preparations and hosting of the City Business Appreciation Event. Over 170 people were present.
- * Responded to 117 inquiries for information concerning property, buildings, demographic or other data.
- * Handled 5 inquiries and processed 3 applications for the Westminster Face Lift program during the 4th quarter. Currently monitoring 14 approved applications totaling \$45,796 in Face Lift grants.
- * As a result of the City's effort to attract grocery stores, the following has occurred: Albertson's at Sheridan Crossing, King Soopers at North Park Plaza, and Alfalfas at the Wal-Mart center. Safeway stores are being planned at Westminster Plaza and Wallace Village.
- * Processed and funded 6 applications for WEDA Loan Enhancement program totaling \$29,000 in assistance from the City.
- * Held the November Business Advisory Group meeting.
- * Processed and awarded 4 Small Business Scholarships.
- * Finalized and distributed the first edition of the Westminster Business Directory to all businesses, residents and chambers.
- * Assisted with the development of the Chamber survey.

Summary statistics for Year End 1997:

* Current active prospects	19
* Number of inquiries (demographics, sites, buildings, business assistance program, etc.)	491
* Face Lift Program:	
Applications submitted	21
Approved	14
Funds committed	\$45,797
* WEDA Loan Enhancement Program:	
Approved applications	6
Funds provided	\$29,000
* Small Business Scholarship Program:	
Approved applications	32
Funds provided	\$4,634
* Business Directories Distributed	+36,000

Significant 1997 happenings:

- * Tri-State Generation moved into their new corporate offices in Westminster and added at least 160 new jobs
- * Protogenic moved into their new 35,000 square foot facility and added 40 jobs
- * ConferTech moved into their new 60,000 square foot expansion and added over 200 employees
- * Dynamic Data Systems built and moved into their new corporate office in Park Centre
- * NTA Leasing announced plans & began construction on new manufacturing space in Park Centre for their subsidiaries Key Products and Genesee Wester
- * Childrens Hospital opened their new rehabilitation facility in Church Ranch Corporate Center
- * St. Anthony North completed their expansion and remodeling
- * Itelco, USA, an Italian company opened their new facility in Church Ranch Corporate Center.
- * AMC Theatres began construction on their new 24 screen theatre at the Westminster Promenade
- * MIE Properties announced plans to build 98,000 square feet of office/showroom space at 108th Avenue and Wadsworth Parkway
- * Church Ranch Corporate Park announced plans to build 200,000 square feet of office/showroom space
- * Panatoni-Catlin announced plans to build 200,000 square feet of new Class-A office space in Park Centre
- * Westin Hotel announced plans to build 368 room hotel 50,000 square feet and conference facility at the Westminster Promenade
- * Over 360,000 square feet of new office, industrial and retail space were added to the City's inventory during 1997.
- * The City received the American Economic Development Council's "Best of Class" award in April for the 1996 Showcase Event.

South Westminster Revitalization progress:

- * Westminster Plaza Development - Demolition work on the old shopping center started. The Official Development Plan (ODP) for the new center was submitted for review and approval. New construction tentatively scheduled for March 1, 1998.
- * Urban Renewal Plan Amendments - Staff continues to work on revisions to Urban Renewal Plan. Draft tentatively scheduled for first part of April.

- * 73rd/Lowell Redevelopment - Private developer is in the process of preparing feasibility study and securing financing. Concept plan has been prepared.
- * Fireman's Park Office Development - Conceptual development plan prepared and submitted to Fire Department for review and comment. Final concept plan being modified at this time.

FINANCE DEPARTMENT

Summary of 4th quarter 1997 statistics compared to 4th quarter 1996:

	<u>1997</u>	<u>1996</u>	<u>%.Change</u>
Audit assessments issued	19	25	-24%
Audit and enforcement dollars collected year to date	\$832,175	\$1,776,067	-53%
% Sales tax accounts delinquent	2	3	-33%
Total checks issued	4,357	3,902	12%
Purchase orders issued	4,453	3,742	19%
Returned checks processed	96	100	-4%
Computer support calls made	818	932	-12%
Number of water accounts processed	85,091	82,164	4%
Total PIE participants	2,246	1,964	14%
Pension activities processed	175	291	-40%

Sales Tax

- * Audit revenue for 1997 totaled \$571,570, compared to \$1,416,000 in 1996. The decrease was attributed to unusually high audit collections and a favorable court decision in 1996.
- * The number of City tax returns processed rose 5.4% from 1996 to a total of 18,897 in 1997.
- * Staff began working with Frank Solutions to develop an electronic filing program scheduled for implementation in January of 1999.
- * The number of delinquent accounts reached an all time low of 1.6% in December of 1997.

Administration

- * During the 4th quarter both the pension bond portfolio and the City's operating portfolio were safely moved from Norwest Investment Services to other custody departments. The pension portfolio was moved to Colorado National Bank and the operating portfolio was moved from the brokerage side of Norwest to the Norwest Trust Department.
- * The 4th quarter was quite volatile for the world stock markets with many of the pension mutual funds showing losses for the quarter. However, even with 4th quarter losses, many participants had gains of 20% or more for the year.
- * The Westminster Economic Development Authority issued \$6.46 million bond at 5.55% to finance the urban renewal of south Westminster.

Accounting

- * Tabor refunds were issued for both Amherst and Sheridan Park General Improvement Districts.
- * 104th Avenue assessments were verified and certified to Jefferson County.

Data Processing

- * Significant effort and time were dedicated to the upgrade of Hewlett Packard system during the fourth quarter. Staff spent many hours in the planning, pre-conversion testing, and the upgrade of this system. The upgrade included new computer hardware, operating system software, system utilities, and database software. Programs were modified and tested prior to the conversion, and additional changes were required after the conversion.

This upgrade more than doubled system performance for users of systems such as Finance, Budget, Purchase Orders, Court, Sales Tax and Utility Billing. Staff will continue to follow up during 1st Quarter to ensure complete conversion.

Utility Billing

- * No water was disconnected for non-payment during Thanksgiving, Christmas and New Year holiday weeks.
- * In an effort to reduce the number of accounts on the disconnect list, stricter guidelines were developed for payment arrangements. Results should become apparent in the first quarter of 1998.
- * Advertising pays! The number of PIE (Payments Issued Electronically - our automated utility payment program) participants increased by 282 compared to the fourth quarter of 1996.

FIRE DEPARTMENT

Year-to-date statistical data with previous year comparison follows. Also provided is the percent of increase or decrease in activity where appropriate.

<u>CATEGORY</u>	<u>1997</u>	<u>1996</u>	<u>% CHANGE</u>
Total Alarms:	5,476	5,707	-4%
Struct./Veh.Fires:	143	143	0%
Emergency Medical:	3,690	3,798	-3%
Amb. Transports:	2,420	2,471	-2%
Amb. Revenue:	\$634,132	\$581,438	+8%
Westy-MED Enrollees:	181	177	+2%
Pub. Ed. Classes:	391	521	-25%
Inspections:	2,792	3,241	-14%
Training Hours:	24,875	28,126	-12%

- * The Westminster Firefighting Combat Team competed against 150 teams across the nation in Las Vegas, Nevada, in November at the World Firefighter Combat Challenge. The team placed 11th after giving their personal fastest times. The team placed first in regionals in Texas in October.
- * Fire Lieutenant Jerry Calabrese spearheaded the annual Employee Charity Drive during the holidays and collected over 80 bags of toys, clothing and non-perishable food for local charity organizations.
- * The Westminster Fire Training Facility was completed at 3501 Elk Drive. The five-story concrete and steel training tower will give firefighters an opportunity to practice numerous fire-combatting scenarios and rescue procedures. The tower also enables the Fire Department to continue to meet national fire standards and to minimize the need for out-of-city trainings. The tower was built on a 53,000-square-foot pad that will be used by the Police Department, Public Works and other City departments.
- * Firefighters chauffeured Santa Claus to more than 130 homes, visiting over 700 children during the holidays. The program was organized by the career staff while both career and volunteer firefighters assisted in the delivery of Santa.
- * Firefighters taught hundreds of children how to get out of a house safely during the annual Fire Prevention Week at the Westminster Mall in October. Two elementary schools in Westminster participated in a poster contest sponsored by the Fire Department using the theme, "Know when to go, react fast to fire."
- * Firefighters responded to several apartment fires in the 4th quarter, including Della Villa Apartments, Greenbriar Apartments, and Cobblestone Village Townhomes. While none of the fires were fatal, they did cause heavy smoke and fire damage.

GENERAL SERVICES DEPARTMENT

Administration

Volunteer Program Activities:

- * The partnership among the Volunteer Program, COG, Have A Heart Project, and Make A Difference Day resulted in 5 families, who are living at the poverty level or below, each receiving 3 boxes of non-perishable food and 10 bags of clothing.
- * For the opening of College Hill Library, 7 volunteer job descriptions have been revised, and 5 new volunteer job descriptions have been created.
- * 2 new agencies were added to the City's clearinghouse of volunteer opportunities: Have a Heart Project and Recording for the Blind & Dyslexic.
- * 6 staff attended a 1.5 hour workshop on "How to Interview Volunteers and Match Them to the Appropriate Job and How to Evaluate Volunteers."
- * Over 700 volunteers donated over 8,000 hours, broken down by Department:

. Fire	22%
. General Services	7%
. Police	8%
. PR&L	54%
. PW&U	2%
. Crossing Guards	6%
- * 66 people inquired about volunteering;
12 people inquired about un-paid internships; and
25 people inquired about court ordered volunteer work.
- * 20 people requested Snowbusters and 14 people were placed as volunteer Snowbusters.
- * Recognition: One of the City's volunteer supervisors received DOVIA's (Directors of Volunteers in Agencies) certificate for "Excellence in Volunteer Management Award Finalist" and a volunteer who worked for the Police Department for 13 years was awarded a plaque from the Volunteer Program.

Major Citywide training activities for the fourth quarter include the following for a total of 3,361.5 hours of training:

- * Supervisory Academy - 39 employees @ 4 hours each
- * Working In Teams - 20 employees @ 16 hours each
- * Effective Performance Appraisals - 44 employees @ 6hrs each
- * Everything You Always Wanted to Know About Your Performance Appraisal - 35 employees @ 2 hours each
- * How to Use the WWW - 44 employees @ 3.5 hours each
- * Westminster 101 - 24 employees @ 8 hours each
- * Defensive Driving class - 30 employees at 4 hours each
- * Interaction Management - 8 employees at 24.5 hrs each
- * Team Leadership Skills - 15 employees @ 36 hours each
- * Brown Bag lunch training sessions - 19 employees @ 2 hrs
- * Intranet Training sessions - 25 employees @ 1.5 hrs each
- * Dealing With Change - 32 employees @ 4 hours each
- * How to Use the World Wide Web - 57 employees @ 4 hrs each
- * Respectful Workplace - 27 employees @ 10.5 hrs each
- * Getting A Grip On Grammar - 25 employees at 10.5 hrs each
- * Westminster 202 - 24 employees at 8 hrs each
- * How to Work Effectively With Your Boss - 60 employees at 3 hrs each.

Other Major Activities:

- * Presented an overview of the City's training curriculum to the 34 newly benefitted employees at Orientation.
- * Coordinated fourth quarter Citywide Management Team meeting where the Organizational Climate Survey was discussed.
- * The ERAT committee coordinated the fourth quarter Teams In Action Luncheon at City Park on October 29, 1997. Two Customer Service Champions surprise parties were also coordinated by ERAT-one for internal customer service champion and one for external customer service champion.

- * Administration and Employee Services coordinated four focus groups of employees to gain ideas and input on the Organizational Climate Survey.
- * The Facilitator Team helped with the Organizational Climate Survey. They helped present information at the beginning of each survey sessions as to why the survey was being conducted, information regarding National Research Center's role in the process, and to assure employees of the confidentiality of the survey. There were 32 meeting times employees could complete the survey. There were 688 employees who completed the survey out of a possible 743. This represents a 92% completion rate.
- * Customized training was offered on the Intranet for the following departments: Finance, Public Works & Utilities, and Community Development.
- * Employee Development Staff met with Division Managers and Department Heads from Finance; the Police Department; Community Development; and Parks, Recreation & Libraries to discuss training needs for 1998.
- * Employee Development staff brought together seven employees-one from each department- to discuss empowerment in the organization.
- * Several staff members from Front range Community College and the Employee Development Staff are researching the possibility of offering video-teleconferencing training sessions at the College Hill Library.

Purchasing/Telecommunications

- * Restructured the custodial services at City Park Recreation Center.
- * Spearheaded the effort to discover and repair the problem with the City's voice mail system.
- * Hosted a bid for auctioneering services for the front range purchasing group (MAPO).

Building Operations & Maintenance

Major activities for the fourth quarter included:

- * Completed a total of 666 work requests: 429 corrective and 237 preventative compared to a total of 696 for the fourth quarter of 1996.
- * The radiant heat project for Fleet Maintenance was completed. Four new 250,000 BTU radiant heat units were installed, and the make-up air unit on the roof was completely gone through. The three large exhaust fans were hooked up to carbon monoxide sensors to cycle the fans on and off when needed. This will result in substantial utility savings as the fans used to run continually.
- * The new HVAC units for the 76th Avenue Library are on the roof. One has been installed and is running. The other three will be installed as time allows.
- * A new fire-proof hazmat cabinet has been installed on the loading dock of City Hall to ensure that all hazardous material from the print room is in a safe and spill-proof container.

City Clerk's Office

Summary of fourth quarter statistics compared to 1996:

	<u>1997</u>	<u>1996</u>	<u>%Change</u>
Councillor Bills	97	91	+7%
Ordinances	95	89	+7%
Resolutions	84	67	+25%
New business licenses	273	252	+8%
Active business licenses	1,512	1,497	+1%
New home occupation lic	459	241	+90%
Home occupation licenses	1,261	1,152	+9%
Sales tax licenses	1,470	1,416	+4%
Licensed refuse haulers	7	7	0%
Solid Waste vehicles	84	85	-1%
Recycling vehicles	23	22	+4%
New liquor licenses	11	9	+22%
Liquor Admin Approvals	153	130	+18%

- * The City Clerk's office processed a total of 90 Voter Registrations during 1997, the figure for 1996 was 213 (-42%). Adams County voter registrations were 57 (63%) and the Jefferson County voter registrations were 33 (37%). The 1997 figures are lower than 1996 because voter registration forms available are through the mail.
- * Total licenses processed by the City Clerk's office during 1997 totalled 4,149, compared to 3,845 for 1996, which is an 8% increase.
- * During 1997 all Business Licenses were added to the City's Web Page and Home Occupation Licenses are also listed if requested.

Employee Services

Major Recruitment Activity in the 4rd Quarter of 1997:

- * Hiring and Orientation: 20 benefitted and 31 seasonal or temporary employees.
- * 267 Personnel Actions
- * 859 applications were submitted during the fourth quarter. 171 of the applicants were tested or interviewed for 33 position openings during the fourth quarter. Recruitment activity remained high throughout 1997. The annualized turnover rate in 1997 was 12% compared to 6% in 1996.
- * Recruitments included two division manager positions: Treasury and Accounting Manager. Additionally, recruitments took place for several Librarian positions, Sr. Human Resources Analyst, Benefits Coordinator, Public Information Specialist, Systems Administrator, Police Officer, Legal Secretary, Secretary and Deputy Court Clerk.

Other Major Activities included:

- * Several enhancements were made to the Internet employment application process during the 4th quarter. Computerized application options were added in the General Services office, allowing applicants to fill out and send their application via a computer in the job information area of the office.
- * Completed 1998 payplan. Coordinated system changes for across the board increases and other beginning of the year changes resulting from the 1998 budget revisions.
- * Coordinated meetings with employees and consultant regarding the clerical utilization study in the Police, Public Works and Utilities and Community Development departments.
- * Consulted with managers on one employee ADA (disability) claim regarding an employee and several disciplinary issues including two terminations.

Fleet Maintenance

Summary of 4th quarter statistics:

	<u>1997</u>	<u>1996</u>	<u>%Change</u>
# repair orders*	1,582	1,351	+17%
Gallons of diesel fuel	37,830	21,973	+72%
Gallons of unleaded fuel	61,313	49,518	+24%
Used motor oil collected	4,839	5,151	-6%

*Beginning 3rd Quarter 1997, these figures now include scheduled services, vehicle repairs, service calls and vehicle sublet repairs.

Other major activities:

- Bill Christopher attended the Fleet Maintenance Staff Meeting held on October 28 and fielded questions and comments from staff in attendance.
- The City hosted the Rocky Mountain Fleet Management Association on Friday, November 7, at City Park Recreation Center. Approximately 100 participants attended sessions on Occupational Health Risks, Accident Review Do's and Don'ts, and a round table discussion on Vehicle Specifications and Standardization at this full day event.

- A long term project was completed on November 24 when Council approved an Intergovernmental Agreement with Adams/Jefferson County Hazardous Materials Response Authority for vehicle fuel and repairs performed at the City's Fleet Maintenance facility.
- Steve Grabarek built the repelling tower for the Fire Department.
- Four new dump trucks were put into operation. DIA purchased the old dump trucks.

Municipal Court

Summary of 1997 statistics:

<u>Filings</u>	<u>1997</u>	<u>1996</u>	<u>%Change</u>
Parking Tickets	1,069	1,053	2%
Traffic Tickets	5,476	7,483	-27%
General Ordinance	3,897	4,301	-9%
Domestic Violence	423	429	-1%
Presentence Investi.	381	307	24%
Sentenced to Probation	778	744	5%
Probation w/Volunteer	218	188	16%

Risk Management

- * During the fourth quarter of 1997, the City experienced 14 work related injuries compared to 19 during the same period last year.
- * Risk Management held 2 monthly City Safety Committee meetings during the fourth quarter of 1997, as well as a recognition banquet with a guest speaker who spoke on the Oklahoma City bombing.
- * Risk Management Specialist Nancy Winter coordinated five 8-hour Hazardous Materials trainings through the Adams County/Jefferson County Hazardous Materials Response Team for Public Works and Utilities, Parks Department, Police Department, and Fleet Maintenance Division employees.
- * Risk Management conducted two ergonomics trainings for Municipal Court employees.

Wellness Program Activities

- * The Wellness Program finished the fourth quarter and the year with 525 employees participating. 1996 finished the year with approximately 464 employees.
- * The Wellness Program sponsored a "Breast Cancer Awareness Walk" in which 7 employees participated. The 5k run/walk was held at Civic Center Park in Denver.
- * The Wellness Program sponsored its annual flu vaccinations for all employees and family members. Approximately 480 employees and family members received a flu shot.
- * Scott Murdie conducted annual fitness tests for all employees in the Wellness Program. Each employee is required to complete a fitness test, fill out a lifestyles questionnaire, and have a blood draw at the health fair in January 1998.
- * A "Getting Ready for Ski Season" clinic was sponsored in which 15 employees participated. Two adult lift tickets to Winter Park were raffled off.
- * A "Eating Healthy" seminar was conducted by a registered dietician. Seven employees learned how to improve their diets.
- * Scott taught a section of Defensive Driving.
- * The Wellness Program, along with Clear Laser Vision, offered a free one hour seminar on a surgical technique which corrects nearsightedness. Abel Moreno of MSC won a free procedure to correct one of his eyes.
- * A "Mental Health Seminar" was conducted. This one hour seminar addressed mental illness; approximately 10 employees attended.
- * The Wellness Program organized a "Self Defense" training class. The three night class, conducted by officer Rob Ross and Luis Lopez, addressed how to defend oneself against an attack.

- * The Wellness Program implemented strength training programs for 13 employees.
- * Scott, along with Centura Health, is once again organizing its annual Health Fair.

Benefits

- * Insurance open enrollment was held October 27 through December 8. The following is a summary of the changes made during this year's open enrollment:
 - 700 Employee Verification Forms were returned to Employee Services
 - 7 employees switched from Kaiser to Blue Cross/Blue Shield
 - 27 employees added or deleted dependents
 - 4 employees opted out the City's medical/dental plans
 - 14 employees switched Blue Cross/Blue Shield plans
 - 11 employees switched from Blue Cross/Blue Shield plans to Kaiser
 - 81 address/name changes were processed
 - 87 employees opted out for 1998
 - 10 employees purchased vision coverage, including 2 retirees
 - 3 employees cancelled their vision coverage
 - 26 employees decided not to join or dropped vision after the rates increased
 - 4 employees added or deleted dependents on their vision coverage
 - 17 employees joined or rejoined the dependent care program
 - 26 employees requested medical, dental or dependent care changes and did not return the forms

- * Insurance paperwork was processed for 23 medical/dental enrollments. There are 15 COBRA participants and 9 Retiree's continuing coverage with the City.

PARKS, RECREATION & LIBRARIES

Recreation Facilities

Summary of 1997 fourth quarter statistics compared to the fourth quarter of 1996:

	<u>1997</u>	<u>1996</u>	<u>% Change</u>
Drop-in Participation:			
October			
City Park	23,061	22,981	N/A
Swim & Fitness	7,145	6,206	+15%
Countryside	407	621	-34%
Senior Center	7,071	6,458	+9%
November			
City Park	28,409	26,183	+9%
Swim & Fitness	9,561	8,498	+13%
Countryside	721	743	-3%
Senior Center	6,481	5,627	+15%
December			
City Park	26,031	24,686	+5%
Swim & Fitness	7,346	7,691	-4%
Countryside	640	689	-7%
Senior Center	8,792	4,609	+91%
YTD Participation			
City Park	330,225	358,896	-8%
Swim and Fitness	116,748	122,398	-5%
Countryside	24,510	29,954	-18%
Senior Center	68,925	65,021	+6%
Kings Mill Pool	4,634	4,315	+7%

	<u>1997</u>	<u>1996</u>	<u>% Change</u>
Aquatics Program Participation:			
October	440	400	+10%
November	404	380	+6%
December	765	704	+9%
Year to Date	9,662	10,456	-8%

	<u>1997</u>	<u>1996</u>	<u>% Change</u>
YTD Facilities Revenue:			
City Park	\$953,132	\$888,696	+7%
Swim & Fitness	\$306,920	\$282,910	+8%
Countryside	\$73,112	\$66,597	+10%
Senior Center	\$159,431	\$143,911	+11%
Kings Mill Pool	\$4,885	\$5,354	-9%

RECREATION PROGRAMS - Summary of 1997 fourth quarter statistics compared to 1996:

	<u>1997</u>	<u>1996</u>	<u>% Change</u>
Program Participation			
October	3,932	2,701	+46%
November	5,820	5,045	+15%
December	4,707	4,505	+5%
Year-to-Date	103,866	98,977	+5%

	<u>1997</u>	<u>1996</u>	<u>% Change</u>
Program Revenue			
Year-to-Date	\$531,973	\$477,620	+11%

LEGACY RIDGE GOLF COURSE - Summary of 1997 fourth quarter statistics compared to the fourth quarter of 1996:

	<u>1997</u>	<u>1996</u>	<u>% Change</u>
Revenue	\$1,635,020	\$1,589,512	+3%

STANDLEY LAKE - Summary of 1997 fourth quarter statistics compared to the fourth quarter of 1996:

	<u>1997</u>	<u>1996</u>	<u>% Change</u>
Revenue	\$330,359	\$323,726	+2%

LIBRARY SERVICES - Activity Indicators:

	<u>1997</u>	<u>1996</u>	<u>% Change</u>
Circulation			
76th Avenue Library	60,625	59,549	+2%
Kings Mill Library	23,894	26,828	-11%
Bookmobile	5,161	4,204	+22%
Total All Facilities	89,680	90,581	-1%
Patrons	44,658	48,248	-7%
Reference Questions	6,244	6,721	-7%
Program Attendance	1,066	1,138	-6%

* Activity indicators continued to be strong at the 76th Avenue Library, exceeding last year's record figures. At the Kings Mill Library, business has decreased by approximately 10% after hours at that facility were reduced from 65 hours per week to 51 hours per week. The total circulation number for 1997 for all library facilities was 395,969, down about 1% from last year's record number of 400,004. With the new College Hill Library scheduled to open in April 1998, Staff expects to see at least a 50% increase in circulation of library materials in 1998.

- * Construction of the new College Hill Library continued on schedule, with a predicted opening date of April 1998. The exterior of the building was substantially completed and progress was made on drywall/paint/carpeting and other interior finishes.
- * Approximately 80% of orders submitted for the Opening Day Collection for College Hill were filled by the vendor, with remaining orders to be filled in January 1998. A tentative date of March 2 was established for the first shipment of materials to the new library.
- * Bids were awarded to three vendors to furnish bookshelves, equipment, and furniture for the College Hill Library.
- * The College's holdings on their CARL database were moved to the City's Dynix automation system in December.
- * The College Hill Library Enrichment Committee received pledges totalling more than \$30,000 to purchase enhancements for the new library. Requests for additional funding were sent out to several regional foundations.
- * City and College staff continued to make progress on operational issues at the new Library and will be submitting their recommendations for approval in January 1998.
- * Library staff participated on the College's committee to purchase two commissioned art pieces for the new library.

POLICE DEPARTMENT

- * In 1997, police service events climbed 2.7%, from 133,612 in 1996 to 137,180 year-end 1997. On the average, 15.66 police service events occurred every hour of each day in 1997 while the hourly event count in 1996 was 15.25. A "police service event" is an activity requiring the action(s) of one or more police officers.
- * Twenty-four citizens graduated from the inaugural Police Department Citizens Academy in December. The 13 week program was designed to provide citizens with a comprehensive, hands-on view of police department operations and procedures. The next session of the Citizens Academy is scheduled for late January.
- * Number of Major Police Service Events in 4th Quarter:

<u>Type of Event</u>	<u>October</u>	<u>November</u>	<u>December</u>	<u>4th Qtr Total</u>
Assaults	59	47	36	142
Burglaries	76	74	85	235
Drug Activity	26	31	19	76
DUI	68	103	79	251
Homicide	0	0	0	0
Robberies	6	7	8	21
Shoplifting	78	79	75	232
Stolen Vehicles	69	59	70	198
Theft	202	175	196	573
Traffic Stops	1100	1107	968	3,175
Warrant Arrests	110	100	102	312

PUBLIC WORKS & UTILITIES

Administration

- * Public Works and Utilities Staff continued its efforts to bring the Gasoline Recovery System into compliance with federal, state, and local regulations and codes and to address the need for system modifications.
- * Public Works and Utilities Staff reviewed and provided edits and information to the Clean Water Plan document being put together at the Denver Regional Council of Governments (DRCOG). This is an annual process to update the Clean Water Plan with local agencies and the State.

Environmental Compliance

- * Environmental Compliance Staff coordinated the disposal of 6 drums of hazardous materials from a condominium complex for the Fire Department.
- * Environmental reviews continue on potential property acquisition at the old mushroom farm site.
- * Completed and distributed the draft Environmental Compliance Audit report to all Department Heads.
- * Staff provided assistance to the Print Shop to relocate their hazardous waste drum to an outside location on the loading dock.
- * Environmental Compliance Staff continues to participate on the Management Board of the Jefferson County Household Chemical Collection Center.
- * Environmental Staff moved from City Hall to the Municipal Service Center.

Rocky Flats Environmental Technology Site

- * Attended the Energy Communities Alliance meeting in Carlsbad, New Mexico, October 1-3.
- * Participated as a member of a panel discussion and presented a paper on current topics of interest at the Rocky Flats Environmental Technology Site (RFETS).
- * Rocky Flats Coordinator Mary Harlow worked with Director of Public Works and Utilities Ron Hellbusch and Bill Shortread to develop a presentation draft and resolution for Adams County Commissioners' meeting. Met with Commissioners to discuss use of Last Chance, Laidlaw Environmental Services (Deer Trail), Inc., facility located in Adams County for disposal of Low Level/Low Level Mixed Waste.
- * Rocky Flats Coordinator Mary Harlow, as a member of the Decontamination and Demolition Focus Group, worked on developing a Disposition Operations Plan for highly contaminated buildings at RFETS.
- * A first Decommissioning Operations Plan (DOP) for Building 779 was issued for public comment in December. City comments were prepared and submitted to the United States Department of Energy (DOE) on the document.
- * Participated as an ad-hoc committee member of the Soil Action Level Review Initial Committee. Ad-hoc committee developed a draft request for proposals in November for a consultant review of the model used to develop soil action levels at RFETS, input to the model, review of models and levels determined at other sites, and finally a recommendation on the most appropriate model to be used at RFETS. The ad-hoc committee set up criteria for selection of an oversight committee, which will interface with the contractor selected to perform the review. Representatives from six local governments, two activist groups, three from the scientific community, and two local area citizens will be selected. The review of the Soil Action Levels is anticipated to take one year.
- * Participated as a member in a Rocky Flats Local Impacts Initiative (RFLII) Reuse Task Force all-day workshop in December. The Workshop focused on a review of five future use scenarios proposed by the consultant. RFLII has listed 8 buildings with reuse potential.

Utilities Division

- * During the fourth quarter, the Utilities Division experienced 1 sewer backup and 30 water main breaks.
- * The Construction Crew focused on replacing 2,880 feet of water lines during this quarter.

- * Semper Water Treatment Facility's peak consumption day was on July 16, as 41.4 million gallons flowed through the distribution system. The year-to-date consumption is 5,999,425,000 gallons. The deviation from the previous year is -2.7 percent. Water treatment cost per 1,000 gallons, based on expenditures is \$0.70/1,000 gallons. The costs associated with the operation of the Semper Water Treatment Facility are as follows: \$700,839 - electrical; \$195,720 - chemical; \$738,839 - labor; \$43,881 - maintenance cost (contract); \$47,541 - overtime (FLSA/Operators/on-call). Semper has expended 97 percent of its budget encumbrance. Finally, 508 confined space permits have been issued as of April 1991.

Summary of fourth quarter Utilities Operations statistics compared to 1996:

	<u>1997</u>	<u>1996</u>	<u>% Change</u>
BDC treated gallons/day	6.03M	5.52M	+9.24%
Metro treated gallons/day	4.20M	3.81M	+10.24%
Water consumption/day	31.0M	20.4M	+52.0
Water taps installed	107	216	-200.0%
Water line installed/feet	2,880.0	2,500.0	+15.2%
Water main breaks repaired	30.0	34.0	-13.3%
Sewer line installed/feet	0.0	0.0	0%

Street Division

- * All of the 1997 Street Improvement Projects were completed and final payment made. The one-year warranties are now in effect.
- * Western Mobile Denver Paving performed some patching of streets in the Meadowlark subdivision. Funding for this work was available due to the 1997 Asphalt Pavement Rehabilitation Project being completed under budget. These streets will be recommended for sealcoat or resurfacing in 1998.
- * Work is being done in preparation of the proposed 1998 Street Improvement Program. Pavements recommended for reconstruction were cored to determine existing structure. This information will be used to help determine the new pavement design in conjunction with the Pavement Management test data that is being analyzed. The 1998 Street Improvement Program was presented to the Director of Public Works and Utilities in December, and to the City Manager and the Assistant City Manager on January 5, 1998.
- * The bid documents for the 1998 Customer Service Concrete Replacement Program were prepared and reviewed by the City Attorney's Office, Adams County School District 50 staff, and Street Division Staff. Requests for proposals for this project were sent out in mid-December.
- * Letters have been sent to Adams County School Districts #1, #12, #14, and #27J to once again invite them to participate with our Concrete and Asphalt Project bids along with Adams County School District #50. Adams County School District #14 has responded and will be participating in the 1998 Asphalt Pavement Rehabilitation Project.
- * Brannan Sand and Gravel Company performed some warranty punch list items from the 1996 Asphalt Pavement Rehabilitation Project.
- * A representative from Infrastructure Management Services (IMS), the City's pavement management consultants, linked the Pavement Management System with the Geographic Information System (GIS) and installed the Arc View software. Arc View will provide mapping capabilities for use with the Pavement Management data. Staff training was received for utilizing Arc View GIS with the City's Pavement Management System.
- * A 5-year master plan for the 937 lane-mile street system and the public facility parking lots and entryways is being compiled.

- * The Police Department Parking Lot was paved by City Crews in October. A water main break occurred, which provided a cost-effective opportunity that the Street Division put to best use. City facility parking lots were swept in December.
- * The 17th Annual Western Snow and Ice Fleet Management Conference was held for three days in October 1998. Personnel from Streets, Utilities, and Fleet Maintenance Divisions attended the conference and competed in the Snow Roadeo events for loader, tandem-axle, and single-axle dump trucks.
- * The second rotation of street striping for the entire City was completed in October. New signs and pavement markings and line removal work was completed at various locations throughout the City as a result of work orders received from the Community Development Department. Sign maintenance was performed at various locations throughout the City, along with work associated with the Sign Replacement Program. The annual sign inventory for 1997 was performed in December. Complete maintenance and repair was performed on all signing equipment in preparation for work to be done in 1998.
- * The 1997 In-House Pavement Rehabilitation and Rideability Programs work was completed, totaling 30 different locations throughout the City.
- * Asphalt failures, potholes, and streets that were torn up to fix water main breaks were repaired as needed.
- * The Fall Clean-up Program was held from October 20 to October 31. Street Division and Utilities Division crews worked together to pick up residents' large, unwanted items. A large snow storm occurred on Friday and Saturday, October 24 and 25, postponed Monday, October 27, pickups until Tuesday, October 28. To catch up, an additional crew from the Utilities Division went into action, so that by Wednesday, October 29, pick ups were back on schedule. The totals for the Fall Cleanup follow: 2,198 participating households in 1997, compared with 2,595 in 1996; and 3,032 cubic yards were hauled to the landfill in 1997, compared with 3,468 cubic yards of debris in 1996.
- * The blizzard of '97 took place on October 24 through October 26, resulting in 26" of snowfall in the Westminster area. Contractual services were required, costing \$4,900. The total cost for the blizzard was \$28,582.
- * Snow removal materials were hauled to replenish our stockpiles as needed. Snow removal equipment maintenance and repairs were performed. During December, ice was removed from isolated problem areas throughout the City along the gutters where it is shaded and ice builds up. This is an ongoing problem during the winter months.
- * Street Division crews worked with a private contractor in cleaning and shaping the drainage ditch between 78th Avenue and 80th Avenue along the railroad tracks. The ditch is part of the Shaw Heights tributary. Debris had accumulated and its condition was unsightly. Residents living on Wolff Court adjacent to the ditch voiced their concerns about the condition of the ditch at the Westminster Hills Community Oriented Governance (COG) meetings. As a temporary measure, the ditch was re-shaped and cleaned. Ultimately, improvements are being requested in the five-year Capital Improvement Projects budget.
- * Work associated with the installation of a storm sewer on 94th Avenue, between Teller Street and Reed Way, was started and work to control a drainage problem on Turnpike Drive, adjacent to the Municipal Court and Library buildings, was completed.
- * A part-time Community Service Specialist and a volunteer continue to work with individuals who have community service obligations. A total of 1,210 hours were worked by community service recipients this quarter, compared to 240 hours for the same quarter of 1996, resulting in a 404% increase. People who have community service obligations to meet perform work such as graffiti removal and greenbelt, street, and sidewalk cleanup.

- * Blading of gravel roads was done on Zephyr Street, from 102nd Avenue to 103rd Avenue; 90th Avenue, west of Pierce Street; and 88th Avenue, east of Federal Boulevard.
- * Street Division employees attended the Hazardous Chemical Training that was held at Fire Station #4.
- * Street Division crews hauled backhoes from Buckley Air Field to Honnen Equipment. The City of Lakewood and the City of Westminster cooperated on this venture, in conjunction with the Equipment Operator Training sanctioned by the American Public Works Association, Colorado Chapter.
- * The new trucks for the Street Division were received and the sand/salt spreaders were calibrated.
- * Street Division Staff attended the Fort Collins Flood Presentation that was given by a representative from the Poudre Fire Authority.

Summary of fourth quarter Street Operations statistics compared to 1996:

	<u>1997</u>	<u>1996</u>	<u>% Change</u>
Striping (feet)	50,400	12,250	+311%
Signs Installed	163	37	+341%
Signs Repaired	325	223	+46%
Miles Street Swept	1,348	1,688	-20%
Pothole Hotline Calls	23	17	+35%
Customer Service Requests	46	23	+100%
Concrete Replacement Requests	17	27	-37%
Graffiti Removal Hours	178	244	-27%
Potholes Patched	375	248	+51%

Water Resources Division

The following is a summary of the fourth quarter year-to-date raw water statistics:

	<u>1997</u>	<u>1996</u>
Raw Water Statistics (in acre feet):		
Croke Canal Inflows to Standley Lake	27,509	21,922
Kinnear Ditch Pipe Line Inflows	1,303	616
Farmers' High Line Canal Inflows	14,986	18,163
Church Ditch Inflows	2,354	2,043
Total Standley Lake Inflows	46,152	42,744
Westminster Releases from Standley Lake	15,320	16,355

- * A Request for Proposals related the design of the Standley Lake Dam Facilities Renovation and possible enlargement was distributed. Proposals are due in February 1998. The City of Thornton announced they will not be participating in the enlargement of Standley Lake.
- * Westminster and the other Plaintiffs in the City of Golden Lee, Stewart, and Eskins Case prepared briefs for an appeal of the decision to the Colorado Supreme Court.
- * Approximately 125 acre feet of water was released and exchanged from the Jim Baker Reservoir providing Standley Lake with additional water for Westminster's use. This is the second successful year of operation for the new reservoir.
- * The Jim Baker Reservoir wetlands were the subject of a field inspection to determine the status of the establishment of the wetlands. The inspection resulted in good reviews.
- * The Capital Improvement Program recommended by the Treated Water Master Plan is being incorporated into the Tap Fee Study.
- * Black & Veatch was awarded the design contract for the Reclaimed Water Project distribution system. Work will now be fully coordinated with the Reclaim Treatment Facility.
- * HDR Engineering delivered the final draft of the Treated Water Master Plan. Staff is currently reviewing the document and preparing feedback.

- * Staff, in cooperation with the Upper Clear Creek Watershed Association, participated in discussions regarding a new watershed agreement to continue water quality protection efforts in the Clear Creek Basin.
- * Staff began working with the Clear Creek Basin Counties (Clear Creek, Gilpin, and Jefferson) in collecting information on septic systems located within the basin. The data will be used as an input to the watershed model of nutrient sources within the Clear Creek drainage basin.
- * The Reclaimed Water Treatment Facility reached the 50% design stage. The permitting process was also initiated. Work will progress towards construction bidding in Spring 1998.
- * A draft final report of the peak demand study was prepared and will be finalized in the first quarter 1998.
- * Negotiations continued on the Jefferson County acquisition of Standley Lake as a regional park.
- * Kelly DiNatale, Water Resources Manager, was elected First Vice President of the Farmers Reservoir and Irrigation Company.
- * Work started on modifications and updates to the Water and Wastewater Rate models.

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

Introduction

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

Summary

There are three sections to the attached report:

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

General Fund revenues represent 15% of the total budget estimate while General Fund expenditures and encumbrances represent 16% of the 1998 appropriation.

Utility Fund revenues represent 15% of the total budget estimate. Utility Fund expenditures and encumbrances represent 23% of the 1998 appropriation.

The Sales and Use Tax Fund revenues represent 20% of the total budget estimate, while expenditures and encumbrances in that fund represent 17% of the 1998 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 10% from the same period last year and increased 12% year-to-date.

The Open Space Fund revenues represent 21% of the total budget estimate while expenditures and encumbrances in that fund represent 14% of the 1998 appropriation.

The Golf Course Fund operating revenues represent 3% of the total budget estimate while operating expenditures represent 7% and encumbrances represent 14% of the 1998 appropriation.

Theoretically, 17% of revenues and expenditures should be realized after two months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background Information

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

Respectfully submitted,

William M. Christopher
City Manager

Attachments