



## CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) is reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meeting
4. Report of City Officials
  - A. City Manager's Report
5. City Council Comments
6. Presentations
  - A. National Drinking Water Week Proclamation
7. Citizen Communication (5 minutes or less)

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 Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
  - A. Financial Report for March 2011
  - B. Quarterly Insurance Claim Report: January – March 2011
  - C. Excess Workers' Compensation Insurance Purchase
  - D. LANDesk Lifecycle and Service Management System Purchase
  - E. 2011 Justice Systems Incorporated Court System Upgrade
  - F. 2011 Asphalt Pavement Rehabilitation Project
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Councillor's Bill No. 13 re Amend WMC Section 2-5-2 re Powers and Duties of the Special Permit & License Board
  - B. Councillor's Bill No. 14 re Proposed Economic Development Assistance Agreement with Metalcraft Industries
11. Old Business and Passage of Ordinances on Second Reading
12. Miscellaneous Business and Executive Session
  - A. City Council
13. Adjournment



**GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS**

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, APRIL 11, 2011 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally led the Council, staff and audience in the Pledge of Allegiance.

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Bob Briggs, Mark Kaiser, Mary Lindsey, Scott Major, and Faith Winter were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Carla Koeltzow, Deputy City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Major moved, seconded by Councillor Kaiser, to approve the amended minutes of the regular meeting of March 21, 2011, as presented. The motion passed unanimously.

Councillor Major moved, seconded by Councillor Kaiser, to approve the minutes of the regular meeting of March 28, 2011, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

The City Manager announced that Community Pride Day would be held on May 7<sup>th</sup>. In excess of 1,000 volunteers would be working that morning throughout the City to pick up trash and beautify open spaces, parks and rights-of-way. Everyone would congregate at City Hall before noon for an appreciation barbecue. Interested people could still volunteer and participate as a group or as individuals.

Mr. McFall also reported that after tonight's City Council meeting, Council would convene in executive session. The purpose was to consult with the City's legal counsel concerning status of the Westminster Mall Company litigation and settlement discussions and authority, pursuant to WMC 1-30-3(B), 1-11-3(C)(3), (C)(7) and (C)(8) and CRS 24-6-402(4)(b) and (e).

COUNCIL REPORTS

Councillor Winter congratulated Community Development and the Parks, Recreation and Library Departments for having Westminster Center Park recognized in the March 2011 edition of Landscape and Architect. The article noted that the park is a great community space and also highlighted the partnership in funding it.

Councillor Briggs reported that the next Centennial Lecture Series would be at the Westminster Methodist Church at 76<sup>th</sup> and Lowell Blvd on April 16<sup>th</sup>, from 1-3 p.m. This lecture is titled "Early Settlers: Baker, Bowles, DeSpain, Semper and Church Families." Admission is free but tickets are needed. He encouraged everyone to attend and advised how to obtain tickets.

Councillor Major reported that last week was a busy week for Council. On Wednesday night they had a Community Summit with members of the various Boards & Commissions. They took information gained from that to the City Council Strategic Planning Retreat. On Friday night Council met with the Department Heads and then all day on Saturday they met with the City Manager and Assistant City Manager.

EMPLOYEE SERVICE AWARDS

Councillor Briggs presented a certificate and pin to Vern West for 20 years of service.

Mayor McNally presented certificates, pins and monetary stipends for 25 years of service to Michael Happe, Debbie Mitchell and Barb Lamanna.

Councillor Kaiser presented a certificate and pin to Ralph Dopheide for 30 years of service.

## PRESENTATIONS

Mayor McNally presented a proclamation to Carolyn Corbett and Caitee, her canine therapy partner, proclaiming April 13<sup>th</sup> through the 28<sup>th</sup>, as “Paw It Forward Days” in the City. The proclamation recognized the K9 c.a.r.e.s. Victim Support organization that supports victims of crime and personal tragedy through a combination of victim advocacy and animal-assisted therapy. Also present for the presentation were Jennifer Mendoza with Biloxi and Susan Fecko with Bo.

Lisa Mason of the Colorado State Forest Service presented the 26<sup>th</sup> consecutive Tree City USA award to Councillor Lindsey and City Forester John Kasza. Councillor Lindsey then presented a proclamation for Arbor Day/Earth Day to be celebrated April 16<sup>th</sup> to John Kasza and Environmental Analyst Carey Rangel.

Councillor Major proclaimed May 7, 2011, to be Community Pride Day and presented the proclamation to Patti Wright, Open Space Volunteer Coordinator.

## CONSENT AGENDA

Mayor Pro-Tem Dittman moved that Item 8c, West 144<sup>th</sup> Avenue Recirculation Pump Station Construction Contract, be removed from the consent agenda for separate vote. Councillor Kaiser seconded the motion and it was passed unanimously.

The following items were submitted for Council’s consideration on the consent agenda: authorize the City Manager to execute a contract with the low bidder T. Lowell & Sons, LLC in the amount of \$354,000 for construction of a new waterline in Federal Boulevard and a 10 percent contingency in the amount of \$35,400, for a total construction budget of \$389,400; based on the recommendation of the City Manager, find that public interest will best be served by authorizing the City Manager to execute a contract for engineering design services with Burns and McDonnell Company, Inc. in the amount of \$79,519 for the Lowell Boulevard Water Main Replacement Project and authorize a 10 percent contingency of \$7,951 for a total project budget of \$87,470 and authorize the transfer of \$87,470 from the Southern Pressure Zone One Water Pipeline Capital Improvement Account into a new Lowell Boulevard Water Main Capital Improvement Account; authorize the City Manager to enter into a contract, with Brothers Redevelopment Inc. to administer the Emergency and Minor Home Repair Program; authorize the City Manager to execute a renewal of the current striping and pavement marking project contract with RoadSafe Traffic Systems for the 2011 calendar year in the amount of \$165,193 and authorize a contingency of \$8,260 (5%) for a total project budget of \$173,453; authorize the City Manager to execute a contract with Martin/Martin, Inc. in the amount of \$226,680 to provide design engineering services for infrastructure improvements related to the proposed Westminster commuter rail station at 70<sup>th</sup> Avenue and Irving Street and authorize expenditures for the contract along with \$5,000 for activities preparatory to right-of-way acquisition and \$11,600 for project contingencies for a total authorization of \$243,280; authorize the City Manager to enter into a contract with Dohn Construction, Inc. to provide Construction Manager/General Contractor services for the Swim and Fitness Center locker room renovation with a preconstruction fee of \$6,250 and estimated construction fees not to exceed \$130,865; based on a report from the City Manager, find that the public interest would be best served by amending the agreement between Westminster Fire Department and Healthcare Professional Billing, and authorize the City Manager to execute the agreement with Healthcare Professional Billing to provide ambulance billing service for one year; based on a report from the City Manager, find that the public interest would be best served by amending the current delinquent ambulance bill collection service agreement with BC Services, and authorize the City Manager to execute the agreement with BC Services to provide ambulance collections services for one year; authorize the City Manager to execute a purchase and sale agreement between the City of Westminster and Johnny Patrick Chavez and Gloria Lupe Chavez relative to the acquisition of property at 7225 Bradburn Boulevard to be used in conjunction with the realignment and construction of Bradburn Boulevard; authorize the Mayor to enter into an amended Consumable Water Sale Agreement and an amended Consumable Water Lease Agreement with the City of Brighton; authorize the City Manager to execute the Utility Relocation Agreement for the Regional Transportation District FasTracks Eagle P3 Project and authorize the City Manager to act as the Party Representative for utility relocations during construction of the Northwest Electrified Segment; authorize the City

Manager to sign a Memorandum of Understanding between the City and the Regional Transportation District regarding the addition of the Westminster Center Station to the Northwest Rail FasTracks Corridor; final passage of Councillor’s Bill No. 11 on second reading providing for supplemental appropriation of funds to the 2010 budget of the General, Utility, General Capital Outlay Replacement, Parks Open Space Trails, and General Capital Improvement Funds; and final passage of Councillor’s Bill No. 12 on second reading to amend Title XIII, Chapter 1, of the Westminster Municipal Code to establish a set process for the adoption and publication of regulations controlling the public’s use of City Park and recreation facilities.

No member of Council requested to remove any additional items from the consent agenda for individual consideration. It was then moved by Mayor Pro-Tem Dittman and seconded by Councillor Kaiser to approve the consent agenda as modified. The motion carried unanimously.

WEST 144<sup>TH</sup> AVENUE RECIRCULATION PUMP STATION CONSTRUCTION CONTRACT

Mayor Pro-Tem Dittman moved, seconded by Major, to authorize the City Manager to enter into a contract with the low bidder, Ricor, Inc., in the amount of \$51,475 for construction of the West 144<sup>th</sup> Avenue Recirculation Pump Station and also authorize a 10 percent construction contingency in the amount of \$5,148 for a total construction budget of \$56,623. The motion passed with Councillor Kaiser abstaining due to a possible conflict of interest.

ADJOURNMENT

There being no further business to come before the City Council, it was moved by Mayor Pro-Tem Dittman and seconded by Kaiser to adjourn. The motion carried and the meeting adjourned at 7:35 P.M.

ATTEST: \_\_\_\_\_  
Deputy City Clerk

\_\_\_\_\_  
Mayor



## Agenda Item 6 A

### Agenda Memorandum

City Council Meeting  
April 25, 2011



**SUBJECT:** Proclamation re National Drinking Water Week

**Prepared By:** Steve Ramer, Chemist

### Recommended City Council Action

Councillor Major to present the proclamation to declare the week of May 1 through 7, 2011 as “National Drinking Water Week” in the City of Westminster.

### Summary Statement

- City Council is requested to proclaim the week of May 1 through 7, 2011 as “National Drinking Water Week” in the City of Westminster.
- The objective of National Drinking Water Week is to educate and inform the public of the importance of a safe, reliable public water source, the need for wise use of water and water conservation and protection, and to involve our citizens in water quality activities.
- This Proclamation represents Council’s continued support of the City’s goal to promote a safe domestic water supply for its residents.
- Steve Ramer, Chemist for the City of Westminster, will attend the City Council meeting to accept the proclamation.

**Expenditure Required:** \$0

**Source of Funds:** N/A



**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

The City has supported the National Drinking Water Week program for over two decades. The Public Works and Utilities Department's Utilities Planning and Engineering Division will coordinate the 2011 National Drinking Water Week program scheduled for the week of May 1 through 7. Information on caring for the City's precious water resources will be available in the lobby at Westminster's West View Recreation Center from 6:30 A.M. – 9 P.M. and on display at the City Park Recreation Center during the month of May. Recognition of the City's Centennial will also be incorporated into the display.

In conjunction with this activity, a poster contest for elementary school students and an essay contest for junior high school students will be conducted. The winning posters and essays will be on display at the Semper Water Treatment Facility for the remainder of the year.

The City's National Drinking Water Week program meets the City's goal of a Safe and Secure Community and a Beautiful and Environmentally Sensitive City by providing educational opportunities.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Proclamation

**WHEREAS**, citizens' health, comfort and standard of living depend on an abundant supply of safe, high quality water; and

**WHEREAS**, the problems and challenges of meeting future water supply needs are many and growing in complexity; and

**WHEREAS**, the ever increasing need for domestic water makes storage, supply and distribution facilities, and water quality monitoring and continued training of skilled personnel essential.

**NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of May 1 through 7, 2011, as**

## **NATIONAL DRINKING WATER WEEK**

in the City of Westminster and ask all citizens to join in extending our appreciation to the dedicated men and women of our Westminster municipal water system and urge that Westminster citizens participate in National Drinking Water Week activities and become more informed about Westminster's water supply and system.

Signed this 25th day of April, 2011.

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Nancy McNally, Mayor





Agenda Memorandum

City Council Meeting  
April 25, 2011



**SUBJECT:** Financial Report for March 2011  
**Prepared By:** Tammy Hitchens, Finance Director

**Recommended City Council Action**

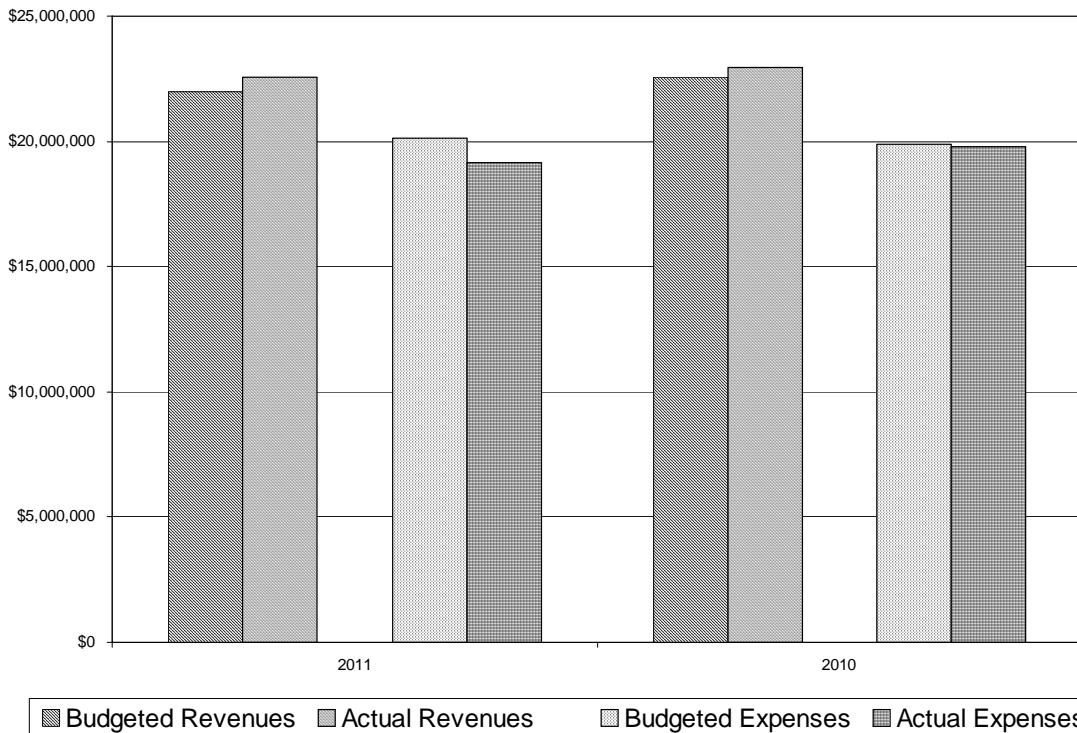
Accept the Financial Report for March as presented.

**Summary Statement**

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, "budget" refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 9-year historical averages. A third payroll is reflected in the January expenses, causing actual expenses to exceed budgeted expenses in several areas.

The General Fund revenues exceed expenditures by \$3,407,556. The following graph represents Budget vs. Actual for 2010-2011.

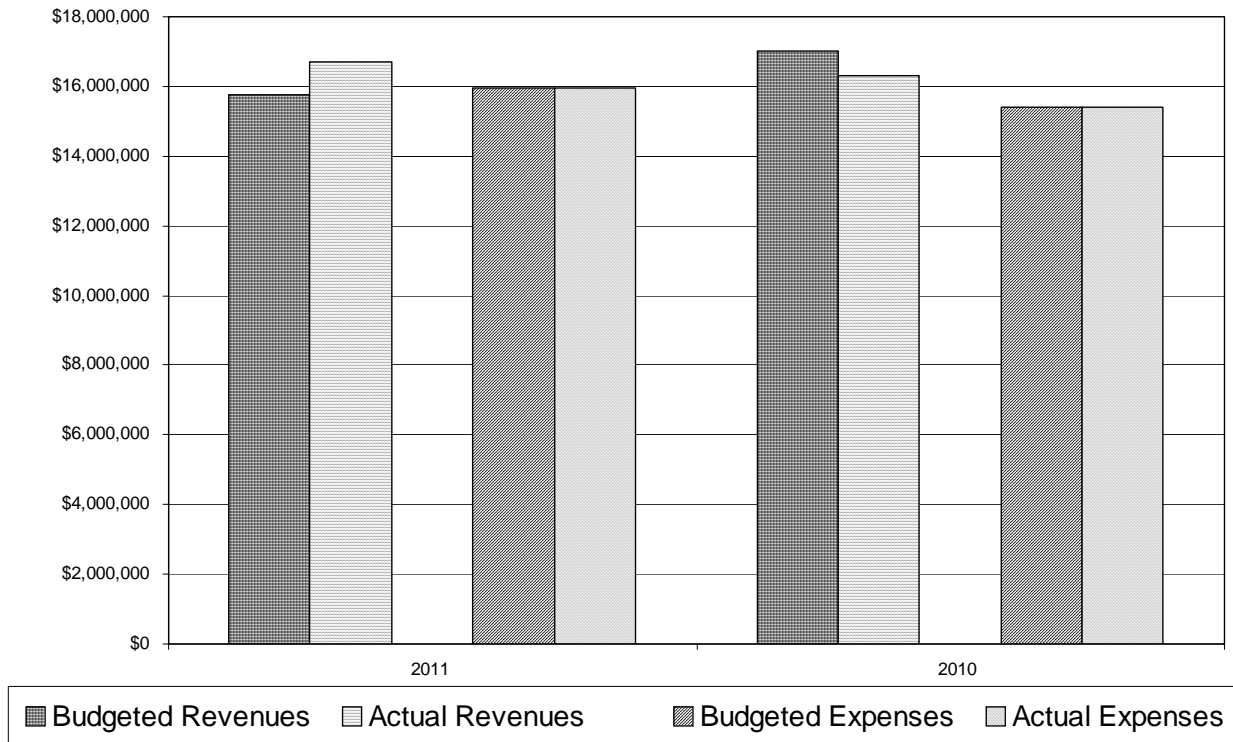
**General Fund  
Budget vs Actual**



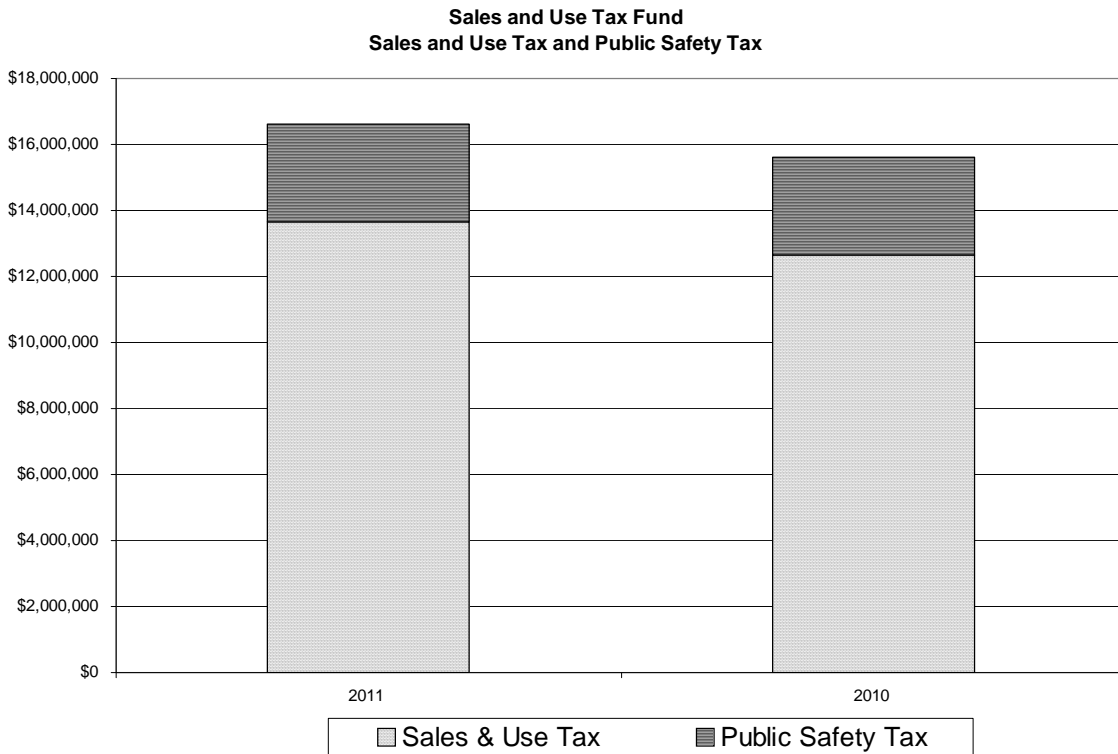
The Sales and Use Tax Fund revenues exceed expenditures by \$751,541. On a year-to-date cash basis, total sales and use tax is up 8.0%. Key components are listed below:

- On a year-to-date basis, across the top 25 shopping centers, total sales and use tax receipts are even with the prior year.
- Sales tax receipts from the top 50 Sales Taxpayers, representing about 62.0% of all collections, are down 3.0% for the month.
- Urban renewal areas make up 41.5% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 80% of this money is being retained for General Fund use.

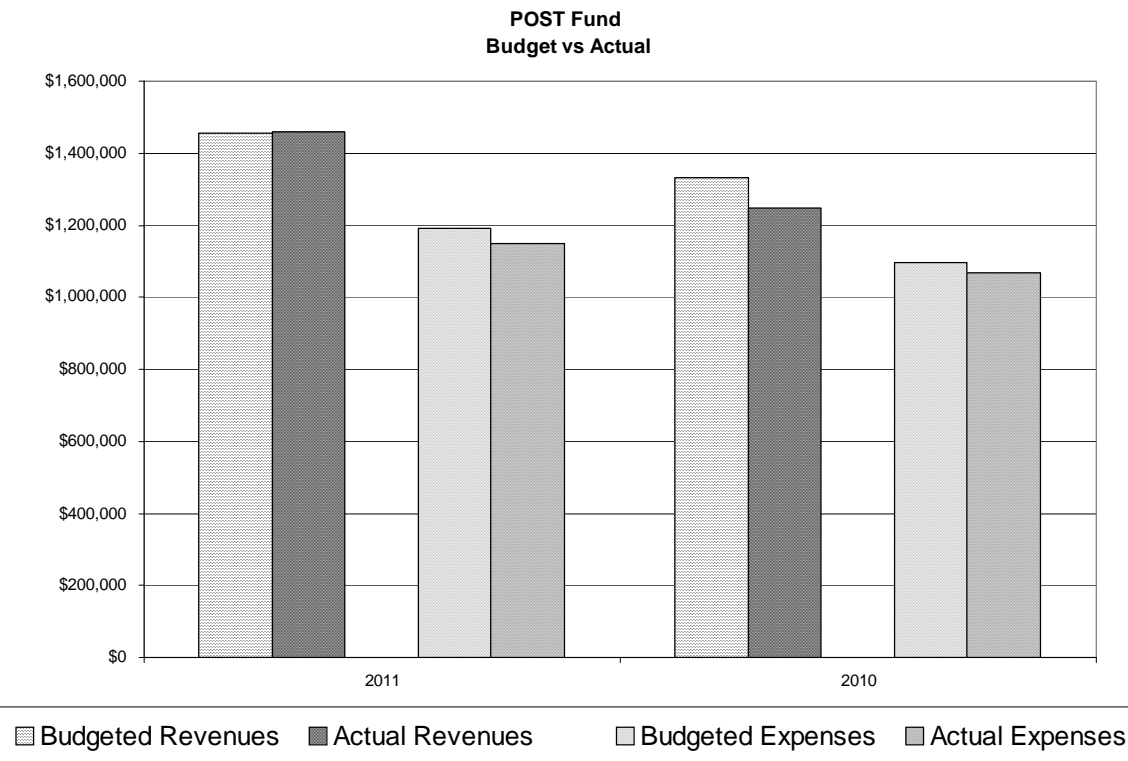
**Sales & Use Tax Fund  
Budget vs Actual**



The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



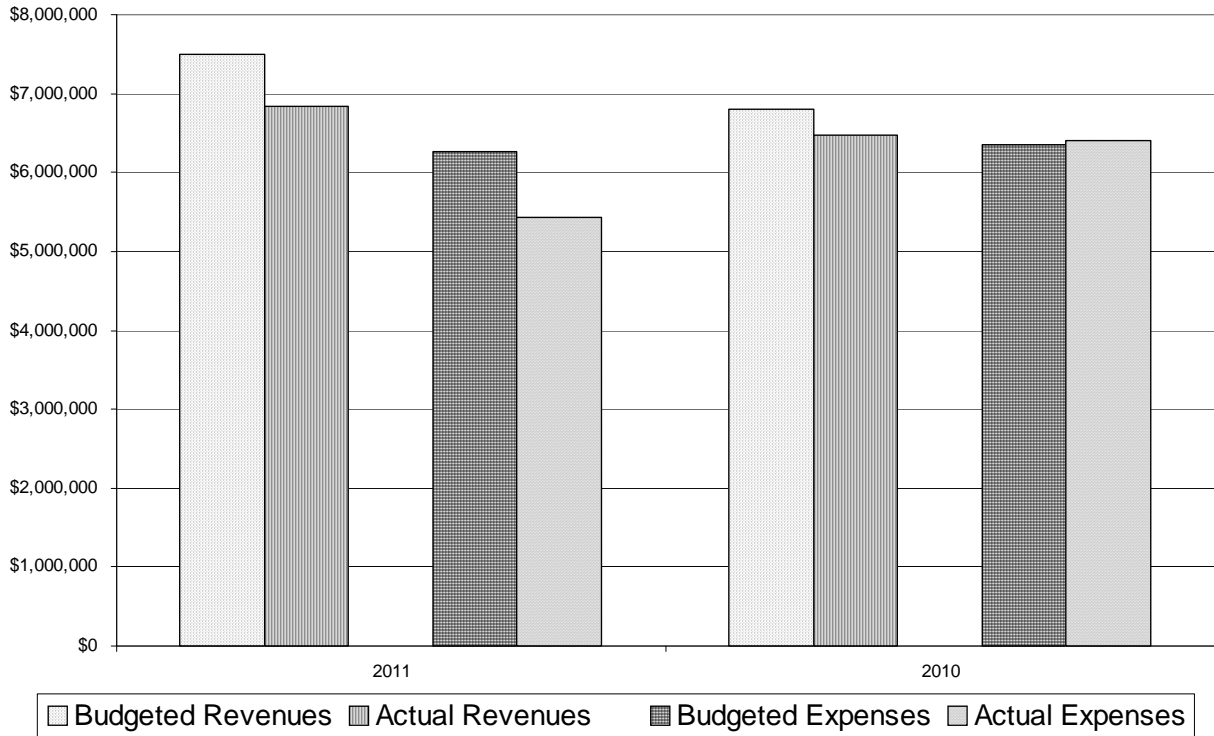
The Parks Open Space and Trails Fund revenues exceed expenditures by \$308,176.



Revenues increased in 2011 compared to 2010 due to the timing of a transfer payment from the General Capital Improvement Fund for reimbursement of prior year right of way purchases. The 2010 Transfer was not made until December. The POST financial statement shows negative interest as the fund had negative cash because grants totaling \$2,964,348 had not been received by January 31, 2011. \$1,089,348 was received in February.

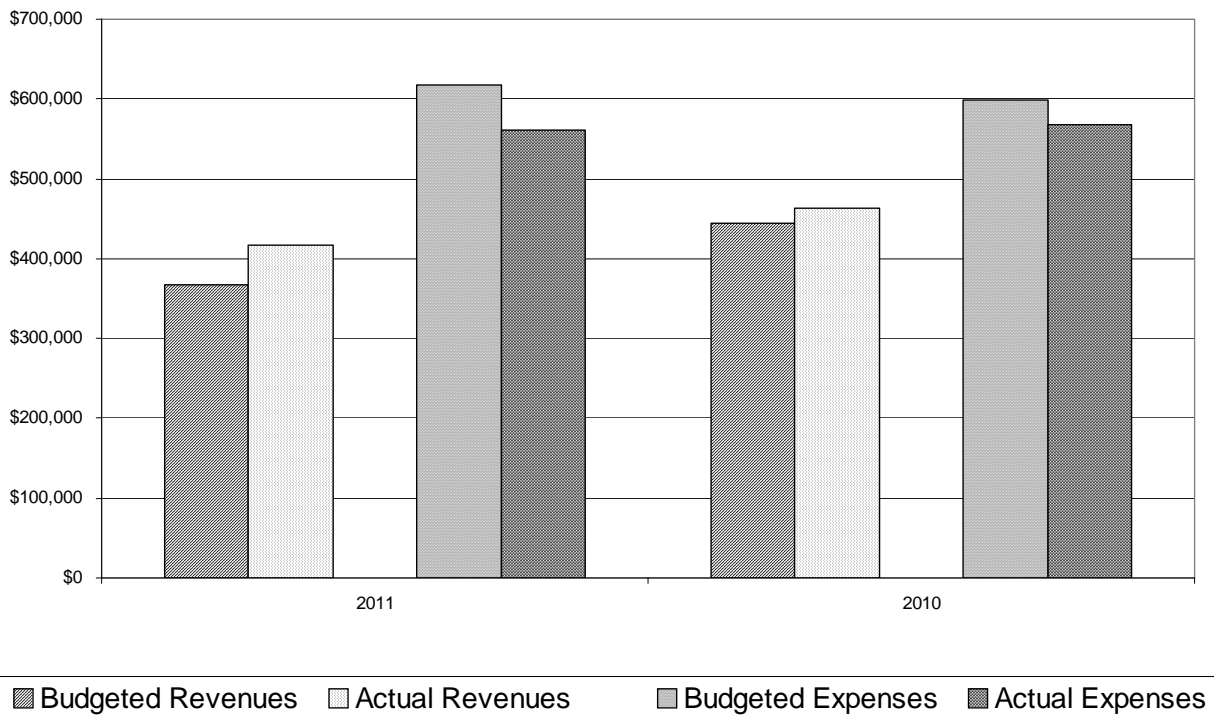
The combined Water & Wastewater Fund revenues exceed expenses by 2,726,092. Operating revenues exceed expenses by \$1,403,271. \$11,752,000 is budgeted for capital projects and reserves.

**Combined Water and Wastewater Funds  
Operating Budget vs Actual**



Current combined Golf Course Fund expenses exceed revenues by \$144,043.

**Golf Course Enterprise  
Operating Budget vs Actual**



**Policy Issue**

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

**Alternative**

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

**Background Information**

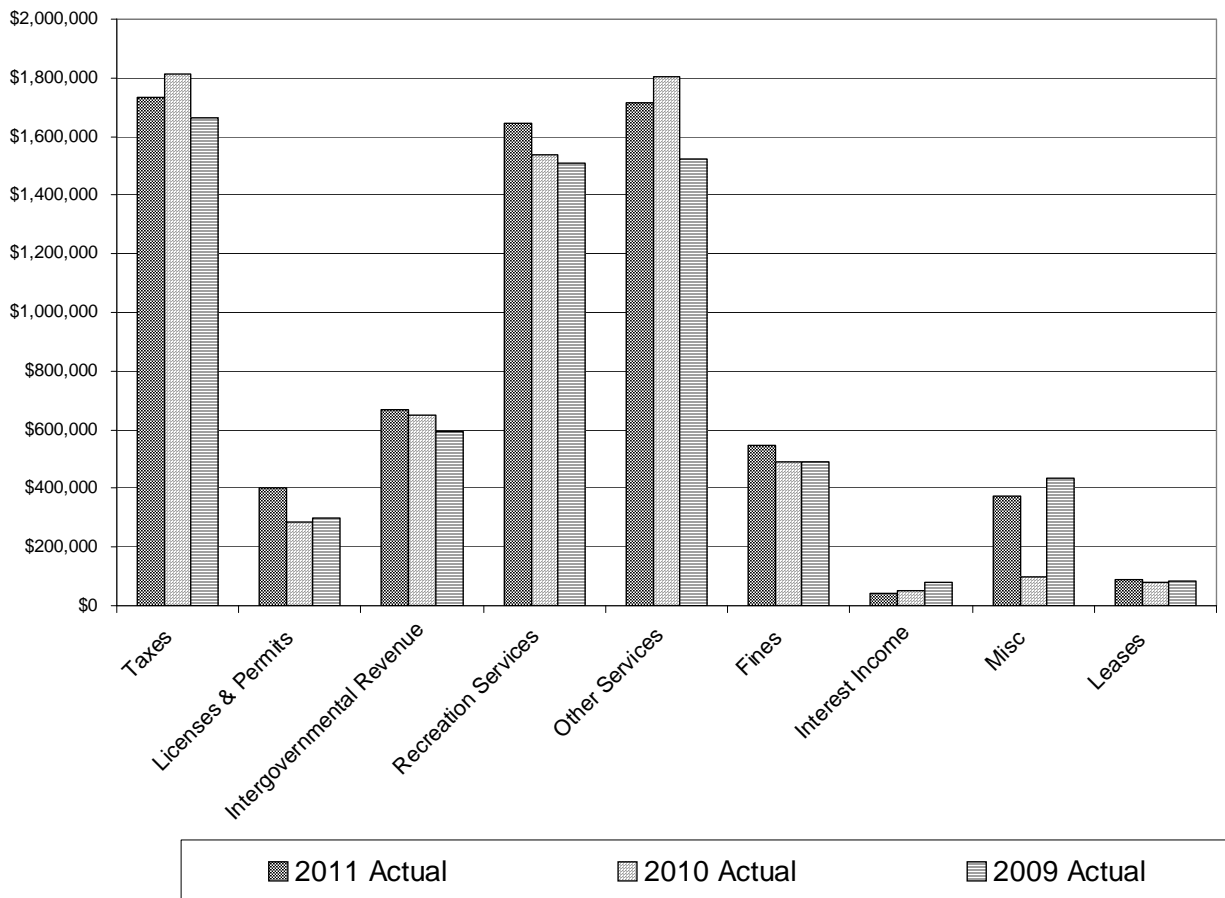
This section includes a discussion of highlights of each fund presented.

**General Fund**

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

The following chart represents the trend in actual revenues from 2009-2011 year-to-date.

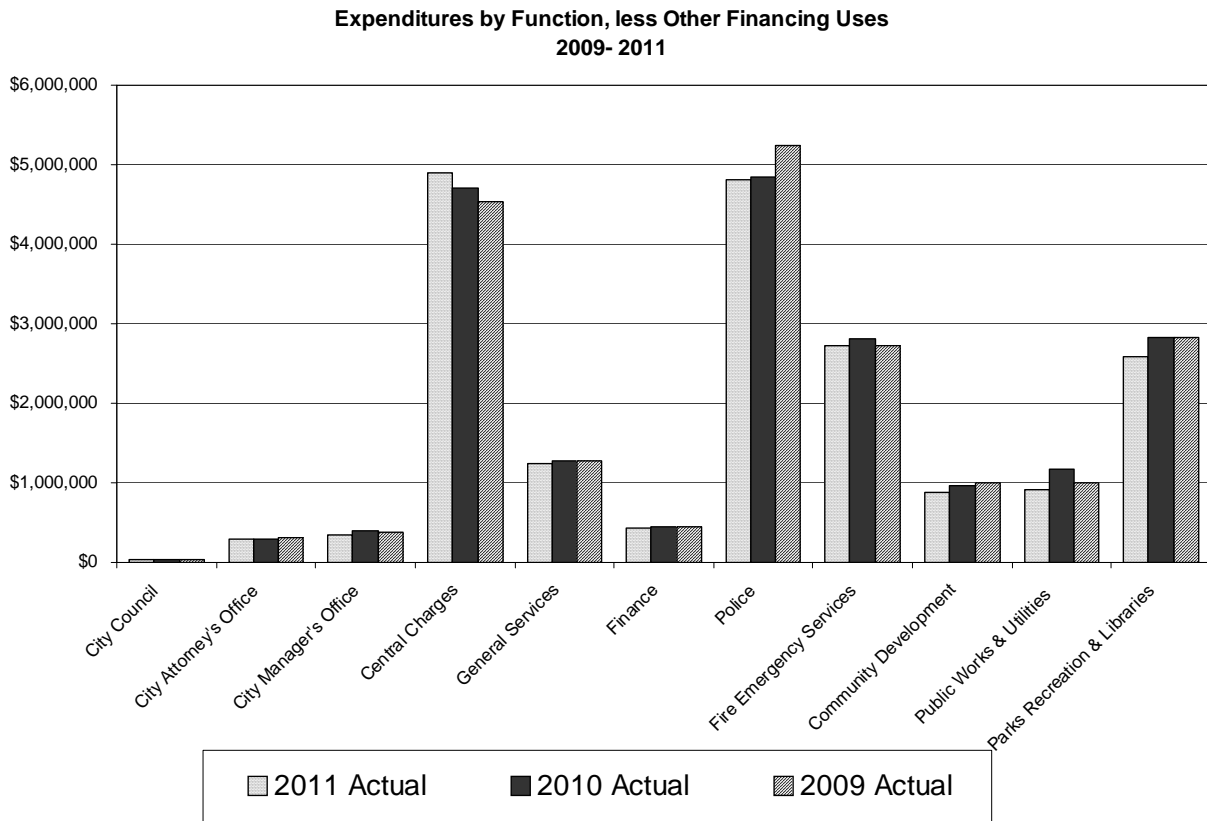
**General Fund Revenues without Transfers, Carryover, and Other Financing Sources  
2009- 2011**



Significant differences between years in General Fund revenue categories are explained as follows:

- The increase in miscellaneous revenues is due to the timing of an intergovernmental reimbursement.

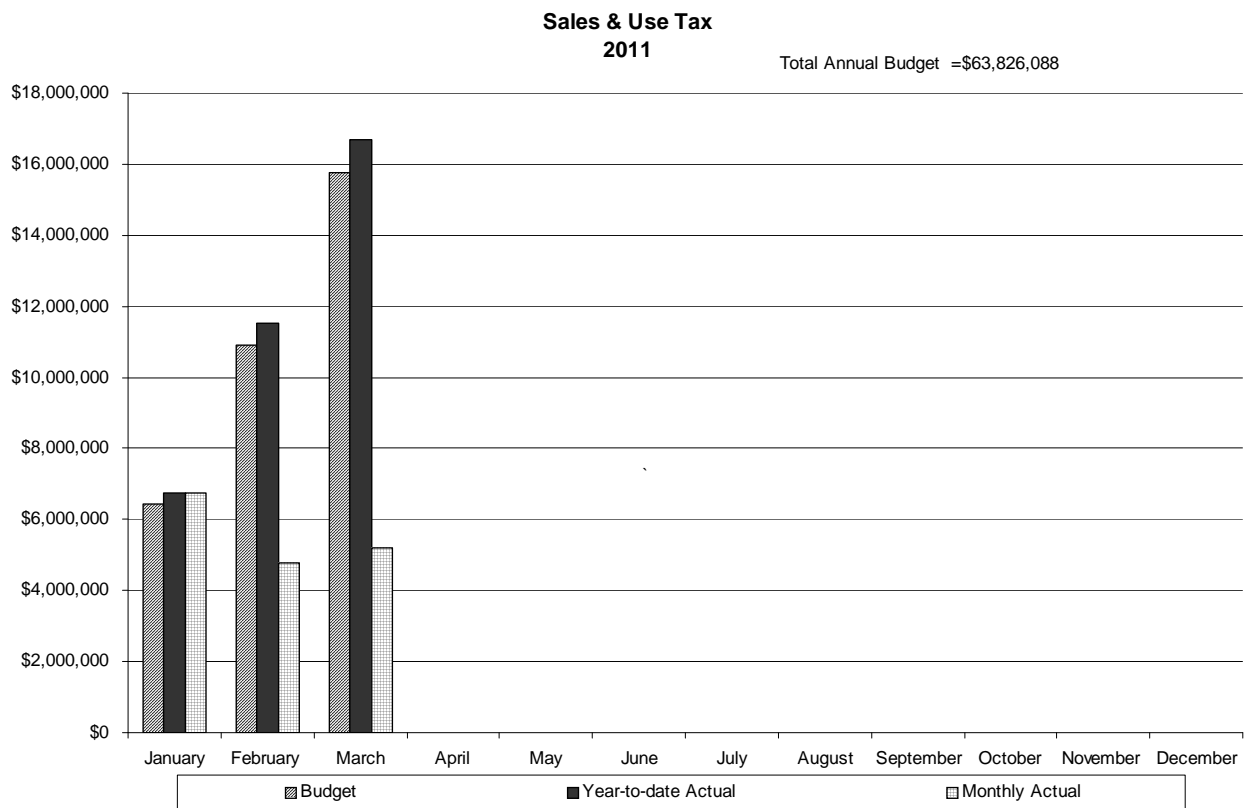
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2009 –2011.



**Sales and Use Tax Funds (Sales & Use Tax Fund and Parks Open Space and Trails Sales & Use Tax Fund)**

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the General Capital Improvement Fund, and the Debt Service Fund. The Parks, Open Space, and Trails Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space land, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

This chart indicates how the City's Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Parks, Open Space, and Trails Sales & Use Tax.

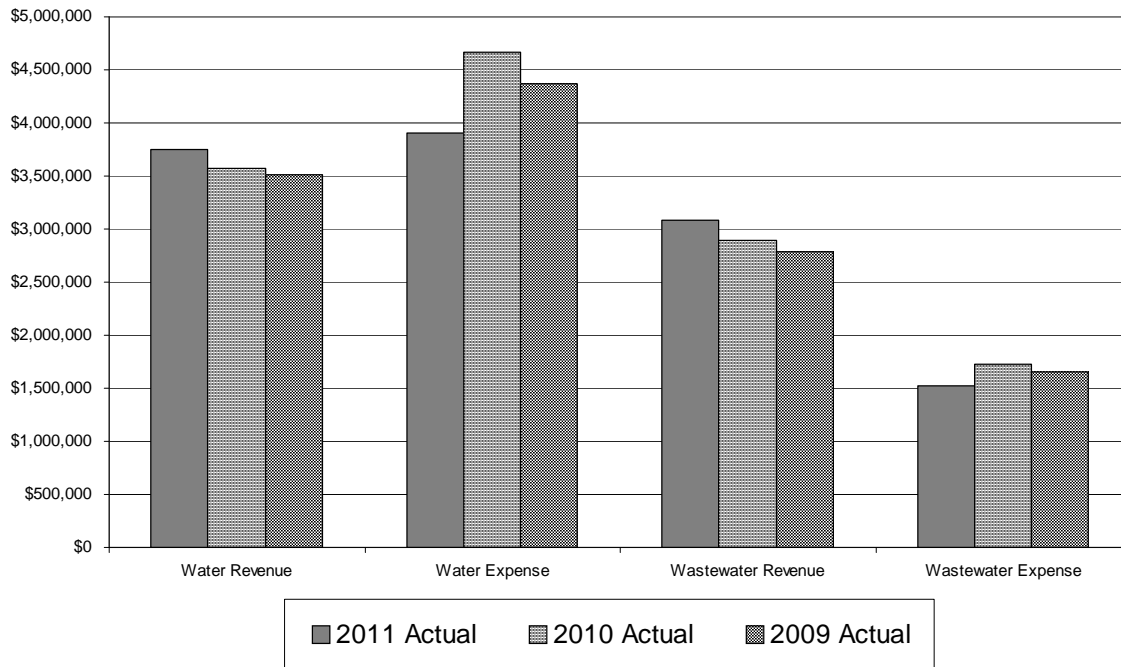


**Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)**

This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects and reserves.

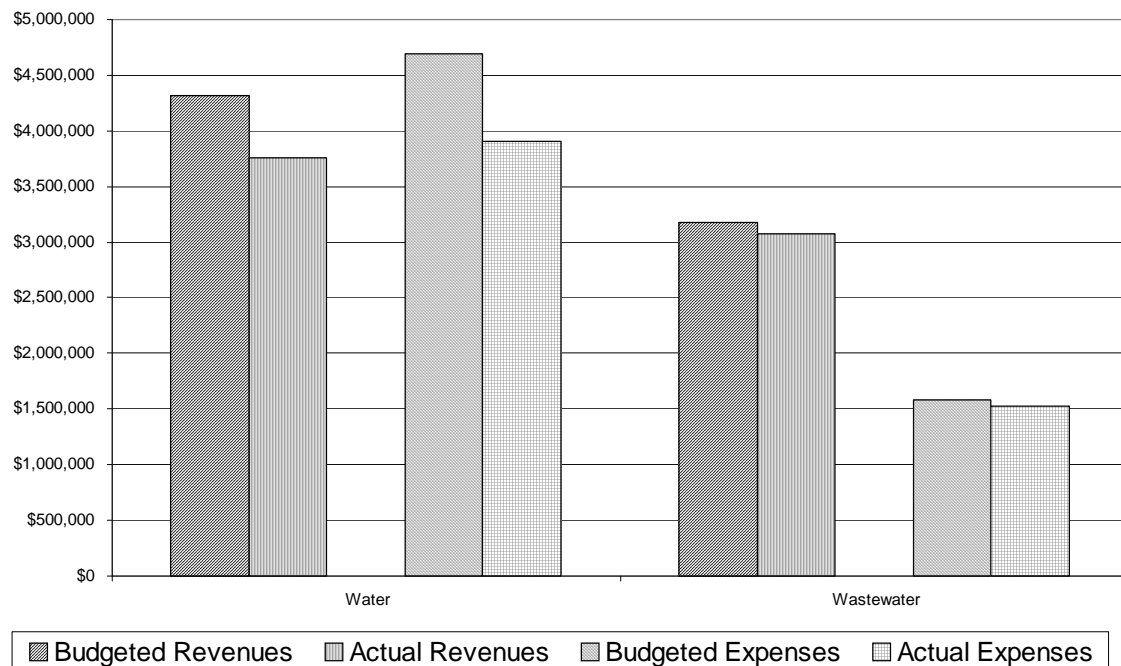
These graphs represent the segment information for the Water and Wastewater funds.

**Water and Wastewater Funds  
Operating Revenue and Expenses 2009-2011**



Water Fund expenses decreased due to the timing of certain assessment payments.

**Water and Wastewater Funds  
2011 Operating Budget vs Actual**

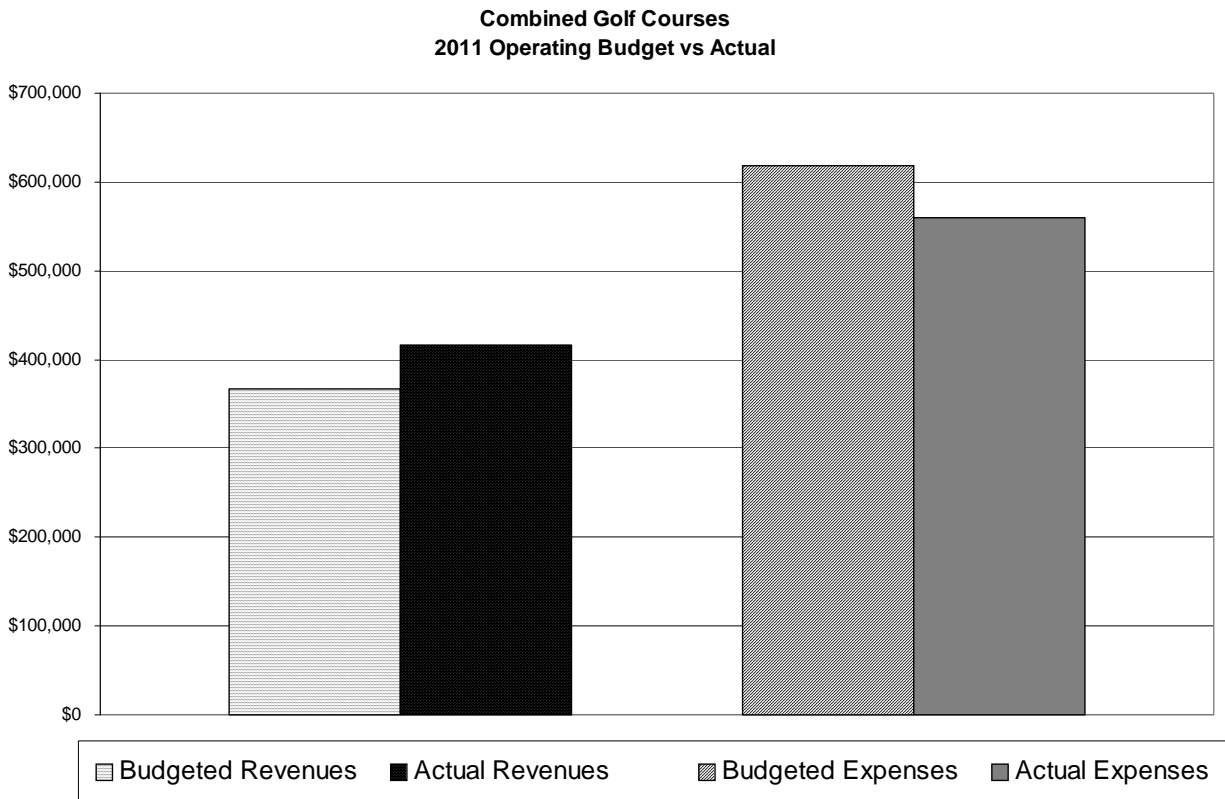


The water revenue budget to actual variance is due to the effect of climatic variations on water consumption.



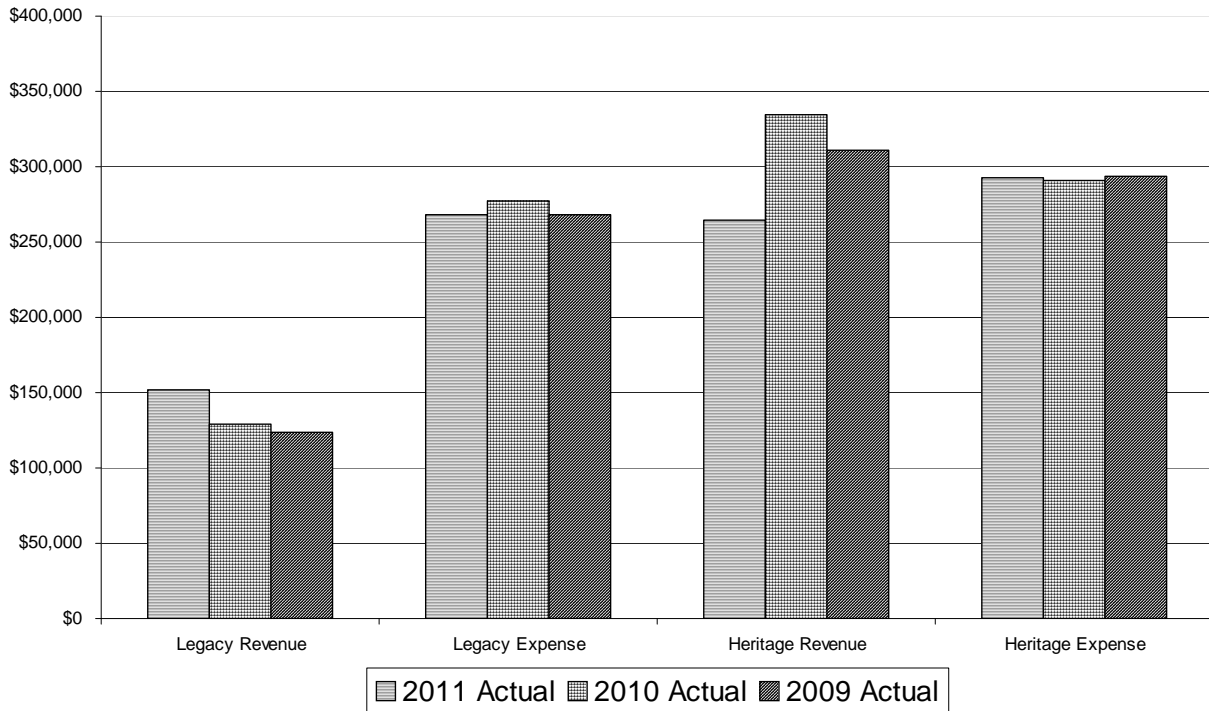
**Golf Course Enterprise (Legacy and Heritage Golf Courses)**

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



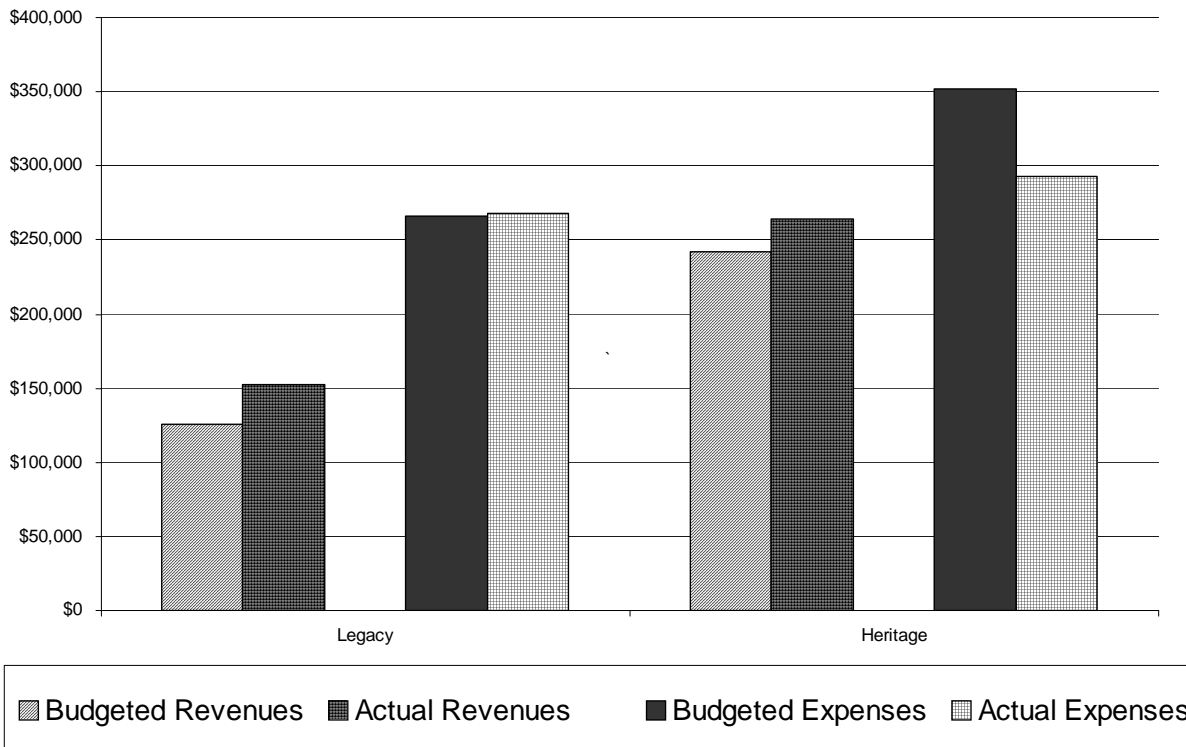
The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses  
Operating Revenue and Expenses 2009-2011**



Legacy revenue is up from prior years due to charges for services. Heritage revenue is down from prior years due to the elimination of budgeted transfers from the Sales and Use Tax Fund.

**Legacy and Heritage Golf Courses  
2011 Operating Budget vs Actual**



This financial report supports City Council's Strategic Plan Goal of Financially Sustainable City Government Providing Exceptional Services by communicating timely information on the results of City operations and to assist with critical decision making.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**City of Westminster  
Financial Report  
For Three Months Ending March 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>General Fund</b>						
<b>Revenues</b>						
Taxes	5,631,761	1,524,526		1,734,881	210,355	113.8%
Licenses & Permits	1,336,000	321,061		402,350	81,289	125.3%
Intergovernmental Revenue	4,899,429	571,628		668,470	96,842	116.9%
Charges for Services						
Recreation Services	6,232,983	1,526,584		1,642,850	116,266	107.6%
Other Services	9,458,827	1,801,872		1,715,411	(86,461)	95.2%
Fines	2,334,000	565,278		548,270	(17,008)	97.0%
Interest Income	292,900	27,666		44,007	16,341	159.1%
Misc	1,717,873	220,423		375,907	155,484	170.5%
Leases	369,181	89,277		89,277	0	100.0%
Interfund Transfers	61,335,994	15,333,998		15,333,998	0	100.0%
Revenues	<u>93,608,948</u>	<u>21,982,313</u>		<u>22,555,421</u>	<u>573,108</u>	<u>102.6%</u>
<b>Expenditures</b>						
City Council	240,119	58,665		36,915	(21,750)	62.9%
City Attorney's Office	1,166,119	266,756		293,047	26,291	109.9%
City Manager's Office	1,441,705	339,412		340,326	914	100.3%
Central Charges	25,950,457	4,649,445		4,903,268	253,823	105.5%
General Services	5,685,635	1,324,582		1,247,447	(77,135)	94.2%
Finance	1,943,482	455,564		425,693	(29,871)	93.4%
Police	19,909,917	5,213,798		4,803,014	(410,784)	92.1%
Fire Emergency Services	11,528,773	2,704,566		2,720,218	15,652	100.6%
Community Development	4,003,662	1,015,079		887,315	(127,764)	87.4%
Public Works & Utilities	7,560,378	1,023,308		909,420	(113,888)	88.9%
Parks, Recreation & Libraries	14,178,701	3,090,433		2,581,202	(509,231)	83.5%
Total Expenditures	<u>93,608,948</u>	<u>20,141,608</u>		<u>19,147,865</u>	<u>(993,743)</u>	<u>95.1%</u>
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>1,840,705</u>		<u>3,407,556</u>	<u>1,566,851</u>	

**City of Westminster  
Financial Report  
For Three Months Ending March 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Sales and Use Tax Fund</b>						
<b>Revenues and Carryover</b>						
Sales Tax						
Sales Tax Returns	43,674,740	10,831,186		11,615,219	784,033	107.2%
Sales Tx Audit Revenues	714,000	236,820		265,903	29,083	112.3%
S-T Rev. STX	<u>44,388,740</u>	<u>11,068,006</u>		<u>11,881,122</u>	<u>813,116</u>	107.3%
Use Tax						
Use Tax Returns	6,647,234	1,342,947		1,631,840	288,893	121.5%
Use Tax Audit Revenues	785,000	266,115		152,529	(113,586)	57.3%
S-T Rev. UTX	<u>7,432,234</u>	<u>1,609,062</u>		<u>1,784,369</u>	<u>175,307</u>	110.9%
Total STX and UTX	<u>51,820,974</u>	<u>12,677,068</u>		<u>13,665,491</u>	<u>988,423</u>	107.8%
Public Safety Tax						
PST Tax Returns	11,374,614	2,966,888		2,883,382	(83,506)	97.2%
PST Audit Revenues	305,500	53,809		83,654	29,845	155.5%
Total Rev. PST	<u>11,680,114</u>	<u>3,020,697</u>		<u>2,967,036</u>	<u>(53,661)</u>	98.2%
Interest Income	122,000	30,500		24,786	(5,714)	81.3%
Interfund Transfers	203,000	50,750		50,750	0	
Total Revenues and Carryover	<u>63,826,088</u>	<u>15,779,015</u>		<u>16,708,063</u>	<u>929,048</u>	105.9%
<b>Expenditures</b>						
Central Charges	<u>63,826,088</u>	<u>15,956,522</u>		<u>15,956,522</u>	<u>0</u>	100.0%
Revenues Over(Under) Expenditures	<u>0</u>	<u>(177,507)</u>		<u>751,541</u>	<u>929,048</u>	

**City of Westminster  
Financial Report  
For Three Months Ending March 31, 2011**

<b>Description</b>	<b>Budget</b>	<b>Pro-rated for Seasonal Flows</b>	<b>Notes</b>	<b>Actual</b>	<b>(Under) Over Budget</b>	<b>% Budget</b>
<b>POST Fund</b>						
<b>Revenues</b>						
Sales & Use Tax	4,929,147	1,196,397		1,235,948	39,551	103.3%
Interest Income	45,000	11,250		(1,494)	(12,744)	-13.3%
Miscellaneous	92,337	30,779		4,073	(26,706)	13.2%
Interfund Transfers	230,000	218,750		218,750	0	100.0%
<b>Total Revenues</b>	<u>5,296,484</u>	<u>1,457,176</u>		<u>1,457,277</u>	<u>101</u>	<u>100.0%</u>
<b>Expenditures</b>						
Central Charges	4,968,248	1,126,711		1,112,837	(13,874)	98.8%
Park Services	328,236	64,512		36,264	(28,248)	56.2%
	<u>5,296,484</u>	<u>1,191,223</u>		<u>1,149,101</u>	<u>(42,122)</u>	<u>96.5%</u>
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>265,953</u>		<u>308,176</u>	<u>42,223</u>	

**City of Westminster  
Financial Report  
For Three Months Ending March 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water and Wastewater Funds - Combined</b>						
<b>Operating Revenues</b>						
License & Permits	75,000	18,750		22,080	3,330	117.8%
Rates and Charges	43,593,344	7,364,787		6,766,069	(598,718)	91.9%
Miscellaneous	425,000	106,250		43,708	(62,542)	41.1%
Total Operating Revenues	<u>44,093,344</u>	<u>7,489,787</u>		<u>6,831,857</u>	<u>(657,930)</u>	91.2%
<b>Operating Expenses</b>						
Central Charges	5,947,788	1,520,586		1,543,096	22,510	101.5%
Finance	654,410	156,404		156,004	(400)	99.7%
Public Works & Utilities	19,790,642	3,919,037		3,123,166	(795,871)	79.7%
Parks, Recreation & Libraries	132,272	20,105		7,286	(12,819)	36.2%
Information Technology	2,704,158	657,110		599,034	(58,076)	91.2%
Total Operating Expenses	<u>29,229,270</u>	<u>6,273,242</u>		<u>5,428,586</u>	<u>(844,656)</u>	86.5%
Operating Income (Loss)	<u>14,864,074</u>	<u>1,216,545</u>		<u>1,403,271</u>	<u>186,726</u>	
<b>Other Revenue and Expenses</b>						
Tap Fees	3,700,000	1,158,100		1,352,600	194,500	116.8%
Interest Income	1,015,000	253,750		121,470	(132,280)	47.9%
Debt Service	(7,222,079)	0		0	0	
Reserve Transfer	(604,995)	(151,249)		(151,249)	0	100.0%
Total Other Revenue (Expenses)	<u>(3,112,074)</u>	<u>1,260,601</u>		<u>1,322,821</u>	<u>62,220</u>	104.9%
Increase (Decrease) in Net Assets	<u>11,752,000</u>	<u>2,477,146</u>		<u>2,726,092</u>	<u>248,946</u>	

**City of Westminster  
Financial Report  
For Three Months Ending March 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water Fund</b>						
<b>Operating Revenues</b>						
License & Permits	75,000	18,750		22,080	3,330	117.8%
Rates and Charges	31,044,728	4,193,246		3,688,367	(504,879)	88.0%
Miscellaneous	415,000	103,750		42,858	(60,892)	41.3%
Total Operating Revenues	<u>31,534,728</u>	<u>4,315,746</u>		<u>3,753,305</u>	<u>(562,441)</u>	87.0%
<b>Operating Expenses</b>						
Central Charges	4,204,923	1,084,870		1,101,761	16,891	101.6%
Finance	654,410	156,404		156,004	(400)	99.7%
Public Works & Utilities	13,909,049	2,772,191		2,038,505	(733,686)	73.5%
PR&L Standley Lake	132,272	20,105		7,286	(12,819)	36.2%
Information Technology	2,704,158	657,110		599,034	(58,076)	91.2%
Total Operating Expenses	<u>21,604,812</u>	<u>4,690,680</u>		<u>3,902,590</u>	<u>(788,090)</u>	83.2%
Operating Income (Loss)	<u>9,929,916</u>	<u>(374,934)</u>		<u>(149,285)</u>	<u>225,649</u>	
<b>Other Revenue and Expenses</b>						
Tap Fees	3,000,000	917,100		1,026,141	109,041	111.9%
Interest Income	870,000	217,500		91,359	(126,141)	42.0%
Debt Service	(5,717,453)	0		0	0	
Reserve Transfer	(218,463)	(54,616)		(54,616)	0	100.0%
Total Other Revenues (Expenses)	<u>(2,065,916)</u>	<u>1,079,984</u>		<u>1,062,884</u>	<u>(17,100)</u>	98.4%
Increase (Decrease) in Net Assets	<u>7,864,000</u>	<u>705,050</u>		<u>913,599</u>	<u>208,549</u>	



**City of Westminster  
Financial Report  
For Three Months Ending March 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Wastewater Fund</b>						
<b>Operating Revenues</b>						
Rates and Charges	12,548,616	3,171,541		3,077,702	(93,839)	97.0%
Miscellaneous	10,000	2,500		850	(1,650)	34.0%
Total Operating Revenues	<u>12,558,616</u>	<u>3,174,041</u>		<u>3,078,552</u>	<u>(95,489)</u>	97.0%
<b>Operating Expenses</b>						
Central Charges	1,742,865	435,716		441,335	5,619	101.3%
Public Works & Utilities	5,881,593	1,146,846		1,084,661	(62,185)	94.6%
Total Operating Expenses	<u>7,624,458</u>	<u>1,582,562</u>		<u>1,525,996</u>	<u>(56,566)</u>	96.4%
Operating Income (Loss)	<u>4,934,158</u>	<u>1,591,479</u>		<u>1,552,556</u>	<u>(38,923)</u>	
<b>Other Revenue and Expenses</b>						
Tap Fees	700,000	241,000		326,459	85,459	135.5%
Interest Income	145,000	36,250		30,111	(6,139)	83.1%
Debt Service	(1,504,626)	0		0	0	
Reserve Transfer	(386,532)	(96,633)		(96,633)	0	100.0%
Total Other Revenues (Expenses)	<u>(1,046,158)</u>	<u>180,617</u>		<u>259,937</u>	<u>79,320</u>	143.9%
Increase (Decrease) in Net Assets	<u>3,888,000</u>	<u>1,772,096</u>		<u>1,812,493</u>	<u>40,397</u>	

**City of Westminster  
Financial Report  
For Three Months Ending March 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Storm Drainage Fund</b>						
<b>Revenues</b>						
Charges for Services	2,047,000	511,750		494,829	(16,921)	96.7%
Interest Income	81,000	20,250		13,480	(6,770)	66.6%
Miscellaneous	0	0		12	12	
Total Revenues	<u>2,128,000</u>	<u>532,000</u>		<u>508,321</u>	<u>(23,679)</u>	95.5%
<b>Expenses</b>						
General Services	92,000	8,648		10,671	2,023	123.4%
Community Development	161,000	38,479		37,488	(991)	97.4%
PR&L Park Services	200,000	18,200		13,853	(4,347)	76.1%
Public Works & Utilities	323,000	34,884		31,821	(3,063)	91.2%
Total Expenses	<u>776,000</u>	<u>100,211</u>		<u>93,833</u>	<u>(6,378)</u>	93.6%
Increase (Decrease) in Net Assets	<u>1,352,000</u>	<u>431,789</u>		<u>414,488</u>	<u>(17,301)</u>	

**City of Westminster  
Financial Report  
For Three Months Ending March 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Golf Course Funds - Combined</b>						
<b>Operating Revenues</b>						
Charges for Services	2,949,625	245,911		294,910	48,999	119.9%
Interfund Transfers	485,794	121,449		121,449	0	100.0%
Total Revenues and Carryover	<u>3,435,419</u>	<u>367,360</u>		<u>416,359</u>	<u>48,999</u>	113.3%
<b>Operating Expenses</b>						
Central Charges	239,008	59,578		55,734	(3,844)	93.5%
Recreation Facilities	3,196,411	557,944		504,668	(53,276)	90.5%
Total Operating Expenses	<u>3,435,419</u>	<u>617,522</u>		<u>560,402</u>	<u>(57,120)</u>	90.8%
Increase (Decrease) in Net Assets	<u>0</u>	<u>(250,162)</u>		<u>(144,043)</u>	<u>106,119</u>	

**City of Westminster  
Financial Report  
For Three Months Ending March 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Legacy Ridge Fund</b>						
<b>Operating Revenues</b>						
Charges for Services	1,551,299	125,655		152,033	26,378	121.0%
Total Operating Revenues	<u>1,551,299</u>	<u>125,655</u>		<u>152,033</u>	<u>26,378</u>	121.0%
<b>Operating Expenses</b>						
Central Charges	130,269	32,828		32,755	(73)	99.8%
Recreation Facilities	1,421,030	233,049		235,207	2,158	100.9%
Total Operating Expenses	<u>1,551,299</u>	<u>265,877</u>		<u>267,962</u>	<u>2,085</u>	100.8%
Increase (Decrease) in Net Assets	<u>0</u>	<u>(140,222)</u>		<u>(115,929)</u>	<u>24,293</u>	

**City of Westminster  
Financial Report  
For Three Months Ending March 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Heritage at Westmoor Fund</b>						
<b>Operating Revenues</b>						
Charges for Services	1,398,326	120,256		142,877	22,621	118.8%
Interfund Transfers	485,794	121,449		121,449	0	100.0%
Total Revenues and Carryover	<u>1,884,120</u>	<u>241,705</u>		<u>264,326</u>	<u>22,621</u>	109.4%
<b>Operating Expenses</b>						
Central Charges	108,739	26,750		22,979	(3,771)	85.9%
Recreation Facilities	1,775,381	324,895		269,461	(55,434)	82.9%
Total Operating Expenses	<u>1,884,120</u>	<u>351,645</u>		<u>292,440</u>	<u>(59,205)</u>	83.2%
Increase (Decrease) in Net Assets	<u>0</u>	<u>(109,940)</u>		<u>(28,114)</u>	<u>81,826</u>	

CITY OF WESTMINSTER  
GENERAL RECEIPTS BY CENTER  
MONTH OF MARCH 2011

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	328,013	14,204	342,217	272,471	17,535	290,006	20	-19	18
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	312,936	1,001	313,936	343,822	1,261	345,084	-9	-21	-9
SHOPS AT WALNUT CREEK 104TH & REED TARGET	197,200	11,702	208,902	189,849	1,180	191,029	4	891	9
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	186,457	1,069	187,526	183,169	338	183,507	2	216	2
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	176,723	381	177,104	170,112	324	170,436	4	18	4
WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES	146,763	12,261	159,023	111,335	1,349	112,684	32	809	41
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	145,824	418	146,242	201,819	347	202,166	-28	21	-28
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	137,039	1,362	138,401	133,043	1,173	134,216	3	16	3
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	114,716	21,257	135,973	108,636	32,169	140,805	6	-34	-3
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	134,517	263	134,779	136,777	415	137,192	-2	-37	-2
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	113,294	230	113,524	110,150	336	110,486	3	-32	3
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	96,865	5,815	102,680	97,295	313	97,607	0	1760	5
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	76,049	492	76,541	65,646	82	65,728	16	498	16
COUNTRYDALE BUSINESS PARK S SIDE 108TH & WADSWORTH BALL CORPORATION	22	65,698	65,720	8	191,619	191,627	167	-66	-66
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	58,525	102	58,627	59,603	196	59,799	-2	-48	-2

CITY OF WESTMINSTER  
GENERAL RECEIPTS BY CENTER  
MONTH OF MARCH 2011

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	53,080	481	53,561	53,545	84	53,630	-1	472	0
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	53,240	317	53,557	48,870	315	49,185	9	1	9
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD LA QUINTA	32,964	12,539	45,503	22,497	1,120	23,617	47	1020	93
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	42,926	53	42,979	47,110	62	47,173	-9	-14	-9
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	41,936	134	42,070	39,966	115	40,080	5	17	5
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	36,955	1,270	38,225	38,837	183	39,020	-5	594	-2
WESTMOOR NW OF 108TH AND WADSWORTH GE ACCESS	2,701	31,101	33,802	3,367	6,142	9,510	-20	406	255
WILLOW RUN 128TH & ZUNI SAFEWAY	30,092	534	30,625	33,984	162	34,145	-11	230	-10
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	4,093	25,079	29,172	4,682	24,643	29,325	-13	2	-1
RANCHO PLAZA SE CORNER 72ND & FEDERAL RANCHO LIBORIO	26,869	30	26,899	31,418	382	31,800	-14	-92	-15
	2,549,797	207,791	2,757,588	2,508,011	281,844	2,789,854	2	-26	-1

CITY OF WESTMINSTER  
GENERAL RECEIPTS BY CENTER  
MARCH 2011 YEAR-TO-DATE

Center Location Major Tenant	YTD 2011			YTD 2010			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	1,171,190	58,470	1,229,661	1,040,336	59,361	1,099,697	13	-2	12
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	1,096,704	4,956	1,101,660	1,187,858	4,129	1,191,987	-8	20	-8
SHOPS AT WALNUT CREEK 104TH & REED TARGET	703,965	16,355	720,321	697,904	4,317	702,221	1	279	3
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	619,216	2,234	621,451	621,320	1,150	622,470	0	94	0
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	590,114	1,532	591,645	578,818	1,370	580,188	2	12	2
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	509,543	1,664	511,207	712,189	1,200	713,389	-28	39	-28
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	500,047	3,620	503,667	476,818	3,138	479,957	5	15	5
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	474,118	2,633	476,751	475,426	2,435	477,861	0	8	0
WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES	453,604	15,723	469,326	505,581	4,082	509,663	-10	285	-8
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	403,014	3,919	406,932	381,708	1,917	383,625	6	104	6
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	374,461	91,101	465,562	350,481	90,247	440,728	7	1	6
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	370,943	21,997	392,940	372,939	1,592	374,531	-1	1281	5
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	292,069	4,284	296,353	256,755	341	257,096	14	1157	15
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	252,687	1,424	254,111	258,027	699	258,726	-2	104	-2
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	191,655	516	192,171	219,365	1,141	220,505	-13	-55	-13



CITY OF WESTMINSTER  
 GENERAL RECEIPTS BY CENTER  
 MARCH 2011 YEAR-TO-DATE

Center Location Major Tenant	YTD 2011			YTD 2010			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	157,400	808	158,208	141,509	11,760	153,270	11	-93	3
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	148,441	1,167	149,609	150,584	154	150,738	-1	659	-1
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	126,830	565	127,396	124,483	733	125,216	2	-23	2
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	115,362	2,257	117,618	115,991	948	116,939	-1	138	1
WILLOW RUN 128TH & ZUNI SAFEWAY	95,371	1,298	96,670	102,921	728	103,649	-7	78	-7
RANCHO PLAZA SE CORNER 72ND & FEDERAL RANCHO LIBORIO	84,007	30	84,037	99,128	666	99,794	-15	-96	-16
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD LA QUINTA	82,145	21,916	104,060	37,078	11,517	48,595	122	90	114
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	77,841	1,109	78,949	59,737	1,386	61,123	30	-20	29
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	70,277	584	70,860	64,226	461	64,687	9	27	10
BROOKHILL IV E SIDE WADS 90TH-92ND HANCOCK FABRICS	69,608	11,024	80,633	42,164	546	42,709	65	1920	89
	9,030,613	271,186	9,301,799	9,073,345	206,019	9,279,364	0	32	0



## Agenda Item 8 B

### Agenda Memorandum

City Council Meeting  
April 25, 2011



**SUBJECT:** Quarterly Insurance Claim Report: January - March 2011

**Prepared By:** Martee Erichson, Risk Management Officer

### Recommended City Council Action

Accept the First Quarter 2011 Insurance Claims Report.

### Summary Statement

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

**Expenditure Required:** \$0

**Source of Funds:** N/A



**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

Information on the status of each claim received during the 1st quarter of 2011 is provided on the attached spreadsheet. All Incident Report forms are signed and reviewed by appropriate supervisors, Safety Committee representatives and department heads. Follow-up action, including discipline if necessary, is taken on incidents where City employees are at fault.

For the first quarter of 2011, Staff has noted the following summary information:

- Five of the six claims reported in the first quarter of 2011 are closed at this time.
- Total claims for the quarter and year-to-date breakdown by department as follows:

	1st Qtr 2011			YTD
Department	Total Claims	Open	Closed	Total
Police	1	1	0	1
PR&L	3	0	3	3
PWU - Streets	0	0	0	0
PWU - Utilities	2	0	2	2
<b>TOTAL</b>	6	1	5	6

The Risk Management program addresses Council’s Strategic Plan goals of Financially Sustainable City Government and Safe and Secure Community by working to mitigate the cost of claims to the City and maintaining a loss control program to keep our City streets and facilities safe for the general public.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**Quarterly Insurance Report  
January - March 2011**

<b>Claim Number</b>	<b>Loss Date</b>	<b>Dept.</b>	<b>Claimant</b>	<b>Address</b>	<b>Claim Description</b>	<b>Payment</b>	<b>Status</b>	<b>Notes</b>
2011-030	1/24/2011	PRL	Wallace Reid	PO Box 735, Black Hawk CO 80422	Claimant alleges he was injured while using an exercise machine at West View Recreation Center.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2011-033	2/7/2011	PRL	Randy McCullin	1885 E 98th Ave., Thornton CO 80229	Claimant alleges his child cut her finger on a baby changing table at City Park Recreation Center	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2011-045	2/11/2011	PD	David Good	10804 Grove Ct., Westminster CO 80031	Police Officer driving a City patrol car rear ended the claimant's vehicle.	\$1,338.42	Open	
2011-071	3/9/2011	PRL	Lang Ho T.	8610 Concord Ln., Westminster CO 80031	Claimant alleges she was injured while getting weights out of a bin at City Park Recreation Center when the lid to the bin fell and hit her.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
<b>CLAIM SUBMITTED RECENTLY WITH OCCURRENCE DATE PRIOR TO 1ST QUARTER 2011:</b>								
2010-363	12/30/2010	PWU - Util	Vanessa Garcia	9401 Gray St., Westminster CO 80031	Claimant alleges she was injured when she fell into a water meter pit.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2010-371	12/31/2010	PWU - Util	Marvin Polzin	7928 W. 106th Ave., Broomfield CO 80021	Claimant requested reimbursement of plumber expenses incurred after City staff misdiagnosed that a water pressure issue was in the claimant' private line when it was later discovered to be a leak in the City water line leading to the claimant's residence.	\$436.62	Closed	Claim denied based on Colorado Governmental Immunity Act, however, claimant was paid under the City's "good neighbor" settlement program.
					<b>TOTAL PAYMENTS</b>	<b>\$1,775.04</b>		



**Agenda Memorandum**

City Council Meeting  
April 25, 2011



**SUBJECT:** Excess Workers' Compensation Insurance Purchase

**Prepared By:** Martee Erichson, Risk Management Officer

**Recommended City Council Action**

Authorize the City Manager to purchase Workers' Compensation Excess Insurance for \$77,309 from Midwest Employers Casualty Company.

**Summary Statement**

- City Council action is requested to authorize the expenditure for the 2011/2012 annual premium for excess workers' compensation insurance effective April 1, 2011.
- The City annually purchases specific stop loss insurance to cover the cost of catastrophic on-the-job employee injuries that would exceed the City's self insured amount. This insurance is purchased through a broker, IMA of Colorado, Inc., who will purchase the coverage for the City through Midwest Employers Casualty Company. The recommended quote from IMA for excess workers' compensation coverage through March 31, 2012 is \$77,309.
- The cost of coverage in 2010 was \$77,034. The quote for 2011/2012 of \$77,309 represents an increase in premium of \$275 (less than 0.36%) from 2010. This quote reflects no change from 2010 in the City's excess policy coverage. Although there was no increase to the premium rate, there was a slight increase in exposures causing an increase to the total annual premium.
- Adequate funds were budgeted for this expense.

**Expenditure Required:** \$77,309

**Source of Funds:** Workers' Compensation Self Insurance Fund



**Policy Issue**

Should the City continue to self-insure its workers' compensation coverage, purchasing excess insurance to cover any catastrophic claims?

**Alternatives**

1. Maintain the current self-insured retention (SIR) per claim of \$350,000 and take on a higher corridor deductible of \$150,000 for a premium of \$74,542 or take on a higher self-insured retention (SIR) per claim of \$400,000 and maintain the same corridor deductible of \$100,000 for a premium of \$63,877. These alternatives are not recommended due to a Workers' Compensation law enacted in 2007 that created an increased risk to the City of experiencing a claim that could exceed the City's current retention.
2. Consider fully insuring the City's Workers' Compensation Insurance Program. This alternative is not recommended due to the almost certain increase in expense and the reduction in the City's ability to manage claims.

**Background Information**

The Risk Management Staff completed and submitted the application for excess workers' compensation coverage to IMA of Colorado, Inc. in early March 2011. IMA, acting as insurance broker on behalf of the City, then sought proposals on the open insurance market for this coverage. They received responses from only two carriers and submitted their renewal proposal to the City's Risk Management Officer on March 24. The City's current policy expired on March 1, 2011, but a one month extension of the policy with no change to the renewal date was negotiated to allow Council time to review the proposal.

The City currently self-insures the first \$350,000 of each workers' compensation claim with an additional corridor deductible of \$100,000. This high retention type of program allows for more control over claims handling and payment and reaps immediate rewards from the City's loss control and safety programs. By self-insuring, the City also avoids some of the increases in premiums that continue to affect the government entity insurance market.

The City's broker received two responses on behalf of the City, but reported only one quote. Midwest Employers Casualty Company quoted a flat rate from last year's quote with a bid of \$77,309. Safety National Casualty Company responded that they would not quote because they knew they could not be competitive with the incumbent market. Staff is comfortable remaining with the incumbent carrier, Midwest Employers, based on the reasons provided below:

- Continuing a relationship with one carrier can benefit the City on future years' quotes. The City has been with Midwest Employers for six years, and they know our safety programs and loss history well.
- The Midwest policy includes a blanket waiver of subrogation. This means that they permit the City to relinquish any rights the City might have to collect from another party for damages when it is required by contract.
- The Midwest policy does not include a commutation clause that many policies have. Commutation is the right of a carrier to value an open claim after the policy expires and pay that amount to the insured, thereby releasing the carrier from any further liability for the claim.
- The Midwest policy includes a Cash Flow Endorsement which, in the case of a catastrophic claim, would allow the City to spread its payments out over time with the excess carrier assisting with cash advances.
- Midwest Employers also offers the City several loss control resources such as on-line training and Best Practice seminars, as well as benchmarking reports, that Staff has found very helpful over the last six years.

In 2006, the City added a corridor deductible of \$100,000 to the self-insured program. This deductible would be payable by the City if any claims exceed the City's current retention limit but would be aggregate on all claims. Once the first \$100,000 over \$350,000 was paid it would be satisfied for the year and the excess carrier would pick up dollar one over \$350,000. Although Midwest Employers has offered two other options for decreasing the 2011/2012 premium by increasing the self-insured retention limit per claim or corridor deductible, Staff believes the City should maintain its current retention and deductible. With the passage of HB07-1008 that created a presumption that cancer in a firefighter with a career of five or more years is work related and covered under the Workers' Compensation program, the City's risk of having a claim that goes over the City's self-insured retention limit is greater.

Given that the quote was based on the same rate the City received in 2009 and 2010 and that the slight increase is in direct relation to the estimated increase in payroll exposure for the City in 2011/2012, Risk Management Staff is pleased with the renewal terms.

The Risk Management program addresses Council's Strategic Plan goals of "Financially Sustainable City Government" by working to mitigate the cost of insurance to the City by maintaining a loss control program to continually improve the City's loss history.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 D

### Agenda Memorandum

City Council Meeting  
April 25, 2011



**SUBJECT:** LANDesk Lifecycle and Service Management System Purchase

**Prepared By:** David Puntenney, Information Technology Director

### Recommended City Council Action

Find that the public interest will best be served through a negotiated agreement and authorize staff to proceed with the purchase of LANDesk Lifecycle and Service Management System from Network Consulting Services Incorporated in an amount not to exceed \$49,930. In addition, authorize the expenditure of \$8,200 to Network Consulting Services Incorporated for the implementation services, bringing the total project budget to \$58,130.

### Summary Statement

- The Information Technology (IT) Department staff manages over 1000 PCs and laptop computers located in 32 facilities across the City
- Staff has evaluated several lifecycle and service management solutions to streamline PC inventory tracking, software patch management, application deployment and deployment of new PCs. Based on evaluations and reviews of Microsoft SMS, Altiris, Dell Kace and LANDesk, staff has found that LANDesk offers the best product to meet City requirements.
- Gartner, the world's leading independent IT research and advisory company, has rated LANDesk as a leader in the industry for lifecycle and service management solutions.
- Information Technology support staff spends an average of five hours per day installing PC updates for Adobe Reader, Flash and Sun Java. LANDesk will automate those updates, enabling IT to enhance customer service and responsiveness.
- Staff has contacted other organizations using LANDesk and product reviews from those organizations have been very positive.
- Information Technology replaces PCs after five years of use. The deployment of new PCs requires, on average, 1,200 staff hours per year. Tools available within the LANDesk Service Management System will reduce the time required for PC deployments by 50%, saving about 600 staff hours per year.
- Staff also spends five hours per week manually tracking PC configurations and inventory and updating that information into the current inventory database. LANDesk will automate the tracking of PC configurations, hardware and software inventory, again saving staff time to invest in helping departments with technology issues and projects.





- Return on investment is short based on savings in staff time, improved productivity and enhanced IT responsiveness for customers.
- In order to confirm that the negotiated price was favorable, staff requested written quotes from two additional vendors. The City received one response in the amount of \$56,580, which is \$6,650 above the negotiated price of \$49,930 from LANDesk.
- Network Consulting Services Inc, the vendor selected for this project, has completed hundreds of successful installations of the LANDesk product, is a Platinum LANDesk partner and offers its customers free ongoing training sessions in the Denver area.
- Funds required for this purchase are available in the approved 2011 Information Technology Department operating budget.

**Expenditure Required:** \$ 58,130

**Source of Funds:** Information Technology Department Operating Budget

**Policy Issue**

Should the City purchase technology to automate tasks currently performed by staff and to reduce energy consumption related to computer usage?

**Alternative**

Do not purchase the LANDesk Lifecycle and Service Management System. This alternative is not recommended for the following reasons:

- Automation of tasks such as PC software and hardware inventory, software update and patch deployments and centralized, effective energy management is not possible without a comprehensive tool set.
- Continuing to perform tasks manually eliminates the opportunity to maintain and enhance services levels to departments.
- The frequency of updates to Adobe Reader, Flash and Java continue to increase and staff is in need of a tool to automate these updates.
- PC hardware and software deployments require an average of 1,200 hours per year in staff time, which could be reduced by 50% with this purchase of LANDesk. Without the purchase, staff will be unable to reduce the time associated with deployments.

**Background Information**

During the past 25 years, Information Technology Staff has been evaluating, testing and implementing tools to help departments enhance their operational efficiencies and improve internal and external services. Additionally, the department has purchased tools to assist in streamlining computer operations and administration. Following the core services project and subsequent staff reductions in 2010, it has become increasingly important for the City to identify and implement technologies to enhance employee productivity and operational efficiencies.

Staff has completed research and testing of lifecycle and service management tools, and has concluded that the purchase of such a tool will save significant time and enable IT staff to not only maintain service levels, but enhance responsiveness and provide more assistance to departments implementing new technologies.

In 2010, staff began evaluating a number of tools, including Microsoft SMS, Altiris, Dell Kace, and LANDesk. Additionally, staff has contacted other agencies using such tools to learn more about their successes and challenges in using these types of products.

LANDesk combines a powerful set of tools that provides the control and flexibility needed to manage all City computer assets with one product and will automate several time-consuming tasks currently performed by Systems Analyst staff. Some of these tools include:

- LANDesk Inventory Manager - automatically monitors and maintains a database of all City hardware and software assets in real time. This feature will save 260 hours of IT staff time per year by eliminating the need to manually audit and update software and hardware inventories.
- LANDesk Power Manager - provides the City with the ability to centrally manage power consumption by optimizing computer power policies on all networked computers.
- LANDesk System Manager - performs real time hardware and software performance monitoring, alerting, configuration management and provides maintenance tools that extend systems management while simplifying troubleshooting.
- LANDesk Server Manager - monitors hardware and software performance in real time; automatically distributes software, updates and tools; recovers crashed computers; and creates alerts.
- LANDesk Patch Manager - automatically maintains patch currency, reduces vulnerabilities and saves time by establishing active patch management policies. This module will save 5-6 hours per day of IT staff time by automating updates to software such as Adobe Reader, Flash and Sun Java software on the City's 1000+ computers.

With the tools available in this product, staff estimates that the time required for the deployment of new PCs (200-225 per year) will decrease by 50%, saving an additional 600+ hours of staff time per year.

Gartner, the world's leading independent IT research and advisory company, has rated LANDesk as a leader in the market. Among other strengths, Gartner research indicates "LANDesk has long had a reputation for being responsive to customer demand and has one of the most complete products in terms of overall functionality."

In March, IT staff began a 45 day trial evaluation of the LANDesk solution to determine if this product would fully meet City requirements. The results of the evaluation conclude that the usability, functionality and efficiencies gained through the use of LANDesk make it the right choice for Westminster.

Staff received one additional written quote for LANDesk, with the following results:

En Pointe Technologies	\$56,580
------------------------	----------

Equal in importance to selecting the best product for the City, is selecting the right partner for implementation and ongoing support. Network Consulting Services Inc is one of only a select number of partners in the world to achieve LANDesk platinum status and offers ongoing periodic module training at no additional cost. They offer first-line technical support at no additional charge and have performed installation and or support for hundreds of LANDesk implementations, including City of Boulder, Salt Lake City, City of Murray, City of Ogden, City of Bellingham and many others.

City Council action on this item addresses the Strategic Planning Goal of a Financially Sustainable City Government Providing Exceptional Services and Beautiful and Environmentally Sensitive City by reducing computer power consumption.

Respectfully submitted,

J. Brent McFall  
City Manager



**Agenda Memorandum**

City Council Meeting  
April 25, 2011



**SUBJECT:** 2011 Justice Systems Incorporated Court System Upgrade

**Prepared By:** David Puntenney, Information Technology Director  
Carol Barnhardt, Court Administrator

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Justice Systems Inc. (JSI) in an amount not to exceed \$77,850 for the purchase of an upgrade to the Full Court System Software and authorize the expenditure of \$14,700 for associated computer hardware and staff training expense.

**Summary Statement**

- The current Full Court Records Management System was purchased from Justice Systems Inc. in 2002 for a total purchase price of \$170,116.
- The software vendor Justice Systems Inc. has rewritten their software product, now referred to as “Full Court Enterprise” to add a new comprehensive collection of tools and reports.
- Staff has evaluated the capabilities of the new software and has met with other agencies that have implemented the new system to learn about their success and benefits of the software.
- The upgrade will enhance efficiencies in the Court operation and provide additional features and reporting that will be very useful to the Court.
- Upgrade of the software will assure the City’s ability to obtain reasonably priced vendor application maintenance and support for future years.
- JSI is focusing their research and development efforts on the Full Court Enterprise software and less time on the old Full Court version of software currently used by the City.
- Adequate funding for this project was included in the 2011 CIP budget approved by City Council.
- Project costs include software, training and hardware.

**Expenditure Required:** \$92,550

**Source of Funds:** General Fund Capital Improvement Project Budget



**Policy Issue**

Should the City upgrade the JSI Full Court to the Full Court Enterprise software in order to provide new features and functionality and to assure future vendor maintenance and support?

**Alternatives**

1. Forgo the upgrade and continue to use the older software to provide current services. This alternative is not recommended for the following reasons:
  - The current software lacks some of the functionality needed in today's Court operation.
  - JSI will be increasing the maintenance and support costs for those organizations continuing to use the old software and will discontinue support at some future date.
  - JSI is investing their research and development time on the new Full Court Enterprise Software, adding new functionality and features and less time on the old Full Court software.
  
2. Forgo the upgrade and develop an RFP to search for a complete replacement of the Court records management system. This option is not recommended for the following reasons:
  - Purchasing a new software product from another vendor will exceed the cost of upgrading the existing software. The current Court RMS system was purchased in 2002 at a cost of \$170,116.
  - Staff has been very pleased with the software and vendor support received from JSI during the last nine years.
  - Conversion and training costs associated with a replacement of the current system would increase the time and costs associated with the project.

**Background Information**

In 2002, the City released an RFP to evaluate and purchase a new Court Records Management System to enhance Court operations and reporting capabilities. Following a comprehensive review of vendors and software capabilities, the City selected Justice Systems Inc (JSI) and their Full Court solution. The decision to pursue the solution from JSI has proven to be excellent, as the vendor support and software has served the City well during the past nine years. The total cost of the system, trainings and purchase of additional modules was approximately \$170,116.

Since the original software was purchased in 2002, the Court operation has grown, reporting needs have increased and technology has offered more opportunity to streamline operations. In 2008, Staff discussed needs and determined that an upgrade or replacement of the software would be required and included a request for funds in the 2011 Capital Improvement Project budget.

In 2010, Court Staff began evaluating the JSI Full Court Enterprise software capabilities and has found that JSI has addressed all of the Westminster Court needs and reporting requirements. The Full Court Enterprise software provides an innovative browser-based user interface and a comprehensive collection of modular tools and applications. JSI offers a complete family of services—from initial custom configuration, deployment and consulting services to ongoing training, technical support and help desk capabilities. It also offers a level of flexibility the City needs to create solutions that complement and enhance existing processes and procedures. Some of the specific features in the Enterprise version include:

- Enhanced security to accommodate Internet accessibility
- Enhanced overdue processing functionality, i.e. review processes
- Enhanced scheduling functionality, i.e. court calendars
- Fully integrated enterprise service bus for easier third party data sharing, i.e. export of dispositions and State DMV reporting processes, etc.
- Easier to use browser/user interface
- Enhanced financial functionality, i.e. partial payments
- Enhanced e-commerce capabilities, i.e. public access, e-payments and e-filings.
- New architecture of the system will enable the Court to take full advantage of new ways to do business with the public (e-payments, public access, integrated justice, etc.)

In 2010, Court Staff began contacting other Municipal Courts that have upgraded to Full Court Enterprise during the last three years. Feedback from those agencies, including Arvada, Fort Collins, Greeley and others has been positive.

Based on software evaluation and demonstrations, feedback from existing users and a history of exceptional customer service and support from JSI, Staff has concluded that it is in the City's best interest to proceed with an upgrade from JSI Full Court to JSI Full Court Enterprise.

City Council action on this item addresses the Strategic Planning Goal of a Financially Sustainable City Government Providing Exceptional Services and Safe and Secure Community.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 F

### Agenda Memorandum

City Council Meeting  
April 25, 2011



**SUBJECT:** 2011 Asphalt Pavement Rehabilitation Project

**Prepared By:** Rob Dinnel, Street Project Specialist  
Dave Cantu, Street Operations Division Manager

### Recommended City Council Action

Authorize the City Manager to execute a contract for the 2011 Asphalt Pavement Rehabilitation Project with the low bidder, Asphalt Specialties Company, Inc., in the amount of \$857,497; authorize a 5% contingency of \$42,875, for a total project budget of \$900,372.

### Summary Statement

- City Council approved funds for this expense in the 2011 Department of Public Works and Utilities Street Operations Division and Utility Field Operations Division budgets.
- Formal bids were solicited in accordance with city bidding requirements for the 2011 Asphalt Pavement Rehabilitation Project. Requests for proposals were sent to six contractors with six responding.
- The low bidder, Asphalt Specialties Company, Inc., meets all of the City bid requirements and has successfully completed similar Westminster projects over the past 21 years.
- The Asphalt Pavement Rehabilitation Project includes resurfacing of 7.8 lane miles of paved roadway on 21 streets throughout the city (Street Operations Division) and water main replacement trench patching at 26 planned locations (Utilities Field Operations).
- Adequate funds are budgeted and available for this expense.

**Expenditure Required:** \$900,372

**Source of Funds:** General Fund - Street Operations Division Operating Budget - \$491,580  
Utility Fund - Utilities Field Operations Division Budget - \$408,792



**Policy Issue**

Should this bid be awarded to the low bidder, Asphalt Specialties Company, Inc., for the 2011 Pavement Rehabilitation Project?

**Alternative**

An alternative to this project is to combine the bids for the Concrete Replacement Project and the Asphalt Pavement Rehabilitation Project. If this option is selected, City administrative costs would decrease because there would be only one bid instead of two. Also, bid prices for concrete work or asphalt work would increase because the general contractor’s profit margin would be added to the subcontractor’s cost, and the contract time would have to be increased.

**Background Information**

The Asphalt Pavement Rehabilitation Project includes resurfacing of 7.8 lane miles of paved roadway on 21 streets throughout the city (Street Operations Division) and water main replacement trench patching at 26 planned locations (Utilities Field Operations).

These street improvements have been reviewed and determined to be the most effective utilization of available resources consistent with the City’s Pavement Management Process.

The low bidder, Asphalt Specialties Company, Inc., meets all City bid requirements and has successfully completed numerous roadway projects in Westminster since the early 1990’s.

The following sealed bids were received:

- |                                      |                  |
|--------------------------------------|------------------|
| 1. Asphalt Specialties Company, Inc. | \$857,497        |
| 2. LaFarge West, Inc.                | \$869,919        |
| 3. Aggregate Industries Inc.         | \$966,914        |
| 4. Brannan Sand & Gravel Co.         | \$1,034,112      |
| 5. Premier Paving, Inc.              | \$1,160,267      |
| 6. APC Construction Co., LLC         | \$1,782,394      |
| <b>City Staff’s Estimate</b>         | <b>\$892,995</b> |

City Staff’s estimated cost of \$892,995 included an increase over 2010 pricing of 7% based on supplier pricing forecasts for 2011, Asphalt Specialties Company Inc.’s actual bid increased by 2.75%. The increase can be attributed to volatile oil and fuel costs that have risen substantially since last year.

As part of a cooperative effort with the Adams County School District #12, the City also included pavement rehabilitation bid quantities for various District parking lots. The dollar amounts for the School District portion is not reflected in the \$857,497 City award and contract will be administered by the School District.

The proposed council action supports City Council’s goals of Financially Sustainable City Government as well as Vibrant Neighborhoods and Commercial Areas by providing well maintained city infrastructure through timely resurfacing and reconstruction of roadways.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments: Location Lists (2)  
Map



City of Westminster

Department of Public Works and Utilities  
Street Operations Division

**2011 Asphalt Pavement Rehabilitation Project**

- 1) Dover St, 104<sup>th</sup> Ave to South End
- 2) 102<sup>nd</sup> Ave, Wadsworth Pkwy to Dover St
- 3) Hooker St, 116<sup>th</sup> Ave to South End
- 4) 115<sup>th</sup> Pl, Grove St to Irving St
- 5) Irving St, 116<sup>th</sup> Ave to Stratfordlakes Dr
- 6) 114<sup>th</sup> Pl, Irving St to Julian St
- 7) Julian Way, Julian St to Stratfordlakes Dr
- 8) Julian St, 115<sup>th</sup> Ave to King St
- 9) Knox Court, 115<sup>th</sup> Ave to Julian St
- 10) King Ct, 115<sup>th</sup> Ave to King Way
- 11) King Way, 115<sup>th</sup> Ave to King St
- 12) 115<sup>th</sup> Ave, Irving St to King Way
- 13) King St, 115<sup>th</sup> Ave to Stratfordlakes Dr
- 14) 113<sup>th</sup> Ave, Stratfordlakes Dr west to Cul-De-Sac
- 15) 113<sup>th</sup> Ave, Stratfordlakes Dr east to Cul-De-Sac
- 16) 112<sup>th</sup> Circle, Stratfordlakes Dr to Stratfordlakes Dr
- 17) 112<sup>th</sup> Circle, Stratfordlakes Dr east to 113<sup>th</sup> Ave
- 18) Grove St, Stratfordlakes Dr north to dead end
- 19) Hooker St, 115<sup>th</sup> Pl to 116<sup>th</sup> Ave
- 20) 116<sup>th</sup> Ave, Hooker St to Irving At
- 21) 88<sup>th</sup> Ave, Wadsworth Pkwy to Harlan St (patching only)

**2011 Utilities Proposed Water Line  
Replacement List**

<b>Street</b>	<b>Description</b>
<b>Circle Drive</b>	84th Avenue north to Concord Lane
<b>85th Avenue</b>	Circle Drive east to Lowell Boulevard
<b>Newton Street</b>	97th Avenue south to Meade Street (includes bore)
<b>Meade Court</b>	9602 - 9693 Mead Court end of cul-de-sac to end of cul-de-sac
<b>Meade Street</b>	96th Avenue north / east to Lowell Court
<b>Lowell Court</b>	96th Avenue north into cul-de-sac (bore)
<b>99th Court</b>	Raleigh Street east to cul-de-sac
<b>99th Place</b>	98th Place west to Raleigh Street
<b>Raleigh Street</b>	99th Place north to 100th Avenue
<b>99th Avenue</b>	Lowell Boulevard west to 98th Place
<b>Newton Court</b>	99th Avenue north to 99th Place
<b>Perry Court</b>	99th Avenue north to 99th Place
<b>103rd Avenue</b>	3734 - 3784 - south to en of cul-de-sac
<b>101st Avenue</b>	Yates Street east to Wolff Street
<b>Wolff Street</b>	101st Avenue north to 102nd Avenue (include 60' cul-de-sac)
<b>101st Place</b>	Wolff Street south / east to 100th Court
<b>LaPlace Court</b>	Oakwood Drive north to Bradburn Boulevard
<b>82nd Avenue</b>	LaPlace Court east to 3870 W. 82nd Avenue
<b>123rd Avenue</b>	East of Huron Street / in Apartments south of 123rd Avenue
<b>95th Avenue</b>	Pierce Street west to 6981 W. 95th Avenue
<b>115th Drive</b>	Depew Court east to Benton Court
<b>Chase Way</b>	115th Drive north to 116th Avenue
<b>Summit Square</b>	92nd Avenue south / then east to Federal Boulevard
<b>Grove Street</b>	92nd Avenue south to 90th Place
<b>Eaton Street</b>	112th Avenue north to 112th Place
<b>Harlan Street</b>	112th Avenue south 183'

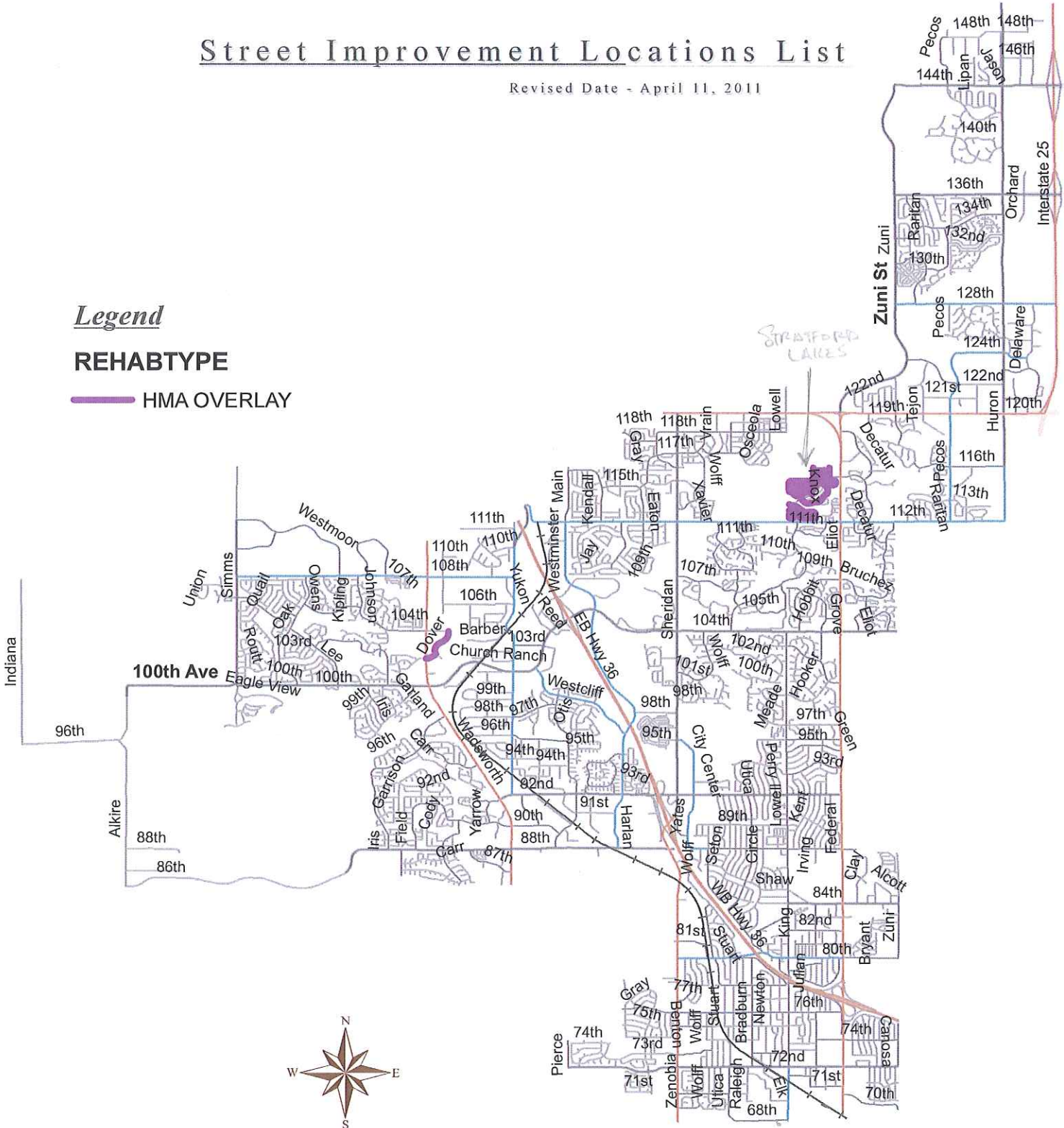
# Street Improvement Locations List

Revised Date - April 11, 2011

## Legend

### REHABTYPE

 HMA OVERLAY





## Agenda Item 10 A

### Agenda Memorandum

City Council Meeting  
April 25, 2011



**SUBJECT:** Councillor's Bill No. 13 Amending Section 2-5-2 of the Westminster Municipal Code to Conform Special Permit and License Board Powers and Duties with Recent Revisions to Title V, "Licensing and Regulations"

**Prepared By:** Hilary Graham, Assistant City Attorney  
Linda Yeager, City Clerk

### Recommended City Council Action

Pass Councillor's Bill No. 13 on first reading to amend the Special Permit and License Board's powers and duties and make them consistent with the January 2011 revisions to Title V of the Westminster Municipal Code.

### Summary Statement

- Ordinance No. 3563, adopted on January 10, 2011 (and subsequently corrected by emergency ordinance), set forth a comprehensive update of Title V of the City Code, which addresses the City's licensing procedures and requirements.
- This update to Title V of the Westminster Municipal Code established a new review process for adverse actions proposed to be taken against any type of City-issued license so that license applicants or license holders may now contest a proposed adverse action by appeal to the Special Permit and License Board.
- The Special Permit and License Board's grant of authority, contained in Section 2-5-2 of the Westminster Municipal Code, has not been revised to acknowledge this new process.
- This ordinance will revise the Special Permit and License Board's powers and duties to accommodate the new duties assigned to it.

**Expenditure Required:** \$0

**Source of Funds:** N/A



**Policy Issue**

Should the City Council adopt an ordinance revising the Special Permit and License Board's powers and duties to accommodate the new duties assigned to it by the recent amendments to Title V?

**Alternative**

Rather than making the proposed conforming changes, Title V could be amended to undo the recent amendments delegating all review authority to the Board. This approach is not recommended. Instead, the proposed amendment to Section 2-5-2 of the Westminster Municipal Code are recommended to allow the Special Permit and License Board's role as recently approved by Council during the comprehensive revisions to Title V of the Westminster Municipal Code.

**Background Information**

Ordinance No. 3563, adopted by City Council on January 10, 2011 (and subsequently corrected by Emergency Ordinance No. 3570, adopted on February 14, 2011) updated procedures for denying, canceling, suspending and revoking City-issued licenses. The procedures include the giving of notice by the City of a proposed adverse decision to the applicant or licensee, the right to request a hearing before the Special Permits and License Board, a stay of the adverse action until the requested hearing is completed, and the grounds upon which any license may be denied, canceled, suspended or revoked. These changes standardized the appeal process by routing all appeals of adverse actions to the Special Permit and License Board; yet, the Board's powers and duties were not amended at that time to reflect this change. Formerly, some appeals went before the City Manager and others went before City Council.

The revisions to Section 2-5-2 the Westminster Municipal Code proposed by the attached Councillor's Bill amend the Special Permit and License Board's powers and duties to accommodate the duties now imposed by Title V.

Adopting the attached Councillor's Bill will further the Strategic Plan goals of providing a safe and secure community and encouraging a strong and balanced local economy by carrying out prior revisions to the Title V City licensing system, which improved the process for issuance and denial of the City licenses required to operate any type of business within the City.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment  
- Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **13**

SERIES OF 2011

INTRODUCED BY COUNCILLORS

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**A BILL**

**FOR AN ORDINANCE AMENDING SECTION 2-5-2 OF THE WESTMINSTER MUNICIPAL CODE TO CONFORM THE SPECIAL PERMIT AND LICENSE BOARD'S AUTHORITY WITH RECENT REVISIONS TO TITLE V, "LICENSING AND REGULATIONS"**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 2-5-2, W.M.C., is hereby AMENDED to read as follows:

**2-5-2: POWERS AND DUTIES:**

~~(A)~~—The Special Permit and License Board acting as the local licensing authority pursuant to ~~section 5-14-2 Title V of this Code~~, shall conduct public hearings, approve or deny applications for licenses, renew or deny renewal of licenses, suspend or revoke licenses, hear appeals of adverse actions taken against City-issued licenses, and carry out all other functions authorized by ~~Chapter 14, of~~ Title V of this Code and Colorado beer, liquor and special event codes.

~~(B)~~—~~The Special Permit and License Board shall conduct public hearings, approve or deny applications for licenses, renew or deny renewal of licenses, and cancel, suspend or revoke the following licenses.~~ All decisions of the Board ~~on these licenses~~ are final, subject only to appeal to a court of competent jurisdiction.

~~(1)~~—~~Massage Parlor Licenses, pursuant to Chapter 15 of Title V of this Code;~~

~~(2)~~—~~Escort Service Licenses, pursuant to Chapter 19 of Title V of this Code;~~

~~(3)~~—~~Amusement center licenses, pursuant to Chapter 9 of Title V of this Code;~~

~~(4)~~—~~Dance hall and cabaret licenses, pursuant to Chapter 16 of Title V of this Code, and~~

~~(5)~~—~~Business licenses, including contractor registrations under review for denial, revocation, or suspension shall be reviewed in a public meeting conducted by the Special Permit and License Board.~~

~~(C)~~—~~The Special Permit and License Board shall conduct public hearings on appeals from the decision of the City Manager, denying license applications, denying renewal of licenses, or suspending or revoking licenses to operate as a solid waste or recyclable materials collector pursuant to Chapter 7 of Title 5 of this Code. Appeals from the decisions of the Board may be made to the City Council.~~

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25<sup>th</sup> day of April, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9<sup>th</sup> day of May, 2011.

ATTEST:

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney's Office



## Agenda Item 10 B

### Agenda Memorandum

City Council Meeting  
April 25, 2011



**SUBJECT:** Councillor's Bill No. 14 re Proposed Economic Development Assistance Agreement with Metalcraft Industries

**Prepared By:** Becky Nelson, Economic Development Specialist

### Recommended City Council Action

Pass Councillor's Bill No. 14 on first reading authorizing the City Manager to execute and implement an Economic Development Agreement with Metalcraft Industries.

### Summary Statement

- In January 2011, Metalcraft Industries acquired Collins Machine of Louisville.
- Metalcraft had the option to locate the merged business in its current Westminster location or to locate in the Collins Machine Louisville location.
- The Economic Development Agreement (EDA) includes \$24,000 in assistance from sales and use tax rebates for equipment purchases over a five year period.
- This EDA will help retain Metalcraft in its existing 63,000 square foot facility in Park Centre.
- After the merger, the company will employ 46 people consisting of business administration and machine operation-related positions and plans to grow employment by 5 each year over the next five years.
- The average annual wage is \$45,265, which is 8% above Adams County average wage.
- Assistance is based on the City's desire to retain a growing manufacturer in Westminster.
- Should Metalcraft Industries decide to move out of Westminster within 5 years of the approval of this EDA, the assistance would have to be reimbursed to the City by the company.

**Expenditure Required:** Not to exceed \$24,000 (Rebates)

**Source of Funds:** The EDA with Metalcraft Industries will be funded through revenue received from sales/use tax on equipment



**Policy Issue**

Should the City provide assistance to Metalcraft Industries based on the retention of a manufacturer in Westminster?

**Alternatives**

Do Nothing: One alternative is to offer no assistance to this company. Though the company may not relocate outside of Westminster if assistance is not provided, the result would be that the City's value of retaining quality businesses would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. A 50% rebate is proposed, offering a 40% rebate is an alternative.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. It is staff's opinion that additional assistance is not needed.

**Background Information**

Metalcraft Industries is a contract metal manufacturer; offering prototype development, precision sheet metal fabrication, short run stamping, metal stamping, and assembly. Metalcraft maintains client relationships in the renewable energy, cleantech, medical device, defense, and industrial markets. In Westminster since 1998, Metalcraft spun-off from Genesee Wester in 2001, a tooling and stamping manufacturer.

Metalcraft Industries' Westminster location occupies 63,000 square feet in Park Centre (1250 West 124<sup>th</sup> Avenue). Metalcraft recently acquired Collins Machine in Louisville, bringing their employee total to 46 with expected growth of 5 per year over the next five years. With the acquisition, Metalcraft owned two buildings, their Westminster location and the Collins Machine building in Louisville. The company considered relocation to the building in Louisville. Combining the two businesses at the Westminster location will not require new build construction; however, new equipment purchase of \$1.5 million is expected over the next five years.

In February 2011, Adams County Economic Development (ACED) made economic development staff aware of the potential relocation of Metalcraft. Staff has been working with ACED over the last two months to retain Metalcraft in the City. The Adams County Board of Commissioners will provide a personal property tax rebate of \$23,404, over four years, to Metalcraft.

The proposed business assistance by the City & County resulted in Metalcraft choosing to remain in their current building in Park Centre.

**Proposed Assistance**

Staff recommends the following assistance to be paid over a five-year period as equipment purchases occur:

<u>Sales/Use Tax on Equipment Purchases</u>	<b>Approximate</b>
Based on \$300,000 in equipment purchases, per year, over a five-year period, and \$100,000 equipment purchased at move-in, the City will rebate 50% of the Sales/Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the purchased equipment (\$1,600,000 x 3% = \$48,000 Use Tax x 50% = \$24,000)	\$24,000
<b>Total Proposed Assistance Package</b>	<b>\$24,000</b>

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This assistance package is based upon the City's goal to retain and expand existing businesses. Metalcraft Industries is a strong manufacturer in the City. It is an important company for the City to retain as they expect growth in the coming years. The proposed assistance package supports an effort to keep them in the City and meets two strategic plan goals: "Financially Sustainable City Government Providing Exceptional Services" and "Strong Balanced Local Economy."

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

- Ordinance
- Exhibit A - Agreement

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **14**

SERIES OF 2011

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT  
WITH METALCRAFT INDUSTRIES**

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

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

WHEREAS, Metalcraft plans to increase employment to 46 and occupy a 63,000 square feet facility in Park Centre in Westminster; and

WHEREAS, a proposed Economic Development Agreement between the City and Metalcraft Industries is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of April, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of May, 2011.

ATTEST:

\_\_\_\_\_  
Mayor

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

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

**Exhibit "A"**

**ECONOMIC DEVELOPMENT AGREEMENT FOR  
METALCRAFT INDUSTRIES WITH THE CITY OF WESTMINSTER**

THIS ECONOMIC DEVELOPMENT AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011, between the CITY OF WESTMINSTER (the "City"), and the METALCRAFT INDUSTRIES ("Metalcraft").

WHEREAS, the City wishes to provide assistance to Metalcraft to aid in the relocation and expansion of this company in the City; and

WHEREAS, Metalcraft plans to increase employment to approximately 46 and occupy 63,000 square feet of office space in Park Centre, thus continuing to provide primary job growth within the City; and

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

In consideration of the mutual promises set forth below, the City and Metalcraft agree to the following:

1. Use/Sales Tax Rebate on Equipment Purchases. The City shall rebate 50% of the Use or Sales Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected from Metalcraft on the purchase of equipment over the next 60 months. Rebates will be based on the documentation provided by Metalcraft that illustrates purchases or delivery of equipment that occurred within the City of Westminster and that taxes were paid to and collected by the City. The rebate will be a maximum of \$24,000, and will cease on or before May 31, 2016.

2. Payments of Rebates. The rebates to Metalcraft Industries by the City shall be paid in quarterly installments from revenue actually collected and received by the City in connection with Metalcraft's purchase of equipment. Payments of each quarterly installment shall be paid to Metalcraft by the City within thirty (30) days following the end of each calendar quarter. All payments by the City shall be made electronically to Metalcraft Industries' designated financial institution or other account.

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

4. Termination. This Agreement shall terminate and become void and of no force or effect upon the City should Metalcraft not comply with the City regulations or code.

5. Business Termination. In the event Metalcraft ceases business operations within the City at any time prior to May 31, 2016, then Metalcraft shall pay to the City the total amount of fees and taxes that were paid by or for Metalcraft to the City and were subsequently rebated by the City to Metalcraft pursuant to this agreement.

6. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this

Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms “bonded indebtedness,” “bonds,” and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

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

10. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this Agreement, the parties agree that prior to commencing any litigation, they shall first engage in good faith the services of a mutually acceptable, qualified, and experienced mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this Agreement shall be in the District Court for Jefferson County, Colorado.

**METALCRAFT INDUSTRIES**

**CITY OF WESTMINSTER**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
J. Brent McFall  
City Manager

ATTEST:

\_\_\_\_\_  
Linda Yeager  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

**Adopted by Ordinance No.**