

April 27, 1998
7:00 PM

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

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Board Member Certificates of Appreciation
 - B. Proclamation re Pride Day, May 2
 - C. Proclamation re National Drinking Water Week May 3-9
 - D. NAHB Gold Award for Legacy Ridge Development
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
 - A. Printing/Mailing Services for Utility Bills
 - B. Bids for 1998 Chipseal
 - C. Distribution of City Edition
 - D. CB No. 13 re Little Dry Creek Trail Project (Scott-Smith)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. Councillor's Bill No. 14 re Autumn Chase Easement Vacation
 - B. Resolution No. 23 re Park Trail and Open Space Purchase
 - C. Huron Street Preliminary Design Contract
 - D. Artwalls at City Park
 - E. Bond Counsel/Special Counsel for Water & Wastewater Bonds
 - F. Contract for Portfolio Investments
 - G. Professional Services Contract for Arbitrage Compliance
 - H. Change Date of Last Council Meeting in May
11. **Old Business and Passage of Ordinances on Second Reading**

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 27, 1998 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Dixon, Scott and Smith. Also present were Alan Miller, Assistant City Manager; Martin McCullough, City Attorney; and Michael Allen, Deputy City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Atchison to accept the minutes of the meeting of April 13, 1998 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil and Councillor Allen presented certificates of appreciation to former Board of Adjustment member Stephen McLaughlin and Parks and Recreation Advisory Board member Dan Noreen for their dedicated service to the City.

The Mayor presented a proclamation to Pride Day co-chairpersons Diane Dynis and Marc Lumpkin proclaiming May 2, 1998 as Westminster Pride Day.

The Mayor presented a proclamation to Steve Ramer, Program Coordinator for the Westminster Water Week Program, proclaiming the week of May 3-9, 1998 as National Drinking Water Week in the City.

Art Bruchez of Bruchez Farms Development and Steve James of Downing, Thorpe and James presented the National Association of Home Builders "Best in American Living Gold Award for the Best Community - 151 Units and Over" to the Mayor and Council for the Legacy Ridge Development.

Mayor Heil presented a Commendation from the Colorado State Senate to Director of Parks, Recreation and Libraries Bill Walenczak in recognition of the opening of the College Hill Library.

CITIZEN COMMUNICATION:

Al Sieberg, 3121 W. 94th Avenue, addressed Council concerning street repairs on 94th Avenue between Federal and Lowell Boulevards.

CITY COUNCIL COMMENTS:

Mayor Pro Tem Merkel reported on the groundbreaking she attended for the Links luxury apartment complex, the Adams County Financial Transportation meeting she attended, and the groundbreaking for The Retreat, which is an assisted living project.

Councillor Dixon commented on the Rocky Flats meetings she attended, the Volunteer Breakfast and Victim Advocates reception and the Spelling Bee for Literacy.

Mayor Heil commented on the 9-Health Fair held at City Park, the Volunteer Breakfast and a meeting hosted by the City of Denver on affordable housing.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: **Printing/Mailing Services for Utility Bills** - Authorize City Manager to sign a contract with Output Technologies for printing and mailing services of utility bills in an amount not to exceed \$30,000 because it will best serve the public interest and charge the expense to the appropriate budget account in the Water and Wastewater Fund; **Bids for 1998 Chipseal Project**- Authorize City Manager to sign a contract for the 1998 Chip and Sealcoat Project with the low bidder, A-1 Chipseal Company, in the amount of \$175,000, including a \$6,030 contingency amount, and charge the expense to the appropriate 1998 Department of Public Works and Utilities Street Division budget account; **Distribution of City Edition**- Authorize City Manager to sign a contract with Yankee Pedler in an amount not to exceed \$30,000 annually because it best serves the public interests, and charge the expense to the appropriate account in the Public Information budget; and **Councillor's Bill No. 13** re Little Dry Creek Trail Project.

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

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

COUNCILLOR'S BILL NO. 14 - AUTUMN CHASE EASEMENT VACATIONS:

A motion was made by Atchison and seconded by Scott to pass Councillor's Bill No. 14 on first reading vacating the fire lane easement and the utility easement within Autumn Chase Subdivision, Filing No. 1. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 23 - PARK, TRAIL AND OPEN SPACE ACQUISITIONS:

A motion was made by Allen and seconded by Smith to adopt Resolution No. 23 authorizing the City Manager and City Attorney to execute the necessary documents to acquire from Broomfield Associates the land necessary for park, trail, open space, storm drainage and utility purposes, including through eminent domain if necessary, and charge the expenses to the appropriate project account in the General Capital Improvement Fund and Open Space Fund. Upon roll call vote, the motion carried unanimously.

COMBINED ITEMS:

A motion was made by Merkel and seconded by Atchison to combine Huron Street Preliminary Design Contract - authorize the City Manager to execute a contract for preliminary design of Huron Street from 128th Avenue to 144th Avenue with the Sear-Brown Group in the amount of \$125,000 because it best serves the public interests; authorize a contingency amount of \$20,000 and charge total of \$145,000 to the appropriate project account in the General Capital Improvement Fund; City Park Artwalls Funding - authorize the City Manager to sign a contract with artist Ken Williams of Pueblo, Colorado in the amount of \$40,000 to complete the five remaining walls of the City Park Artwalls Phase 1 project because it best serves the public interests and charge the expense to the appropriate Community Enhancement project account in the General Capital Improvement Fund; Bond/Special Counsel for Water and Wastewater Bond Issue - authorize the City Manager's execution of an agreement with Ballard Spahr Andrews & Ingersoll in an amount of \$13,000 for bond counsel and special counsel services in connection with the City's issuance of the City's \$4.088 million Water and Wastewater Revenue Enterprise Governmental Agency Bond to the Colorado Water Resources and Power Development Authority;

Professional Services Contract for Arbitrage Compliance - authorize the Finance Director to sign a contract for arbitrage consultation and rebate calculation services with Arbitrage Compliance Services, Inc., for a cost not to exceed \$40,500 and charge the expense to the appropriate Finance Department and General Capital Improvement Fund budgets; and Change Date of Last City Council meeting in May - to change the date of the last City Council meeting in May from May 25 to Monday, May 18. The motion carried unanimously.

PROFESSIONAL SERVICES FOR PORTIFOLIO INVESTMENT MANAGEMENT:

A motion was made by Scott and seconded by Allen to authorize the Finance Director to sign a contract for portfolio management and investment advisory services on an ongoing basis with AMMA, Inc., at a cost of 7.5 basis points per year (.075%) of the total market value of the Operating Portfolio. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Quarterly Insurance Report and the Financial Report for March, 1998.

ADJOURNMENT:

The meeting was adjourned at 7:40 P.M.

ATTEST:

Mayor

City Clerk

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

Introduction

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

Summary

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

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

Staff Recommendation

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

Background Information

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

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

Respeccfully submitted,

Alan P. Miller
Acting City Manager

Date: April 27, 1998

Subject: Proclamation re Westminster Pride Day

Prepared by: Marc Lumpkin, Fire Department Management Intern and Diane Dynis, Parks, Recreation and Libraries Department

Introduction

City Council action is requested to proclaim the date of Saturday, May 2, 1998 as Westminster Pride Day.

Summary

Westminster has targeted May 2, 1998, as Westminster Pride Day, in conjunction with "Keep America Beautiful Month." Westminster Pride Day activities will include litter pickup along 20 miles of right-of-ways, greenbelts, and open space sites throughout the City. This cleanup program is the City's largest commitment to a cleaner community and is conducted by Boy and Girl Scout volunteers as well as representatives from homeowners associations, schools, and church groups. The event will conclude at Westminster City Hall with a picnic sponsored by area businesses, the Westminster Rotary Club, the Westminster Lions Club and the City of Westminster.

More than 600 volunteers will begin cleaning up at 8 a.m. At 11 a.m. hotdogs and hamburgers will be hot off the barbecue grill at City Hall along with soda pop and dessert. At 11:30 a.m., the Dance Network Company of Westminster will entertain with jazz dancing. At noon, Mayor Nancy Heil will read the Pride Day proclamation and recognize sponsors with prize give-away announcements by KOA News Radio's April Zesbaugh. During the barbecue, Stardate Mobile DJ will provide music and the Westminster Fire Department will offer safety demonstrations and antique fire engine rides.

The Pride Day Committee, which is made up of volunteers from various City departments and community sponsors of Pride Day: The Butterfly and Insect Pavilion, 7-11 Stores, BFI, Pacman Disposal, Waste Management of Colorado, Mile High Waste Systems, Bike Line, Double Tree Hotel, and Westminster AMC 24 Theaters have contributed to this event.

Open Space Coordinator Diane Dynis and Fire Department employee Marc Lumpkin are co-chairing this year's event and will be present at Monday night's meeting to accept this proclamation.

Staff Recommendation

Proclaim May 2, 1998 as "Westminster Pride Day".

Respectfully submitted,

Alan P. Miller, Acting City Manager
Attachment: Proclamation

WHEREAS, The goal of the Westminster Pride Day is to bring together youth, government, business and community leaders to help clean up the City and share pride in Westminster; and

WHEREAS, Westminster has organized a cleanup program in keeping with the spirit of April's Keep America Beautiful Month; and

WHEREAS, The cleanliness of the Westminster community will be enhanced by these efforts.

NOW, THEREFORE, I, Nancy M. Heil, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May 2nd

Westminster Pride Day

in the City of Westminster and call upon all citizens and civic organizations to recognize and support the efforts of the volunteers and citizens who take pride in keeping Westminster a clean place to live.

Signed this 27th day of April, 1998.

Nancy M. Heil, Mayor

Date: April 27, 1998
Subject: Proclamation re National Drinking Water Week
Prepared by: Steve Ramer, Laboratory Analyst/Program Coordinator

Introduction

City Council is requested to present a Proclamation proclaiming the week of May 3-9, as "National Drinking Water Week" in the City of Westminster. Steve Ramer, Water Facility Laboratory Analyst and Program Coordinator for the Westminster Water Week Program, will be at the City Council meeting to accept the Proclamation.

Summary

National Drinking Water Week focuses on the importance and limited nature of our Nation's water supply. The objective of this week is to educate and inform the public of the importance of a safe, reliable public water source, the need for water conservation and protection, and to encourage each local water utility to involve its citizens in water promotion activities.

Staff Recommendation

Proclaim the week of May 3-9, 1998, as "National Drinking Water Week" in the City of Westminster.

Background Information

The City program scheduled for the week of May 3-9, will be coordinated by Department of Public Works and Utilities Semper Water Treatment Facility Staff. A booth and display will be set up at the Westminster Mall on May 7-9. The display will include a tabletop display on water treatment, a TV/VCR unit for viewing water related films, handouts and brochures on water conservation, water treatment, and water quality. A drawing will also be held for a gift certificate from Builder's Square.

In conjunction with this activity, classroom presentations will be offered to Elementary and Junior High School students. There will be a poster contest for students in the elementary grades and an essay contest for students in the junior high grades, all of which will be displayed at the Kings Mill Library and Recreation Center. The winning posters and essays will be on display at the Semper Water Treatment Facility for the remainder of the year. Staff will share copies of the winning essay in a future Staff report.

Respectfully submitted,

Alan P. Miller
Acting City Manager
Attachment: Proclamation

WHEREAS, Our 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 expansion of storage, supply and distribution facilities, the water quality monitoring and continued training of skilled personnel essential.

NOW, THEREFORE, The City Council of the City of Westminster, Colorado, does hereby proclaim the week of May 3-9, 1998, 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 27th day of April, 1998.

Date: April 27, 1998
Subject: NAHB Gold Award for Legacy Ridge Development
Prepared by: Max Ruppeck, Planner III

Introduction

Art Bruchez of the Bruchez Farms Development will present the National Association of Home Builders (NAHB) Best in American Living Gold Award for "Best Community - 151 Units and Over" to City Council.

Summary

On January 16-19, 1998, the National Association of Home Builders held their International Builders' Show in Dallas, Texas. The show was attended by over 65,000 people from 93 countries. Legacy Ridge, Westminster's premier master planned golf course community, won the Gold Award for "Best Community - 151 Units and Over". The "Gold Award" is exceeded only by the "Platinum Award" which was won by Celebration, the Disney development near Orlando, Florida. The third place "Silver Award" was captured by Lakewood Ranch in Sarasota, Florida.

Staff Recommendation

The Mayor on behalf of City Council accept the National Association of Home Builders Best in American Living Gold Award for "Best Community - 151 Units and Over" as presented by Art Bruchez of Bruchez Farms Development.

Background Information

Legacy Ridge is a 700-acre mixed use community. Planned by a partnership of private developers/owners and the City of Westminster. Downing, Thorpe and James of Boulder was the land planning consultant, and Arthur Hills of Toledo, Ohio was the golf course architect. Because the City, the developers and the golf course designer were all involved in the planning of the development from the onset of the project, a quality development and an award-winning golf course were realized which reinforce each other's efficiency and design.

Besides the current NAHB Gold Award, the Legacy Ridge Development has won a number of Metropolitan Area Marketing Excellence (MAME) awards from the Home Builders Association of Denver as follows:

1996

Gold Awards in the following categories:

1. Best Logo for Single Product or Community
2. Best Color Ad - Full Page and Smaller
3. Best Signage

Silver Awards in the following categories:

1. Best Brochure Master Planned Community
2. Best Community Presentation
3. Community of the Year

1997

Gold Awards in the following category:

1. Best Signage Campaign

Silver Awards in the following categories:

1. Best Logo Design for Single Product or Community
2. Best Brochure - Master Planned Community
3. Best Black and White Print Ad - Less than 1/2 Page
4. Best Community Presentation
5. Community of the Year

In addition the Legacy Ridge Golf Course has received national and local recognition for excellence in design and maintenance. These awards include:

- < Environmental Steward Award 1994 presented by Golf Course Superintendents Association of America
- < Top Ten New Public Golf Courses 1994 presented by Golf Magazine
- < Top Ten Public Golf Courses 1994, 1995, 1996 presented by Colorado Golf Magazine
- < Best Clubhouses, William Zmistowski, Architect, 1994 presented by Crittenden Golf Inc.
- < Top 75 Affordable Courses 1996, 1997 presented by Golf Digest Magazine.
- < 1996-1997 Golf Digest's "Places to Play" 4 star rating
- < 1997-1998 Golf Digest's "Places to Play" 4 star rating

The City is justifiably proud of the nation-wide recognition it has received for both the quality of the development and the excellence of its public golf course.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Date: April 27, 1998
Subject: Printing/Mailing Services for Utility Bills
Prepared by: Ellen Richardson, Utility Billing Manager

Introduction

City Council action is requested to approve a contract with Output Technologies for printing and mailing services of utility bills. Funds for this expense are available within the Water and Wastewater Fund Utility Billing Division budget.

Summary

Bids were solicited from three agencies which provide printing and mailing services for utility bills. Output Technologies was the sole respondent and offered prices only slightly higher than those paid to the current provider of printing/mailing services. Output Technologies was deemed to be satisfactory for providing the required services relating to the printing and mailing of utility bills, including laser imaging, folding, inserting, presorting and mailing.

Staff Recommendation

Authorize the City Manager to sign a contract with Output Technologies in an amount not to exceed \$30,000 because it will best serve the public interest and charge the expense to the appropriate budget account in the Water and Wastewater Fund.

Background Information

In November of 1995, a contract was signed with Osprey Imaging Corporation for the outsourcing of printing and mailing services. The decision to outsource this operation was necessitated by changing the utility bills from a postcard format to an 8 1/2 by 11 sized bill. The new bill format included using a return payment envelope and having both inserted into an outer envelope. After researching the feasibility of purchasing folding/inserting equipment, the decision was made to outsource the mailing process of the billing operation, and to include the printing process as well.

After a selection process, Osprey Imaging Corporation was chosen to provide this service. Osprey Imaging was a new agency and offered rates for their services for less than \$25,000 per year. During the first six months, Finance Staff worked closely with the staff at Osprey Imaging to smooth out the bill processing problems. During the next six months, Finance Staff continued to work with Osprey Imaging staff to resolve errors in the bill processing procedures, most of which were in the mailing end of the operation.

Although some problems were corrected, the corrections were short-lived and many new problems appeared. Bills were chronically late, multiple bills were frequently not mailed, many bills were mailed at a higher postal rate, double stuffing occurred, which means some customers were not receiving their bills.

After two years, Finance Staff has concluded it is necessary to change providers of service.

Bids were solicited from three agencies. All-Pro Forms, Inc., a Westminster located agency, responded that they were unable to offer a competitive bid; Direct Mail, after showing a high level of interest, did not respond. Output Technologies was the sole respondent, and offered prices only slightly higher than those paid to the current provider of printing/ mailing services.

With only one respondent to the bid request, Finance Staff is still confident that Output Technologies will provide a quality service based on the following facts:

1. Output Technologies is a national agency with multiple processing facilities located throughout North America. Output Technologies owns and operates facilities throughout the United States and Canada. As well as Denver, Colorado, facilities are located in fifteen other cities in the United States and five cities in Canada.
2. The agency has a local processing center. If a disaster occurred, the files could easily be processed from their facility located in Kansas City.
3. Controls are built into the daily processes that afford extraordinary accuracy and allow accountability for every document, every day.
4. Output Technologies understands the importance of the City's priorities such as accuracy of bills, same day mailing and maximizing our postage savings. Processes are in place to ensure these priorities are met.
5. Five references from agencies with needs similar to ours were checked and all highly recommended Output Technologies and their services.

An alternative would be to continue with the current printing/ mailing agency and continue to try to work through the printing and mailing issues. However, Staff is convinced this alternative is not in the the best interest of the public, and will not regain our credibility with the citizens of Westminster.

A second alternative is to bring the function back in-house. This is not cost-effective, as equipment and staff time required would cost more than the current contract.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachment

Date: April 27, 1998
Subject: Bids for the 1998 Chipseal Project
Prepared by: Ray Porter, Street Projects Coordinator

Introduction

City Council action is requested to award the bid for the 1998 Chip and Sealcoat Project. Funds are available in the 1998 Department of Public Works and Utilities Street Operations Budget for this expense.

Summary

Formal bids were solicited in accordance with City Charter bidding requirements for the 1998 Chipseal Project. Bid documents were sent to the three contractors who do this type of sealcoating with one responding as follows:

A-1 Chipseal	\$168,970
Western Mobile Boulder	No Bid
GMCO	No Bid

Staff estimate for this work was: \$185,481

The low bidder, A-1 Chipseal, meets all of the City's bid requirements and has successfully completed chipseal projects in 1997, for the cities of Denver, Aurora and Frederick. A-1 Chipseal's owner has been in the business since 1981.

The chipseal application price of \$1.05 per square yard increased 25% over the 1997 price, but is comparable to 1996, when Westminster paid \$1.14 per square yard. A-1 Chipseal currently has contracts for chipsealing this year in the cities of Aurora, Denver, Loveland, and Frederick, and Adams and Douglas counties. All have been awarded without competitive bidders.

Alternatives to this project are:

1. Resurface these streets with a thin overlay of hot-mix asphalt (HMA)

With this first alternative, the cost would increase by 148%. The strength of the pavement structure would increase by less than 5%. The pavement's flexibility would not increase as it does with the polymerized asphalt used with a sealcoat, thus within 2-3 years the pavement surface would need a sealcoat.

2. Apply a Slurry seal surfacing to these streets, instead of chipseal

The initial cost with this alternative would decrease by 5% and there would be no loose aggregate. The disadvantages to this alternative are that pavement flexibility would decrease due to: the hardness and brittleness of a slurry seal and surface treatment stripping would be more prevalent after one winter, as opposed to a chipseal not stripping for at least 3 years; cracksealing would be necessary after one winter and the streets have to be totally closed during the construction process.

Staff Recommendation

Authorize the City Manager to sign a contract for the 1998 Chip and Sealcoat Project to the low bidder, A-1 Chipseal Company, in the amount of \$175,000, including a \$6,030 contingency amount, and charge the expense to the appropriate 1998 Department of Public Works and Utilities Street Division budget account.

Background Information

The 1998 Chipseal Project represents a total of 20 lane-miles of pavement surface improvements at 29 locations throughout the City of Westminster. This sealcoating project is recommended by Staff after each street segment was carefully analyzed through the computerized pavement management process. It was determined that this preventative maintenance strategy would be the most cost-effective. Staff believes this is the best sealcoat process presently available, but will continue to experiment with alternatives as they are developed.

Formal bids were solicited in accordance with City Charter bidding requirements for the 1998 Chipseal Project. Bid documents were sent to the three contractors who do this type of sealcoating. The low bidder, A-1 Chipseal meets all of the City's bid requirements and has successfully completed chipseal projects in 1997, for Denver, Aurora and Frederick.

Western Mobile Boulder has just recently gone out of business and GMCO stated that their reason for not bidding was because they are located in Carbondale, Colorado, and did not believe they could be competitive, due to the hauling costs.

In an effort to respond to citizen concerns, Staff will again be sending a letter to affected residents explaining the process of the chipseal application and what to expect during the curing period. Special attention will be given to consistent and timely inspection during the construction process and sweeping will be scheduled the day after the chipseal is applied. The new process utilizing the fogseal after sweeping was performed successfully in 1992, 1994, 1995, 1996, and 1997.

Attached is a list of the streets earmarked to receive the chipseal application in 1998.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachment

City of Westminster
Department of Public Works and Utilities
Street Division
1998 Chipseal Project Locations
April 27, 1998

1. 106th Circle, Decatur Street to Decatur Street
2. 106th Place, 106th Circle to East End of Cul-de-sac
3. Dale Court, South of 106th Circle
4. Clay Court, South of 106th Circle
5. Bryant Street, 104th Avenue to 105th Drive
6. 105th Drive, Bryant Street to Decatur Street
7. Decatur Street, 106th Circle to Elliot Street
8. 90th Avenue, Wadsworth Parkway to Carr Street
9. 76th Avenue, Sheridan Boulevard to Ingalls Street
10. 81st Avenue, Federal Boulevard to Hooker Street
11. 84th Avenue, Federal Boulevard to Lowell Boulevard
12. 97th Avenue, Federal Boulevard to Lowell Boulevard
13. 99th Avenue, Lowell Boulevard to Northpark Avenue
14. Northpark Avenue, Federal Boulevard to Lowell Boulevard
15. Irving Street, Northpark Avenue to King Street
16. 101st Circle, Irving Street to East End
17. 109th Avenue, Zephyr Street to Balsam Street
18. Zephyr Court, 108th Avenue to North of 109th Avenue
19. Ammons Street, 109th Avenue to North End
20. Allison Court, 109th Avenue to North End
21. Balsam Street, 109th Avenue to 110th Drive
22. Zephyr Street, 109th Avenue to 110th Avenue
23. 108th Place, Balsam Street to Carr Street
24. Gray Circle, Eaton Street to 109th Avenue
25. Fenton Circle, Eaton Street to 109th Place
26. 109th Place, Eaton Street to Gray Circle
27. Harlan Street, 112th Avenue to 108th Avenue
28. Ranch Drive, 112th Avenue to Northwest End
29. Wyandot Street, 112th Avenue to Ranch Drive

Date: April 27, 1998
Subject: Distribution of City Edition
Prepared by: Rigo Leal, Public Information Specialist

Introduction

City Council action is requested to authorize the City Manager to enter into an agreement in an amount up to \$30,000 with Yankee Pedler Postal Service, Inc., to provide door-to-door delivery of the award-winning Westminster Newsletter, City Edition. Funds for this expense are available in the 1998 Public Information Budget.

Summary

Every year, a contract to delivery City Edition to every household in the City is negotiated with Yankee Pedler Postal Service, Inc. There are very few door-to-door delivery companies in the metro area and only Yankee Pedler is willing to deliver the quantity necessary to cover the entire City on a timely and economical basis.

Normally, this contract would not need City Council attention. However, this year's expense exceeds \$25,000 and requires City Council action.

The contract is usually signed by the City Manager early in January, but Staff did not anticipate delivery costs exceeding the \$25,000 ceiling. For that reason, Council is asked to consider contract approval at this late date.

Staff Recommendation

Authorize the City Manager to sign a contract with Yankee Pedler in an amount not to exceed \$30,000 annually because it best serves the public interests, and charge the expense to the appropriate account in the Public Information budget.

Background

Since 1995, Yankee Pedler has delivered City Edition eight times per year (approximately every six-and-a-half weeks) to approximately 34,000 households in the City plus an additional 6,000 issues in bulk drop off sites, at cost of approximately \$25,000 per year.

The Public Information Staff would like to continue using Yankee Pedler for several reasons:

- Door-to-door service is economical. It costs about 20 cents per piece to deliver City Edition by U.S. Mail; Yankee Pedler charges 10.75 cents per piece.

- Yankee Pedler is more responsive to the City's specific needs.

Prior to 1995, City Edition was delivered by the Post Office.

The City Managers Office received double to triple the amount of complaints back then than now. Yankee Pedler is willing to rectify any problems that arise; the Post Office is usually uncaring and unresponsive to specific requests and concerns.

Door-to-door delivery is faster. Using the U.S. Post Office will add one week to the current production schedule.

Respectfully submitted,

Alan P. Miller

Acting City Manager

Date: April 27, 1998
Subject: Councillor's Bill No. re: Autumn Chase Easement Vacations
Prepared by: Mikele Pletcher, Senior Civil Engineer

Introduction

City Council action is requested on the attached Councillor's Bill to vacate a fire lane easement and a utility easement located within the Autumn Chase Subdivision, Filing No. 1 located at Grove Street and West 107th Place (see attached maps).

Summary

The recently approved Fifth Amended Official Development Plan for Autumn Chase at Wandering View necessitates the vacation of an existing fire lane easement and a utility easement that were previously dedicated to the public. There are no utilities located within the existing utility easement.

City Staff is in agreement with the owner's request that the subject easements be vacated. The City Charter mandates that Council must approve vacations via ordinance.

Staff Recommendation

Pass Councillor's Bill No. on first reading vacating the fire lane easement and the utility easement within Autumn Chase Subdivision, Filing No. 1.

Background Information

The existing fire lane easement and the utility easement were dedicated to the public in 1984 as part of the requirements set forth in the Official Development Plan for Autumn Chase at Wandering View Subdivision. Richmond American Homes of Colorado has recently amended the Official Development Plan for Autumn Chase at Wandering View which necessitates the easement vacations. The Fifth Amended Official Development Plan for Autumn Chase at Wandering View will dedicate public streets, so the easements are no longer required for fire access or public utilities.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING A FIRE LANE EASEMENT AND UTILITY EASEMENT WITHIN THE AUTUMN CHASE SUBDIVISION, FILING NO. 1

WHEREAS, a certain fire lane easement was dedicated by the plat of Autumn Chase Subdivision, Filing No. 1 (Exhibit A); and

WHEREAS, a certain utility easement was dedicated by the plat of Autumn Chase Subdivision, Filing No. 1 (Exhibit B); and

WHEREAS, the fire lane easement and utility easement are no longer necessary due to site revisions approved in the Fifth Amended Official Development Plan for Autumn Chase at Wandering View Subdivion; and

WHEREAS, the vacation is necessary to eliminate the fire lane easement and utility easement as approved in the Fifth Amended Official Development Plan Autumn Chase at Wandering View.

THE CITY OF WESTMINSTER ORDAINS:

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

Section 2. (Legal Description of Fire Lane Easement)

A parcel of land being that part of Lot 1, Block 1, Autumn Chase Filing No. 1 Subdivision, as recorded in File 16, Map 29, under reception number B479822, designated as fire lane easement, being a portion of the Southwest One-Quarter of Section 8, Township 2 South, Range 68 West of the Sixth principal Meridian, City of Westminster, County of Adams, State of Colorado being more particularly described as follows:

Basis of Bearings: The north line of the Southwest One-Quarter of Section 8, Township 2 South, Range 68 West of the Sixth Principal Meridian, being monumented at the northwest corner of said Southwest One-Quarter by a 3-1/4" aluminum cap - L.S. #16412 and at the northeast corner of said Southwest One-Quarter by a 3-1/4" aluminum cap - illegible, being considered to bear N89°40'26"E, as shown on the City of Westminster Control Network prepared by Merrick and Company, revised, dated June 05, 1995.

Easement Description

Commencing at the northeast corner of the southwest one-quarter of said Section 8; Thence S35°30'59"W, a distance of 1484.07 feet to a point on the easterly boundary line of said Lot 1, Block 1, said point also being on said fire lane easement, said point being the Point of Beginning, said point being a point on curve; Thence along said fire lane easement the following seventeen (17) consecutive courses: 1) Thence along the arc of a curve to the right whose center point bears S39°36'44"W, said curve having a delta of 05°11'27", a radius of 265.00 feet, a distance of 24.01 feet;

2) Thence S42°12'26"W, a distance of 60.84 feet; 3) Thence S21°06'44"W, a distance of 77.74 feet; 4) Thence S15°34'09"E, a distance of 58.04 feet, to a point on curve; 5) Thence along the arc of a curve to the right whose center point bears S58°50'41"W, said curve having a delta of 31°10'19", a radius of 87.00 feet, a distance of 47.33 feet; 6) Thence S00°01'00"W, a distance of 191.00 feet to a point on the southerly line of said Lot 1; 7) Thence N89°59'00"W, along said southerly lot line, a distance of 24.00 feet to the southwesterly corner of said Lot 1; 8) Thence N00°01'00"E, along said westerly lot line and said westerly line extended, a distance of 49.00 feet to a point on curve; 9) Thence along the arc of a curve to the left having a delta of 90°00'00", a radius of 20.00 feet, a distance of 31.42 feet to a point of non-tangency, said point being a point on the westerly line of said Lot 1; 10) Thence N00°01'00"E, along said westerly lot line, a distance of 24.00 feet to a point on curve; 11) Thence along the arc of a curve to the left whose center point bears N00°01'00"E, said curve have a delta of 90°00'00", a radius of 20.00 feet, a distance of 31.42 feet; 12) Thence N00°01'00"E, a distance of 10.00 feet to a point on the westerly line of said Lot 1; 13) Thence N00°01'00"E, along said westerly lot line and said westerly line extended, a distance of 68.00 feet; 14) Thence N15°34'10"W, a distance of 33.85 feet to a point on curve; 15) Thence along the arc of a curve to the right whose center point bears N58°50'41"E, said curve having a delta of 73°21'45", a radius of 132.00 feet, a distance of 169.02 feet; 16) Thence N42°12'26"E, a distance of 47.14 feet to a point on the westerly line line of said Lot 1; 17) Thence N42°12'26"E, along said westerly lot line, a distance of 13.70 feet to the Point of Beginning; Said parcel containing 11,951 square feet or 0.274 acre, more or less; and

Section 3. City Council finds and determines that the public convenience and welfare require the vacation of the utility easement described in Section 4 hereof.

Section 4. (Legal Description of Utility Easement)

A parcel of land being that part of Lot 1, Block 1, Autumn Chase Filing No. 1 Subdivision, as recorded in File 16, Map 29, under reception number B479822, designated as utility easement, being a portion of the Southwest One-Quarter of SEction 8, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, County of Adams, State of Colorado being more particularly described as follows:

Basis of Bearings: The north line of the Southwest One-Quarter of Section 8, Township 2 South, Ranch 68 West of the Sixth Principal Meridian, being monumented at the northwest corner of said Southwest One-Quarter by a 3-1/4" aluminum cap - L.S. #16412 and at the northeast corner of said Southwest One-Quarter by a 3-1/4" aluminum cap - illegible, being considered to bear N89°40'26"E, as shown on the City of Westminster Control Network prepared by Merrick and Company, revised, dated June 05, 1995.

Easement Description

Commencing at the northeast corner of the southwest one-quarter of said Section 8; Thence S35°30'59"W, a distance of 1484.07 feet to a point on the easterly boundary line of said Lot 1, Block 1, said point also being on said utility easement, said point

being the Point of Beginning, said point being a point on curve; Thence along said utility easement the following forty-six (46) consecutive courses: 1) Thence along the arc of a curve to the right whose center point bears S39°36'44"W, said curve having a delta of 09°51'40", a radius of 265.00 feet, a distance of 45.61 feet; 2) Thence S46°36'32"W, a distance of 20.00 feet; 3) Thence N50°24'32"W, a distance of 20.00 feet; 4) Thence S42°12'26"W, a distance of 38.13 feet; 5) Thence S21°06'44"W, a distance of 77.74 feet; 6) Thence S15°34'09"E, a distance of 27.04 feet; 7) Thence N74°25'51"E, a distance of 30.00 feet; 8) Thence S15°34'09"E, a distance of 10.00 feet; 9) Thence S74°25'51"W, a distance of 30.00 feet; 10) Thence S15°34'09"E, a distance of 21.00 feet to a point on curve; 11) Thence along the arc of a curve to the right whose center point bears S58°50'41"W, said curve having a delta of 31°10'19", a radius of 87.00 feet, a distance of 47.33 feet; 12) Thence S00°01'00"W, a distance of 49.00 feet; 13) Thence S89°59'00"E, a distance of 30.00 feet; 14) Thence S00°01'00"W, a distance of 10.00 feet; 15) Thence N89°59'00"W, a distance of 30.00 feet; 16) Thence S00°01'00"W, a distance of 67.00 feet; 17) Thence S89°59'00"E, a distance of 30.00 feet; 18) Thence S00°01'00"W, a distance of 10.00 feet; 19) Thence N89°59'00"W, a distance of 30.00 feet; 20) Thence S00°01'00"W, a distance of 48.97 feet; 21) Thence S89°59'00"E, a distance of 18.00 feet; 22) Thence S00°01'00"W, a distance of 6.03 feet to a point on the southerly line of said Lot 1; 23) Thence N89°59'00"W, along said southerly lot line, a distance of 42.00 feet to the southwesterly corner of said Lot 1; 24) Thence N00°01'00"E, along the westerly line of said Lot 1, a distance of 39.00 feet; 25) Thence N89°59'00"W, along said westerly lot line, a distance of 10.00 feet; 26) Thence N00°01'00"E, a distance of 10.00 feet; 27) Thence S89°59'00"E, a distance of 10.00 feet to a point on curve; 28) Thence along the arc of a curve to the left whose center point bears N89°59'00"W, said curve having a delta of 90°00'00", a radius of 20.00 feet, a distance of 31.42 feet to a point of non-tangency, said point being a point on the westerly line of said Lot 1; 29) Thence N00°01'00"E, along said westerly lot line, a distance of 24.00 feet to a point on curve; 30) Thence along the arc of a curve to the left whose center point bears N00°01'00"E, said curve have a delta of 90°00'00", a radius of 20.00 feet, a distance of 31.42 feet; 31) Thence N89°59'00"W, a distance of 12.00 feet to a point on the westerly line of said Lot 1; 32) Thence N00°01'00"E, along said westerly lot line, a distance of 10.00 feet; 33) Thence S89°59'00"E, continuing on said westerly lot line, a distance of 12.00 feet; 34) Thence N00°01'00"E, continuing on said westerly lot line and said westerly line extended, a distance of 68.00 feet; 35) Thence N15°34'10"W, a distance of 33.85 feet to a point on curve; 36) Thence along the arc of a curve to the right whose center point bears N58°50'41"E, said curve having a delta of 17°21'44", a radius of 132.00 feet, a distance of 40.00 feet; 37) Thence S76°12'25"W, a distance of 30.00 feet to a point on the westerly line of said Lot 1, said point being a point on curve; 38) Thence along the arc of a curve to the right, whose center point bears N76°12'25"E, said curve having a delta of 03°32'08", a radius of 162.00 feet, a distance of 10.00 feet; 39) Thence N76°12'25"E, along said westerly lot line, a distance of 30.07 feet to a point on curve; 40) Thence along the arc of a curve to the right whose center point bears N80°32'52"E, said curve having a delta of 51°39'34", a radius of 132.00 feet, a distance of 119.01 feet; 41) Thence N42°12'26"E, a distance of 2.83 feet; 42)

Thence N47°47'34"W, a distance of 30.00 feet to a point on the westerly line of said Lot 1; 43) Thence N42°12'26"E, along said westerly lot line, a distance of 10.00 feet; 44) Thence S47°47'34"E, a distance of 30.00 feet; 45) Thence N42°12'26"E, a distance of 34.31 feet to a point on the westerly line of said Lot 1; 46) Thence N42°12'26"E, along said westerly lot line, a distance of 13.70 feet to the Point of Beginning; Said parcel containing 14,225 square feet or 0.327 acre, more or less.

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

Section 6. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of April, 1998.

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

ATTEST:

Mayor

City Clerk

Date: April 27, 1998

Subject: Resolution No. re Park, Trail and Open Space Acquisitions

Prepared by: Bob Lienemann, Open Space Coordinator
Philo Shelton, Park Engineer

Introduction

City Council action is requested to adopt the attached Resolution authorizing the acquisition of property necessary to construct a park and trail, and to preserve a key part of the Big Dry Creek corridor for open space, trail, storm drainage and utility purposes (see attached map). Funds for these acquisitions are available from the Parks, Recreation and Libraries Capital Improvements Program and Open Space Funds.

Summary

The proposed acquisitions total approximately 18 acres, and the land is owned by Broomfield Associates, a joint venture. The property is located northeast of 128th Avenue and Zuni Street, and abuts the Amherst subdivision to the north, Quail Crossing to the northeast, Casa Estates to the east, and City Open Space to the southeast (see map).

Approximately 3.5 acres is required to construct a small park adjacent to the new Arapahoe Ridge Elementary School in the northeast corner of the property (see map). Another approximate 6.5 acres is necessary to construct a trail from the school, park and existing neighborhoods to the Big Dry Creek trail, which currently ends at 128th Avenue. A \$40,000 trail grant from Great Outdoors Colorado requires that the trail be constructed by the end of this year. Approximately eight acres of additional land is a priority for preservation, as recommended by the Open Space Advisory Board.

Staff has been negotiating with the landowner. To date, the owner requests that the City acquire only the park and trail parcels now - and through Eminent Domain. He suggests that when his plans for building homes on the larger property are submitted at a future date, the open space parcel and additional parkland could be dedicated to the City to satisfy Public Land Dedication requirements, rather than be purchased now. He is hopeful that this land to be dedicated will give him "leverage" in arguing for higher density development than that recently designated on the City's Comprehensive Land Use Plan.

Staff will consider the landowner's requests, but recommends that City Council authorize the maximum acquisition of approximately eighteen acres, if that is determined to be the best course of action. The attached Resolution authorizes the City Manager and City Attorney to continue appropriate efforts necessary to acquire these properties, including proceeding with condemnation of the property, if negotiations are not productive.

Alternatives to the proposed action:

1. Do not acquire any of the proposed property. This alternative would not provide the park adjacent to the new elementary school, as previously committed. This would also cause the City to lose this particular trail grant, and bring into question the City's ability to follow through on future grants.

The residents of this area would not have access to neighborhood park or trail facilities, and would remain "cut off" from the rest of the City's open space system.

2. Acquire only that property necessary for the park and trail connection now. Staff is recommending authorization of acquisition of the entire 18 acres at this time, if necessary, but will continue to pursue such alternatives, if they make sense.

Staff Recommendation

Adopt Resolution No. _____ authorizing the City Manager and City Attorney to execute the necessary documents to acquire from Broomfield Associates the land necessary for park, trail, open space, storm drainage and utility purposes, including through eminent domain if necessary, and charge the expenses to the appropriate project account in the General Capital Improvement Fund and Open Space Fund.

Background Information

The City and Adams County School District No. 12 are cooperating to construct the new Arapahoe Ridge Elementary School and adjacent street, utility and park improvements, at 132nd Avenue and Pecos Street, at the northeast corner of this ownership (see map). Westminster has agreed to acquire land for, and to develop a small neighborhood park adjacent to the school. This requires approximately 3.5 acres of the proposed acquisition.

The City has also committed to building a trail from the new school and park south to Big Dry Creek, and a trail crossing under 128th Avenue to connect into the existing trail. A \$40,000 matching grant has been received from Great Outdoors Colorado to help pay for the trail work. This grant requires that the work be completed by December 31, 1998. The proposed new trail would connect many residents from the north part of the City into the trails system, and on to Front Range Community College, the new College Hill Library, City Park and many other facilities. The residents can see Big Dry Creek, the open space and trail, but "can't get there from here". The proposed acquisition would eliminate conflict with trespassing on private lands.

The proposed park and trail acquisitions sever the southeastern portion of the property from the remainder. Most of this area is a lake (sometimes known as Bull Reservoir), old creekbed and wetlands. A part of the lake and wetlands was purchased from the Farmers' Reservoir and Irrigation Company in 1994 (see map). The property line between the City's open space and that land proposed for purchase runs through the middle of the lake. This site was reviewed and recommended as a high priority acquisition by the Open Space Advisory Board. Acquisition of the open space area would also allow for utility, irrigation ditch and storm drainage improvements, and allow for an additional future trail extension eastward along Big Dry Creek.

Staff will continue to negotiate, and to consider any options that the landowner may propose. The owner's desires may change in the next few months, or his consultants might argue that the City has damaged the southeast portion of the property by severing it from the remainder.

Given these uncertainties, and the time constraints with the park and the trail construction deadlines, Staff recommends authorization to acquire the approximate 18 acres maximum of land necessary for park, trail and open space. If negotiations arrive at a smaller acquisition, no further authorization is required. If the entire area is purchased now, cash in lieu of Public Land Dedication could be paid by the developer in the future, to reimburse the appropriate Funds.

The area to be acquired for the trail connection is proposed to generally be 50 feet in width, the minimum necessary to grade and construct a trail with appropriate curves. This trail width will allow some separation from adjacent rear yards, fences and barking dogs. This width will also allow for the trail to curve around several wet areas, for better layout and maintenance. The proposed acquisition widens at 128th Avenue, to allow flexibility in crossing under the street, and to avoid existing wetlands in this area. This also allows room for a branch trail to extend eastward toward Huron Street.

The proposed open space acquisition would primarily preserve the floodplain area of Big Dry Creek. Only small areas outside the floodplain would be acquired, which are necessary for trail construction above frequent high water level, and away from key wildlife habitats. These small areas outside the floodplain would also allow for continued streambed meandering and bank erosion, would provide a safety buffer for adjacent development, and would straighten property lines to avoid paying damages for small, undevelopable "remainder" areas along the lake and wetlands.

Preserving the floodplain area would allow the existing stream, lake, wetlands, large trees, native grasses and wildlife to continue in these locations, as the City builds out. A biological inventory of the natural condition of this property ranked its value very high in comparison to other areas within the City, and the biologists strongly encouraged preservation. The Big Dry Creek corridor has been, and remains a high priority for preservation from the Open Space Advisory Board recommendations and from previous City Council review.

The proposed acquisitions would enhance water quality by slowing runoff and by preserving wetlands and flood storage areas. This area would include the Bull Canal diversion from Big Dry Creek and Westminster's sanitary sewer utility lines, allowing access for maintenance when necessary, and would keep development out of the floodplain areas, avoiding insurance and flooding issues. Acquisition of this parcel would preserve views along the creek from 128th Avenue.

The lands proposed for purchase fit the criteria for the selection of Open Space properties very well. The Open Space Advisory Board has toured this property, and highly recommends that this property be acquired and preserved.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. _____

INTRODUCED BY COUNCILLORS

SERIES OF 1998

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to obtain the parcel of land shown on the attached map to construct a park and trail, and to preserve a key portion of the Big Dry Creek corridor for open space, trail, storm drainage and utility purposes; and

WHEREAS, the City desires to enter into negotiations and make an earnest good faith offer of purchase for the subject parcel; and

WHEREAS, a municipal public purpose exists to acquire the property; and

WHEREAS, legal counsel for the City of Westminster deems it to be in the best interest of the City to acquire the property by the City's right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of the parcel described in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to reserve those lands necessary for park, trail, open space, storm drainage and utility purposes.

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

1. The City Manager is hereby authorized to establish the minimum just compensation to be offered to acquire the property.
2. City Staff is authorized to continue negotiations to acquire the parcel and interests identified on the attached map on the basis of the appraised value, or such other amounts as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation.
3. The City Manager is hereby authorized to acquire such parcel consistent with applicable law, including the execution of all documents necessary to complete the purchase.
4. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the property in question, including proceeding with condemnation of the property in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the property should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request immediate possession of the necessary property interests.
5. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the property in question, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The costs shall be charged to the Parks, Recreation and Libraries Capital Improvement Program and Open Space accounts as appropriate.

6. The City Manager is hereby authorized to establish the legal description of the parcels to be acquired, consistent with the attached map, and to amend the legal descriptions of the parcels to be acquired, and the nature of the interests to be acquired, if necessary.

PASSED AND ADOPTED this 27th day of April, 1998.

Mayor

ATTEST;

City Clerk

Date: April 27, 1998

Subject: Huron Street Preliminary Design Contract

Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to authorize a contract with the Sear-Brown Group for preliminary design of improvements to Huron Street north of 128th Avenue. The contract amount is \$125,000, and funds have been appropriated in the 1998 General Capital Improvement Fund for this expense.

Summary

The Huron Street corridor north of 120th Avenue continues to experience development and increasing traffic volumes. The 1998 Capital Improvement Program included \$150,000 to begin to evaluate near-term and ultimate needs for Huron Street between West 128th Avenue, which intersection was recently improved, and West 144th Avenue.

Proposals for preliminary design were secured from 15 firms in response to the City's request. The Request for Proposal described in broad terms what the preliminary design project needed to accomplish within a budget of \$125,000 (leaving \$20,000 for design contingencies since \$5,000 has already been authorized for miscellaneous expenses). The best of the proposals recognized the significant challenge of designing the Huron Street crossing over Big Dry Creek where the floodplain affects both upstream wetlands and the City's Water Reclamation Facility immediately downstream of Huron Street.

Of the three firms interviewed, Sear Brown was seen to have the best combination of technical expertise and experience with similar projects. They also have a considerable amount of background information on the Big Dry Creek corridor in the same area. That experience represents good value to the project and should allow other aspects of the effort to receive additional time and attention.

Alternatives to awarding the contract to Sear-Brown include choosing one of the other two firms as well as not proceeding with preliminary design at all. Because of growing development pressure on the Huron Street corridor, delaying or abandoning the preliminary design effort is not recommended.

Staff Recommendation

Authorize the City Manager to execute a contract for preliminary design of Huron Street from 128th Avenue to 144th Avenue with the Sear-Brown Group in the amount of \$125,000 because it best serves the public interests; authorize a contingency amount of \$20,000 and charge the total of \$145,000, to the appropriate project account in the General Capital Improvement Fund.

Background Information

Improvements to the intersection of 128th Avenue and Huron Street were completed in 1997 in response to the growing traffic demands being placed on the Huron Street corridor north of 120th Avenue. Described as the Northeast Area in the Westminster Comprehensive Land Use Plan, the area is largely vacant, but has large developable properties on either side of Huron Street. A study presently under way is considering interchange locations for I-25 at 128th, 136th and 144th Avenues. The area will clearly be an important economic development area for the City in the future.

The 1998 Capital Improvement Program budget included \$150,000 for the study of transportation and utility improvements that would be necessary for Huron Street in the near and long-term. The work would include the review and summarizing of regional and local plans and studies of traffic, utility and drainage conditions, and development of a set of recommendations for the future Huron Street infrastructure.

A Request for Proposals was published in March, and 15 firms responded. Since preliminary design can be defined many different ways, the Request gave broad guidelines for the expected scope of work and the desired outcome. The proposers were asked to describe in more detail what planning elements and technical analysis would be accomplished within a budget of \$125,000. From Staff's point of view, the reconciliation of problems associated with the Big Dry Creek floodplain crossing Huron Street is the primary technical challenge. The successful firm would need to recognize this and demonstrate their strength in combining technical expertise in hydraulics and roadway design.

During a major storm, Huron Street is now overtopped by the flows in Big Dry Creek. This occurred in 1995, and a single culvert was washed out. Immediately downstream of Huron Street, the City's Water Reclamation Facility is subject to shallow flooding both from Huron Street overtopping and from the effect of a backup at a culvert under I-25. The latter of these causes is now being studied by the Sear-Brown Group and solutions are being developed. The Huron Street crossing of Big Dry Creek will need to be upgraded significantly, possibly to a bridge or series of box culverts. The technical analysis of this problem and the coordination with floodplain analysis downstream of Huron Street are the focus of this project.

Three firms from the 15 who proposed on the project were interviewed as follows:

Drexel Barrell, Inc.
Nolte and Associates
The Sear-Brown Group

Primarily because of their technical expertise and their experience with the hydraulics of Big Dry Creek, Staff is recommending the Sear-Brown Group be awarded this contract. The study of modifications to Big Dry Creek adjacent to the City's Water Reclamation Facility is a Sear-Brown project. Information they already have allows them a head start on the hydraulics aspect of the Huron Street project and should result in more time and attention being available for evaluation of transportation, utility and other components of preliminary design.

Both of the other firms are technically qualified, but choosing Sears-Brown seems to represent the best value. Alternatives would also include abandoning the preliminary design project, but given the significant development pressure and increasing demands on the Huron Street infrastructure, the "do nothing" alternative is not desirable.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachment

Date: April 27, 1998
Subject: City Park Artwalls Funding
Prepared by: Karen Layfield, Management Assistant

Introduction

City Council action is requested to authorize the City Manager to execute a contract with artist Ken Williams in the amount of \$40,000 for the purpose of completing Phase I of the City Park Artwalls project. Funds for this expense are available in the 1998 General Capital Improvement Fund Community Enhancement project account.

Summary

In June 1997, the City of Westminster and the Westminster Community Artist Series dedicated eight of thirteen brick sculpted artwalls included in Phase I of the City Park Artwalls project. Total cost for the eight walls was \$50,000 which included \$20,000 awarded to the Westminster Community Artist Series from 1993 and 1994 Scientific and Cultural Facilities District (SCFD) Tier III grants from the Jefferson County Cultural Council.

Artist Ken Williams, selected by the Artwalls Task Force and approved by City Council, designed and installed the first part of Phase I of the Artwalls project. Mr. Williams has purchased materials for the completion of the five remaining walls with funding through a 1996, \$4,500 SCFD grant.

Staff Recommendation

Authorize the City Manager to sign a contract with artist Ken Williams of Pueblo, Colorado in the amount of \$40,000 to complete the five remaining walls of the City Park Artwalls Phase 1 project because it best serves the public interests and charge the expense to the appropriate Community Enhancement project account in the General Capital Improvement Fund.

Background Information

In mid-1992, the Westminster Community Artist Series and the Westminster City Council formed a joint committee to pursue arts promotion and funding for the Jefferson County portion of the City.

The joint committee agreed to seek Council's direction in resuming the City Park Artwalls project. City Council voiced their support of a Jefferson County Cultural Council SCFD grant application for the City Park Artwalls brick sculpture project. A resolution, required in the grant process, showed public support in a pledge of \$20,000 in matching funds for the project. The \$20,000 came from the City Park Phase II Capital Improvement Project account.

Two grant applications, cooperatively written by Parks, Recreation and Libraries Staff and the Westminster Community Artist Series, were submitted to the Jefferson County Cultural Council in 1993 and 1994 requesting \$40,000 for Phase I of the Westminster City Park Artwalls. A total of \$20,000 was received.

The Artwalls project is the resumption of the City's 1987 Art in the Park regional competition which sought to commission site-specific outdoor artwork. A jury selected artist Ken Williams of Pueblo, Colorado and recommended his work to City Council in 1988. Although the project was tabled for economic reasons, the current joint committee presented his work to Council and received support to continue with the project.

It has been the joint committee's goal to realize phased completion of this project within 4-5 years with annual application to the Jefferson County Cultural Council. Decreasing amounts of SCFD funds has delayed the completion of this project substantially. With completion of Phase I, effort to receive individual and corporate donations with additional annual application for SCFD funding will be made.

It should be noted that Mayor Heil was the City Council's liaison for this project.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Date: April 27, 1998

Subject: Bond Counsel and Special Counsel for Proposed Water and Wastewater Utility Enterprise Bond Issue

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to authorize the City Manager to execute a negotiated special legal counsel contract with Ballard Spahr Andrews & Ingersoll for bond counsel services in connection with the recent \$4 million Water and Wastewater Enterprise Bond Issue in conjunction with the Colorado Water Resources and Power Development Authority. Funds for this expense are available in the appropriate Water and Wastewater Fund project account.

Summary

The City of Westminster, acting by and through its Water and Wastewater Utility Enterprise, and pursuant to a Loan Agreement with the Colorado Water and Power Authority, borrowed \$4.088 million for the purpose of supplemental funding for the design and construction of the Water and Wastewater Enterprise's Reclaimed Water Pipeline Project.

The \$4.088 million in funds was financed through the Colorado Water and Power Authority and will be secured by the Enterprise's Government Agency Bond which in turn is secured by Water and Wastewater Fund revenues.

As with the original \$13.2 million bond (May, 1997), it was necessary to obtain the services of Bond and Special Counsel to assist in reviewing the Loan Agreement with the Authority, and in rendering an opinion to the Authority concerning the enforceability of this bond.

The law firm of Ballard Spahr Andrews & Ingersoll offered to provide Bond and Special Counsel services for this financing for an amount not to exceed \$13,000.

Staff Recommendation

Authorize the City Manager's execution of an agreement with Ballard Spahr Andrews & Ingersoll in an amount of \$13,000 for bond counsel and special counsel services in connection with the City's issuance of the City's \$4.088 million Water and Wastewater Revenue Enterprise Governmental Agency Bond to the Colorado Water Resources and Power Development Authority.

Background Information

As part of this financing, the Colorado Water and Power Authority is requiring an opinion from nationally rated bond counsel concerning the enforceability of the Enterprise's bond. It is necessary for the City to retain bond counsel to assist in structuring this loan and to render this opinion.

Bond counsel also reviews on behalf of the City and the Enterprise the secondary market disclosure required by the Authority and the information relating to the City and the Enterprise contained in the official statement of the Authority.

The Authority issues its own bonds to obtain the funds it then makes available for local water and wastewater utilities to apply for to fund local projects such as the Effluent Pipeline Project.

City Charter section 4.14 requires City Council approval of all agreements with outside legal counsel.

Ballard Spahr's proposed fee of \$13,000 is reasonable for this bond issue. In the past, the City has paid from \$12,000-\$20,000 for similar bond issues. For example, the City paid \$17,000 for bond counsel services in connection with the \$13.2 million effluent pipeline issue in May, 1997. The City paid \$18,000 for bond counsel services in connection with the City's Sales and Use Tax/G.O. Water Bond Issues (1992), \$12,000 in connection with the City's 104th Avenue SID Refunding (1995), \$12,000 for the City's first Enterprise Bond Issue in the amount of \$20 million for water acquisitions (1994), and, through a competitive bidding process, \$15,000 for the proposed Streets, Trails, and Library Bond Issue (1992).

Based on past bond issues in which Ballard Spahr Andrews & Ingersoll has represented the City, the City Attorney's office believes that this firm possesses the desired background and knowledge to meet the City's needs.

A letter/proposal from Ballard Spahr Andrews & Ingersoll is attached which includes details of their proposed services.

An alternative approach would be to consider an alternate firm; this is not recommended, as Ballard Spahr et al, has the prior experience with the original May, 1997 issue, and was able to provide the services without having to study the contents of the original issue.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachment

Date: April 27, 1998

Subject: Professional Services for Portfolio Investment Management

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council action is requested to approve a professional services contract between the City and American Money Management Associates Inc. (AMMA), a corporation that performs portfolio management and investment advisory services. Funds for this expense will be negotiated within the City's interest portfolio.

Summary

In September of 1997, bids were solicited from four firms which provide portfolio management and investment advisory services to municipalities. All four firms responded with bid packages. The bid packages were reviewed by the Finance Director and the Financial Manager, and the firm that was deemed to be the best candidate for providing the services needed at the lowest price was American Money Management Associates, Inc. (AMMA, Inc.).

Staff Recommendation

Authorize the Finance Director to sign a contract for portfolio management and investment advisory services on an ongoing basis with AMMA, Inc., at a cost of 7.5 basis points per year (.075%) of the total market value of the Operating Portfolio.

Background Information

In 1997, Staff reviewed internal controls and investment procedures in the Finance Department. Comments from the City's auditors included support for clear separation of duties. In addition, Staff time had to be directed toward the increasing demands of implementing an active debt management program. This detracted from staff time devoted to active investment management. Lastly, the resignation of the Finance Manager (retitled Treasury Manager) allowed staff to evaluate the description of this position.

Staff determined that outsourcing the portfolio management function was prudent for the following reasons:

- Internal controls and investment procedures would be enhanced and clarified.
- Interest earnings would improve with re-introduction of active portfolio management.
- Existing staff time could be spent more productively on projects of significantly greater importance over the next several years.

Staff estimated current costs of the investment function at approximately \$25,000 per year (in two divisions: Accounting and Treasury), or 3.13 basis points (3.13 bp = .0313%) of the value of the portfolio.

Costs for outsourcing the portfolio management would range from 4 bp to 10 bp, or \$32,000 per year to \$80,000 per year. The difference is estimated at \$7,000 to \$55,000 per year, or 1 bp to 7 bp per year.

Prior experience has also shown that the increase in interest earnings of 10-15 bp due to active portfolio investing should more than offset the cost of outsourcing the investment function.

In a separate action, the Volunteer Fire Fighters decided to outsource the portfolio, also, as their concerns regarding internal controls, staff time and interest earnings mirrored the City's concerns.

In September of 1997, a letter requesting bid information for portfolio management and investment advisory services was sent to: AMMA, Inc; Gill & Associates; Norwest Investment Management & Trust; and UBAN Associates. All four firms responded with bid packages.

The bids were reviewed and evaluated based on objective criteria such as years of firm experience, fees, references and location. The decision was made to recommend AMMA, Inc., for the following reasons:

1. AMMA provides the greatest level of experience for the lowest cost. (The fees charged by UBAN Associates were slightly less; however, UBAN Associates are not qualified due to firm expertise and their inability to manage the pension portfolio for the Volunteer Fire Fighters.)
2. Reference checks included several cities and pooled funds in the state. The firm is known nationally, held in very high regard and received extremely positive reviews.
3. The firm is also headquartered locally, knows state law, knows the local banks, and knows the City's broker/dealers.

UBAN Associates' proposal included fees ranging from 4 to 6 basis points (\$40,000 to \$60,000). However, this firm was not able to manage the Volunteer Fire portfolio directly (the bid referred the management of the Volunteer Fire portfolio to a "sister company"). Further, expertise in municipal investment practices, including legal restrictions, is an essential component of the contract requirements. UBAN Associates has only three clients, all of which are banks; they have no direct municipal portfolio management experience, and none in Colorado where statutes are unique.

An alternative would be to offer the contract to one of the other firms (Gill & Associates or Norwest Investment Management and Trust). However, these firms quoted significantly higher fees (10 basis points and 9 basis points respectively). The proposals did not reflect any significant increase in value over AMMA, Inc. Therefore, this alternative is not recommended.

An additional alternative would be to continue to manage the portfolio in-house. This is not recommended due to lack of proper internal controls, impact on interest earnings and staff time.

Respectfully submitted,

Alan P. Miller, Acting City Manager
Attachment

Date: April 27, 1998

Subject: Professional Services Contract for Arbitrage Compliance

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council action is requested to approve a professional services contract between the City and Arbitrage Compliance Specialists, Inc., a corporation that performs arbitrage compliance consulting and rebate calculation services for municipal bond issuers. Funds for this expense are anticipated to be available within the Finance Department and General Capital Improvement Fund budgets.

Summary

In June of 1997, bids were solicited from three firms which provide arbitrage rebate calculation and arbitrage compliance consulting services to municipal bond issuers. Two firms responded with bid packages; the third firm declined to bid. The bid packages were reviewed by the Finance Director and the Financial Manager, and the firm that was deemed to be the best candidate for providing the services needed at the lowest price was Arbitrage Compliance Specialists, Inc.

Staff Recommendation

Authorize the Finance Director to sign a contract for arbitrage consultation and rebate calculation services with Arbitrage Compliance Services, Inc., for a cost not to exceed \$40,500 and charge the expense to the appropriate Finance Department and General Capital Improvement Fund budgets.

Background Information

Under federal regulations, first issued in 1986, and amended several times since, certain limits are placed on interest earnings on bond proceeds and certain requirements are in place regarding spending bond proceeds. For each issue, the federal regulations require annual calculations for years 1-4 and preparation of certain reports for year 5 and year 10.

During the first six months of 1997, Staff undertook a comprehensive review of all bond issues and the related arbitrage rebate calculations. Prior to 1997 all compliance calculations and monitoring was performed by Staff. During the review, staff determined there were errors made and certain reports not prepared, due to the changing and complex nature of the federal regulations. Of the eighteen (18) bond issues reviewed, eleven (11) require additional work. The level of work varies from issue to issue, depending on the version of the regulations which applies, prior staff work done (or not done) and the status of the issue (current, refunded, retired).

Staff evaluated the cost effectiveness of outsourcing the work (which will range from a minimum of \$15,400 to a maximum of \$40,500) against performing the work in-house. Staff estimated having to add a full-time person, which would result in costs higher than \$40,500. Due to the complex and technical nature of the task and due to other significant staff commitments, Staff made the decision to recommend outsourcing the work.

In June of 1997, a letter requesting proposals for arbitrage compliance consulting and rebate calculation services was sent to three firms: Arbitrage Compliance Specialists, Inc. ("ACS"); MuniFinancial; and Vining-Sparks, Inc. ACS and MuniFinancial responded with proposals; Vining-Sparks declined to bid.

The proposals submitted by ACS and MuniFinancial were reviewed and evaluated based on objective criteria such as firm expertise, fees, references and location. While both firms are qualified, the decision was made to recommend ACS, for the following reasons:

1. ACS provides more comprehensive tax reporting and representation services:
 - The Director of ACS, Janet Sacks, has the greater level of experience and expertise in the field of arbitrage compliance.
The firm was highly recommended by bond counsel, Sherman & Howard, and has numerous Colorado clients.
 - ACS also has a tax attorney on staff (MuniFinancial contracts with an outside firm, which could reduce accountability and increase costs).
2. Fees are competitive across the scale. In several items frequently used, their fees are least cost. The fees quoted by ACS include all necessary services for the City's outstanding bond issues (11 issues) for the next ten years. The estimated fees range from \$15,400 to \$40,500 because until the work is begun, ACS will not know precisely how many calculations are needed.
3. Reference checks included two other cities in Colorado, and were very positive.
4. The firm is headquartered locally which greatly facilitates training and collaborations.

Staff has also planned for the fees for other bonds issued in late 1997 (WEDA) and 1998 (Ice Centre, Golf Course, Conference Center). Fees for arbitrage calculations for these issues and all future bond issues will be paid for out of costs of issuance, and will not need to be paid for in this contract.

An alternative would be to seek out and solicit bids from a wider range of firms providing these services, including law firms. However, arbitrage compliance consulting and rebate calculation services are specialized fields, and there are few firms nationwide (outside of law firms) that perform such services. In selecting the firms originally contacted, staff researched the field and selected the best available firms for solicitation. Expanding the range of firms would probably not result in an increase in quality responses.

Another alternative would be to perform the calculations in-house. This has been done in past years and is not recommended as staff expertise is not available. Prior calculations done by Staff have been determined to be incorrect.

In addition, federal regulations, having changed 13 times since 1986, when first promulgated, making compliance calculations complex and difficult. Lastly, with the increase in number of bond issues since 1996, staff time required for these calculations has increased significantly. In short, by outsourcing this project, the City will spend less than keeping the function in-house, and the calculations will be more accurate and complete.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachments

Date: April 27, 1998
Subject: Change Date for Last Council Meeting in May
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to change the date of the last Council meeting in May at this time.

Summary

The last City Council meeting of May would normally be held on Monday, May 25th, which is Memorial Day and City Hall will be closed that day in observance of this holiday.

Council recently discussed changing the date of this meeting to May 18th and eliminating one Study Session during May.

Council is requested to formally change the date of the last Council meeting in May to Monday, May 18th.

Staff Recommendation

Change the date of the last City Council meeting in May from May 26th to Monday, May 18th.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Date: April 27, 1998
Subject: Quarterly Insurance Report
Prepared By: Nancy Winter, Risk Management Specialist

Introduction

The following is a list of third party claims filed with the City from January 1, 1998 through March 31, 1998. No Council action is required at this time.

Summary

The information provided on each claim includes the claim number, date of loss, claimant's name and address, a brief 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 to make sure that the interests of both the City and the citizen are addressed in each instance. All of the claims listed in this report are in compliance with City Ordinance No. 1411 of 1984.

Staff Recommendation

Staff is not recommending any action at this time.

Background Information

The Risk Management Division received the following claims during the first quarter of 1998:

1. WS16688001 Date of Loss: December 17, 1997. Mary Ann Roberts, 5012 West 70th Court, Westminster, CO 80030. Claimant alleges the City is responsible for shutting off her gas service and for the fee incurred when she had the service turned back on. CIRSA denied the claim and referred claimant to Public Service Co. for reimbursement of damages.
2. WS16688002 Date of Loss: January 2, 1998. Roger James, 7130 Alcott Street, Westminster, CO 80030. Claimant alleges the City is responsible for damage done to his plumbing and hot water heater that occurred while City crews were repairing a water main break. CIRSA settled the claim for \$230.
3. WS14638003 Date of Loss: January 9, 1998. Laura Wood, 3441 West 95th Avenue, Westminster, CO 80030. Claimant alleges that a City employee driving a snow plow backed into her vehicle and caused damage to her property. CIRSA settled the claim for \$2,065.89.
4. WS10358004 Date of Loss: January 12, 1998. Shane Teggart, 9505 Otis Street, Westminster, CO 80021. Claimant alleges that a police officer damaged his fence while making an arrest. CIRSA denied the claim.

5. WS16688005 Date of Loss: January 20, 1998. Mary Smith, 9633-D Brentwood Way, Westminster, CO 80021. Claimant alleges a City employee in a Utility Division vehicle backed into her parked car. CIRSA settled the claim for \$540.79.

6. WS16688006 Date of Loss: January 29, 1998. Sammy Lok Chan, 8071 Raleigh Place, Westminster, CO 80030. Claimant alleges an employee in a Utility Division vehicle turned illegally and hit his vehicle, causing damage. CIRSA settled the claim for \$779.43.

7. WS10358007 Date of Loss: December 10, 1997. Ronald Dominick, 6817 Braun Court, Arvada, CO 80004. Claimant alleges a police officer driving a patrol car hit his vehicle after Mr. Dominick had already hit the vehicle in front of him. Claimant seeks the cost of repairs to the rear of his vehicle, and 50% of the cost of repairs to the front of his vehicle and the rear of the third driver's vehicle. CIRSA is investigating the claim.

8. WS10358008 Date of Loss: July 19, 1997. Robert Sichko, 350 South Taft, Louisville, CO 80027. Claimant alleges the City is responsible for damages to his vehicle caused when a police officer driving a patrol car collided with his vehicle. Claimant seeks approximately \$600 in damages. CIRSA is investigating the claim.

9. WS10358009 Date of Loss: July 25, 1997. Kaiser Permanente, 2550 South Parker Road, Aurora, CO 80014. Kaiser Permanente alleges that the City is responsible for medical bills incurred by their insured, Noah Gunn, during an alleged altercation with Westminster Police Officers. Claimant seeks reimbursement in the amount of \$2,900.43 in medical expenses. CIRSA is investigating the claim.

10. WS12498010 Date of Loss: February 19, 1998. Drew Holcombe, 3057 West Scott Place, Denver, CO 80211. Claimant alleges a Parks Division employee in a City vehicle backed into his car, causing approximately \$1,000 in damage. CIRSA is investigating the claim.

11. WS14638011 Date of Loss: March 18, 1998. Franklin Phillips, 9850 North Federal Blvd., #169, Denver, CO 80221. Claimant alleges a Street Division employee operating a snow plow backed into his vehicle, causing approximately \$1,500 in damages. CIRSA is investigating the claim.

12. WS14628012 Date of Loss: June/July, 1997. Russ Scohy, P.O. Box 17041, Boulder, CO 80308. Claimant alleges that a City contractor, Western Mobile Paving, illegally stored equipment on claimant's property. Claimant seeks \$6,000 in damages. CIRSA is investigating the claim.

Respectfully submitted,

Alan P. Miller
Acting City Manager

Date: April 27, 1998
Subject: Financial Report for March 1998
Prepared by: Mary Ann Parrot, Finance Director

Introduction

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

Summary

There are three sections to the attached report:

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

General Fund revenues represent 23% of the total budget estimate while General Fund expenditures and encumbrances represent 23% of the 1998 appropriation. The General Fund budget reflects an increase of \$36,362 for a VALE grant.

Utility Fund revenues represent 22% of the total budget estimate. Utility Fund expenditures and encumbrances represent 35% of the 1998 appropriation.

The Sales and Use Tax Fund revenues represent 27% of the total budget estimate, while expenditures and encumbrances in that fund represent 25% of the 1998 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 15% from the same period last year and increased 12% year-to-date.

The Open Space Fund revenues represent 30% of the total budget estimate while expenditures and encumbrances in that fund represent 24% of the 1998 appropriation.

The Golf Course Fund operating revenues represent 2% of the total budget estimate while operating expenditures represent 11% and encumbrances represent 13% of the 1998 appropriation. The Golf Course budget increased \$3.7 million due to borrowing POST bond proceeds while financing is being arranged.

Theoretically, 25% of revenues and expenditures should be realized after three months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background Information

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

Respectfully submitted,

Alan P. Miller
Acting City Manager

Attachments