

April 13, 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. Distinguished Service and Meritorious Service Awards
 - B. Employee Service Recognition
 - C. Board of Adjustment Certificate of Appreciation
 - D. Proclamation re Westminster Grange Week
 - E. Proclamation re Arbor Day/Earth Day/Tree City USA
 - F. Presentation by Westminster High School Students
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. Radio Frequency Meter Reading System Equipment Purchase
 - B. Cotton Creek Park Construction
 - C. CB No. 4 re Annexing Bull Canal Open Space (Scott-Atchison)
 - D. CB No. 5 re Zoning Bull Canal Open Space (Scott-Merkel)
 - E. CB No. 6 re Comp Plan Amendments re Egging Property (Scott-Smith)
 - F. CB No. 7 re Church Ranch Blvd Annexation (Atchison-Merkel)
 - G. CB No. 8 re Waverly Park Renovation (Merkel-Scott)
 - H. CB No. 9 re City Park Softball Complex (Scott-Merkel)
 - I. CB No. 10 re Theft (Atchison-Scott)
 - J. CB No. 11 re Board of Adjustment Alternate (Atchison-Scott)
9. **Appointments and Resignations**
 - A. JeffCo Corrections Board Appointment/Resignation
 - B. 1998 Rocky Flats Local Impacts Initiative Directors
10. **Public Hearings and Other New Business**
 - A. Resolution No. 21 re Category B-1 Service Commitment Awards
 - B. Resolution No. 22 re Church Ranch Center Annexation
 - C. Wandering View Parkland Purchase
 - D. Stratford Lakes Parkland Purchase
 - E. Second Amendment to Westmoor Business Park Agreement
 - F. Councillor's Bill No. 13 re Little Dry Creek Trail Project
 - G. Little Dry Creek Trail Underpass at 76th Ave/Sheridan Blvd
 - H. Semper Water Treatment Facility Rehabilitation Construction
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. City Council

B. Request for Executive Session

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 13, 1998 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Scott to accept the minutes of the meeting of March 23, 1998 with no additions or corrections. Councillors Allen and Dixon requested to abstain as they were not present at the meeting. The motion carried with 5 aye votes and Councillors Allen and Dixon abstaining.

A motion was made by Atchison and seconded by Merkel to accept the minutes of the meeting of April 6, 1998 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil, Police Chief Dan Montgomery and City Manager Bill Christopher presented the Distinguished Service Award to Senior Police Officer Chris Foley, and Meritorious Service Awards to Senior Police Officers Paul Newton, Gary McGill, Joey Manchego and Nick Adams.

Mayor Heil and Councillors presented service pins and Certificates of Appreciation to employees celebrating 10, 15, 20 and 25 years of service with the City.

Mayor Heil presented a proclamation to Jennifer Pankoski, Membership Activity Chairperson and Ben Metzler, Master of Westminster Grange, proclaiming the week of April 19-25, 1998 as Westminster Grange Week in the City.

Ralph Campbell of the Colorado State Forest Service presented the Tree City USA and Special Growth Award to the City which was accepted by the Mayor; and the Mayor presented a Proclamation to City Forester Keith Wood proclaiming April 17 as Arbor Day in the City.

Westminster High School Teacher/Sponsor Candy Madden and students thanked the City Council regarding scholarship moneys donated by the City that allowed these students to participate in the Washington, D.C. Close Up Government Program.

CITY COUNCIL COMMENTS:

Mayor Heil congratulated Councillor Sam Dixon on being elected as the vice chair of the Energy Community Alliance. Councillor Smith commented on the admirable job the Mayor and Staff did on the Easter Egg Hunt held on Saturday. Councillor Dixon stated that the Energy Community Alliance would be having a meeting in Westminster on September 30-October 2nd, 1998. Councillor Dixon also mentioned she has been designated as Chair of the Adams County Workforce Development Board, an alliance of businesses, public entities and non-profit organization to further the School to Work and the Welfare to Work programs and representing the job center in Adams County.

Mayor Pro Tem Merkel stated the JeffCo Transportation Plan would be discussed at a public meeting on Wednesday at 5 PM at Jefferson County Administration Building. Representatives of the City will be present to speak on projects the City is interested in, and the public is encouraged to attend.

Students from Standley Lake High School and the University of Colorado were recognized by City Council.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: **Radio Frequency Meter Reading System Equipment Purchase** - Authorize the expenditure of \$1,350,000 to purchase 7,467 radio frequency meter reading units and provide contractual installation of the equipment with Mountain States Pipe and Supply Company, the sole supplier of TRACE meter reading equipment in Colorado; authorize the City Manager to execute a contract with Mountain States Pipe and Supply Company for the contractual installation; and, charge the expense to the appropriate Utility Fund Capital Improvement Project budget account and Shaw Heights revenue; **Cotton Creek Park Construction** - Authorize the City Manager to sign a contract with Arrow-J Inc. in the amount of \$698,749 for the construction of Cotton Creek Park, authorize \$12,000 for Public Service lighting, \$3,000 for geotechnical testing and a \$41,251 contingency for a total project budget of \$755,000, and charge the expense to the Cotton Creek Park project account in the General Capital Improvement Fund; **Councillor's Bill No. 4** re Bull Canal Open Space Annexation; **Councillor's Bill No. 5** re Bull Canal Open Space Zoning; **Councillor's Bill No. 6** re Comp Plan Amendments re Egging Property; **Councillor's Bill No. 7** re Church Ranch Boulevard Annexation; **Councillor's Bill No. 8** re Waverly Park Renovation; **Councillor's Bill No. 9** re City Park Softball Complex; **Councillor's Bill No. 10** re WMC Amendment re Theft; and **Councillor's Bill No. 11** re Alternate to Board of Adjustment.

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 Allen requested that Item 8B, Cotton Creek Park Construction, be removed from the Consent Agenda.

A motion was made by Scott and seconded by Dixon to adopt the remaining Consent Agenda items as presented. The motion carried unanimously.

COTTON CREEK PARK CONSTRUCTION:

A motion was made by Allen and seconded by Atchison to authorize the City Manager to sign a contract with Arrow-J Inc. in the amount of \$698,749 for the construction of Cotton Creek Park, authorize \$12,000 for Public Service lighting, \$3,000 for geotechnical testing and a \$41,251 contingency for a total project budget of \$755,000, and charge the expense to the Cotton Creek Park project account in the General Capital Improvement Fund. The motion carried unanimously.

JEFFERSON COUNTY CORRECTIONS BOARD RESIGNATION/APPOINTMENT:

A motion was made by Atchison and seconded by Allen to accept the resignation of Barbara Castillo as the City of Westminster representative to the Jefferson County Corrections Board and recommend to the Jefferson County Commissioners the appointment of Jack Rhoads as the City's representative on the Jefferson County Corrections Board. The motion carried unanimously.

1998 ROCKY FLATS LOCAL IMPACTS INITIATIVE DIRECTORS:

A motion was made by Dixon and seconded by Merkel to approve the slate of nominees recommended by the Rocky Flats Local Impacts Initiative Nominating Committee for 1998, on the RFLII Board of Directors. The motion carried unanimously.

RESOLUTION NO. 21 - 1998 CATEGORY B-1 SERVICE COMMITMENT AWARDS:

A motion was made by Smith and seconded by Allen to adopt Resolution No. 21 awarding Category B-1 Service Commitments to the two highest scoring, new single-family detached residential projects (Weatherstone and Quail Crossing) submitted for the 1998 Category B-1 Competition. Community Development Group Developer representative Jon Lee, Rose Creek Properties representatives Gene Osborne and Ken Punzerelli, and Bernie Lash, representing Richmond Homes, gave brief presentations and addressed Council. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 22 - CHURCH RANCH IN-FILL ANNEXATION:

A motion was made by Merkel and seconded by Dixon to adopt Resolution No. 22 accepting the annexation petition submitted by Gregg A. Bradbury and Charles C. McKay and make findings required by State Statute on the sufficiency of the petition; and sets date of June 8, 1998, for the annexation hearing. Upon roll call vote, the motion carried unanimously.

WANDERING VIEW PARKLAND PURCHASE:

A motion was made by Allen and seconded by Smith to authorize the City Manager to purchase for park use, approximately 7.7 acres of land adjacent to Windsor Park at a cost of \$30,000 per acre from Adams County School District No. 12, and charge the expense to the Parks, Recreation and Libraries Capital Improvement Fund. The motion carried unanimously.

STRATFORD LAKES PARKLAND PURCHASE:

A motion was made by Smith and seconded by Dixon to authorize the City Manager to accept as dedication 2.9 acres of land to meet the requirements of the College Hills Filing #8 land dedication, purchase for parkland the adjacent 2.25 acres at a cost of \$124,000, including improvements from McStain Enterprises, Inc., and charge the expense to the Parks, Recreation and Libraries Capital Improvement Program. The motion carried unanimously.

SECOND AMENDMENT TO WESTMOOR BUSINESS PARK AGREEMENT:

A motion was made by Dixon and seconded by Scott to approve the Second Amendment to the Westmoor Business Park Agreement and authorize the City Manager to sign the agreement on behalf of the City with the amended language "The City shall assume the cost of constructing the storm sewer improvements to holes 2 and 9 of the golf course in an amount not to exceed \$178,000 and The City shall assume and pay for the cost of construction of the water feature described in paragraph 6.7 of the development agreement in an amount not to exceed \$65,000. Marshall Fishman, Attorney representing Westfield Development Company stated that Westfield Development is agreeable to the additions of these Sections to the agreement. The motion carried unanimously.

COUNCILLOR'S BILL NO. 13 - LITTLE DRY CREEK TRAIL PROJECT:

A motion was made by Scott and seconded by Smith to pass Councillor's Bill No. 13 on first reading appropriating \$155,000 into the General Capital Improvement Fund of the Little Dry Creek Trail Project. Upon roll call vote, the motion carried unanimously.

LITTLE DRY CREEK TRAIL UNDERPASS AT 76TH AVENUE & SHERIDAN BOULEVARD:

A motion was made by Scott and seconded by Atchison to authorize the City Manager to sign a contract with the Colorado Department of Transportation in the amount of \$194,000 to obligate grant funding for design and right-of-way acquisition for the Little Dry Creek Trail Underpass project. The motion carried unanimously.

SEMPER WATER TREATMENT FACILITY REHABILITATION CONSTRUCTION:

A motion was made by Dixon and seconded by Atchison to waive City Charter bidding requirements, authorize the City Manager to negotiate a contract with Restruction Corporation in the amount of \$600,000 for the construction of the repairs to the masonry walls for the High Service Pump Station and the Chlorine Storage Room that are currently being designed by CH2M Hill, Engineers, due to the time sensitiveness of completing the project and charge the expenses to the appropriate capital project account in the Utility Fund. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

The Mayor stated there would be an Executive Session concerning a possible litigation problem.

ADJOURNMENT:

The meeting was adjourned at 8:35 P.M.

ATTEST:

Mayor

City Clerk

Date: April 13, 1998

Subject: Distinguished Service and Meritorious Service Awards

Prepared by: Matt Raia, Police Captain and Dan Montgomery, Chief of Police

Introduction

Police Chief Dan Montgomery requests the assistance of Mayor Nancy Heil and City Manager Bill Christopher in presenting the Police Department's Distinguished Service Award to Senior Police Officer Chris Foley; and the Department's Meritorious Service Award to Senior Police Officers Paul Newton, Gary McGill, Joey Manchego and Nick Adams.

Summary

The nomination of these officers was submitted to the Police Department's Awards Review Board for their review and approval. The Board concluded that the actions taken by Officer Chris Foley involved significant risk of death or serious bodily injury and was performed with distinguished duty. The actions taken by officers Newton, McGill, Manchego, and Adams involved an attempt on the part of the Officers to save a life by extraordinary efforts, involved personal risk to the officers, and were performed with meritorious duty.

Staff Recommendation

Present the Distinguished Service Award to Senior Police Officer Chris Foley, and the Meritorious Service Awards to Paul Newton, Gary McGill, Joey Manchego and Nick Adams.

Background Information

Senior Police Officer Chris Foley: On January 11, 1998, at approximately 1:00 p.m., Officers from the Police Department were dispatched to 9285 Utica Street on a report of a man with a gun. As officers were arriving on the scene, the Communications Center advised them that shots had been fired inside the residence and a female and two small children were inside. A perimeter was established around the house, and the department's Tactical Team was called to the residence. At approximately 1:25 p.m., Senior Police Officer Chris Foley was able to make contact with a female who was at a bedroom window located on the second floor of the house and she asked the female to kick out the window screen. Senior Police Officer Nick Hartney obtained a step ladder from a neighbor and placed the ladder on the driveway near the garage roof. Officer Foley climbed up the ladder and was able to communicate with the female and convince her to come out with the children onto the garage roof. Officer Foley grabbed the male child and handed him down to Officer Hartney who had positioned himself next to the garage door. Officer Foley was then informed by the adult female that the female child was blind. Officer Foley was able to talk to the small child and verbally guide her toward the edge of the roof so that she could grab her and hand her to Officer Hartney. She then assisted the adult female off the roof.

It was later determined that the male inside the residence had fired two shots, one going through the garage roof where the officers and victims had been. The suspect had also assaulted the adult female and one of the children. After the Tactical Team entered the house, they discovered that the male had taken his life with a shot from his rifle. The female and two children were transported to the hospital for treatment of their injuries.

Officer Foley placed herself in great risk of injury or death by rescuing the people inside the residence. She had to climb a step ladder in front of a closed garage door and in front of numerous windows. In the event the male fired a second shot through the garage roof, she would have been unable to protect herself. The ladder did not extend all the way to the roof, and Officer Foley had to stand on the top step and reach out for the victims. Officer Foley's actions warrant the award of the Westminster Police Department Distinguished Service Award.

Senior Police Officer Paul Newton: On December 5, 1997 at 4:15 p.m. Officer Paul Newton had concluded his shift and was leaving the Police Department building on his police bicycle. Officer Newton observed a young girl standing on top of the elevated pedestrian overpass that spans across U.S. Highway 36. Officer Newton overheard radio traffic from a nearby officer that confirmed his observations. Officer Newton was off duty and did not have a police radio with him to broadcast that he was going to respond to the situation. Without hesitation, Officer Newton pedaled on his bicycle to the west approach ramp in order to get closer to the young girl. While he was responding, he was searching for an unfenced point that would provide him access to the roof. However, there was no unfenced point that would provide him access, so he scaled the exterior barrier fence on the third level and pulled himself to the roof using a support beam.

Once Officer Newton reached the roof, he could see that the young girl was standing near the south edge of the roof above heavily congested traffic lanes of westbound U.S. 36. The girl was approximately 40 feet away from Officer Newton and was smoking a cigarette. She appeared nervous and soon became aware that Officer Newton was on the roof with outstretched arms. Officer Newton introduced himself as "Paul" and worked to establish a rapport with the girl. He used the guise that he could not hear her when he asked her for her name, and he moved closer to her each time they exchanged words. Officer Newton was able to move within an arms reach of the girl, all the while continuing to communicate with her. The girl finished her cigarette, flicked it from the overpass, and stepped to the edge. At that moment, Officer Newton stepped forward, grabbed her in his arms, and pulled her to the center of the roof. The girl did not resist and cooperated with Officer Newton as he escorted her to the east side of the overpass where Fire Department personnel had erected a ladder. She was then escorted to a waiting ambulance.

The juvenile's therapist informed the department afterwards that the juvenile had made up her mind to jump when she flicked her cigarette off the ramp. Had it not been for Officer Newton grabbing her and pulling her away from the edge of the ramp, she would have jumped.

It is important to note that Officer Newton was by himself, without a radio, until the last minutes of the incident. The temperature at the time of this incident was in the mid-20's, and the wind was blowing. The roof of the walkway has a curved surface with down-sloped edges and it was slippery. Besides Officer Newton's fear that the juvenile would intentionally jump, he was also concerned that she would inadvertently slip and fall from the overpass.

Officer Newton's actions directly resulted in the saving of a life and involved operational risk and personal danger. Officer Newton's actions warrant the award of the Westminster Police Department Meritorious Service Award.

Senior Police Officers Gary McGill, Joey Manchego and Nick Adams: On January 12, 1998, at midnight, officers were dispatched to apartments at 6885 West 91st Court on a report of a structure fire. Senior Police Officers Joey Manchego, Gary McGill and Nick Adams were in the direct vicinity when the call was aired. Senior Police Officer Joey Manchego arrived on the scene within seconds of the call and observed smoke coming from the apartment. The children's mother was on the scene and informed the officer that her two children, ages 1 and 3 were in the apartment. Officer Manchego entered the apartment, and attempted to locate the two small children. He noted flames burning in the hallway, and attempted to stomp them out, but was unsuccessful. Due to the heavy smoke, and the fact that he was having difficulty breathing, Officer Manchego exited the apartment and contacted dispatch. He advised the dispatchers of the heavy smoke and flames, and the fact that there were two small children in the apartment.

Officer Manchego re-entered the apartment, but again due to the heavy smoke, was unable to locate either of the children. When Officer Manchego exited the apartment, Officers McGill and Adams had arrived on the scene. The officers determined that, because of the heavy smoke which made it difficult for them to breathe or see, they would take turns entering the apartment. Each officer made multiple entries into the apartment in search of the children. Officer McGill subsequently located the three year old male and carried him to safety. The child was not breathing, and Officers Manchego and Adams began CPR while Officer McGill continued searching the apartment.

Within minutes, the Fire Department personnel had arrived, and they took over the resuscitation efforts on the little boy and began searching for the little girl. After some difficulty, the fire personnel were able to locate the little girl. The two children were transported to St. Anthony North Hospital, where they were pronounced dead. An autopsy concluded that the children had died as a result of smoke inhalation. Officers McGill and Manchego were transported to St. Anthony North Hospital, treated for smoke inhalation and released.

The actions of these three officers warrants the award of the Westminster Police Department Meritorious Service Award. This incident involved an attempt on the part of the officers to save the life of two children by extraordinary efforts that involved personal risk to themselves.

Respectfully submitted,

William M. Christopher
City Manager

Date: April 13, 1998
Subject: Presentation of Employee Service Awards
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 10th, 15th, 20th and 25th anniversary of employment with the City.

Summary

In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.

Staff Recommendation

City Council present service pins and certificates of appreciation to employees celebrating 10, 15, 20 and 25 years of service with the City.

Background Information

The following employees will receive their ten year service pin and certificate:

Kate Amack	Parks, Rec & Lib	Recreation Supervisor II
Eugene Caldwell	Parks, Rec & Lib	Parks Equipment Operator II
Jeff DeLoe	Parks, Rec & Lib	Greenhouse Technician
John Kasza	Parks, Rec & Lib	Parks Crewleader
Marlene Nelson	Parks, Rec & Lib	Clerk Receptionist II
Philip Paquet	Police Department	Senior Police Officer
Paul Romero	General Services	Mechanic Leadworker
Karen Wetzstein	Parks, Rec & Lib	Clerk Receptionist I
Robert G. Wood	Public Works & Util	Streets Equipment Op II

The following employees will receive a fifteen year service pin and certificate:

Dave Leiker	Fire Department	Fire Captain
Dan Montgomery	Police Department	Police Chief
Susan Nachtrieb	Public Works & Util	Environmental Compl Coord
Chris Pardo	Police Department	Criminalist
Kurt Wetzel	Police Department	Senior Police Officer

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

Jerry Calabrese	Fire Department	Fire Lieutenant
Jerry Magnetti	Parks, Rec & Lib	Parks Supervisor
John McDuff	Fire Department	Fire Engineer
Vicky Sisto	Parks, Rec & Lib	Librarian II
Mike Ziegler	Fire Department	Fire Lieutenant

The following 25 year employees will be presented with a certificate and service pin:

Ron Hellbusch	Public Works & Util	PW&U Director
Charlie Johnson	Police Department	Police Lieutenant

On April 15th, the City Manager will be hosting an employee awards luncheon at which time 6 City employees will receive their five year service pins, while recognition will also be given to those who are celebrating their 10th, 15th, 20th and 25th anniversary. This will be the first of three luncheons for 1998 to recognize and honor City employees for their service to the public.

The aggregate City service represented among the group of employees is 345 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

William M. Christopher
City Manager

4 A

Invite members of the family to stand and be recognized

4 B Employees that will be present:

10 year

Kate Amack	Parks, Rec & Lib	Recreation Supervisor II
Marlene Nelson	Parks, Rec & Lib	Clerk Receptionist II
Philip Paquet	Police Department	Senior Police Officer
Paul Romero	General Services	Mechanic Leadworker
Karen Wetzstein	Parks, Rec & Lib	Clerk Receptionist I

15 year

Dave Leiker	Fire Department	Fire Captain
Dan Montgomery	Police Department	Police Chief

20 year

Jerry Calabrese	Fire Department	Fire Lieutenant
Jerry Magnetti	Parks, Rec & Lib	Parks Supervisor
Vicky Sisto	Parks, Rec & Lib	Librarian II
Mike Ziegler	Fire Department	Fire Lieutenant

25 year

Ron Hellbusch	Public Works & Util	PW&U Director
Charlie Johnson	Police Department	Police Lieutenant

4 D Westminster Grange

Ben Metzler, Master of the Westminster Grange and Jennifer Pankoski, Membership Activity Chairman will be present to accept the proclamation

Date: April 27, 1998
Subject: Board Member Certificates of Appreciation
Prepared by: Michele Kelley, City Clerk

Introduction

The City Council is requested to present a Certificate of Appreciation in recognition of time dedicated to the City by Stephen McLaughlin from the Board of Adjustment and Dan Noreen on the Parks and Recreation Advisory Board.

Summary

In March, Stephen McLaughlin resigned from the Board of Adjustment. A Certificate of Appreciation recognizing the time and efforts of Stephen Mc Laughlin has been prepared to be presented on behalf of the Mayor and entire Council.

In February, Dan Noreen resigned from the Parks and Recreation Advisory Board. A Certificate of Appreciation recognizing the time and efforts of Dan Noreen has been prepared to be presented on behalf of the Mayor and entire Council.

Staff Recommendation

Present certificate of appreciation for dedicated service to Stephen Mc Laughlin and Dan Noreen.

Background Information

Stephen McLaughlin was appointed to the Board of Adustment on May 13, 1991 and had served continuously until his resignation due to moving outside of the City limits.

Dan Noreen was appointed to the Parks and Recreation Advisory Board on March 6, 1995 and had served continuously until his resignation due to priorities and additional responsibilities with his job.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Date: April 13, 1998
Subject: Proclamation re Westminster Grange Week
Prepared by: Michele Kelley, City Manager

Introduction

City Council is requested to proclaim the week of April 19th as Westminster Grange Week in the City of Westminster.

Summary

The Westminster Grange was organized in 1910 and has been serving the needs and interests of the Westminster community continuously since that time.

The Westminster Grange remains a vibrant, dynamic force in the Westminster community with family activities, community service work and educational programs.

The Westminster Grange building, located at 73rd Avenue and Newton Way functions as a community center for many types of worthwhile activities by numerous groups in addition to the programs of the Grange itself. The Grange organization and their building are a contributing force to keeping Westminster the family oriented community that it is.

A proclamation has been prepared to proclaim April 19 - 25, 1998 as Westminster Grange Week in the City of Westminster.

Staff Recommendation

City Council proclaim April 19 - 25, 1998 as Westminster Grange Week in the City of Westminster.

Background Information

Several Westminster Grange members will be present at Monday night's meeting to accept this proclamation.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

WHEREAS, Westminster Grange will be joining 300,000 Grange members nationwide in celebrating Grange Week during the week of April 19-25, 1998; and

WHEREAS, Westminster Grange has been serving the needs and interests of the Westminster community since 1910, and continues to serve as a vibrant, dynamic force with family activities, community service work and educational programs; and

WHEREAS, Westminster Grange Hall functions as a community center for many types of worthwhile activities by numerous groups in addition to the programs of the Grange itself which have contributed to Westminster's family oriented community; and

WHEREAS, The Grange which organized nationally in 1867, promote grassroots involvement in the legislative process, provides the opportunity for individual expression and personal growth and offers programs for all family members; and

WHEREAS, The Westminster Grange organization is celebrating their 88th Anniversary.

NOW, THEREFORE, I, Nancy M. Heil, Mayor of the City of Westminster, on behalf of the entire City Council and Staff do hereby proclaim the week of April 19 - 25, 1998 as

WESTMINSTER GRANGE WEEK

in the City of Westminster in recognition of this worthwhile organization and their valuable contributions to the Westminster community.

Signed this 13th day of April, 1998.

Nancy M. Heil, Mayor

Date: April 13, 1998
Subject: Proclamation re Arbor Day/Earth Day/Tree City USA Activities
Prepared by: Keith Wood, City Forester

Introduction

City Council is requested to proclaim Friday, April 17 as Arbor Day in the City of Westminster. In addition, the Mayor and Councillors are requested to accept the City's 13th 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, April 13 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, it is requested that the Mayor 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 Program

- Friday, April 17 - 1:00 P.M. at Cotton Creek Elementary, 11100 Vrain Street

The presentation at Cotton Creek Elementary for approximately 120 fourth graders will include the history of Arbor Day. Prizes for the poster contest will be awarded, with the first place winner to receive a potted blue spruce tree from Garden Country Nursery. Second through Tenth Place winners receive 3-5 foot river birch saplings. All grade levels at the school will assist Parks Division Staff in planting a tree in honor of the retiring principal, Don Bruno, at Cotton Creek Elementary. Students will receive buttons, balloons, and white fir seedlings.

Arbor Day Celebration

- Saturday, April 18 - 9:00 A.M. - 3:00 P.M. at City Park Recreation Center, 10455 Sheridan Boulevard

Parks Division Staff will distribute 400 3-5' river birch (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 Garden Country Nursery. Children's entertainment will be available inside the recreation center from 10:00-11:00 A.M.

Staff Recommendation

The Mayor on behalf of City Council present a proclamation to City Forester Keith Wood proclaiming April 17 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 17, 1998, 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 13th day of April, 1998.

Nancy M. Heil, Mayor

Date: April 13, 1998
Subject: Presentation by Westminster High School Students
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to hear from several Westminster High School students about their experience involving the Washington DC Close Up Government Program. This opportunity was a week long trip to Washington, D.C.

Summary

In appreciation of the City of Westminster's financial contribution, several of the students from Westminster High School wish to make a presentation to City Council.

Ms. Candy Madden Teacher/Sponsor and several of the students that participated in this program will be present at Monday night's City Council meeting to make a short presentation of their impressions of their visit to Washington, D.C. and the workings of the federal government.

Staff Recommendation

Mayor and City Council listen to presentation by students.

Background Information

The City of Westminster provides matching funds to the School District No. 50 Education Foundation to send high school students to Washington, D.C. as part of the Washington Close Up Government Program.

This week long program experience was the week of March 15th. This program gives students the opportunity to interact with their legislators at the national level.

Respectfully submitted,

William M. Christopher
City Manager

Date: April 13, 1998
Subject: Radio Frequency Meter Reading System Equipment Purchase
Prepared by: Robert L. Booze, Utilities Services Supervisor

Introduction

City Council action is requested to authorize the expenditure of \$1,350,000 to purchase Radio Frequency Meter Reading Equipment and for the contractual installation of the equipment, authorize the City Manager to negotiate a contract with the sole vendor of the desired equipment; Mountain States Pipe and Supply Company. Funds are available in the 1998 Utility Capital Improvement Project Budget and anticipated Shaw Heights revenue for this expense.

Summary

TRACE Radio Frequency Equipment was selected by City Staff in 1994, following a decision to utilize the Itron Computer Billing Program. TRACE Equipment can be retro-fitted with the Badger water meter, which has been the residential water service meter equipment utilized by the City for the past 15 years.

During the first two phases of the Retro-fit program, which included 1996 and 1997, the City incurred expenses totalling \$2.5 million dollars. In 1996, Mountain States Pipe and Supply installed 9,264 TRACE units, and in 1997, they installed 5,967 units. At the present time there are 17,727 TRACE meter services throughout the City.

An expenditure of \$1 million for the Radio Frequency Meter Reading System Retro-fit Program was included in the 1998 Utility Capital Improvement Project budget for this third and final phase.

On June 1, 1998, the City is taking over the maintenance responsibility of the Shaw Heights Water District. The Shaw Heights water system has 1,632 utility accounts, and the Public Works and Utilities Staff is recommending all of the water meters be retro-fitted. Funding for the Shaw Heights portion of the 1998 retro-fit project will come from the anticipated revenue the City will be receiving from Shaw Heights. The \$350,000 requested will purchase the water meter material, contractual installation; as well as any unanticipated material following inspection of the meter pits such as pit dome replacement, dome drilling, and meter setter replacement.

Mountain States Pipe and Supply Company is the sole supplier of TRACE radio frequency meter reading equipment in Colorado.

Staff Recommendation

Authorize the expenditure of \$1,350,000 to purchase 7,467 radio frequency meter reading units and provide contractual installation of the equipment with Mountain States Pipe and Supply Company, the sole supplier of TRACE meter reading equipment in Colorado; authorize the City Manager to execute a contract with Mountain States Pipe and Supply Company for the contractual installation; and, charge the expense to the appropriate Utility Fund Capital Improvement Project budget account and Shaw Heights revenue.

Background Information

During 1994, City Council directed City Staff to investigate new water meter reading technology. A Staff task force was formed with representatives from the Department of Public Works and Utilities and the Utility Billing and Data Processing Divisions within the Finance Department. Subsequently, City Council decided to purchase the Itron computer billing program along with hex-a-gram meter reading equipment for commercial water meters and TRACE radio frequency meter reading equipment for the residential water meters.

A test residential subdivision was retro-fitted with TRACE equipment in February 1995. Beginning in August 1995, all new water meter installations were installed with TRACE radio meter reading equipment.

Currently, there are 17,727 residential water services utilizing the TRACE equipment;

9,264 - 1996 Retro-fit Program

5,967 - 1997 Retro-fit Program

2,496 - New meter sets and customer services

An estimated 5,835 retro-fits will be accomplished with the \$1 million Capital Improvement Project funds. In addition, 1,632 retro-fits will be accomplished for the Shaw Heights District with the \$350,000 authorized for this purchase. The 1996 and 1997 retro-fit programs were outsourced, and a contract was executed with Mountain States Pipe and Supply Company along with the equipment purchase. The 1996 and 1997 retro-fit programs were such a success that Public Works and Utilities Staff is recommending to contract the remaining final phase installation of the equipment to Mountain States Pipe and Supply.

Negotiations have been conducted with Mountain States Pipe and Supply Company to purchase the TRACE Meter Reading Transponder and Badger Water Meter equipment for \$168.56 per installation.

An alternative to the recommended approach would be to utilize all the allocated funds to purchase TRACE equipment and perform the installations with Meter Shop Staff; however, this option would substantially increase the amount of time necessary to fully implement the TRACE Radio Meter Reading Program. Mountain States Pipe and Supply Company can install 3,500 retro-fits per month. The Meter Shop would only be able to utilize 2 employees to perform retro-fits, which would result in completing an estimated 900 retro-fits per month, taking 10-12 months to complete the same number of retro-fits the contractor could complete in 3 months.

With the recommended retro-fit scope of work, a total of 25,194 meters will have been completed. This will complete the TRACE Retro-fit program for all of the residential meters in Westminster's and Shaw Height's water systems. Radiowave technology provides a much enhanced method to obtain water meter readings.

Respectfully submitted,

William M. Christopher
City Manager

Date: April 13, 1998
Subject: Cotton Creek Park Construction
Prepared by: Becky Eades, Landscape Architect

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Arrow-J Incorporated in the amount of \$698,749 for the construction of Cotton Creek Park. Total project budget for the park, including construction, geotechnical services, park lighting, and a 5.9% construction contingency for Cotton Creek Park is \$755,000. Funds are available in the Cotton Creek Park Expansion project account in the General Capital Improvement fund for this expense.

Summary

Cotton Creek Park is a 7.5 acre site located south of 112 Avenue, west of Stuart Street and just east of the City's Fire Station #4 and the Cotton Creek Elementary School. This construction project will increase the existing 3.2 acre park site to 10.5 acres. The additional park site was purchased by the City in November of 1994.

The Cotton Creek Park Construction Project was advertised and bid according to the City's purchasing ordinance, and 6 bids were received on March 26, 1998. The bid tabulation, including alternates, is as follows:

1. Arrow-J Incorporated	\$698,749.00
2. Environmental Concerns	\$715,963.25
3. Urban Farmer	\$716,366.25
4. W.S.R.I.	\$720,460.07
5. All-Phase Landscape	\$776,598.00
6. Hamon	\$808,876.53

The apparent low bid from Arrow-J Incorporated for \$698,749.00 is considered a good bid compared with the landscape architects estimate of probable cost of \$737,622.00. Arrow-J Incorporated completed the renovation work for Oakhurst and Trailside Parks in Westminster, and other similar references have verified Arrow-J Incorporated as a qualified contractor.

Staff Recommendation

Authorize the City Manager to sign a contract with Arrow-J Incorporated in the amount of \$698,749 for the construction of Cotton Creek Park. Authorize \$12,000 for Public Service lighting, \$3,000 for geotechnical testing, and a \$41,251 contingency for a total project budget of \$755,000, and charge the expense to the Cotton Creek Park project account in the General Capital Improvement Fund.

Background Information

The original 3.2 acre Cotton Creek Park became the first joint park ownership site to be built between the City of Westminster and Adams County District 12. This park was dedicated on September 17, 1981. As the neighborhood grew and the school reached its capacity of 700 students, the demand on the existing park exceeded sustainability. The park's turf could not be maintained because of its heavy use. Staff, along with the "Parents Action Committee" (PAC) at Cotton Creek Elementary School, recommended the expansion of the small (3.2 acres) school/park site that currently exists. The vacant land next to the park was the logical choice to expand the park. Another consideration in favor of this expansion was that the area around Cotton Creek Subdivision and Legacy Ridge Golf Course is continuing to rapidly develop. Finally, it was noted that there are limited opportunities for neighborhood park sites between 104th and 112th Avenues and between Sheridan Boulevard and Lowell Boulevard.

City Staff began negotiations with Slokker of Cotton Creek Inc. in early 1993 to pursue the purchase of 7.5 acres of land adjacent to the Cotton Creek Elementary School. On November 14, 1994, City Council passed resolution No. 84 which authorized the City Manager to acquire 7.5 acres of land from Slokker at Cotton Creek to add on to the Cotton Creek School/Park. The land was negotiated and purchased for \$440,000.

DHM Design was hired to help Staff develop a Master Plan for Cotton Creek Park. In May 1996, Staff and DHM began the master planning process for Cotton Creek Park by holding a public meeting where approximately 45 people attended to provide input on the master planning process for their neighborhood park. An informal survey was taken at that time. Since the residents requested some park elements that were not contained on this informal survey, a revised survey was mailed to the Cotton Creek Subdivision. Of the 630 mailed surveys, 263 were returned, for a 42% response rate. The surveys returned by mail allowed each family in the Cotton Creek neighborhood an opportunity to vote on the park elements to go into their neighborhood park. DHM Design then used the results of the mailed survey to develop three park development alternatives based on a construction budget of \$700,000.

In October 1996, the second community meeting was held to present the three alternatives. Approximately 30 people attended this meeting. Each alternative showed a different park plan with various combinations of elements, but all having a construction budget of \$700,000. The residents wanted a combination of two of the alternatives. DHM Design then went back to develop a Master Plan that addressed the combination of the two alternatives that would work within the project budget.

In January 1997, a third public meeting was held to present the master plan and approximately 35 people attended. The residents were pleased with the master plan since it combined the two alternatives effectively. In addition to the community meeting, the master plan was presented to the Principal at Cotton Creek Elementary School, Dr. Bruno. He was pleased with the master plan and asked to have a copy of the plan to be displayed at the school for several weeks, where it was well received. In March 1997, City Council approved the master plan.

In May of 1997, City Council approved a contract with DHM Design Corporation for the development of construction drawings, bid documents, and construction observation services based on the approved master plan.

The master planning, design, and construction project budget for Cotton Creek Park is detailed in the following budget summaries.

CIP Budget Summary		Project Budget Summary	
1996 CIP	\$100,000	Master Plan	\$27,000
1997 CIP	\$350,000	Design	\$53,000
1998 CIP	<u>\$385,000</u>	Construction	<u>\$755,000</u>
Total	\$835,000	Total	\$835,000

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Master Plan, 2 - Perspectives

Date: April 13, 1998
Subject: Appointment to Jefferson County Corrections Board
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to accept the resignation of Barbara Castillo from the Jefferson County Corrections Board and recommend a City representative replacement to the Board. Appointments to this Board are made by the Jefferson County Commissioners.

Summary

In 1993, City Council approved an Intergovernmental Agreement with Jefferson County and five Jefferson County cities to initiate participation in the Jefferson County Corrections Program.

In August 1996 Barbara Castillo, Westminster Municipal Court Deputy Court Administrator was recommended by City Council to Jefferson County Commissioners as the City's representative. Recently, Barbara Castillo has resigned (see attached letter).

Per City Council's interest, Jack Rhoads was contacted, who resides within Jefferson County. He has expressed interest in being appointed to this Board. Mr. Rhoads has submitted an application to the City to be forwarded to Jefferson County, should Council recommend Mr. Rhoads for this position.

Staff Recommendation

Accept the resignation of Barbara Castillo as the City of Westminster representative to the Jefferson County Corrections Board and recommend to the Jefferson County Commissioners the appointment of Jack Rhoads to serve as the City's representative on the Jefferson County Corrections Board.

Background Information

At the August 23, 1993 Council meeting, City Council approved participation in an Intergovernmental Agreement (IGA) with Jefferson County which provides the legal foundation for the Jefferson County Correction Program. The other participants in the Community Corrections Program are Jefferson County and the cities of Arvada, Edgewater, Golden, Lakewood, and Wheat Ridge. In the same correspondence in which the City was asked to become a participant in this program, Judge Zimmerman asked that the City recommend an appointment for the Jefferson County Corrections Board to the appointing authority, which is the Jefferson County Commissioners. All of the Board members, which can number up to 19, are appointed by the Commissioners.

In addition to the City members, the Board is comprised of Jefferson County Judges, a County Commissioner, an at-large representative and representatives from the Jefferson County Mental Health Center, Jefferson County Bar Association, the District Attorney's Office, the Probation Department, the Jefferson County Coalition of Cities, and a police department.

The major responsibilities of the Board are three-fold: (1) to approve placement of felony offenders in the community; (2) to contract service providers for community corrections; and (3) to set the standards for how the program will work in the community.

The Board meets monthly on the fourth Wednesday at 7:00 AM in the Jefferson County Commissioner's Chambers. In addition, each Board member must participate in two to three of the screening committee meetings during the year. The screening committee meets weekly on Thursdays. The Board members who presently represent the cities of Arvada, Edgewater, Golden, Lakewood and Wheat Ridge are members of the City Councils of these jurisdictions.

While Jefferson County residency is not a requirement under the IGA, residency in Jefferson County is a prime consideration for the County Commissioners.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: April 13, 1998
Subject: 1998 Rocky Flats Local Impacts Initiative Directors
Prepared by: Bill Christopher, City Manager

Introduction

City Council is requested to review and approve the proposed 1998 Slate of Directors for the Rocky Flats Local Impacts Initiative.

Summary

In accordance with the March 18, 1993, Intergovernmental Agreement establishing the Rocky Flats Local Impacts Initiatives (RFLII), each entity that is part of the agreement is required to take formal action in approving the slate of nominees for the Board of Directors each year.

Staff Recommendation

Approve the attached slate of nominees recommended by the Rocky Flats Local Impacts Initiative (RFLII) Nominating Committee for 1998, on the RFLII Board of Directors.

Background Information

The Rocky Flats Local Impacts Initiative (RFLII) was established by an Intergovernmental Agreement, which is dated March 18, 1993. RFLII will "sunset" December 31, 1998, as dictated by United States Department of Energy (DOE) policy. The City of Westminster is a charter member of this organization, which has a multi-faceted mission involving the transition of the Rocky Flats Environmental Technology Site (RFETS) from a nuclear weapons manufacturing facility to a decommissioned facility and the ultimate redevelopment of the federal government-owned facility. In accordance with paragraph 5 of the Inter-Governmental Agreement, a slate of nominees for the RFLII Board of Directors is to be submitted to each governing body for their review and formal approval.

A list of the Board of Directors for 1998 is attached to this Council Agenda Memorandum.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: April 13, 1998

Subject: Resolution No. re 1998 Category B-1 Service Commitment Awards

Prepared by: Shannon Sweeney, Planner II

Introduction

City Council action is requested to adopt the attached Resolution awarding Category B-1 Service Commitments to two new Single-Family Detached (SFD) residential projects in 1998. This Resolution relates to the City's Growth Management Program.

Summary

On March 16, 1998, City Council directed City Staff to draft a Resolution awarding Service Commitments to the two highest-scoring SFD projects in the 1998 Category B-1 (New SFD) Residential Competition. The attached Resolution, which follows Option 1 (as detailed in the March 11, 1998 Staff Report to City Council), would award Service Commitments to the Weatherstone and Quail Crossing projects which received the two highest scores in the 1998 competition. The recommended awards to these two projects follows City Council direction to allow only one or two new SFD projects in 1998, and the total 1998 Service Commitment award for both projects would not exceed the 60 Service Commitments City Council allocated for new SFD residential projects in 1998. To review the additional two options previously outlined for Council, please see the attached March 11, 1998 Staff Report to City Council.

As specified in the attached Resolution, the Weatherstone project would receive 50 Service Commitments in 1998, 80 in 1999, 80 in 2000, and the remaining 23 in 2001 for a total of 233 Service Commitments over a four-year period. The Quail Crossing project would receive a total of 43 Service Commitments over a two-year period with 10 Service Commitments awarded in 1998 and 33 in 1999. The Service Commitment awards to these two projects total 60 Service Commitments in 1998 which would not exceed the City Council allocation of 60 Service Commitments, and no supplemental 1998 Service Commitment allocation would be necessary.

Four projects were submitted for the Category B-1 competition requesting a total of 463 Service Commitments for the four projects over a four-year period. Please refer to Figure 1 in the Background section of this memorandum for specific details about each application submitted for the competition. Consult Figure 2 (attached) for the general location of each submitted project.

Developers for three of the four projects have prepared brief slide presentations of their projects to present to the City Council at the City Council meeting on April 13, 1998. Applicants for the Weatherstone, Quail Crossing, and 136th & Huron projects plan to present their projects. During the presentations, some of the applicants may distribute additional materials to the City Council for information purposes.

Since the City's Growth Management Program specifies that no development plan review for any new residential project may begin before Service Commitments are awarded to the project, City Staff has not begun a thorough review of the site plans submitted for the competition. Please keep in mind that the site plans and any other additional materials distributed to the City Council may change during the development review process. By adopting the attached Resolution, City Council would not be approving the projects specified in the Resolution but would be awarding Service Commitments to the two projects to allow these to proceed to the City's development review process. Staff review, and possibly Planning Commission and City Council review, of any and all required Preliminary and Official Development Plans are required following the Service Commitment awards.

One of the major changes to the City's Single-Family Detached Residential Design Guidelines City Council approved in December 1997, included reconfiguring the point system to try to reduce bias toward larger-scale residential projects. Staff believes this has been accomplished and is evident in the results of this competition. While the highest-scoring project is a large development proposing 233 units on 80 acres, the second highest-scoring project is a small, infill-type project with 43 units proposed on only 14.5 acres. The two projects had similar total scores with 3,415 and 3,208 points respectively with only 207 points separating the two projects. This small point difference helps demonstrate that the revised point system has successfully reduced bias toward larger-scale projects.

Staff Recommendation

Adopt Resolution No. awarding Category B-1 Service Commitments to the two highest-scoring, new single-family detached residential projects (Weatherstone and Quail Crossing) submitted for the 1998 Category B-1 Competition.

Background

City Water Resources Staff reviewed the City's water supply status with City Council as part of the Growth Management Program discussion at the November 12, 1997 Study Session. Due to the large number of approved residential units yet to be built, City Council determined an allocation for one or two new single-family detached projects in 1998 would be acceptable. In December, 1997, City Council allocated 60 Service Commitments to Category B-1 and authorized a competition for approval of one or two new single-family detached projects in 1998. Four projects were submitted for the competition, and a total of 463 Service Commitments were requested for the four projects over a four-year period.

City Staff sent notices to builders and developers regarding the Service Commitment competitions and mailed or distributed application packets to those interested in entering the competitions. Each application packet included a General Information Sheet, Application Form, Competition Score Sheets, and a copy of the City's Single-Family Detached Residential Design Guidelines. For each project, the applicant was required to complete and submit an application, competition score sheets, and submit a sketch plan, vicinity map, and legal description of the property. Figure 1 below summarizes general information from each of the applications of the four projects received.

Figure 1

<u>Map#</u>	<u>Project Name</u>	<u>PUD Name</u>	<u>Location</u>
1	Weatherstone	3-M	NEC 116th & Sheridan
2	Quail Crossing	136th & Huron	S. of 136th at Kalamath
3	136th & Huron	136th & Huron	SWC 136th & Huron
4	Federal Estates	Westmere	E. of Federal at 114th

<u>Map#</u>	<u>Project Name</u>	<u>Developer</u>	<u>Builder</u>	<u>Final Score</u>
1	Weatherstone	Comm. Dev. Group	not yet chosen	3,415
2	Quail Crossing	Rose Creek Prop	Triton Dev.	3,208
3	136th & Huron	Richmond Homes	Richmond Homes	2,687
4	Federal Estates	Carlson Assoc.	Gilligan Homes	1,740

<u>Project</u>	<u>SFD</u>	<u># Acres</u>	<u># Units</u>	<u># du/a</u>	<u>Comp. Plan Designation</u>	<u># SC's Requested</u>			
						<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
Weatherstone		83.1	233	3.5	SFD 3.5 du/a	30	80	80	43
Quail Cross.		14.5	43	3.5	SFD 3.5 du/a	10	33	0	0
136th & Huron		13.0	104	10.0	SFD 10 du/a	52	52	0	0
Fed. Estates		29.8	83	3.5	SFD 3.5 du/a	30	30	23	0
Totals			463			122	195	103	43

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

The Competition Score Sheets list all of the minimum requirements specified in the design criteria, and all minimums must be met for a project to be eligible for the competition. No points are given for the minimum requirements but are listed to ensure the developer is aware of the requirements. "Incentive" items are also listed, and if provided as part of the proposed project, the developer is able to receive points for applicable incentives. Although the site plans will likely change through the development review process, incentive items the developers committed to and all of the minimums must be met prior to project approval. City Council awards Service Commitments to specific projects by Resolution, and various conditions must be met before the project-specific Service Commitment awards will be issued.

The possibility always exists that, during the detailed planning process, the applicant may decide not to proceed and may withdraw from the review process. While that has not occurred in the most recent new residential competitions, some of the project designs changed significantly from the conceptual plan submitted for the competition. The intent of this Service Commitment competition is only to provide a limited number of new residential projects to proceed to the City's development review process, not to begin the review process prior to Service Commitment award.

Respectfully submitted,

William M. Christopher, City Manager
Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

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

WHEREAS, the City of Westminster has adopted by Ordinance No. 2571 a Growth Management Program for the period 1990 through 2000; and

WHEREAS, within Ordinance No. 2571 there is a provision that Service Commitments for residential projects shall be awarded in Category B-1 (new single-family detached) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City of Westminster has adopted Resolution No. 76, Series of 1997, specifying the various standards based upon their impact on the health, safety and welfare of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has allocated 60 Service Commitments for the year 1998 for use in servicing new single-family detached residential projects; and

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

WHEREAS, four applications were received for the single-family detached competition with a total of 463.0 Service Commitments requested over the next four years for the total build-out of the 463 total single-family detached units proposed; and

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

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

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

Project	YEAR					Totals
	1998	1999	2000	2001		
Weatherstone	50.0	80.0	80.0	23.0		233.0
Quail Crossing	10.0	33.0	0.0	0.0	43.0	
TOTALS		60.0	113.0	80.0	23.0	276.0

- 2. These Service Commitment awards to the projects listed above are conditional and subject to the following:

- a. For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.

b. Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project or proposed density.

c. The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-1 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-1 award.

d. Any and all projects which do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.

e. Service Commitment awards for the projects listed above, if approved by the City, may only be used within the project specified above.

f. These Service Commitment awards shall be subject to all of the provisions specified in Chapter 3 of Title XI of the Westminster Municipal Code.

g. The Category B-1 Service Commitment awards shall be valid for a period of two (2) years from the date of award specified on this Resolution (April 13, 1998) provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment award for any project shall expire unless at least one building permit is issued for the project during that two-year period.

h. If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.

i. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.

3. The Category B-1 Service Commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over into the following year provided the Service Commitments have not expired as specified above. Requests for additional Service Commitments from future award years must be submitted in writing to the City for review and consideration.

Passed and adopted this 13th day of April, 1998

ATTEST:

Mayor

City Clerk

Date: April 13, 1998

Subject: Resolution No. re Church Ranch In-Fill Annexation

Prepared By Mark E. Geyer, Planner II

Introduction:

City Council action is requested on the attached resolution concerning finding compliance of the proposed petition requesting annexation of the Church Ranch in-fill property located at the southwest corner of 103rd Avenue and Church Ranch Boulevard (see attached map) with statutory requirements and establishing a public hearing date.

Summary:

The property owners petitioning for annexation, Gregg A. Bradbury and Charles C. McKay, are requesting annexation of a 6.04 acre tract of land contiguous to property within the Church Ranch Corporate Center. The applicants wish to add this property to existing, undeveloped land currently included in parcels 5 and 6 of the Church Ranch Preliminary Development Plan. An amendment to the existing Church Ranch Preliminary Development Plan is being processed in conjunction with the annexation.

Staff Recommendation:

Adopt Resolution No. accepting the annexation petition submitted by Gregg A. Bradbury and Charles C. McKay and make findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of June 8, 1998, for the annexation hearing.

Background Information:

Related to this annexation, the applicant is proposing an amendment to the existing Preliminary Development Plan (PDP) for Church Ranch Corporate Center. Staff has reviewed this amendment, as well as a concept Official Development Plan. Staff's concerns with the initial proposal relate to a two-story office building at the corner of 103rd Avenue and Church Ranch Boulevard. This issue was previously reviewed by City Council at a Study Session at which time City Council agreed with this two-story requirement. The applicant is evaluating this requirement and proposing an alternative. If Staff and the applicant cannot agree, the applicant still wishes to continue on to the Planning Commission and City Council for consideration of an amended PDP.

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) of the C.R.S.

In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 of the C.R.S. have been met. (These Sections are to be reviewed by the Council at a formal public hearing).
3. Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed. (In this case, Gregg A. Bradbury and Charles C. McKay own 100% of the property to be annexed.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and have found to Staff's satisfaction that the petition complies to the above requirements. Regarding requirement number 1 above, that annexation of this parcel is desirable and necessary, Planning Staff has determined this parcel to be desirable to annex and annexation is consistent with the Northwest area comprehensive plan of which the City is a party along with Jefferson County. However, in the course of the review for zoning of the property, land use issues still need to be finalized.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time Council will review the merits of the proposed annexation.

Respectfully Submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, a copy of which is attached hereto and incorporated herein by reference, for the annexation of certain territory therein-described to the City; and

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107(1).

2. City Council hereby establishes June 8, 1998, 7:00 p.m., at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108(1).

2. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108(2).

Passed and adopted this 13th day of April, 1998.

ATTEST:

Mayor

City Clerk

Date: April 13, 1998
Subject: Wandering View Parkland Purchase
Prepared by: Richard Dahl, Park Services Manager

Introduction

City Council action is requested to authorize the City Manager to purchase approximately 7.7 acres of surplus land from Adams County School District No. 12 to be used for future park expansion of Windsor Park. This property is adjacent to the existing Windsor Park, located at 107th Avenue and King Street (see attached map), in the Wandering View development, and lies just across from the entrance to Legacy Ridge Golf Course. Funds are available in the 1998 General Capital Improvement Fund to purchase this land.

Summary

The City of Westminster acquired approximately four acres by Public Land Dedication from the Wandering View Subdivision, and developed Windsor Park on this site in 1984. A small adjacent parcel, 7.7 acres, was conveyed to Adams County School District No. 12 to provide for an elementary school for the general area. Since that time, development patterns (where students live) and new school planning and construction have resulted in this property becoming "surplus" land for the school district.

In 1994 Windsor Park was upgraded to include a playground, shelter, sand volleyball court, and tennis court. Permission to expand the park onto two acres of adjacent School District #12 property was also negotiated with the stipulation the landscape improvements would be removed if a school were ever built on the site.

With the development of Legacy Ridge Golf Course, the Public Land Dedications from the Bruchez and Hawn-Hewit ownerships were applied to the golf course lands. Only the small Windsor and Cotton Creek Parks, together with private recreation facilities provided by the developers, were available to serve the neighborhood park needs of area residents. City Council approved the purchase of additional land to expand Cotton Creek Park several years ago, and development of this park will begin in 1998.

Similarly, it was hoped that if the school district property was not needed for a school, the City would acquire this land to further expand Windsor Park. During recent negotiations to locate and build the new Arapahoe Ridge Elementary School at 132nd Avenue and Pecos, the opportunity to acquire this additional land for park use became part of the discussion and agreement with District 12. This acquisition has also been identified as a priority of the Parks and Recreation Master Plan, which was adopted by City Council in December 1997.

Staffs from the City and School District have completed a survey, environmental assessment and title work, and have negotiated a proposed sale price of \$30,000 per acre, with the exact total price to be determined by a final survey of the property. It appears that the property is approximately 7.75 acres in size (some details to resolve), and that the purchase price might be approximately \$232,500. This is a very reasonable price for this type of land, at this location.

Alternatives to the Proposed Action

1. Do not acquire the proposed property. This alternative still provides for a small park in the area. However, sale and development of this property for some other use than park or school might be controversial in the neighborhood. In addition, the expansion of the park onto this land would be less expensive to construct because of the existing park infrastructure.
2. Delay purchase until some future date. It is not known if this property would be lost to development or if land values are likely to climb. Both land and funding are available now, and the school district is motivated to sell.
3. Look for other property instead of this land. A park might be acquired and developed at another location, though this property is ideally located, level, has excellent visibility and access, and is offered for sale by the school district at a reasonable cost. Other land might not be for sale, or may be fully developed or more expensive.

In light of the benefits of acquiring this property, and the need for additional park at this location as identified in the Parks and Recreation Master Plan, Staff does not recommend any of the alternatives.

Staff Recommendation

Authorize the City Manager to purchase for park use, approximately 7.7 acres of land adjacent to Windsor Park at a cost of \$30,000 per acre from Adams County School District No. 12, and charge the expense to the Parks, Recreation and Libraries Capital Improvement Fund.

Background Information

The portion of this land which is proposed for park use is level, easily developed, has excellent visibility and access from adjacent streets, and is accessible by existing trails.

The school district is a willing seller, and the price they ask for the property at this time is very reasonable.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: April 13, 1998

Subject: Stratford Lakes Parkland Purchase

Prepared by: Richard Dahl, Park Services Manager

Introduction

City Council action is requested to authorize the City Manager to purchase and accept dedicated land of approximately 5.15 acres in the Stratford Lakes Subdivision from McStain Enterprises, Inc. This land will provide for a future park on the south side of 114th Avenue across the street from the Stratford Lake tennis court and pool complex (see attached map). Funds are available in 1998 Parks, Recreation and Libraries Capital Improvement Program (CIP) for this acquisition.

Summary

McStain Enterprises, Inc. (McStain) participated in the City's 1997 Growth Management residential competitions, and were awarded service commitments for both single-family detached and single-family attached development of the 30.75 acre parcel. As proposed, 16.99 acres would be developed for single-family detached use, and 13.76 acres would be developed for single-family attached use. The mixed use residential plan as proposed with a lower density, is consistent with the Comprehensive Land Use Plan. In conjunction with the rezoning from commercial and office to residential, the owners are required to dedicate 2.9 acres of land for public use.

Staff is proposing to purchase an additional 2.25 acres of land in combination with the 2.9 acres being dedicated (5.15 total acres) to provide an adequate sized park site for this location. The property being purchased is at the corner of 114th Avenue and Federal Boulevard (attachment), is level ground, easily developed as a park, with good access and visibility and adjacent to residential and business park areas.

Staff and the landowners have negotiated a proposed sales price of \$124,000, including improvements to be constructed by McStain. This is a reasonable price for this type of land, at this location, especially since McStain will construct certain improvements to the site involving irrigation and landscaping along Federal Boulevard, park walks, and drainage improvements.

Alternatives to the Proposed Action

1. Do not acquire the proposed property. McStain is still obligated to dedicate the 2.9 acres for development of College Hill Filing #8, but Staff has determined this acreage to be too small to program the needs of the community at this location.
2. Delay purchase until some future date. In this case, it is likely that this property would be lost to development. Land values are likely to continue to climb and funding is now available but may not be in the future.

3. Look for other property instead of this land. A park might be acquired and developed at another location, though this property meets the requirement for developable land, is level, has excellent visibility and access, and is offered for sale by the developer at a reasonable cost.

Staff Recommendation

Authorize the City Manager to accept as dedication 2.9 acres of land to meet the requirements of the College Hills Filing #8 land dedication, purchase for parkland the adjacent 2.25 acres at a cost of \$124,000, including improvements from McStain Enterprises, Inc., and charge the expense to the Parks, Recreation and Libraries Capital Improvement Program.

Background Information

The portion of this land which is proposed for park use is level, easily developed, has excellent visibility and access from 114th Avenue, is accessible by trails, and the proposed park's location is near the Big Dry Creek Open Space corridor. In addition the Parks, Recreation and Libraries Master Plan calls for a park in this area.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: April 13, 1998
Subject: Second Amendment to Westmoor Business Park Agreement
Prepared by: Bill Christopher, City Manager

Introduction

An Amendment to the Westmoor Business Park Agreement pertaining to the flow of certain funds has been prepared and is submitted to City Council for its timely consideration.

Summary

The City of Westminster and the Westfield Development Company, a.k.a. Westmoor Business Park Ltd., LLLP entered into a development agreement in July, 1997 regarding the development of the Westmoor Business Park and the Heritage Golf Course. The agreement called for the City reimbursing Westfield Development Company the sum of \$1,764,000 for partial payment of the spine road improvements within the business park which also is critical to the golf course clubhouse. The City had anticipated that the Developer would be issuing metropolitan district bonds in a timely fashion whereby \$1,000,000 of the balance to be paid by the City would come from bond proceeds. The subject bond issue has not transpired, and thus, alternative financing needs to be addressed.

The Developer and the City Staff have developed the attached Second Admendment to the Westmoor Business Park Agreement which spells out the alternative to provide the \$1,000,000 at this time so that the Developer can pay the general contractor that is accomplishing the needed public improvements involving the spine road. The details of the alternative financing approach are spelled out under the "background" section of this Agenda Memorandum. This Second Amendment in no way increases the City's overall financial obligation as it relates to the principal amount.

Recommendation

Approve the Second Amendment to the Westmoor Business Park Agreement and authorize the City Manager to sign the agreement on behalf of the City.

Background

As part of the multi-faceted financing involving the Westmoor Business Park Improvements and the Heritage Golf Course, the developer committed to forming a metropolitan district with the specific intent to issue bonds to reimburse both the City and the Developer for certain public improvements. More specifically as it relates to reimburse to the City, partial funding for the spine road improvements is to be reimbursed to the City from the bond proceeds. The Developer did cause the metropolitan district to be formed by virtue of an election ballot issue in November 1997. However, there has not been a mill levy certified by the Board of Directors of the Metropolitan District (under Mr. Rich McCintock's auspices).

In discussing this matter with Mr. McClintock, Staff has learned that while there is legal authority to issue bonds in the amount up to \$2,000,000 at this time, he has opted to wait until there is sufficient assessed valuation to impose the mill levy of approximately 30 mills to generate the necessary funds to pay the annual debt service on the subject bonds. Certainly, Mr. McClintock has the latitude to make this decision but it has caused a timing problem on flow of funds involving the City. City Staff had presumed that the bond issue would be taking place early in 1998 and that the City would gain a prorata share of the bond proceeds which would then be used as part of the City's funding commitment on the spine road. Since Mr. McClintock and his partners have not gone forward with the bond issue, alternative interim financing is needed for the City to honor its obligations in the July 1997 Development Agreement.

City Staff and the Westmoor Business Park representatives have worked out an arrangement whereby the City will be providing the subject \$1,000,000 in the interim through certain adjustments in the existing Development Agreement. Specifically, the Amendment calls for the following:

- A. The City shall assume and pay for the cost of constructing the storm sewer improvements to holes two and nine of the Heritage Golf Course. The cost of such improvements is agreed to \$178,000.
- B. The City shall assume and pay for the cost of construction of the "water feature" described in paragraph 6.7 of the Development Agreement. The cost of such improvements is agreed to be \$65,000.
- C. The Developer shall loan to the City the sum of \$500,000. The loan shall:
 - (1) Bear interest at a rate equal to the Developer's cost of funds, and
 - (2) Be repaid in two equal installments of \$250,000 plus accrued interest with the first installment due on January 31, 1999 and the final installment on January 31, 2000. The Developer shall hold the proceeds of the loan and utilize the proceeds to fund from time to time the costs of the spine road improvements.
- D. The remaining balance of the \$1,000,000, which is \$257,000, shall be paid by the City to the Developer on January 31, 2001 plus interest.

The City's payment obligations outlined in the Second Amendment are subject to the provisions of paragraph 6.4 of the Development Agreement. This calls for an annual appropriation of funds by City Council to make said payments. This provision is necessary to be in compliance with TABOR.

It is anticipated that the metropolitan district will be issuing bonds within the next 18 - 24 months. This is based on the progress realized of 384,000 square feet of office space under construction at the Westmoor Business Park this year and an additional 384,000 square feet of space in 1999. This amount of construction will provide sufficient assessed valuation to then go forward with the initial bond issue at which time the City would receive at least partial, if not total reimbursement of the subject \$1,000,000. The Developer is contemplating a bond issue of \$5,000,000 - \$7,000,000.

The attached Second Amendment to the Agreement has been reviewed by the City Attorney's Office and comments have been incorporated accordingly. Staff believes this is an appropriate approach to resolve the timing problem involving the flow of funds needed on the construction payments on the spine road improvements.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: April 13, 1998

Subject: Little Dry Creek Trail Underpass at 76th Avenue/Sheridan Blvd

Prepared by: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill re a supplemental appropriation of \$155,000, the amount of the 1998 Intermodal Surface Transportation Efficiency Act (ISTEA) grant award, into the General Capital Improvement Project Fund for design of the Little Dry Creek Trail Underpass project. City Council action is also requested to authorize the City Manager to sign a contract with The Colorado Department of Transportation (CDOT) in the amount of \$194,000 to fund design and right of way acquisition for the Little Dry Creek Trail Underpass project, located at 76th Avenue and Sheridan Boulevard. The City already has budgeted in the Little Dry Creek Trail account the 20% matching funds in the amount of \$39,000 required by the ISTEA grant.

Summary

In December 1995, Staff applied for a \$500,000 ISTEA trails grant administered by Denver Regional Council of Governments (DRCOG) and sponsored by the Federal Highway Administration. The City was awarded the grant in the amount of \$500,000 in September 1996 for the construction of the Little Dry Creek Trail Underpass located at 76th Avenue and Sheridan Boulevard. The design and right-of-way portion of the project is anticipated to cost \$194,000. The construction funding of the ISTEA grant will be available in fiscal years 1999 and 2000. Since the Federal Government fiscal year begins in October, construction is anticipated to begin in October 1999 with completion of the project in the spring of 2000.

The ISTEA grant funding is administered through CDOT. The contract with CDOT allows the City to receive the ISTEA funding for design and right-of-way acquisition, and guarantees that the City will provide the matching funds. The grant requires 20% matching funds of \$39,000 and ISTEA grant will fund 80% at \$155,000 for a total design and right of way project cost of \$194,000.

Staff Recommendation

1. Pass Councillor's Bill No. on first reading appropriating \$155,000 into the General Capital Improvement Fund of the Little Dry Creek Trail project.
2. Authorize the City Manager to sign a contract with the Colorado Department of Transportation (CDOT) in the amount of \$194,000 to obligate grant funding for design and right of way acquisition for the Little Dry Creek Trail Underpass project.

Background Information

The Little Dry Creek Trail is a regional trail corridor as identified in the DRCOG trails masterplan. Projects located on the regional trail corridors are given priority funding in the DRCOG region. Also since the City had successfully completed the last ISTEA grant for the Little Dry Creek Trail from England Park to the Clear Creek Trail, it made sense to continue to fund this trail corridor.

The total project cost for the Little Dry Creek Trail Underpass is anticipated to cost \$1 million. Since the drainage structures at Sheridan Boulevard is undersized for the 100 year storm event, Urban Drainage and Flood Control District (UD&FCD) will participate in half of the project cost to the City. The Urban Drainage funding of \$250,000 will be available in 1999. The following is a summary of project funding.

ISTEA Grant	\$500,000
UD&FCD funding	\$250,000
City of Westminster	<u>\$250,000</u>
 TOTAL	 \$1,000,000

Respectfully submitted,

William M. Christopher
City Manager

Attachments - Councillor's Bill and Project 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 \$155,000 which, when added to the fund balance as of the City Council action on April 13, 1998, will equal \$16,060,000. 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 an ISTE A grant for the construction of Little Dry Creek Trail

Section 2. The \$155,000 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		
75-0478-000	\$0	<u>\$155,000</u>
\$155,000		
<u>EXPENSES</u>		
Little Dry Creek Trail project		
75-50-88-555-367	\$1,462,935	<u>\$155,000</u>
\$1,617,935		

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 13th day of April, 1998.

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

ATTEST:

Mayor

City Clerk

Date: April 13, 1998
Subject: Semper Water Treatment Facility Rehabilitation Construction
Prepared by: Ron Hellbusch, Director of Public Works and Utilities
Allen Moles, Utilities Project Engineer

Introduction

City Council is requested to authorize the City Manager to negotiate a contract with Restruction Corporation for construction of the repairs to the masonry walls for the High Service Pump Station (HSPS) and the Bulk Chemical Building. The estimated cost of construction is not expected to exceed \$600,000. Funds for the rehabilitation work are available in the Utilities Capital Improvement Project (CIP) account.

Summary

Staff is requesting authorization for the City Manager to negotiate a contract with Restruction Corporation for construction of the repairs to the masonry walls of the High Service Pump Station and the Chlorine Storage Room. This work will be performed on a time-and-material basis. At the present time, the estimated cost of construction is not expected to exceed \$600,000. The costs include the following: rehabilitation of the masonry wall of the high service pump station - \$500,000; rehabilitation of the high service pump station foundation - \$85,000; and, repair of the chlorine storage modifications - \$15,000.

This scope of work is time sensitive and the City is under a tight timeline to accomplish the work in order to have the Facility ready for the high-demand season in the summer of 1998.

Restruction Corporation is a contractor that specializes in distressed projects like this one. The City has, in the past, worked with Restruction Corporation when there were construction problems at City Hall. Restruction Corporation did the repairs thoroughly that were not satisfactorily completed by the prior contractor.

Staff Recommendation

Waive City Charter bidding requirements, authorize the City Manager to negotiate a contract with Restruction Corporation in the amount of \$600,000 for the construction of the repairs to the masonry walls for the High Service Pump Station and the Chlorine Storage Room that are currently being designed by CH2M Hill, Engineers, due to the time sensitiveness of completing the project and charge the expenses to the appropriate capital project account in the Utility Fund.

Background Information

The High Service Pump Station is a critical facility used for pumping water from the Semper Water Treatment Facility to the potable water distribution system throughout the City.

Without the High Service Pump Station in service, the City will not be able to utilize the expanded Facility capacity and provide sufficient water to meet the 1998 summer demands of the distribution system.

Inspections of the masonry walls and a review of the reinforcing shop drawings for the High Service Pump Station and the Chlorine Storage Room by the City's Staff and the City's special consultants have determined that the masonry walls cannot safely support their design loads and, therefore, must be repaired and replaced.

In the Chlorine Storage Room of the Bulk Chemical Building, the hoist system used to move the 4,000 pound chlorine containers is not safely attached to the masonry walls. At the present time, the room has been made temporarily safe for Semper Water Treatment Facility Staff to enter and operate the hoist by the installation of a supplemental support system.

The proposed contract with Restruction Corporation will consist of repair and/or replacement of the masonry walls so they are capable of carrying the design loads for the High Service Pump Station and construction of the modifications currently being designed by CH2M Hill, Engineers, to the Chlorine Storage Room masonry walls. This work will be performed on a time-and-material basis and the estimated cost of construction is not expected to exceed \$600,000. The costs are delineated as follows: (1) rehabilitation of the masonry wall of the high service pump station - \$500,000; (2) rehabilitation of the high service pump station foundation - \$85,000; and (3) repair of the chlorine storage modifications - \$15,000. The existing project retainage being held by the City in the amount of \$217,000 is being used for legal and special consultant services.

Alternatives to waiving the bidding process and negotiating a contract with Restruction Corporation would include: 1) seeking formal bids, the downside of which would be a delay in repairs. This would result in a threat to timely availability of new high service pump station use by summer; and, 2) await further negotiation with the original contractor, which would also cause considerable delay of the timely completion of the repairs needed and use of the high service pump station and the possibility that work would not be performed satisfactorily.

Respectfully submitted,

William M. Christopher
City Manager