

March 25, 1996

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 Westminster & Standley Lake HS Wrestlers
 - B. Proclamation re Arbor Day/Earth Day
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. Standley Lake Patrol Boat
 - B. Asphalt Rollers
 - C. Surplus Fire Department Badges
 - D. Bids re Meadowlark Fence
 - E. Bids re Replacement Backhoe
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. 104th Avenue SID Refunding Bonds
 - B. Public Hearing re Olson Technological Park PDP/ODP
 - C. PDP re Olson Technological Park
 - D. ODP re Olson Technological Park
 - E. Councillor's Bill No. 16 re Sunstream Easement Vacation
 - F. Resolution No. 10 re Open Space Program Properties
 - G. Federal Heights IGA re Backup Ambulance Service
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. Financial Report for February, 1996
 - B. City Council
 - C. Request for Executive Session
13. **Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY MARCH 25, 1996 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Merkel to accept the minutes of the meeting of March 18, 1996 with no additions or corrections. Councillor Harris requested to abstain as he was not present at the meeting.

City Attorney Martin McCullough requested that the minutes be corrected to show that Jon Drake, Assistant City Attorney, was present at the meeting of March 18, 1996.

The motion carried with Councillor Harris abstaining.

PRESENTATIONS:

Mayor Heil and Councillors Merkel and Scott presented a proclamation to Westminster High School wrestlers Brian Hufford and Joe Sutton, Standley Lake High School wrestler Tony Cabral and their coaches, in recognition of their accomplishments during the State Wrestling Championships.

Mayor Heil presented a proclamation proclaiming April 19 as Arbor Day in the City of Westminster and accepted the Tree City USA award and flag from Ralph Campbell, Colorado State Forest Service, who also presented a special Growth Award which was accepted by Parks Service Manager Rich Dahl.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher invited Council and the Public to attend the dedication of the Colorado Rapids new training facility at City Park Recreation Center to be held on Wednesday, March 27 at 4:00 P.M.

CITY COUNCIL COMMENTS:

Mayor Heil commented on her talk at Baker Elementary School regarding the recently publicized "political play" by City Council and the request by the Second Grade class wanting more and better sidewalks in the neighborhood.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Purchase of Standley Lake Patrol Boat; Asphalt Rollers purchase; Surplus Fire Department Badges; Bids for Meadowlark Subdivision Fence and Bids for a Replacement backhoe. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote.

Councillor Merkel requested that Item 8C, Surplus Fire Department Badges, be removed from the consent agenda.

A motion was made by Dixon and seconded by Allen to adopt the remaining consent agenda items as presented with the recommendation stated on the Council Agenda Memorandums. The motion carried unanimously.

SURPLUS FIRE DEPARTMENT BADGES:

A motion was made by Merkel and seconded by Allen to give the surplus badges to Westminster Fire Department personnel requesting them, and that the City would obtain a receipt for the old badges in order to track the badges given to Fire Department personnel. The motion carried unanimously.

Mayor Heil asked Diane Spellman if she would like to address Council concerning the Meadowlark Subdivision Fence project that had been adopted by Council. Diane Spellman, a resident of the Meadowlark Subdivision, thanked Council for the action taken to construct a new privacy fence along the 104th Avenue frontage of the Meadowlark Subdivision.

104TH AVENUE SPECIAL IMPROVEMENT DISTRICT REFUNDING BONDS:

A motion was made by Scott and seconded by Dixon to direct Staff to proceed with preparing to refund the 104th Avenue SID Bonds using Hanifen, Imhoff Inc. as the Underwriters; and authorize negotiated contracts with Sherman & Howard as bond counsel and Kutek Rock as disclosure counsel up to a combined amount of \$24,000. The motion carried unanimously.

PUBLIC HEARING ON OLSON TECHNOLOGICAL PARK PDP AND ODP:

At 7:26 P.M. the meeting was opened to a public hearing on the 2nd Amended PDP for the Olson Technological Park, located at the northeast corner of 108th Avenue and Wadsworth Parkway, to add ice arenas as a permitted use. Planning Manager Larry Hulse entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Chris Belter, project Architect, Don Adam, Director of Hockey Programs and Darwin Witts, 10422 Nelson Ct, one of the owners of the project, gave a brief presentation. No one spoke in opposition. At 8:04 P.M. the public hearing was declared closed.

OLSON TECHNOLOGICAL PARK 2ND AMENDED PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Merkel and seconded by Allen to approve the proposed 2nd Amended PDP for the Olson Technological Park, based on the findings that the proposed amendment is consistent with Section 11-2-1 and 11-2-2 of the City Code; and that the proposed uses are consistent with existing and future planned development in the area. The motion carried unanimously.

OLSON TECHNOLOGICAL PARK OFFICIAL DEVELOPMENT PLAN:

A motion was made by Merkel and seconded by Allen to approve the proposed ODP for Lot 5 of the Olson Technological Park, based on the findings that the proposed uses are consistent with existing and future planned development in the area. Approval is conditioned on the approval by the Colorado Department of Transportation, Regional Transportation District and the City Engineer of the necessary traffic improvements at the intersection of 108th Avenue and Wadsworth Parkway and improvements to 108th Avenue.

A motion to amend the main motion was made by Dixon and seconded by Scott to require the building materials to be brick or brick look alike material on the west side of the proposed building. The amendment failed with dissenting votes by Allen, Harris, Heil, Merkel and Smith. The main motion carried with a dissenting vote by Dixon.

COUNCILLOR'S BILL NO. 16 - SUNSTREAM EASEMENT VACATIONS:

A motion was made by Harris and seconded by Smith to pass Councillor's Bill No. 16 on first reading vacating a utility easement and an ingress/egress easement within Sunstream Subdivision. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 10 - OPEN SPACE PROGRAM PROPERTIES:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 10 authorizing "adoption" of eight City owned properties into the City's Open Space program. Upon roll call vote, the motion carried unanimously.

FEDERAL HEIGHTS IGA FOR BACKUP AMBULANCE SERVICE:

A motion was made by Dixon and seconded by Merkel to authorize the City Manager to sign an Intergovernmental Agreement with Federal Heights regarding backup ambulance service to each City. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for February, 1996.

ADJOURNMENT:

The meeting was adjourned at 8:25 P.M.

ATTEST:

Mayor

City Clerk

Date: March 25, 1996
Subject: Proclamation re Westminster and Standley Lake High School Wrestlers
Prepared by: Lee Birk, Captain

Introduction

A Proclamation recognizing several individual wrestlers from Westminster and Standley Lake High Schools, has been prepared in order for City Council to acknowledge their accomplishments during the recently concluded high school wrestling season and State championships.

Summary

The purpose of this Proclamation is to recognize Westminster High School wrestlers Brian Hufford and Joe Sutton and Standley Lake High School wrestler Tony Cabral. The three wrestlers were medal winners in the State Wrestling Championships.

Staff Recommendation

Present the Proclamation to the individual wrestlers.

Background Information

The 1996 State High School Wrestling Championships were held February 15 through 17, 1996, at McNichols Sports Arena. Westminster High School qualified seven wrestlers for the State tournament and Standley Lake High School sent three wrestlers to the Championships.

Westminster High School Junior, Brian Hufford, emerged as the Class 5A State Champion in the 135 lb. weight class. Hufford compiled an impressive season record of 26 wins to only one loss. In the championship match, Brian posted a 7-0 score over a previously unbeaten opponent.

Westminster High School Junior, Joe Sutton, placed sixth in the Class 5A, 125 lb. weight class championships. He compiled a 3-3 record in the State tournament with his three losses to the eventual second, fourth and fifth place finishers. Joe finished the season with a record of 31-9.

Standley Lake High School Senior, Tony Cabral, finished fourth in the Class 5A, 135 lb. weight class championships. Tony went 3-2 in the State tournament with his only losses to the eventual third place finishers and the State Champion, Brian Hufford. Tony finished with a season record of 29-8.

Respectfully submitted,

William M. Christopher, City Manager

Attachment: Proclamation

A PROCLAMATION RECOGNIZING
BRIAN HUFFORD, JOE SUTTON AND TONY CABRAL.

WHEREAS, the Westminster High School wrestling team, coached by Rod Padilla, qualified seven wrestlers for State competition; and

WHEREAS, the Standley Lake High School wrestling team, coached by Rob McReynolds, qualified three wrestlers for State competition; and

WHEREAS, Westminster High School Junior, Brian Hufford, compiled an overall record of 36 wins and one loss and finished as State Champion in the 135 lb. weight class; and

WHEREAS, Standley Lake High School Senior, Tony Cabral, compiled an overall record of 29 wins and eight losses and finished fourth in the State in the 135 lb. weight class; and

WHEREAS; Westminster High School Junior, Joe Sutton, compiled an overall record of 31 wins and nine losses and finished sixth in the State in the 125 lb. weight class.

NOW, THEREFORE, be it proclaimed that the Westminster City Council and Staff hereby recognize wrestlers Brian Hufford, Tony Cabral, Joe Sutton and Coaches Rod Padilla and Rob McReynolds for an excellent season and a job well done.

Signed this 25th day of March 1995.

Date: March 25, 1996

Subject: Proclamation re Arbor Day/Earth Day/Tree City USA Activities

Prepared by: Richard Dahl, Park Services Manager

Introduction

City Council is requested to proclaim Friday, April 19 as Arbor Day in the City of Westminster. In addition, the Mayor and Councillors are requested to accept the City's 11th consecutive Tree City USA award and a special growth award.

Summary

The City's annual Tree City USA award presentation is requested to be presented on Monday, March 25 at the Westminster City Council meeting. Ralph Campbell of the Colorado State Forest Service will be present to award the Tree City USA award to the Mayor and City Council. Additionally, the Tree City USA Growth Award will be presented to Council.

As in the past, the Mayor will present the City's Arbor Day proclamation to City Forester Keith Wood. Mr. Wood will be at the City Council meeting and will accept the proclamation on behalf of the citizens of Westminster.

Calendar of events scheduled for Arbor week is as follows:

Arbor Day School Programs

- Thursday, April 18 - 1:00 P.M. at Ryan Elementary, 5851 West 115th Avenue
- Friday, April 19 - 1:30 P.M. at Rocky Mountain Elementary, 3350 West 99th Avenue

The presentation at Ryan Elementary for the 4th graders will include the history of Arbor Day and a speech by Larry "Rattlesnake" Helburg of the Colorado State Forest Service. Prizes for the poster contest will be awarded, with the first place winner to receive a potted blue spruce tree from Center Greenhouse. Second through Tenth Place winners receive 3-4 foot linden saplings. Students will assist Parks Division Staff in planting two trees near the ballfield at Ryan. Students will receive buttons, balloons, and Scotch pine seedlings.

The presentation at Rocky Mountain Elementary for the 1st graders will include a history of Arbor Day and the planting of one tree at Squires Park to replace their adopted tree that was hit by a car last winter. Giveaways will include buttons, balloons, and Scotch pine seedlings.

Arbor Day Celebration

- Saturday, April 20 - 9:00 A.M. - 3:00 P.M. at City Park Recreation Center, 10455 Sheridan Boulevard

Parks Division Staff will distribute 400 3-4' littleleaf linden (bare root) saplings, buttons, balloons, and literature. T-shirt and tree sale will be held. A drawing will be held for a 5-gallon, potted fruit tree donated by Center Greenhouse. "Above Timberline" will provide entertainment.

Staff Recommendation

City Council present a proclamation to City Forester Keith Wood proclaiming April 19, 1996 as Arbor Day in the City of Westminster, and accept the Tree City USA Award, and special Growth Award as presented by Ralph Campbell from the Colorado State Forest Service.

Background Information

In 1872, J. Sterling Morton, the editor of Nebraska's first newspaper, proposed a tree-planting holiday to be called Arbor Day. Since that time, Arbor Day celebrations have spread to every state in the nation and to many foreign countries, as well.

The Tree City USA award is sponsored by the National Arbor Day Foundation and recognizes towns and cities across America that meet the standards of the Tree City USA program. It is designed to recognize those communities that effectively manage their public tree resources, and to encourage the implementation of community tree management based on four Tree City USA standards:

- > A Tree Board or Department (the City's board consists of Keith Wood, Rich Dahl, Bill Walenczak, and Rod Larsen)
- > A community tree ordinance
- > A community forestry program with an annual budget of at least \$2/capita
- > An Arbor Day observance and proclamation

The Growth Award is also provided by the National Arbor Day Foundation to recognize environmental improvement and encourage higher levels of tree care throughout America. It is designed not only to recognize achievement, but also to communicate new ideas and help the leaders of all Tree City USA recipients plan for improving community tree care.

The recipient of the award must be a Tree City USA award winner in at least its second year, spend as much as the previous year on community forestry, and reach certain levels in the following categories:

- > Education and public relations
- > Partnerships
- > Planning and management
- > Tree planting and maintenance

Respectfully submitted,

William M. Christopher, City Manager

Attachment: Proclamation

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, The holiday called Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Westminster has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

NOW, THEREFORE, the City Council of the City of Westminster, Colorado, hereby proclaims Friday, April 19, 1996, as ARBOR DAY in the City of Westminster, and urge all citizens to support efforts to protect our trees and to support our City's urban forestry program; and further urge all citizens to plant trees to gladden the hearts and promote the well being of present and future generations.

Signed this 25th day of March, 1996.

Date: March 25, 1996

Subject: Purchase of Standley Lake Patrol Boat

Prepared by: Richard Dahl, Park Services Manager

Introduction

City Council is requested to authorize the purchase of a replacement Standley Lake patrol boat, and to further authorize the negotiatee purchase of a Boston Whaler boat from Great Lakes Marine. Funds have been allocated in the 1996 Parks, Recreation and Libraries Standley Lake budget for this expense. This budget is completely self sustaining with operating expenses funded by revenues from Standley Lake users.

Summary

The Department of Parks, Recreation and Libraries 1996 Standly Lake budget contained funds to replace the Park Ranger patrol boat used at the Standley Lake Recreation Area. The current vessel is ten years old, has logged over 3,800 hours of patrol use and is on its second outboard engine. As a point of reference, a privately owned recreational boat averages 100 hours of use per year.

The Standley Lake patrol boat assists in the performance of Lake maintenance functions, rescue operations, citizen contact, support services for water quality control inspections, and routine water/safety patrols.

Staff has found that many government agencies use vessels manufactured by Boston Whaler Incorporated which includes Colorado State Parks, Larimer County Parks, Summit County Parks, City of Lakewood, Army Corp. of Engineers, and the U.S. Coast Guard. Boston Whaler concentrates on serving government agencies throughout the United States.

Boston Whaler Boats are well known for their safety, durability, and quality. Safety and flotation features far exceed the U.S. Coast Guard standards. They have an unsinkable hull, use heavy fiberglass to handle the continual beaching required for public contact, and contain no wood, thereby eliminating rotting of the internal hull structure. Boston Whaler also offers a ten year structural warranty on the hull of the vessel and it is common for Boston Whalers to still be in operation after fifteen years.

Additional features of the Boston Whaler include center console steering, hull cutout for water rescue, and the ability to operate in severe adverse weather conditions.

Great Lakes Marine is the Colorado distributor for Boston Whaler boats and have contracts with the Colorado State Parks, Larimer County, and the City of Lakewood. They provide mobile warranty and repair service seven days a week, which will reduce wear and tear due to trailer transportation.

Purchase of Standley Lake Patrol Boat

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Great Lakes Marine, Littleton Colorado, bid price:

Boat	19 foot Guardian, Boston Whaler	\$24,000
Engine	150 horse power Yamaha Outboard	\$ 9,000
Trailer	Easy Load Trailer	<u>\$ 2,000</u>
	Total	\$35,000

Staff Recommendation

Authorize the negotiated purchase of a Boston Whaler Guardian boat, outboard engine, and trailer from Great Lakes Marine in the amount of \$35,000 and charge the expense to the appropriate 1996 Standley Lake budget account.

Background Information

During the last twenty years, Standley Lake has replaced its Park Ranger boats three times with the same recreational boats sold to the public. Although the service life of these vessels has been acceptable, they all suffered from excessive wear and tear created by constant use during the summer. Hull damage, caused by hitting submerged objects and the constant beaching required to contact lake users, cracked and wore out the hull of these boats allowing the internal structure made of wood to become water logged and rot. Because Boston Whaler boats contain no wood and are made of thicker fiberglass, they are more durable and able to withstand the conditions of lake use.

With the improvements scheduled for Standley Lake in cooperation with Jefferson County, it is predicted the Park Ranger boat will spend more time on the water as recreational use of the lake increases. Although boating times are restricted for public use, the Park Ranger boat can be used throughout the year as the quickest way to respond to rescue, safety, and law enforcement calls within the park.

Respectfully submitted,

William M. Christopher
City Manager

Date: March 25, 1996
Subject: Purchase of Asphalt Rollers
Prepared by: Gary Casner, Purchasing/Telecommunications Officer

Introduction

Council action is requested to purchase two asphalt rollers. One roller is a replacement and is to be utilized by the Street Division and the second by the Utilities Construction crew. Funds have been specifically allocated and are available in the 1996 Public Works and Utilities accounts.

Summary

The new Street Division roller will replace a 1986 Gallion Roller, which is now ten years old and was a rental unit prior to purchase by the City. The roller is essential for proper compaction in asphalt roadway construction, rehabilitation and subgrade preparation.

The second roller will be an addition to the Utilities Fleet. This roller will be used for compaction of asphalt patch back in street excavations made by the Utilities Construction crew when replacing City water and sewer lines.

A formal bid through the Municipal Assembly of Procurement Officials (MAPO) purchasing co-op is available. This bid was originally done by Commerce City and meets City Charter bidding requirements. The co-op bid is being used as the low bidder since it is the type of roller Staff recommends purchasing. This type of roller is the only kind that can be towed without loading on a trailer. This saves Staff time by avoiding the loading and unloading of a trailer, and is only available from one vendor in the Metro area. The formal bid made all rollers eligible, so the low bid, on the selected type of roller is the best price the City would be able to obtain.

Staff Recommendation

Award the bid for two asphalt rollers in the amount of \$65,062 to McDonald Equipment Company, the low bidder, and charge the expense to the appropriate 1996 Public Works and Utilities Street and Utility budget account.

Background Information

City Council previously allocated funds in the 1996 Public Works and Utilities budget for the purchase of two asphalt rollers. The new equipment will replace one current piece of equipment utilized by the Street Division, and the other new roller is a new piece of equipment being added to the Utility Division's fleet. The Street Division's portion of the bid is \$30,781, which includes a \$3,500 trade-in for the 1986 Gallion roller.

The 1986 Gallion roller being replaced was ranked #18 on the Citywide 1996 Fleet Maintenance Vehicle Replacement Priority listing. The vibratory and water spray systems have become undependable. This machine pivots or articulates in the center. Because the pivot point areas are worn, there is excessive play when towing the unit, causing the unit to sway badly behind the tow vehicle. Consequently, it must be towed no faster than 15 mph to avoid an unsafe condition. This equipment normally can be towed at 30 to 35 mph.

Replacement is warranted at this time because of the exorbitant amount of repair hours and costs that would be required to rebuild or replace all of the worn components. Cost to rebuild the roller is estimated to be \$26,550.

The second roller will equip the Utilities Construction Crew with compaction equipment to perform their own asphalt patch back on street excavations made when replacing City water and sewer lines. The Street Division previously performed asphalt patch back on water and sewer line replacement street excavations. The Construction crew has borrowed rollers from the Street Division when available. However, Street Division rollers cannot be relied upon because they are in use by Street Division crews on a daily basis. The Utility Division's portion of the bid will be \$34,281 for purchase a new roller.

Although formal bids were not obtained by the City, the City is eligible to use a MAPO bid for this purchase. MAPO is a purchasing co-op in the Metro area that sponsors joint purchases, and allows for the purchase from other cities bids to facilitate paying the lowest possible price for equipment. In this case, although the City would be specifying a single source roller, the type of roller which came in as the low bid in the Commerce City bid, is the type of equipment that the City specifies.

Respectfully submitted,

William M. Christopher
City Manager

Date: March 25, 1996

Subject: Surplus Fire Department Badges

Prepared By: Marc Lumpkin, Fire Department Intern
Ken Watkins, Fire Department Battalion Chief

Introduction

City Council is asked to consider alternatives for the disposition of used surplus Fire Department uniform badges.

Summary

The Fire Department replaced approximately 100 metallic uniform badges in 1996 for Firefighters, Fire Paramedics, and Fire Engineers. The badges were replaced because they were worn, discolored, poorly constructed and required frequent maintenance.

The old badges are not useful for donation or sale to other Fire Departments because the Westminster name and emblem is a part of the badge. While the badges may have some small salvage value to the general public, they are considered keepsake items for the previous owners: career and volunteer firefighters, paramedics, and engineers of the Westminster Fire Department.

Westminster City Code requires that surplus items must be sold at an auction, sold by sealed bids, or disposed of in a manner approved by City Council. Staff has developed the following alternatives for City Council consideration:

- * The City can sell the badges to the personnel of the Fire Department for a nominal fee of \$1 to \$5 and return the proceeds to the General Fund. This alternative avoids potential negative citizen reaction to the disposition of City equipment and will provide Fire Department personnel with a recorded receipt.
- * The City can have the badges destroyed in an appropriate manner.
- * The City can auction the badges to the public. Staff does not recommend this alternative because the badges carry an official status.
- * The City can donate the badges to Fire Department personnel at no charge. This alternative may result in negative citizen reaction concerning the disposition of City equipment.

Staff Recommendation

Sell the surplus badges to Westminster Fire Department personnel at a nominal fee of \$1 and return the proceeds to the General Fund.

Background Information

This is the first time the Fire Department has replaced uniform badges. The badges were decommissioned because of age and poor condition. Additionally, the Fire Department switched badge vendors to make ordering more efficient and to increase the quality of the badges. The original badges were purchased in the mid-1970's and cost about \$10 each. The new badges cost approximately \$38 each.

Many firefighters enjoy collecting patches and other fire fighting memorabilia, especially badges that show their professional progression in rank. Returning the badges is good for employee morale because firefighters view the badges as a sign of achievement and pride.

Respectfully submitted,

William M. Christopher
City Manager

Date: March 25, 1996

Subject: Bids re Meadowlark Subdivision Fence

Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested to award the bids for materials and labor for the construction of a new privacy fence along the 104th Avenue frontage of Meadowlark Subdivision to the following low bidders: MacMillan Bloedel for cedar products in the amount of \$59,677.00; Sun Masonry for brick pillars in the amount of \$9,405.00; and Custom Fence Company for the erection of the fence in the amount of \$31,850.00. Council action is also requested to authorize a total project budget in the amount of \$116,071.80, which includes a 15% contingency of \$15,139.80, for this fence construction. Funds for this expense are available in the 1994 carry-over amount that was approved by Westminster voters in November, 1995 and appropriated by City Council earlier this year.

Summary

- > In response to numerous requests from many residents of Meadowlark Subdivision, City Council previously identified the construction of a new privacy fence along the 104th Avenue frontage of this development as a priority in the City's Five-Year Capital Improvement Project Plan.
- > With voter approval to expend 1994 carry-over revenues in excess of Amendment 1 limitations, the construction of this fence project can be accelerated to 1996.
- > In anticipation of this project, City Staff has been working with Mr. Cliff Baker, a local fence consultant who performs his services at no charge to the City, and the Meadowlark residents to define a design of the fence that would meet the needs of the community.
- > Based upon this mutually acceptable fence design, Mr. Baker has obtained quotes for all materials and labor needed to complete the work.
- > The results of this process identified the following low bidders: MacMillan Bloedel for cedar products in the amount of \$59,677.00; Sun Masonry for brick pillars in the amount of \$9,405.00; and Custom Fence Company for the erection of the fence in the amount of \$31,850.00.
- > Staff is familiar with the work provided by Custom Fence Company, most recently with their construction of the Trendwood Subdivision fence along the north side of 92nd Avenue. It is recommended that the bids be awarded to these firms.
- > An alternative to this recommendation would be to delay the erection of the Meadowlark Subdivision fence to later in the year.

However, the bids have been prepared under the assumption that materials could be ordered immediately following Council's authorization. This work could commence by the end of April, which precedes the busiest portion of the fence construction season. A delay in the award of these bids would likely result in higher prices later this year.

Staff Recommendation

Award the bids for materials and labor necessary to construct the Meadowlark Subdivision fence to the following companies: MacMillan Bloedel for cedar products in the amount of \$59,677.00; Sun Masonry for brick pillars in the amount of \$9,405.00; and Custom Fence Company for the erection of the fence in the amount of \$31,850.00; authorize a project budget in the amount of \$116,071.80, which includes a 15% contingency of \$15,139.30; ; and charge the expense to the appropriate project account in the General Capital Improvement Fund.

Background Information

Over the past few years, residents of Meadowlark Subdivision, which is located on the north side of 104th Avenue west of Federal Boulevard, have approached City Council during budget hearings to request funding for some form of mitigation to their concerns over noise and lack of privacy along this busy arterial roadway. With the opening of the new Denver International Airport, citizens of this neighborhood have stated that increased traffic along 104th Avenue has heightened these problems. While the City does not have a formal policy regarding the use of public funds to replace subdivision fences, Council and Staff have long desired to enhance the appearance of this important entrance to Westminster.

Additionally, the relationship between the arterial street grade and the elevation of the abutting lots of the subdivision places Meadowlark in a unique category of developments (along with Hyland Greens Subdivision) within the City that justifies the use of public funds for perimeter fence improvements. Adjacent to Meadowlark, 104th Avenue is approximately six feet higher than the yards, so the usual six-foot perimeter fence has virtually no mitigating impact upon traffic noise. Furthermore, pedestrians using the trail along the north side of the street have an unobstructed view of the backyards of the adjacent lots, thus eliminating any semblance of privacy for these owners. In a similar instance at Hyland Greens Subdivision in the mid-1980s, the City erected a new privacy fence along the western boundary of the subdivision when Sheridan Boulevard was elevated approximately six feet above many of the lots.

In 1994, the City participated with the Urban Drainage & Flood Control District (UDFCD) to provide certain drainage and street improvements in the vicinity of the intersection of 104th Avenue and Bryant Street (see attached map). In conjunction with this project, the City also installed a new concrete path along the entire frontage of the subdivision to serve as a pedestrian traffic link between the 104th Avenue trail system and the City of Northglenn to the east. The erection of a new eight-foot to ten-foot tall privacy fence, which would shield the view of the yards of those lots abutting 104th Avenue from pedestrians using the new trail, is a logical second phase of enhancements to this "gateway."

It is anticipated that a future, final phase of aesthetic improvements in this area would include the installation of landscaping within the public right-of-way abutting the Meadowlark Subdivision.

Over the past two years, City Staff has met with affected residents of the neighborhood to gain input on the design of a fence that would meet their needs. In addition to the previously mentioned concern of privacy, the Meadowlark residents desire protection from vehicles traveling along the busy arterial street. This concern was intensified in 1995 when an out-of-control truck plowed through the existing fence and into the family room of the house located at the northwest corner of the intersection of 104th Avenue and Bryant Street. While it is not feasible to consider the installation of guard rails or barriers along the entire frontage of the subdivision, Staff has identified methods of providing such protection at the most vulnerable locations.

Working with Mr. Cliff Baker of Fence Consultants, Staff has designed an eight-foot to ten-foot tall fence that should address the concerns of the residents. The finished product will be similar in appearance to the fence along the north side of 92nd Avenue at Trendwood Subdivision -- high quality Western Red Cedar construction with brick pillars spaced at 150-foot intervals. Since the fence will ultimately be owned and maintained by each owner along the frontage of 104th Avenue, specific permission to erect the fence will be needed from each affected resident. Such agreements have been forwarded to the owners of lots abutting the new fence, and City Staff will assure that all necessary permission is obtained before any cost is incurred on this project.

The City's consultant recently contacted two suppliers of cedar products, two masonry contractors, and three fence installers for quotes for this work. The results of this bidding process yielded the following quotes:

Cedar Products

MacMillan Bloedel	\$59,677.00
Capital Lumber	61,525.00

Brick Pillars

Sun Masonry	\$ 9,405.00
Menna Masonry	10,930.00

Fence Installation

Custom Fence Company	\$31,850.00
Greater Western Fence	36,700.00
Aray Fence	39,565.00

It is Staff's recommendation that the bids be awarded to the low bidder in each instance listed above. The City has had previous experience with Custom Fence Company, most recently with the installation of the fence along the 92nd Avenue frontage of Trendwood Subdivision, and is pleased with their work.

At this time, it would also be appropriate for Council to authorize a total project budget. The components of such a budget are as follows:

Cedar Products	\$ 59,677.00
Brick Pillars	9,405.00
Fence Installation	31,850.00
15% Contingency	<u>15,139.80</u>
Total	\$116,071.80

With Council's authorization of these funds and upon the receipt of all signed agreements from affected residents, it is anticipated that the construction of this fence will commence by the end of April. Depending upon weather conditions, the work should be completed during the month of May.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: March 25, 1996

Subject: Bids for Replacement Backhoe

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

Introduction

City Council action is requested to award the bid for one replacement backhoe. Funds have been specifically allocated and are available in the 1996 Public Works and Utilities Department Budget for this expense.

Summary

Formal bids were solicited for the purchase of a replacement backhoe.

This piece of equipment will be used by Utilities Field Operations crews for the construction and repair of water and sanitary sewer lines in the City's utilities system.

To reduce the cost of the new equipment purchase, a 1987 Case backhoe was included as a trade-in for the new piece of equipment.

Staff Recommendation

Award the bid for one replacement backhoe to the low bidder, Wagner Equipment Company, in the amount of \$71,888, authorize the trade-in of the 1987 Case backhoe, and charge the expense to the appropriate 1996 Public Works and Utilities Department Budget account for this expense.

Background Information

City Council previously allocated funds in the 1996 Budget for the purchase of a replacement backhoe to be used by Utilities Field Operations crews in the construction and maintenance of water and sanitary sewer lines. The equipment to be replaced is a 1987 Case backhoe. This equipment is undersized for the work now required to be performed by the Utilities Field Operations construction crew. The current equipment has experienced heavy use, and is worn out and does not warrant the cost to refurbish it. The 1987 Case backhoe was originally purchased for the lighter use of repairing the water distribution system and not for the day to day construction of new water lines. This vehicle is on the Fleet "hit list" for replacement in 1996. The cost to refurbish the current equipment is estimated to be \$31,500. Components that need replacing include the engine at \$8,000, transmission at \$12,000 as well as \$11,500 for hydraulics, electric system and tires. The new backhoe is a significantly larger piece of equipment.

Formal bids in accordance with City Charter bidding requirements were solicited from area distributors of backhoes of a size that would meet City crews' needs.

The results of the bid were as follows: (Both figures include the trade-in allowance.)

Wagner Equipment Company	\$71,888
Honen Equipment Company	\$75,347

The piece of equipment bid by the low bidder, Wagner Equipment Company, is for a Caterpillar 446B backhoe. This piece of equipment meets all of the City's specifications and is large enough to handle the day to day demands of the construction of water and sanitary sewer lines. The bid includes a trade-in value of \$26,500 for the 1987 Case unit. The trade-in option was used to maximize the return on this piece of equipment.

The cost of the Caterpillar backhoe is within the amount previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager

Date: March 25, 1996

Subject: 104th Avenue Special Improvement District Refunding Bonds

Prepared by: Susann S. Stubbs, Finance Director

Introduction

City Council is requested to direct Staff to work with Hanifen, Imhoff Inc. as Financial Advisor and underwriter, Sherman & Howard as bond counsel, and Kutek Rock as disclosure counsel to prepare to refund the 104th Avenue Special Improvement District Bonds.

Summary

The municipal bond market now has rates low enough to offer a potential net present value savings of \$1,251,352.66 over the next seven years by refunding the outstanding 104th Avenue Special Assessment District ("SID") bonds as sales and use tax bonds. This equates to an annual savings of about \$230,000 annually starting in 1998, as indicated by the attached analysis prepared by Hanifen, Imhoff Inc. ("Hanifen").

Using sales and use tax to secure the refunding bonds would be more practical than the original security of up to 2 mills of property tax, and would eliminate TABOR related compliance concerns.

The new structure would allow the City greater flexibility with the property owners. Interest savings could be shared with property owners and, if necessary, the City could take enforcement action against a delinquent property owner without the concern or interference of bond holders.

Since the original bonds were issued, the City has acquired more land within the 104th Avenue Special Improvement District ("District"), making it now responsible for 55% of the outstanding assessments. Any savings would directly benefit Westminster.

Assessment holders would not be relieved of their legal obligation; the existing assessment ordinance would not be required to be changed.

Time is of the essence because market conditions change daily. The proposed bonds are slated to be dated June 1, 1996, or earlier.

Staff Recommendation

Direct Staff to proceed with preparing to refund the 104th Avenue Special Improvement District Bonds using Hanifen, Imhoff Inc. as the underwriters; and authorize negotiated contracts with Sherman & Howard as bond counsel and Kutek Rock as disclosure counsel up to a combined amount of \$24,000.

Background Information

Late last year Hanifen Imhoff, Inc., the City's Financial Advisor, apprised the City that rates in the municipal bond market were low enough to offer significant savings on the 104th Avenue SID bond issue. Hanifen has subsequently analyzed all other outstanding City debt, but to date, the 104th Avenue SID bonds are the only issue that offers sufficient savings to refund.

The 104th Avenue SID bonds were issued in 1988 to finance the construction of the 104th Avenue improvements from Sheridan Boulevard to Wadsworth Boulevard (Old Wadsworth) including the US 36 interchange. They are secured by assessments against benefited property owners within a Special Improvement District, formed for this purpose. The City is one of the involved property owners, as City Park abuts a portion of the project. Subsequent to the issuance of the bonds, the City has acquired additional land within the District which makes the City's portion of the total annual assessments to be 55%.

The Colorado Constitution allows refunding of bonds without voter approval if the result is a lower interest rate. The interest rate for the outstanding bonds ranges from 8.25% to 9.25%; the interest rate used in the projections for the proposed refunding issue is 4.1% to 4.8%. The refunding bonds would be paid off in 2003, the same maturity date as the original issue. This would result in a net present value savings of \$1,251,352.66. The actual dollars saved annually would be \$123,000 in 1997 and approximately \$230,000 thereafter. These savings could be shared with the other property owners. (That is a future policy decision to be made by City Council).

Such savings are possible because the original bonds were not rated by a credit agency which resulted in having to pay higher interest rates than rated or insured bond issues; the original bonds were issued at a time when interest rates were higher; and the refunding bonds are proposed to be structured as sales tax bonds which would result in a lower interest rate, even in a comparable market.

Changing the security for the debt of the project was carefully evaluated by Nate Eckloff of Hanifen, Dee Wisor of Sherman and Howard, and City Staff. The identified benefits of changing the security from special assessments to sales tax are listed below:

- > The lowest possible cost for the remaining debt can be achieved.
- > The refunding bonds will be easier to rate and insure, which will make them easier to sell to investors.
- > The original bonds carry a pledge of a Citywide property tax of up to 2 mills if needed to make the debt service payments. Under TABOR, it is questionable whether such a pledge could be made without voter approval.
- > The City already bears the risk of the original bonds by its pledge of 2 mills; no additional risk would be assumed.
- > The City in fact is more likely to use sales tax revenues, rather than increasing the property tax mill levy, to meet any debt service deficiencies; the proposed structure would not change present procedure.

- > The City owes 55% of the current outstanding debt; interest savings would directly benefit the City.
- > The assessment holders would not be relieved of any legal obligation; no changes to the assessment ordinance would be required even if City Council chooses to share the savings with the property owners.
- > Changing the security means basing decisions on internal cash flow rather than bond holder issues.
- > The City can take enforcement action against delinquent property owners without any concern or interference of bond holders.

When issuing bonds, market timing is critical. The refunding issue is proposed to be dated June 1, 1996, or before. There may be additional savings available if the bonds can be issued before the June 1 interest due date.

Dee Wisor, of Sherman and Howard, served as special counsel for the City on the original 104th Avenue SID bond issue. He has continued to be involved with subsequent questions and concerns about the District. He is intimately familiar with the particulars of the original bonds, the District and TABOR amendment issues. Likewise, Tom Peltz, of Kutek Rock, has been disclosure counsel for many previous City bond issues including the last Sales and Use Tax issue. He is very familiar with the City's existing sales and use tax bond covenants.

Both bond counsel and disclosure counsel for the last bond issue (the \$20 million Water and Wastewater Utility Enterprise Water and Wastewater Revenue Bonds) were selected by competitive bid. The cost for each was \$12,000. The proposed refunding issue is for \$9,720,000. Pricing of such costs is not dependent solely on the size of the issue; the number and complexity of the required documents remain the same. It is thought that authorizing negotiated contracts up to a combined cost of \$24,000 would assure competitive prices and the selection of competent counsel which are already familiar with the City, while saving the time of going through a bid process.

The alternatives to the recommendation are described below.

1. Do not refund the bonds. It could be argued that the property owners agreed to the original terms and interest rate and there is no need to seek savings.
2. Refund the bonds, but determine the bond and disclosure counsels by competitive bid. This would take more time which could result in lost market opportunity. If a new counsel was awarded the bid, additional delays could be experienced because of their unfamiliarity with the City.
3. Refund the bonds and use Hanifen as Financial Advisors, but select the underwriter by competitive bid. Hanifen was instrumental in making the City aware of the potential savings. That is an appropriate role of the Financial Advisor, but the obvious expectation, based on a long history with the City, is that they would be the underwriter as well.

Respectfully submitted,

William M. Christopher, City Manager

Date: March 25, 1996
Subject: Olson Technological Park PDP and ODP
Prepared by: David Falconieri, Planner III

Introduction:

City Council is requested to hold a public hearing and later on the agenda take action on the proposed Second Amended Preliminary Development Plan (PDP) for the Olson Technological Park to add ice arenas as a permitted use, and take action on the proposed Official Development Plan (ODP) for an ice arena on Lot 5.

Summary

Applicant/Property Owner: Lee Kunz Development Co. is the owner of the property. The applicant and developer is the "Colorado Investment Group, Inc. located in Broomfield.

Location: Northeast corner of 108th Avenue and Wadsworth Parkway in the Olson Technological Park subdivision.

Size of Site: Olson Technological Park is 36.4 acres. Lot 5 (the ice arena site) is 8.7 acres. The pad location is 1.1 acres (at the northwest corner of Dover Street and 108th Avenue) for a total site of 10.03 acres.

Description of Proposed Use: The applicant is proposing to build an ice arena with two regulation sized rinks, associated retail, and a restaurant.

Major PDP Issues: The principal issue is whether the proposed new use is compatible with the existing uses in the area. The subject property is located near the Jefferson County Airport and is close to the Green Knolls residential subdivision. The Olson Technological Park Planned Unit Development (PUD) allows manufacturing uses, commercial uses (e.g. office showroom), medical offices and banks.

The PDP Amendment proposes adding "skating rinks" as allowed uses. Staff believes that the proposed use can be blended in scale and architecture with the typical industrial warehousing and commercial uses already allowed.

Major ODP Issues The ODP has several "correction items" that will need to be submitted prior to final approval. These items primarily relate to:

- > the redesign of the intersection at Wadsworth Parkway and 108th Avenue; and
- > the improvements to 108th Avenue.

Final approval of the ODP by City Council would be with the condition that the traffic improvements be approved by both the City Engineer and Colorado Department of Transportation (CDOT). In addition, the Regional Transportation District (RTD) will need to approve the bus stop location on Wadsworth Parkway.

Planning Commission Recommendation:

At their March 12th public hearing, Planning Commission voted unanimously to recommend that the proposed amended Preliminary Development Plan and the proposed Official Development Plan for the ice arena be approved based on the findings that the proposed uses are consistent with existing and future planned development in the area. Approval is conditional on the approval by the Colorado Department of Transportation, Regional Transportation District and the City Engineer of the necessary traffic improvements at the intersection of 108th Avenue and Wadsworth Parkway and improvements to 108th Avenue. Normally the ODP could receive final approval by the Planning Commission. Since the PDP also needs to be amended adding ice arenas as a permitted use, approvable only by City Council, the PDP and ODP have been combined, with final action by City Council with Planning Commission's recommendation.

There were approximately 15 persons present at the hearing with no one speaking either in favor of or in opposition to the request.

Staff Recommendation

1. Hold a public hearing.
2. Approve the proposed Second Amended Preliminary Development Plan for the Olson Technological Park, based on the findings that the proposed amendment is consistent with Section 11-2-1 and 11-2-2 of the City Code; and that the proposed uses are consistent with existing and future planned development in the area.
3. Approve the proposed Official Development Plan for Lot 5 of the Olson Technological Park, based on the findings that the proposed uses are consistent with existing and future planned development in the area. Approval is conditioned on the approval by the Colorado Department of Transportation, Regional Transportation District and the City Engineer of the necessary traffic improvements at the intersection of 108th Avenue and Wadsworth Parkway and improvements to 108th Avenue.

Background Information

Discussion of Major PDP Issues

The Olson Technological Park is located just east of the Jefferson County Airport and is affected by aviation issues such as aircraft noise and height restrictions. Staff believes that the proposed ice arena is compatible with the airport and will not be negatively impacted by the aviation restrictions which restrict height and residential uses. The business park is also adjacent to the Green Knolls Subdivision. However, the proposed arena is to be located on the west side of Dover Street and will therefore not share any common borders with Green Knolls. There is an existing office building east of Dover Street that will separate the residences from the proposed arena. The Green Knolls Subdivision is approximately 650 feet away from the ice arena site.

The ice arena is of a similar scale as most single floor industrial buildings. The building is 101,000 square feet in area and 38' tall at its highest point. As such, the addition of this use is compatible with the general intent of the Planned Unit Development which was to provide "an attractive environment compatible to adjacent uses."

The proposed use can blend into the business park setting with unique architecture and landscaping elements, as demonstrated in the ODP. The retail uses are also compatible with the currently allowed restaurants and retail uses like the print shops and stores ancillary to the sports arena.

Discussion of Major ODP Issues According to the ODP, the intent of the applicant is to construct an ice arena in 1996 with two regulation skating rinks. Seating would be available in the rinks with a capacity of 636 persons at one and 224 persons at the second. The complex also anticipates a 200 seat restaurant, 20,691 square feet of ancillary retail space, and a 1-acre pad location for future development which is not part of this ODP.

The landscaping and architecture of the project are typical of a business park, and will set a positive tone for future development in the Olson Technological Park.

The ODP is recommended to be approved on condition that the street improvements be designed and approved by the City Engineer and CDOT. The specific roadway improvements along 108th Avenue must be revised to include two through lanes, two left turn lanes onto Wadsworth Parkway, and one right turn lane. Two through lanes and a continuous acceleration/deceleration lanes will be required the full length of the proposed ice arena site. The final ODP will not be approved by City Council until the Olson Technological public improvement plans have been revised and those revisions illustrated on the ice arena ODP. The original construction plans for Olson Technological Park were approved in 1995. These plans need to be reviewed to meet the ultimate traffic needs of the business park, including the traffic generated by the ice arena.

Finally, the RTD bus stop on Wadsworth Parkway will need to be relocated in accordance with RTD standards. There is an existing RTD bus stop approximately 100' north of 108th Avenue on the east side of Wadsworth Parkway. The location and sidewalk connection requirements must be reviewed by RTD, CDOT and City engineer prior to final ODP approval.

Architectural/Building Materials

As proposed, the ice arena building will be constructed of synthetic stucco walls with metal roof. The main entrance facing Wadsworth Parkway will have glass and stucco features with a peaked roof element. The front and south side of the building will include arcade style retail area with each storefront having a separate entrance.

The roof is designed to "step down" from the central peak over the entryway towards the north and south, presenting the most architectural interest towards the west (Wadsworth Parkway). Earth tone colors are proposed for the building; the metal roof will be "Brownstone," (a brownish light tan color) and the stucco finished walls will be "Sand" and "Rust" color. Some green accents will also be used.

The area at the southeast corner of the property is reserved for future retail development. Any building proposed for that site will be required to use identical building materials as the arena building and would be required to prepare an ODP.

Public Land Dedication, Parks/Trails

No public land dedication is required. Wadsworth Parkway has been designated as a major trail corridor for the City, and the proposed ODP shows the required 8 foot detached walk along the frontage of the property.

Access and Circulation

Access is permitted only from Dover Street where two full movement access points are located. Any future access to the pad site reserved for future development will be restricted to those two points with most traffic using the southern most access point. Parking for the arena is being provided for 501 cars which exceeds the code requirement of 458 spaces.

The traffic report indicates that the Proposed Twin Ice Arena and Retail project is estimated to generate a total of 1,870 entering and 1,870 existing external vehicle-trips during an average weekday including PM peak-hour totals 181 in and 184 out. The majority of project traffic will pass through the 108/Wadsworth Parkway intersection with 60 percent of the total oriented towards the south. Prior to project completion, the site's developer is expected to widen 108th along the site frontage from two to four lanes. In the future, 108th is expected to be widened to a basic five-lane cross-section in conjunction with other future adjacent development projects. Furthermore, future buildout traffic activity is calculated to require the addition of a second left-turn lane to all 108th/Wadsworth Parkway intersection approaches. With these improvements, the traffic to be generated by the subject development can be accommodated at acceptable peak-hour levels of service. Without signalization of 108th and Dover, however, left-turns from Dover are projected to experience significant peak-hour delays when the business park fully develops. Approximately 80% of the traffic using the ice arena would come from, Wadsworth Parkway, the west.

Site Design

The proposed ODP consists of the single building located at the northeast corner of the site. The building is set back from Wadsworth Parkway to the greatest extent possible in order to minimize the impact on that major arterial. A detention pond will be located at the southwest corner of the lot, which will create an attractive landscaped area where Wadsworth Parkway and 108th Avenue abut the property. The parking lot will also be well landscaped to break up the paving in front of the building.

Signage

All signs will be constructed as per applicable City Code.

Service Commitment Category

The proposed use will require 40 Service Commitments out of Category C, the non-residential category.

Referral Agency Responses

No comments have been received from any agency.

Public Comments

A neighborhood meeting was held at the Westminster City Park Recreation center on March 5. Six persons attended and none objected to the proposal after questions were answered. Representatives of the Green Knolls Homeowners Association were also in attendance.

Surrounding Zoning

The property is bordered on the north by open space owned by the airport. To the west and south are PUD's which allow office/industrial uses, and to the east is the Green Knolls Subdivision. The American Gelbvieh Association, a national association for the Gelbvieh breed of cattle, is located in a two story building to the northeast of the proposed facility.

Historical Information

The Olson Technological Park was approved in 1983 for industrial uses including offices for a construction company and associated heavy construction equipment storage areas. The PUD was platted into individual lots in 1988. The original developers declared bankruptcy and the park was not developed as originally planned. Only one office building was constructed on the property. The Geilbvieh Association is currently located in the original office building.

Respectfully submitted,

William Christopher
City Manager

Attachments

Date: March 25, 1996

Subject: Councillor's Bill No. re Sunstream Easement Vacations

Prepared By: David R. Downing, City Engineer

Introduction

City Council action is requested on the attached Councillor's Bill to vacate two existing easements. One easement is an existing utility easement within Sunstream Subdivision, Filing No. 4, Phase I, Lot 2, Block 2, and the other is an ingress/egress easement that was originally dedicated to the City with the filing of the Sunstream Subdivision, Filing No. 6 plat.

Summary

Through a mutual agreement between the existing Sunstream Condominiums Association and Sunstream LLC, the developer of Sunstream Subdivision, Filing No. 4, Phase I, the existing swimming pool for the condominiums will be relocated from its existing location to an area much closer in proximity to the condominiums. The land on which the pool will be located is under the ownership of Sunstream LLC, but it is currently encumbered by a 30-foot-wide utility easement. The utilities within this easement have recently been relocated to avoid the proposed location of the new swimming pool as well as a number of the units to be installed with the development of Sunstream Filing No. 4, Phase I. New utility easements have already been provided for the relocated water and sanitary sewer mains.

In order to accommodate the agreement between the Sunstream Condominiums and Sunstream LLC, it is recommended that Council approve the vacation of the subject utility easement.

In addition, when Sunstream Subdivision, Filing No. 6, which is located southwest of the intersection of Wadsworth Parkway and Independence Street, was developed, Brentwood Way dead-ended at the boundary of the filing (see attached map). In order to reserve sufficient room for emergency vehicles to turn around at the end of this dead-end street, the owner of the property was required to dedicate an ingress/egress easement to the City with the filing of the Sunstream Subdivision, Filing No. 6 plat.

Recently, a developer has proceeded with the construction of Filing No. 4, Phase I of Sunstream, which will include the completion of the Brentwood Way loop. With this extension of Brentwood Way, the previously required ingress/egress easement is no longer needed by the City. City Staff is in agreement with the owner's request that this easement be vacated.

Staff Recommendation

Pass Councillor's Bill No. on first reading vacating a utility easement and an ingress/egress easement within Sunstream Subdivision.

Background Information

City Staff has thoroughly investigated the recent request from the Sunstream Condominiums and Sunstream LLC for the vacation of the utility easement. Previously existing water and sanitary sewer mains within the subject utility easement have since been relocated, and new easements have been provided for these public facilities.

It appears that the sole purpose of the original ingress/egress easement was to reserve space for emergency vehicles to turn around at the end of this previously existing dead-end street. The recent extension of Brentwood Way to Independence Street now eliminates the need for such a turn around.

Staff could identify no reasons for the City to retain these easements.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING A UTILITY EASEMENT IN SUNSTREAM SUBDIVISION, FILING NO. 4, PHASE I AND AN INGRESS/EGRESS EASEMENT IN SUNSTREAM SUBDIVISION, FILING NO. 6

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, a certain, approximate 1306 square foot easement was dedicated to the public with the Sunstream Subdivision, filing No. 6 plat; and with the extension of Brentwood Way this easement is no longer needed.

WHEREAS, a certain approximately 10,966-square foot utility easement was previously dedicated to the public within Sunstream Subdivision; and with the relocation of previously existing utilities, this easement is no longer needed; and

Section 1. City Council finds and determines that the public convenience and welfare require the vacation described in Section 2 hereof.

Section 2. Two parcels of land located in Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, being more particularly described as follows:

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 25th day of March, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of April, 1996.

ATTEST:

Mayor

City Clerk

Date: March 25, 1996

Subject: Resolution No. re Open Space Program Properties

Prepared By: Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested on the attached Resolution to adopt eight City owned properties into the Open Space program.

Summary

The eight properties, which total 71.5 acres, have been dedicated to or acquired by the City of Westminster over the past twenty years. The intent has always been that these properties, which are floodplain areas, would be kept in a natural condition, with little or no development beyond a possible trail. Now that the City has an Open Space Program, it is appropriate to adopt these properties as "open space", and accurately reflect the intended use and level of development and maintenance.

Staff Recommendation

Adopt Resolution No. authorizing "adoption" of the eight properties into the City's Open Space Program.

Background Information

The eight properties proposed for adoption into the Open Space Program are:

- < College Hills subdivision (Stratford Lakes) Public Land Dedication of floodplain of Big Dry Creek, northeast of Front Range Community College - 6.14 acres. This adopts the "rough area" along Big Dry Creek as Open Space, but leaves the adjacent 9.6 acres of flat area for future park development. This would become a part of the Big Dry Creek Open Space corridor.
- < Cotton Creek Subdivision Public Land Dedication of floodplain of Big Dry Creek, southwest of 112th Avenue and Vrain Street - 6.11 acres. A developable park site has been purchased just east of Fire Station #4. This would become a part of the Big Dry Creek Open Space corridor.
- < Hidden Creek Subdivision Public Land Dedication of floodplain of Little Dry Creek at northeast corner of 76th Avenue and Sheridan Boulevard, and floodplain of the Shaw Heights Tributary adjacent to Wolff Run Park - 4.24 acres. This would become a part of the Little Dry Creek Open Space corridor.
- < Middle Hylands Creek Drainageway at southwest corner of 104th Avenue and Sheridan Boulevard, acquired as part of Right of Way for 104th Avenue - 8.51 acres. This would become a part of the Middle Hylands Creek Open Space.

- < Warwick Station Public Land Dedication of floodplain of Walnut Creek, at southeast corner of 104th Avenue and Dover Street - 1.61 acres. This would become a part of the Walnut Creek Open Space corridor.
- < Westbrook and Sunstream Public Land Dedications of floodplain of Big Dry Creek, between Standley Lake and Wadsworth Parkway - 25.78 acres. This would become a part of the Big Dry Creek Open Space corridor.
- < Westcliff Subdivision Public Land Dedication of floodplain of Big Dry Creek, east of Old Wadsworth Boulevard at 99th Avenue - 11.2 acres. This would become a part of the Big Dry Creek Open Space corridor.
- < Wood Creek Public Land Dedication of floodplain of Little Dry Creek, northwest of 76th Avenue and Sheridan Boulevard - 7.91 acres. This would become a part of the Little Dry Creek Open Space corridor.

The eight properties total 71.5 acres. These lands, along with the City's purchase of 70 acres behind Front Range Community College in 1974, were essentially the City's first "open spaces", long before a formal Open Space program was established. At the recommendation of the Open Space Advisory Board, City Council adopted the land north of Front Range Community College into the Open Space Program in March of 1994.

Staff from the Department of Parks, Recreation and Libraries, Department of Community Development, and City Manager's Office toured these and other properties, to identify those which Staff felt should be maintained as Open Space. For each of the eight properties listed above, Staff unanimously supported adoption of the area as Open Space. Other properties could be used in a variety of ways, and those lands were not included in this recommendation.

The eight properties were then reviewed by the Open Space Advisory Board members, who also unanimously recommended that these properties be adopted and maintained as natural Open Space.

Many of these areas were dedicated to the City in years past, as "what was left over" after adjacent homes were built, and a survey was never prepared. Surveys have been completed now, to define the exact City ownership and acreages. It is appropriate to now adopt these properties into the Open Space program and maintain the land as such.

Alternatives

City Council could adopt the attached Resolution, which would adopt these properties into the Open Space Program. This action would provide for a more accurate inventory of City lands, those intended for natural Open Space, and those intended for future park development or other uses.

City Council could elect not to adopt the Resolution. In this case the eight properties would still be maintained as Open Space, but would not show up in the Open Space inventory - as has been the case until now.

This might lead to confusion in developing the Parks Division operating budget as to the type of maintenance required. Maintaining the status quo might lead to proposals to develop the land as parks, which would be more costly to develop and maintain as well as be inconsistent with the natural character of the area.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

WHEREAS, over the past twenty years, the City of Westminster has acquired the following floodplain properties through Public Land Dedication or purchase:

6.14 acres along Big Dry Creek, northeast of Front Range Community College.

6.11 acres along Big Dry Creek, southwest of 112th Avenue and Vrain Street.

4.24 acres along Little Dry Creek and the Shaw Heights Tributary, northeast of 76th Avenue and Sheridan Boulevard.

8.51 acres along Middle Hylands Creek, southwest of 104th Avenue and Sheridan Boulevard.

1.61 acres along Walnut Creek, southeast of 104th Avenue and Dover Street.

25.78 acres along Big Dry Creek, between Standley Lake and Wadsworth Parkway.

11.2 acres along Big Dry Creek, east of Old Wadsworth Boulevard at 99th Avenue.

7.91 acres along Little Dry Creek, northwest of 76th Avenue and Sheridan.

These eight floodplain properties total 71.5 acres; and

WHEREAS, these properties have been dedicated or purchased with the intent that the land would be kept in a natural condition, with little or no development beyond a possible trail; and

WHEREAS, the City of Westminster established an Open Space Program in 1986, to acquire and manage similar lands to be preserved in their natural condition; and

WHEREAS, The Open Space Ordinance anticipated that these properties, and perhaps others, would be adopted into the Open Space Program, and states "City Council may by resolution accept properties not acquired with Open Space Funds into the Open Space Program";

NOW, THEREFORE, the Westminster City Council hereby resolves that the City of Westminster adopt the eight properties listed above into the City's Open Space Program, and that these properties be managed as Open Space.

Passed and adopted this 25th day of March, 1996.

ATTEST:

Mayor

City Clerk

Date: March 25, 1996

Subject: Federal Heights IGA re Backup Ambulance Service

Prepared By: Jim Moreland, EMS Officer

Introduction

City Council action is requested to authorize the City Manager to sign an Intergovernmental Agreement (IGA) between the Cities of Westminster and Federal Heights to provide backup ambulance service between the two jurisdictions.

Summary

In April, 1992, the City of Westminster entered into an agreement with Ambulance Service Company to provide backup ambulance service in emergency situations. The term "backup ambulance service" refers to situations where ambulance transport service is needed and the City's ambulances are unavailable for emergency response. Since that time, Ambulance Service Company was purchased by American Medical Response (AMR). Due to circumstances beyond the City of Westminster's control, some response times for an AMR ambulance have increased 15 - 20 minutes. In addition, there have been occasions when an AMR ambulance has not been available to respond to the City at all.

It is Staff's belief that an IGA is necessary to provide the best possible emergency response to the citizens of Westminster. The IGA will allow the City of Federal Heights to provide backup ambulance service to the City of Westminster during emergencies when Westminster ambulances are already in-service and unavailable. This IGA will also allow Westminster to provide backup service to the City of Federal Heights during the same situation. The attached IGA has been reviewed and approved by the City Attorneys Office of both cities.

Benefits to be derived from this agreement include:

- * Faster response time for backup ambulance service for both entities.
- * Increased spirit of cooperation between the two fire departments.
- * Increased revenue of a conservative estimate of \$20K per year for the City of Westminster by responding to Federal Heights approximately five times per month.

Staff Recommendation

Authorize the City Manager to sign the intergovernmental agreement with Federal Heights regarding backup ambulance service for each City.

Background Information

The Westminster Fire Department ambulance operation has been in service since July, 1991. Due to situations where the City's ambulances are not available due to multiple calls, training sessions or other commitments, backup ambulance service for the citizens of Westminster is necessary. An agreement for backup ambulance service was signed with AMR in 1992. Due to excessive response times, and occasionally, no response at all, another backup service provider has become a necessity. The City of Federal Heights Fire Department is an advanced life support ambulance provider licensed by Adams County. The quality of service provided by the Federal Heights ambulance is comparable to the service offered by the City of Westminster. The fee structure of the two cities is the same and the City of Federal Heights has agreed to honor the Westminster-Med Program if a member is transported by their ambulance.

The proposed IGA was reviewed by the Federal Heights City Council during their Study Session of March 12th and is scheduled for consideration by City Council for formal approval at Monday night's Council meeting. It is Staff's recommendation to authorize the City Manager to sign the proposed ambulance backup IGA with Federal Heights Fire Department to provide necessary service to the citizens of Westminster.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

INTERGOVERNMENTAL AGREEMENT
FOR
AMBULANCE SERVICES

THIS AGREEMENT is made and entered into by the CITY OF WESTMINSTER, COLORADO ("Westminster"), and the CITY OF FEDERAL HEIGHTS, COLORADO ("Federal Heights").

WHEREAS, intergovernmental agreements to provide functions or services, including the sharing of costs of such services or functions, by political subdivisions of the State of Colorado are specifically authorized by C.R.S., Section 29-1-203; and

WHEREAS, the parties hereto are each authorized to lawfully provide, establish, maintain and operate emergency medical and ambulance services; and,

WHEREAS, it is in the best interest of each of the parties that it may receive service from the other party to aid and assist in the purpose of providing emergency medical and ambulance services.

NOW THEREFORE, it is mutually agreed by the parties as follows:

1. In the event that professional emergency medical and ambulance services (the "Services"), as described in "Appendix A," attached hereto and incorporated herein, are required in the jurisdiction served by one party which cannot be met by that party, whether because of use of its personnel and equipment at other places or for any other reason, the other party agrees, subject to the limitations set forth herein, to aid and assist by the provision of Services.
2. To request Services, the requesting party shall contact the responding party's dispatching or communications center.
3. If a party is unable to respond in less than ten (10) minutes using emergency lights and audible equipment, it shall immediately notify the requesting party's dispatch center so that the call can be turned over to another service provider.
4. A party shall be excused from providing service to the other party in the event of the need or use of the Services within its own jurisdiction.
5. It is understood and agreed that each party's performance shall be subject to appropriation of funds by its City Council for the current fiscal year.
6. The personnel of the responding party shall be under the direction and control of the requesting party's on-site supervisory personnel. All equipment furnished by a responding party shall be operated by its own personnel.
7. The parties will honor the Fee Structure for Back-up Private Ambulance Services (the "Fees"), described in "Appendix B," attached hereto and incorporated herein, as such fees are amended from time to time.
8. Each party shall make a written report on each call it responds to and provide such report to the other party.
9. Each party shall provide Services according to the standards established in "Appendix A."
10. Nothing contained in this Agreement, and no performance under this Agreement by personnel of the parties, shall in any respect alter or modify the status of officers, agents, or employees of the respective parties for purposes of Workers Compensation or their benefits or entitlements, pension, level or types of training, internal discipline, certification, or rank procedures, methods, or categories, for any purpose, condition or requirement of employment.

11. This Agreement shall be interpreted in accordance with the Charter and Code of the City of Westminster, the Code of the City of Federal Heights, and the laws of the State of Colorado.

12. If any part, term or provision of the Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid, unless such part, term, or provision is essential to the fulfillment of the intent and purpose of the parties in entering this Agreement. This Agreement contains the entire understanding of the parties and may not be amended except as agreed upon by the parties in writing.

13. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficient if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth on the signature page below, or at such other address as has been previously furnished in writing, to the other party. Such notice shall be deemed to have been given when deposited in the United States mail.

14. This Agreement shall be binding upon the successors and assigns of each of the parties, except that no party may assign any of its rights or delegate any of its obligations hereunder, without the prior written consent of the other party.

15. All rights and obligations of this Agreement are strictly reserved to the named parties hereto, and nothing contained herein shall give or allow any claim or right of action by any other or third person. It is the express intention of the named parties that any person other than the named parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

16. Either party may terminate this Agreement with or without cause upon fifteen (15) days prior written notice to the other party. This Agreement shall automatically terminate, without further obligation, in the event that either party fails to appropriate sufficient funds for the purposes of this Agreement in any fiscal year, and such party shall give written notice of the lack of such appropriation to the other party.

IN WITNESS WHEREOF, authorized representatives of the parties have signed below this _____ day of

1996.

CITY OF FEDERAL HEIGHTS
2380 West 90th Avenue
Federal Heights, CO 80221

CITY OF WESTMINSTER
4800 West 92nd Avenue
Westminster, CO 80030

By: _____
Phil Stewart
Mayor
Attest: Attest:

By: _____
William Christopher
City Manager

City Clerk

City Clerk

Reviewed:

Reviewed:

City Attorney's Office

City Attorney's Office

Date: March 25, 1996
Subject: Financial Report for February, 1996
Prepared by: Lili Cox, Administrative Secretary

Introduction

City Council action is requested to review the attached financial statements which reflect 1996 transactions through February, 1996.

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 17% of the 1996 appropriation.

Utility Fund revenues represent 16% of the total budget estimate while expenditures and encumbrances in that fund represent 31% of the 1996 appropriation. The significant difference in revenues between this year and last year is due to the combined effects of a tap fee increase in February, 1995, which gave an incentive to purchase taps in January, 1995, and the building permit moratorium during part of January, 1996. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment.

The Sales and Use Tax Fund revenues represent 20% of the total budget estimate, while the expenditures and encumbrances in that fund represent 17% of the 1996 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 8% from the same period last year and increased 6% year-to-date.

The Open Space Fund revenues represent 20% of the total budget estimate while the expenditures and encumbrances in that fund represent 20% of the 1996 appropriation. The higher than average expense was for purchase of the Brauch family property.

The Golf Course Fund revenues represent 4% of the total budget estimate while the expenditures and encumbrances in that fund represent 24% of the 1996 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures.

The General Reserve Fund revenues consist of interest earnings of \$20,456. There have been no expenditures. The appropriated balance of \$2,550,000 includes \$100,000 for Mall Revitalization and \$939,000 for Emergency Reserve as required by the Colorado Constitution.

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