



WESTMINSTER
COLORADO
AGENDA

MAY 10, 1999
7:00 P.M.

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 (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

- 1. Pledge of Allegiance – Cub Scout Pack 405 Den 6**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
 - A. Presentation of 25 Year Service Award Bonus Check to Cliff Coffman
 - B. Proclamation re Public Works Week – May 16-22, 1999
- 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. Bids for Refuse Truck from Faris Machinery for \$59,464
 - B. 72nd Avenue and 80th Avenue Water Line Replacement Bid award to Ricor Inc for \$573,205
 - C. Design of 92nd Avenue Waterline to Integra Engineering for \$62,109
 - D. Design of Sunset Ridge Lift Station to Burns and McDonnell for \$43,805
 - E. Phase II Construction Channel Improvements at Hyland Creek Open Space at 100th Avenue & Sheridan Boulevard to Wycon Construction for \$26,284
 - F. Councillor's Bill No. 14 on second reading Establishing Cost Recoveries for 128th Avenue and Huron Street Project (Merkel-Allen)
 - G. Councillor's Bill No. 16 on second reading re Lucent Technologies Assistance Package for the new 480,000 square foot building to be built at 120th Avenue and Huron Street (Dixon-Merkel)
 - H. Councillor's Bill No. 17 on second reading re 1999 Budget Appropriation Amendment moving funds to the Heritage Golf Course Enterprise Fund (Atchison-Allen)
 - I. Councillor's Bill No. 18 on second reading re Vacation of Right-Of-Way north of US 36 and 104th Avenue (Allen-Merkel)

9. Appointments and Resignations

None

10. Public Hearings and Other New Business

- A. TABLED - Intergovernmental Agreement with City of Arvada addressing issues of Northwest Parkway, cleanup of Rocky Flats, annexation boundaries, revenue sharing and Standley Lake Regional Park
- B. Hyland Hills Ice Arena Management Agreement for 94th Avenue & Perry Street Facility
- C. Councillor's Bill No. 19 re Hyland Hills Ice Arena Lease Agreement for 94th Avenue & Perry Street Facility
- D. Public Hearing re Martin Annexation and Zoning located east of Teller St north of 92nd Ave
- E. Annexation Agreement with Asbury Homes. located east of Teller St north of 92nd Ave
- F. Resolution No. 31 re findings of fact required by State Statute regarding annexation of Martin property. located east of Teller St north of 92nd Ave
- G. Councillor's Bill No. 20 Annexing the Martin property located east of Teller St north of 92nd Ave
- H. Councillor's Bill No. 21 zoning the Martin property Planned Unit Development
- I. Preliminary Development Plan for Asbury Park, Filing #2 located east of Teller Street north of 92nd Avenue
- J. Resolution No. 32 re Foster Property Annexation 143.6 acres at NEC Huron Street and 136th Avenue finding of statutory requirements and setting public hearing date of June 14, 1999
- K. Public Hearing re Parking Code Revisions re off-street parking standards
- L. Councillor's Bill No. 22 re Parking Code Revisions making comprehensive revisions to off-street parking standards
- M. Purchase of Conservation Easement of 12 acres along Walnut Creek for Open Space Purposes
- N. Resolution No. 33 re Park Services Staffing adding 4 full time benefited Park worker positions
- O. Walnut Creek Trail Crossing at Heritage Golf Course change order with Randall & Blake for \$40,910

11. Business and Passage of Ordinances on Second Reading

None

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

- A. City Council
- B. Request for Executive Session
 - 1. Negotiations and Legal Advise re Growth Management Plan

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 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, MAY 10, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Cub Scout Pack 405, Den 6 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, Hicks and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Hicks to accept the minutes of the meeting of April 26, 1999 with no additions or corrections. The motion carried unanimously.

A motion was made by Merkel and seconded by Hicks to accept the minutes of the special meeting of May 3, 1999 with no additions or corrections. Councillor Smith requested to abstain as she was not present at the meeting. The motion carried with 6 aye votes and Councillor Smith abstaining.

PRESENTATIONS:

Mayor Heil presented a \$2,500 check Street Operations Foreman Cliff Coffman in recognition of his 25 years of service to the City.

Mayor Heil presented a proclamation to Street Operations Foreman Cliff Coffman and Director of Public Works and Utilities Ron Hellbusch proclaiming the week of May 16-22 as Public Works Week in the City of Westminster.

CITIZEN COMMUNICATION:

Donna Ardwin, 9550 Teller Street, submitted a petition with 250 signatures in opposition to the construction on 96th Avenue between Teller Street and Pierce Street.

Dusty Richardson, 781 Jennie Drive, Denver, addressed Council asking the City to recognize non-resident disabled discounts at the City's recreation centers.

Duane Wood, 9551 Pierce Street, and Ray Williams, 6981 W. 95th Avenue, addressed Council in opposition to the construction on 96th Avenue between Teller Street and Pierce Street.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher asked Council to change the date of the first Council meeting in June to June 7 and the Study Session to June 14. A motion was made by Allen and seconded by Atchison to change the date of the first City Council meeting in June to June 7, and the first Study Session in June to June 14. The motion carried unanimously.

CITY COUNCIL COMMENTS:

Mayor Heil congratulated City Manager Bill Christopher who received the prestigious Leo C. Riethmayer Outstanding Public Administrator Award, recognizing his 31 years of leadership in the City of Westminster, at an awards banquet held at the University of Colorado at Denver.

Councillor Allen also congratulated City Manager Bill Christopher on his receiving the Riethmayer Award and that he was present at the University of Colorado at Denver for the presentation. Mayor Pro Tem Merkel thanked the Parks and Recreation Staff who assisted the Foothills Parks and Recreation District in the cleanup of the memorial for the Columbine High School incident.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Purchase of Refuse Truck – Award bid for a refuse truck to the low bidder, Faris Machinery Company, in the amount of \$59,464 and charge the expense to the appropriate 1999 Parks, Recreation and Library budget account; 72nd Avenue and 80th Avenue Water Line Replacement – Authorize the City Manager to sign a contract with the low bidder, Ricor Inc., in the amount of \$573,205, because it is in the best interests of the City, for the 72nd Avenue and 80th Avenue Water Line Replacement projects; authorize a budget of \$573,205 with a contingency budget of \$85,980; and, charge the expenses to the appropriate project accounts in the Utility Fund; Design of 92nd Avenue Waterline - Authorize the City Manager to sign a contract with Integra Engineering in the amount of \$62,109 because it is in the best interests of the City for the design of the 92nd Avenue Waterline and further authorize \$9,300 for major design contingency and charge the costs associated with this work to the appropriate capital project account in the Utility Fund; Design of Sunset Ridge Lift Station - Authorize the City Manager to sign a contract with Burns and McDonnell in the amount of \$43,805 for the design of the Sunset Ridge Sewage Lift Station and authorize a \$6,500 for contingency, and charge the cost associated with this work to the appropriate project account in the Utility Fund; Phase II construction Channel Improvements Hyland Creek Open Space - Authorize the City Manager to sign a contract with Wycon Construction in the amount of \$26,284 plus a 15% contingency of \$3,943 for a total contract price of \$30,229 for channel reconstruction at the Hyland Creek Open Space site, and charge this expense to the appropriate account in the 1999 Open Space Fund; Councillor's Bill No. 14 – 128th Avenue Cost Recoveries; Councillor's Bill No.16 – Lucent Technologies Assistance Package; Councillor's Bill No. 17 – 1999 Budget Appropriation Amendment; and Councillor's Bill No. 18 – Right of Way Vacation.

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 Allen and seconded by Atchison to adopt the Consent Agenda items as presented. The motion carried unanimously.

HYLAND HILLS ICE ARENA MANAGEMENT AGREEMENT:

A motion was made by Merkel and seconded by Atchison to authorize the City Manager to sign the Hyland Hills Ice Arena Management Agreement on behalf of the City of Westminster. The motion carried unanimously.

COUNCILLOR'S BILL NO. 19 – HYLAND HILLS ICE ARENA LEASE AGREEMENT:

A motion was made by Merkel and seconded by Atchison to pass Councillor's Bill No. 19 on first reading authorizing the City Manager to sign the Hyland Hills Ice Arena Lease Agreement. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ON MARTIN PROPERTY ANNEXATION AND ZONING:

At 7:43 P.M. the meeting was opened to a public hearing on the annexation and zoning of the Martin Property, located on the east side of Teller Street and north of the Niver Canal and 92nd Avenue. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Jeff Collins, President of the Asbury Development Corporation was present to address Council. No one spoke in opposition. At 7:54 P.M. the public hearing was declared closed.

ANNEXATION AGREEMENT WITH ASBURY HOMES:

A motion was made by Atchison and seconded by Merkel to approve the annexation agreement with Asbury Homes. The motion carried unanimously.

RESOLUTION NO. 31 – FINDINGS OF FACT FOR MARTIN PROPERTY ANNEXATION:

A motion was made by Atchison and seconded by Dixon to adopt Resolution No. 31 making certain findings of fact as required by State Statute regarding the annexation of the Martin Property. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 20 – MARTIN PROPERTY ANNEXATION:

A motion was made by Atchison and seconded by Dixon to pass Councillor's Bill No. 20 on first reading annexing the Martin property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 21 – MARTIN PROPERTY ZONING:

A motion was made by Atchison and seconded by Allen to pass Councillor's Bill No. 21 on first reading zoning the Martin property as Planned Unit Development. Upon roll call vote, the motion carried unanimously.

ASBURY PARK FILING NO. 2 PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Atchison and seconded by Hicks to approve the Preliminary Development Plan for Asbury Park as submitted. The motion carried unanimously.

RESOLUTION NO. 32 – FOSTER PROPERTY ANNEXATION PETITION:

A motion was made by Dixon and seconded by Smith to adopt Resolution No. 32 accepting the annexation petition submitted by Mr. Foster and make the findings required by State Statute on the sufficiency of the petition; and set the date of June 28, 1999 for the annexation hearing. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING ON PARKING CODE REVISIONS RE OFF STREET PARKING STANDARDS:

At 7:57 P.M. the meeting was opened to a public hearing to consider comprehensive revisions to the off street parking standards of the Westminster Municipal Code. Planning Manager Dave Shinneman and Planner III David Falconieri gave a brief presentation to Council. Dusty Richardson, Denver, addressed Council with questions. At 8:10 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 22 – PARKING CODE REVISIONS:

A motion was made by Merkel and seconded by Dixon to pass Councillor's Bill No. 22 on first reading making modifications to Section 11-7-4 of the Westminster Municipal Code pertaining to off street parking requirements.

A motion was made by Hicks and seconded by Dixon to amend the Councillor's Bill to delete Section V C (2) Funeral homes: plus two spaces per classroom, and amend Section V (E) Bicycle Parking Standards (2) (a) Multiple Family Dwellings: .25 bicycle parking space for each dwelling unit. The amendment carried unanimously. The main motion as amended carried unanimously.

PURCHASE OF CONSERVATION EASEMENT ALONG WALNUT CREEK:

A motion was made by Smith and seconded by Hicks to authorize the City Manager to sign all the necessary documents to purchase for Open Space purposes, a Conservation Easement on approximately 12 acres of land, at a cost of \$25,000 from the Nature Conservancy, and charge the expense to the Open Space Fund. The motion carried unanimously.

RESOLUTION NO. 33 – PARK SERVICES STAFFING:

A motion was made by Dixon and seconded by Hicks to adopt Resolution No. 33 authorizing the addition of four full-time, benefited Parkworker I/II positions to the staffing levels approved as part of the 1999 General Fund Budget. Upon roll call vote, the motion carried unanimously.

WALNUT CREEK TRAIL CROSSING AT HERITAGE GOLF COURSE:

A motion was made by Allen and seconded by Smith to authorize the City Manager to execute a change order with Randall & Blake, Inc., in the amount of \$40,910 for the construction of the trail crossing for the Walnut Creek Trail at the Heritage Golf Course and charge the expense to the 1999 Trail Development project account in the General Capital Improvement Fund. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session for negotiations and legal advise regarding the City's Growth Management Plan.

ADJOURNMENT:

The meeting was adjourned at 8:15 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 10, 1999
Subject: Presentation of 25 Years of Service Award
Prepared by: Sam LaConte, Street Operations Manager

Introduction

City Council action is requested to present a \$2,500 check to Cliff Coffman, Street Operations Foreman, in recognition of his 25 years of service to the City of Westminster. Funds have been specifically allocated in the 1999 Street Division Budget for this expense.

Summary

Cliff Coffman began his career in Westminster on February 19, 1974, when he became employed as a Maintenanceworker for the Public Works and Utilities Department. The purpose of this Agenda Memorandum is to recognize Cliff and his 25 years of outstanding service to the City of Westminster.

Staff Recommendation

Mayor present a check in the amount of \$2,500 to Cliff Coffman, Street Operations Foreman, for his 25 years of service to the City of Westminster.

Background Information

Cliff Coffman has worked for the City of Westminster for the past 25 years and is currently working in the capacity of a Street Division Foreman in charge of the Support Services Crew. Cliff is also in charge of the City's traffic control devices and storm drainage system. He has served on various committees within the City, including the Employee Advisory Committee. He is presently serving on the Substance Policy Task Force, and he is an active member of the Wellness Program. Cliff's hobbies are coin collecting and outdoor activities, including hiking, fishing and bow hunting.

Cliff began his career with the City of Westminster as a maintenanceworker on February 19, 1974. He was promoted to Senior Maintenanceworker on April 10, 1977, and then promoted to Crewleader on January 1, 1980. His title changed to Traffic Specialist on February 10, 1983, and he was promoted to Provisional Acting Foreman from January 31, 1990, to February 10, 1990. Cliff's title was changed to Traffic Signal Technician on January 1, 1993, and he was promoted to Street Operations Foreman on January 20, 1997.

In 1986, City Council passed a resolution to award individuals who have given 25 years of service to the City with a \$2,500 check. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals, like Cliff, who have spent most, if not all, of their career with the City.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 10, 1999
Subject: Proclamation re Public Works Week
Prepared by: Sam LaConte, Street Operations Manager

Introduction

The Mayor, on behalf of City Council, is requested to proclaim the week of May 16-22, as "Public Works Week" in the City of Westminster.

Summary

The National American Public Works Association and State Chapters dedicates one week each year to inform and educate citizens of the importance of Municipal Public Works Departments in providing clean drinking water, treatment of wastewater, public improvements, and safe, well maintained streets. The theme for National Public Works Week this year is "Advancing Your Community." City Staff has planned the following activities for the week:

Poster displays and brochures will be available at City Hall, City Recreation Centers, City Libraries and the Westminster Mall.

Tours of the Municipal Service Center, Big Dry Creek Water Reclamation Facility or the Semper Water Treatment Facility will be available upon request throughout the week, and equipment will be displayed at the Municipal Service Center.

There will be a display booth from 10:00 a.m. until 8:00 p.m. at the Westminster Mall on May 17 and 18, staffed by Public Works and Utilities employees. The display will provide a video presentation, posters and brochures related to municipal services provided by Westminster's Public Works and Utilities Department. Pens, Public Works and Utilities phone number listing magnets, coloring books, and foam balls will be distributed. A drawing will be held for a free construction toy for children under 12 years of age and Westminster residents can register for a \$50 water bill credit. The graffiti removal equipment will also be on display.

There will be presentations made at some of the COG meetings and pens, magnets, foam balls, and coloring books will be given out.

Cliff Coffman, Street Operations Foreman and program coordinator, will be in attendance to receive the Proclamation on behalf of the Department of Public Works and Utilities.

Staff Recommendation

Proclaim the week of May 16-22, as Public Works Week in the City of Westminster.

Background Information

Public Works professionals throughout the United States and Canada will celebrate National Public Works Week, May 16-22.

Proclamation for Public Works Week

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Since 1960, the annual observance has been an opportunity to increase public awareness of the role that Public Works plays in all of our daily lives. The 1999 events are being coordinated in the State by the Colorado Chapter of the American Public Works Association.

This year's Public Works Week takes on special meaning since the international APWA Congress and Equipment Show is hosted by the Colorado Chapter and the Congress will be held in Denver, September 19-23.

The City of Westminster Public Works and Utilities Staff are taking leadership roles in the 1999 APWA Congress

Respectfully submitted,

William M. Christopher
City Manager

Attachment

WHEREAS, Public Works and Utilities services provided in our community are an integral part of our citizen's lives; and

WHEREAS, support of an understanding and informed citizenry is vital to the efficient operation of Public Works and Utilities and programs concerning the maintenance of water, sewers, streets and highways, public buildings, solid waste collection, and snow removal operations; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works and utilities departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

NOW, THEREFORE, on behalf of the entire Westminster City Council and Staff, I do hereby proclaim the week of May 16 through 22, 1999, as

PUBLIC WORKS AND UTILITIES WEEK

in the City of Westminster and call upon all citizens and civic organizations to acquaint themselves with the problems involved in providing our public works and utilities and to recognize the contributions which public works and utilities officials make every day to our health, safety, and comfort.

Signed this 10th day of May, 1999.

Nancy M. Heil, Mayor



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: May 10, 1999
Subject: Purchase of a Refuse Truck
Prepared by: Carl F. Pickett, Purchasing Specialist

Introduction

City Council action is requested to award the bid for a refuse truck in the amount of \$59,464 to be used by the Parks, Recreation and Library Department for trash collection at the City parks and recreation sites. Funds have been specifically allocated in the 1999 Parks, Recreation and Library Department Budget for this expense.

Summary

In March 1999, the City’s Purchasing Specialist sent out formal bid proposals for a 19,000 GVW truck with an eight-yard refuse body for use by the Parks Service Division. The refuse truck purchase was previously approved by City Council in the 1999 Budget. The low bid submitted by Faris Machinery Company is being recommended for this purchase.

An alternative to the proposed purchase would be to not purchase the refuse truck and continue to pick up the trash at the City parks and recreation facilities with a pick-up truck.

Staff Recommendation

Award the bid for the refuse truck to the low bidder, Faris Machinery Company in the amount of \$59,464 and charge the expense to the appropriate 1999 Parks, Recreation and Library budget account.

Background Information

As part of the 1999 Budget, City Council approved the purchase of a refuse truck. This new vehicle to the fleet will be utilized to pick up the trash at all 60 parks and recreation sites that the City maintains. Currently, the City uses a pick-up truck to perform this service. Parks Services Staff has to make three trips twice a day for trash pickup at each of the 15 heavy use locations, with even more trash pickups required during the busy summer season. Other parks and recreation sites require collection every other day. The trash is then brought back to the dumpster at the MSC. The new vehicle will allow for the reduction from the required six trips to two trips a day at the 15 heavy use locations and will greatly reduce the time Parks Services staff spends on trash collection.

The two vendors in the Denver Metro area that sell this size of refuse truck were invited to bid. The results of the bid process were as follows:

Faris Machinery Company (three options that met City specifications)	
GMC conventional cab design	\$55,907
GMC “Cab Over” design	\$59,464
Ford conventional design	\$58,644
Solid Waste Systems GMC conventional cab design	\$61,328

Faris Machinery Company submitted six bids with the same refuse packer, a Wayne Model Super Series 8 Alley Cat, but with a variety of trucks for the City's consideration. Three of these met City specifications. The lowest bid from Faris Machinery Company is for a GMC with a conventional cab design with a delivery time of eleven months after receipt of order. The truck/packer combination with a cost of \$58,644 is also a conventional cab design, while the bid for \$59,464 is a cab over design. With Fleet Division Staff's input, Parks staff has determined that the "cab over" design with its greater maneuverability and shorter turning radius, would more than justify the difference in cost over the conventional cab design. The "cab over" truck, a GMC WT5R042 with a diesel engine, meets the City's specifications for this bid and can be delivered in 4 to 6 weeks.

All of the bids listed above include the cost of a rear mounted camera system. The rear mounted camera system allows the truck operator to see who or what is behind them before backing. The camera is particularly valuable as a safety feature in crowded parks.

Respectfully submitted,

William M. Christopher
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: May 10, 1999
Subject: 72nd Avenue and 80th Avenue Water Line Replacement
Prepared by: Diane Phillips, Capital Improvement Projects Coordinator
Jack Rudey, Utility Field Operations Supervisor

Introduction

City Council action is requested to award the bid for the 72nd Avenue and 80th Avenue Water line Replacement projects to Ricor Inc.; authorize the City Manager to execute a contract between Ricor Inc., and the City; and authorize a budget of \$573,205 for the water line improvements and \$85,980 for contingency. Funds are available for these expenditures in the Capital Projects portion of the Utility Fund.

Summary

This project consists of 4800 feet of 12-inch water main on 80th Avenue and 2900 feet of 10-inch water main on 72nd Avenue (see attached map). This project is expected to start in mid-May and will be completed by mid-August. Replacement of both water lines are included in the Utilities five-year replacement list. The City of Westminster advertised for two weeks in the *Daily Journal*, Colorado's premier construction industry magazine. Five contractors attended the mandatory pre-bid meeting that was held on April 6 at the Municipal Service Center. Four bids were received and read publicly on April 12 in the City Council Chambers with the following results:

<u>BIDDER</u>	<u>LUMP SUM BID</u>
Ricor Inc.	\$573,205
Wycon Construction Co.	\$712,480
T.Lowell Construction Co.	\$750,000
B.T. Construction Co.	\$769,480

Ricor Inc. has been determined to be the successful qualified contractor on the basis of their bid and as the lowest responsible and responsive lump sum bid within the allocated budgeted funds available for the project. The Engineers estimate on the two waterline replacement projects is \$600,000.

Alternatives

An alternative to replacing the water lines in 1999, is to reject all of the bids and re-bid the project at a later date. However, this will cause more maintenance and repairs on the deteriorated lines. Another alternative would be to have the City's in-house construction crew work these projects into their schedule, but this would result in moving all of their 1999 scheduled residential projects back by six to twelve months.

Staff Recommendation

Authorize the City Manager to sign a contract with the low bidder, Ricor Inc., in the amount of \$573,205, because it is in the best interests of the City, for the 72nd Avenue and 80th Avenue Water Line Replacement projects; authorize a budget of \$573,205 with a contingency budget of \$85,980; and, charge the expenses to the appropriate project accounts in the Utility Fund.

Background

The 72nd Avenue project between Elliot Circle and Zuni Street; and the 80th Avenue project between Osceola Street and Federal Boulevard is scheduled for replacement and line capacity increase in 1999 as part of the five-year water line replacement program. The City has experienced numerous water breaks and the deteriorated condition of the pipe during the past two years. The line size increase on 72nd Avenue from 10- to 12-inch, and 8- to 10-inch on 80th Avenue will increase capacity and pressures in the water distribution system. Both streets will be resurfaced and all deteriorated curbs, gutters, and sidewalks will be replaced later in the year, once the water line work is completed. The Infrastructure Improvements Division has included the street improvement within the 1999 asphalt and concrete projects.

City Staff conducted reference checks on Ricor Inc. Information was obtained from a long list of previous clients, all of which provided favorable references. Ricor, Inc., is a local contractor and is fully capable of performing all of the work associated with this project.

The Public Works and Utilities Capital Improvement project budget has funds to replace these water lines this year and can accomplish the work during the Spring and Summer season. Moving ahead on this project now, will assure minimizing disruption of water service due to water main breaks and the current deteriorated condition of the water lines on 72nd Avenue and 80th Avenue.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 10, 1999
Subject: Design of 92nd Avenue Waterline
Prepared by: Diane Phillips, Capital Improvement Projects Coordinator

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Integra Engineering in the amount of \$62,109 for the design of the 92nd Avenue Waterline, and authorize \$9,300 for contingency. Funds are available in the Utility Fund for this expense.

Summary

The 92nd Avenue Waterline will be installed to provide additional capacity to the Federal Heights service connection at 92nd Avenue and Federal Boulevard and the surrounding area. Requests for Proposals for design of the Waterline were sent to five firms. Three firms, Muller Engineering Company, Inc., Montgomery Watson Engineering, and Rocky Mountain Consultants declined to submit a proposal due to the substantial workload resulting from metro Denver's explosive growth. Two firms submitted the following proposals and cost for the design services:

Burns and McDonnell Engineering	\$65,945
Integra Engineering	\$62,109

Integra Engineering is a qualified and capable engineering design firm providing low fee on this design project. They prepared a solid project presentation and approach and submitted a highly qualified team.

Alternatives

As an alternative, the project may be delayed to proceeding at this time with design and construction. However, this would delay the reliability of capacity to Federal Heights. Also, future construction costs are likely to increase, making future improvements more expensive.

Staff Recommendation

Authorize the City Manager to sign a contract with Integra Engineering in the amount of \$62,109 because it is in the best interests of the City for the design of the 92nd Avenue Waterline and further authorize \$9,300 for major design contingency and charge the costs associated with this work to the appropriate capital project account in the Utility Fund.

Background Information

The existing 12-inch diameter waterline in 92nd Avenue between Federal Boulevard and Lowell Boulevard does not supply enough capacity to provide the required supply during peak use times at the Federal Heights connection, located at 92nd Avenue and Federal Boulevard. Installation of a new 24-inch waterline will increase the reliability of capacity to the Federal Heights connection, and also to the surrounding area. The City's Treated Water Master Plan identified the need for an additional line in 92nd Avenue. Consumption and demand has increased to the point where water supply could be compromised during peak use times if the new 24-inch line is not installed.

Design of 92nd Avenue Waterline
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The new 92nd Avenue line will be interconnected with several intersecting lines at Knox Court, Lander Street, Hazel Court, and Grove Street so that additional supply will also be available to the service area located along 92nd Avenue west of Federal Boulevard.

Respectfully submitted.

William M. Christopher
City Manager

Attachment: Map



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 10, 1999

Subject: Design of Sunset Ridge Lift Station

Prepared by: Diane Phillips, Capital Improvement Projects Coordinator

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Burns and McDonnell Engineers in the amount of \$43,805 for the design of the Sunset Ridge Sewer Lift Station, and \$6,500 for contingency. Funds are available in the Utilities Capital Improvements Project Budget for this expense.

Summary

The Sunset Ridge Lift Station is aging and the pumps need to be replaced. The wet well is at maximum capacity and additional flow being added by future development will require additional wet well capacity. Request for Proposals for design of the Lift Station were sent to four firms. One firm, Montgomery Watson, declined to submit a proposal. Three firms submitted the following cost for the design services:

Integra	\$65,680
Sear Brown	\$48,700
Burns and McDonnell	\$43,805

Burns and McDonnell is a qualified and capable engineering design firm as well as providing the low fee on this project. They presented a thorough approach and proposal for the project design and construct.

Alternative

As an alternative, the project could be delayed; however, this delay will require that funds be spent to upgrade the wet well capacity while still not addressing the replacement of the pumps.

Staff Recommendation

Authorize the City Manager to sign a contract with Burns and McDonnell in the amount of \$43,805 for the design of the Sunset Ridge Sewage Lift Station and authorize a \$6,500 for contingency, and charge the cost associated with this work to the appropriate project account in the Utility Fund.

Background Information

The Sunset Ridge Lift Station is located at 95th Avenue and Federal Boulevard. A new development of approximately 70 townhouses in the Holly Park Subdivision is scheduled for this year. The lift station wet well requires upgrade in order to handle the additional flow generated by this development. The lift station was scheduled for replacement in 2000, but delay of replacement would make it necessary to spend approximately \$50,000 on upgrade of the wet well due to the new development underway. By replacing the station and pumps now and increasing the wet well capacity, the temporary upgrade costs will be saved.

Respectfully submitted,

William M. Christopher, City Manager
Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 10, 1999

Subject: Phase II Construction Channel Improvements Hyland Creek Open Space

Prepared by: Scott Opie, Parksworker II (Open Space)

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Wycon Construction Company in the amount of \$26,284 for channel reconstruction at Hyland Creek Open Space. Funds are available in the Open Space Construction Account for this expenditure.

Summary

In the spring of 1997, heavy storms surged excessive volumes of storm drainage through Hyland Creek causing erosion damage on both middle and lower ponds. Damage was assessed, and a strategy for reconstruction was divided into two phases. Phase I construction focused on repair of the middle pond outflow structure, and was heavily prioritized and attached as addendum to the Waverly Acres Park Improvement Project to expedite repair in the summer of 1998. Phase II construction focuses on the repair of damage within the channel downstream of the lower pond. Phase II is needed for repairing the channel embankment, to allow storm drainage to pass at moderate to maximum capacity levels without further threat of losing the lower pond dam.

Alternative

An alternative would be not to award the bid for channel improvements to Wycon Construction Company which would delay channel reconstruction resulting in further damage to the lower pond dam. Further delay will potentially threaten the structural integrity of the lower pond dam thus resulting in breach or failure. This would cause untold damage to riparian ecosystems above and below the lower pond. Reconstruction of the entire lower pond dam would be very costly and an existing Preble's Jumping Mouse habitat could be lost.

Staff Recommendation

Authorize the City Manager to sign a contract with Wycon Construction in the amount of \$26,284 plus a 15% contingency of \$3,943 for a total contract price of \$30,229 for channel reconstruction at the Hyland Creek Open Space site, and charge this expense to the appropriate account in the 1999 Open Space Fund.

Background

Heavy spring flows in 1997 were the cause of significant amounts of erosion within the middle pond outflow and lower pond outflow channel. The middle pond outflow structure was determined to be near failure, thus compromising the integrity of the middle pond dam. Loss of the middle pond dam at that time would have completely overtaken the lower pond with silt sending large quantities of water downstream damaging and disturbing ecosystems the City is trying to protect. Attention was immediately focused on repair of the middle pond outflow structure.

Engineering services were obtained from Kiowa Corporation to assess structural damage and propose solutions for both middle and lower pond erosion problems. City Staff reviewed engineering solutions and obtained permits from Army Corp of Engineers with recommendations from the United States Fish and Wildlife Service and ERO (Habitat Assessment).

In August of 1998, Phase I Outflow Reconstruction lowered the water level of the middle pond to allow for repair of the concrete culvert and channel, a solution that was engineered to prevent future headwall erosion at cost of \$20,587.00. Wycon Construction Company was under contract to the City of Westminster for the Waverly Acres Park Improvement Project at that time. By virtue of the proximity of Waverly Acres Park to Hyland Creek Open Space, Wycon Construction was added to the existing contract by addendum, to expedite repair of the middle pond outflow. Phase I was completed in August of 1998.

Engineering designs for Phase II have been reviewed by City Staff to provide an effective drainage solution. Phase II reconstruction involves the installation of a temporary equipment crossing to provide access while avoiding federally protected Preble's Jumping Mouse habitat. Heavy equipment is required to reach over the eroded banks to begin repair of the lower dam and outflow channel. Reconstruction and channel improvements require the installation of RipRap (Angular Boulders) to contain and absorb the energy of storm water beyond the outflow pipe. This design uses dry stacked boulders without grout to minimize the visual impacts of drainage structures. It is expected that Phase II reconstruction will take approximately two weeks to complete, and this includes the installation and removal of the temporary crossing, excavation and reconstruction of the lower pond channel, and revegetation of all areas disturbed by the construction process. 404 Permits have been obtained from the Army Corp of Engineers with recommendations from the United States Fish and Wildlife Service and ERO (Habitat Assessment).

Bids were sent to three separate contractors in accordance to City Charter bidding requirements with the following results:

Wycon Construction Company	\$26,284.00
R.B.I.	NO BID
Trainor Construction	NO BID

The bid received from Wycon Construction Company meets all specifications for this bid. The lack of response from other bidders is due to the current high demand for contractors given the busy season. Wycon's experience with the City, and familiarity with this project is considered a benefit to the Open Space.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 10, 1999

Subject: Hyland Hills Ice Arena Management Agreement and Lease Agreement

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

Introduction

City Council action is requested to authorize the City Manager to sign the attached Management Agreement and Lease Agreement related to the City's one-half ownership in the existing Hyland Hills Ice Arena.

Summary

On January 29, 1998, City Council approved an intergovernmental agreement (IGA) between the City of Westminster and Hyland Hills Park and Recreation District. A significant component of that agreement included conveying one-half ownership in the existing Hyland Hills Ice Arena to the City of Westminster. The attached Management Agreement and Lease Agreement with Hyland Hills Park and Recreation District is necessary in order for the continued operation and future conversion of the existing Hyland Hills Ice Arena, in light of the actual ownership transfer finalized recently.

The Management Agreement spells out the specific duties of the Hyland Hills Recreational Facilities Enterprise in managing the ice arena. Responsibilities of the Enterprise will include:

- Operation and management of the existing arena.
- Responsibility for hiring, placement, training, and supervision of all employees of the arena.
- Purchasing of all property and equipment necessary for the operation and upkeep of the facility.
- Planning and scheduling all business necessary for the operation of the arena.
- Preparing an arena budget for review by the City no later than October 15 of each calendar year.
- Collecting and accounting for all revenue generated by the arena.
- Responsibility for depositing and disbursing of funds from revenues for debts and expenses arising out of operations and maintenance of the facility.
- Distributing net operating revenue to both the City and Hyland Hills.
- Operating the arena in compliance with the approved budget, statutes, laws, ordinances, rules and regulations of the governmental entity having jurisdiction over the arena.
- Obtaining and maintaining proper policies of insurance.
- Providing the City a monthly statement reporting the gross revenues received and the operating expenses of the ice centre.
- Preparing and filing all necessary returns, reports, and forms required by law in connection with unemployment insurance, social security taxes, workers' compensation, etc.
- Promptly notifying the City of any matter that in the judgement of the Enterprise requires the City's attention.
- The City and the Enterprise splitting any excess revenues and sharing equally in making up any revenue shortfalls.

Highlights of the Lease Agreement are as follows:

- The City shall pay the Enterprise a yearly rental of \$1.00 per year for the said premises.
- The Hyland Hills Enterprise shall manage the City's leasehold interest in the facility.
- The Enterprise may expel the lessee (City) and take control of the premise if the agreement is terminated pursuant to the remedies allowed in the IGA.
- Lessee (City) and Lessor (Hyland Hills) shall maintain insurance coverage as set forth in exhibit B.

Alternatives

- City Council could choose to revise certain parts of the management and lease agreements.
- City Council could reject approving both documents and direct Staff to draft new management and lease agreements.

Staff Recommendation

1. Authorize the City Manager to sign the Hyland Hills Ice Arena Management Agreement on behalf of the City of Westminster.
2. Pass Councillors Bill No. 19 on first reading authorizing the City Manager to sign the Hyland Hills Ice Arena lease agreement.

Background

The City of Westminster and Hyland Hills Park and Recreation District have entered into an IGA to construct a new 3 rink Ice Centre at the Westminster Promenade. A very significant component of that IGA was that the City will receive one-half ownership in the existing Hyland Hills Ice Arena. The City Attorney's Office has recently completed the transfer of the City's one-half ownership in the facility. Hyland Hills has continued to operate the existing ice arena to offset revenue and ice time shortages due to the construction delays from the new ice centre project. Once the ice centre is completed, the Staffs from Hyland Hills and the City will begin evaluating alternative uses for the existing Hyland Hills Ice Arena. City Council will be kept informed of any new developments in this area.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date May 10, 1999

Subject: Martin Property (Asbury #2) Annexation, Zoning and Preliminary Development Plan

Prepared By: David Falconieri, Planner III

Introduction

City Council action is requested for the purpose of holding a public hearing and taking action on the annexation and zoning of the Martin Property located on the east side of Teller Street and north of the Niver Canal and 92nd Avenue (see attached vicinity map). The applicant is requesting Planned Unit Development (PUD) zoning, and Preliminary Development Plan (PDP) approval for eight new single family custom homes. An amendment to the Comprehensive Land Use Plan is not required as this property is included in the Northeast Comprehensive Development Plan.

Summary

Applicant/Property Owner

Jeff Collins, Asbury Homes

Location The east side of Teller Street, north of the Niver Canal and west of the Tri-City Baptist Church.

Size of Site: 4.4 acres

Major issues

1. The extension of 92nd Lane from the entrance of the Tri-City Baptist Church through the Martin property has been identified as an important link between Teller Street and 92nd Avenue. The applicant has agreed to construct the entire remaining portion as part of the development of the subdivision including the off-site portion, which the City will be responsible for financially. The applicant will likely be able to complete the construction for less money than the City would if the City had to hire a contractor and administer the construction.
2. Eight new lots are proposed in addition to the existing home which will remain. Lots will maintain the 12,500 square foot minimum lot size required by the Northeast Comprehensive Development Plan.
3. The proposed project meets the City Code definition of an infill development and will therefore not be required to enter the Category B competition through the City's Growth Management Program. The development will consist of custom homes and the majority of the land around the site has already been developed.
4. The existing residence belonging to Mr. Martin will remain south of the proposed right-of-way for 92nd Lane.

Planning Commission Recommendation

At their regularly scheduled meeting which was held on April 27, 1999, the Planning Commission voted unanimously (7-0) to recommend to City Council the Martin Property be annexed to the City and zoned Planned Unit Development (PUD) and that the Preliminary Development Plan for Asbury Park, Filing #2 be approved.

Staff Recommendation

1. Hold a public hearing. .
2. Approve the annexation agreement with Asbury Homes.
3. Adopt Resolution No. _____ making certain findings of fact as required by State Statute regarding the annexation of the Martin property.
4. Pass Councillor's Bill No. _____ annexing the Martin property to the City of Westminster.
5. Pass Councillor's Bill No. _____ zoning the Martin property Planned Unit Development
6. Approve the Preliminary Development Plan for Asbury Park, Filing #2 as submitted

Background Information

Discussion of Major Issues

The annexation of the Martin Property presents an opportunity to create the connection from Teller Street to 92nd Avenue, which was identified by area residents as an important traffic reliever for the area north of 92nd Avenue, and west of Pierce Street. The proposed development will permit the acquisition of the right-of-way and the construction of the street for less than what could be expected if the right-of-way were acquired by the City and the street construction was managed by the City.

The annexation agreement spells out the cost sharing for the construction of 92nd Way. When Tri-City Baptist Church was annexed to the City, the Church built and paid for the portion of 92nd Way, which connects 92nd Avenue to the entrance of the church. At that time it was agreed that the City would be responsible for the cost of the remainder of the street to the western property line of the church property. For the portion that runs through the proposed Asbury Subdivision, The applicant has requested that the City pay half the construction costs of that portion since no recoveries would ever be available from development on the south side of the street. That area is a single lot with an existing home belonging to Mr. Martin. The total cost of the construction of the street from the Tri-City Baptist Church entrance to Teller Street is estimated at \$300,000; the City's share is estimated at \$230,000. Funds for this expense are available in the Development Participation account in the General Capital Improvement Fund.

Architectural/Building Materials: The units will be custom homes and will be required to meet all the provisions of the Single Family Design Guidelines.

Public Land Dedication, Parks and Trails: The public land dedication fee will be taken as cash in lieu of land. The proposed density will require a dedication of an amount equal to 10% of the property. This money will be paid to the City upon approval of the Official Development Plan (ODP).

Access and Circulation: Access will be provided via a full turn access point off Teller Street.

Signage: A project identification sign is proposed for the Teller Street entrance. This sign will conform to the City's Sign Code.

Service Commitments Category: If approved, this project would be awarded service commitments from Category A as an infill development.

Surrounding Zoning: North: Asbury, Filing #1 (PUD); South: City Open Space (The Niver Canal); West: Cambridge Farms (PUD); East: Tri-City Baptist Church (PUD)

Comprehensive Land Use Plan Designation: This area is a part of the Northeast Comprehensive Development Plan and is designated as Sub Area A. The proposed development is allowed under the provisions of the Northeast Comprehensive Development Plan.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO.

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 21 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

See Attached Exhibit A.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of May, 1999. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of May, 1999.

ATTEST:

Mayor

City Clerk

ORDINANCE NO.
SERIES OF 1998

BY AUTHORITY

COUNCILOR'S BILL NO.
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

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

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

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

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Jefferson County A-2 to City of Westminster Planned Unit Development. A parcel of land located in Section 23, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

See Attached Exhibit A.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of May, 1999. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of May, 1999.

ATTEST:

Mayor

City Clerk

Martin Zoning

RESOLUTION

RESOLUTION NO

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk a petition (the "Petition") for the annexation of the property described in said Petition; and

WHEREAS, City Council has previously adopted Resolution No. 21 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

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

2. The City Council further finds:

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

3. The City Council further finds:

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

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

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

PASSED AND ADOPTED this 10th day of May, 1999

ATTEST:

Mayor

City Clerk

ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 1999, by and between the CITY OF WESTMINSTER ("City") and Asbury Development Corporation, a Colorado corporation ("ADC").

RECITALS

- (a) ADC is the owner of the property described in Exhibit "A" attached hereto (the "Property"); and
- (b) ADC has petitioned the City for annexation of the Property to the City; and
- (c) the City and ADC agree that there would be mutual benefits to be realized from the annexation of the Property to the City; and
- (d) the City and ADC wish to set forth the terms upon which such annexation will occur.

NOW, THEREFORE, in consideration of the above premises, the covenants, premises and agreements set forth below, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Annexation/application of City ordinances, rules, regulations and policies.

Except as otherwise specifically modified by this Agreement, the annexation and subsequent development of the property shall be subject to all City ordinances, rules, regulations and policies. The annexation of the Property will not be deemed effective until its final approval by the City Council, recording of an Annexation Plat for the Property and Annexation Ordinance with the Jefferson County Clerk and Recorder, and the execution and recording of this Agreement.

2. Streets.

ADC shall:

- (a) make such public street improvements and dedications within the Property, as necessary to provide access to and from any lots as may be platted;
- (b) make such public street improvements and dedications along the western boundary of the Property, as necessary to complete Teller Street, from approximately the northern boundary of Asbury Park, first filing, to the southern boundary of the proposed intersection of Teller Street with proposed West 92nd Lane; and
- (c) make sure public street improvements and street right-of-way dedication through the Property to extend a portion of proposed West 92nd Lane east from Teller Street to an existing dedication of West 92nd Lane, as dedicated as a part of Tri-City Baptist, Filing 1. The allocated cost of the lands as may be dedicated to become a part of West 92nd Lane, and a part of the Property, shall be equally shared by the City and ADC. The cost of public street improvements to the portions of proposed West 92nd Lane, as a part of the Property, shall also be equally borne by the City and ADC, subject to ADC installing those public street improvements pursuant to the City's approval of the plans and specifications. The City acknowledges that ADC's proposed construction of these public street improvements and ADC's price estimates and quotes therefore, are subject to increase in the event ADC timely submits plans and specifications for these public street improvements and the City has not approved the same on or before June 30, 1999. The City reserves the right to require that 92nd Lane not be constructed should unexpected costs become, in the City's sole discretion, prohibitive.

3. Water and Sewer Services.

ADC shall make such water and sewer improvements, as necessary to provide water and sewer access and services to any platted lots; provided, further, that the cost of any sewer line located to service any property as may be platted as a part of the Property and to the south of proposed West 92nd lane, shall be equally shared by ADC and the City; and provided, further, the City shall make all water improvements as designed by the City within the proposed public street of West 92nd Lane.

4. Zoning.

The City Staff shall recommend to the City Planning Commission and the City Council that the Property be zoned "PUD". The City shall initiate first reading of the zoning ordinances for the Property prior to final enactment of the annexation ordinance, on or before May 10, 1999.

5. Recording of this Agreement.

This Agreement shall be recorded with the Jefferson County Clerk and Recorder. The terms and conditions to this Agreement shall inure to the benefit of and be binding upon the successors in interest or the legal representatives of the parties, including all heirs, transferees, successors, assigns, purchasers, lessors, and subsequent owners of any lot or parcel within the Property, and all such provisions and conditions shall be deemed as covenants running with the Property.

6. No Waiver.

Nothing contained in this Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances, or as a waiver or negation of the City's legislative, governmental, or police powers to promote and protect the health, safety or general welfare of the City and its citizens. Nor shall this Agreement prohibit the enactment by the City of any fee which is uniform or of general application.

7. Severability.

The fact that any portion of this Agreement may be held unenforceable shall not affect the enforceability of the remaining portions hereof, it being the intent of the parties, that any such unenforceable provisions shall be deemed severable from the remaining provisions of this Agreement. No waiver of any provision hereof in any circumstance shall constitute a waiver of such provision in other instances.

8. Entire Agreement.

This Agreement embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein. Except as specifically modified herein, this Agreement shall be construed in a manner which makes it consistent with the City Code and City Charter. This Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties. This Agreement may not be modified except in writing and executed with the same formalities as this Agreement.

CITY OF WESTMINSTER

ASBURY DEVELOPMENT CORPORATION

By: _____

By: _____

William Christopher,
City Manager

Jeff Collins,
President

STATE OF COLORADO

)

) ss.

COUNTY OF _____

)

Subscribed and sworn to before me this ____ day of _____, 1999, by William Christopher, City Manager, City of Westminster.

Witness my hand and official seal.

My commission expires: _____

Notary Public

STATE OF COLORADO

)

) ss.

COUNTY OF _____

)

Subscribed and sworn to before me this ____ day of _____, 1999, by Jeff Collins, President, Asbury Development Corporation.

Witness my hand and official seal.

My commission expires: _____.

Notary Public

EXHIBIT "A"

Legal Description of the Property

Part of the Northeast quarter of Section 23, Township 2 South, Range 69 West of the 6th P.M., Jefferson County, Colorado, being a part of tracts 15 and 16, according to the plat of Greenlawn Acres, described as follows:

Beginning at a point on the north line of said tract 15, from which point the east line of said Section 23 bears East a distance of 977.44 feet; thence South 89°53' West along the north line of said tract 15, a distance of 367 feet to the east line of existing Teller Street; thence South 00°31' East along the east line of existing Teller Street a distance of 634.92 feet to a point on the northwesterly right of way line (as fenced) of the Nivers Canal; thence South 79°12' East along said Nivers right of way line, 35.5 feet; thence North 47°48' East along said Nivers Canal right of way line a distance of 119.36 feet; thence North 62°14' East along said Nivers Canal right of way line a distance of 117.0 feet; thence North 70°02' East along said Nivers Canal right of way line a distance of 148.3 feet; thence North 00°37' West a distance of 457.0 feet, more or less, to the Point of Beginning. Parcel as described contains 4.563 acres, more or less.



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 10, 1999

Subject: Resolution No. 32 re Foster Property Annexation Petition

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the attached resolution concerning a finding of compliance with statutory requirements for the petition requesting annexation of the Foster property and establishing a hearing date. The proposed annexation consists of 143.6 acres located on the northeast corner of Huron Street and 136th Avenue.

Summary

The Foster property is currently agricultural land improved with two residences and a number of agriculturally related outbuildings. A pre-annexation agreement was approved by the City Council for this property on December 11, 1998. That agreement contemplates the use of the property for various types of office, retail development, research and development and light industrial. The applicant has agreed to the dedication and improvement of the rights-of-way for both Huron Street and 136th Avenue at the time of Preliminary Development Plan (PDP) approval, and for any necessary right-of-way for the future ramps off of I-25 onto 136th Avenue when the design of that intersection has been completed.

The agreement also requires that if the property is annexed, the City will permit the existing agricultural uses to continue as a use by right until an Official Development Plan (ODP) is approved for the property.

Staff Recommendation

Adopt Resolution No. 32 accepting the annexation petition submitted by Mr. Foster and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of June 14, 1999, for the annexation hearing.

Background

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

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

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

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

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1999

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

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes June 14, 1999, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 10th day of May, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 10, 1999

Subject: Councillor's Bill No. 22 re Parking Code Revisions

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested to pass the attached Councilor's Bill on first reading making comprehensive revisions to the off-street parking standards of the Westminster Municipal Code.

Summary

Staff is proposing several changes to the City's Parking Code in order to address two problems. First, in some cases, the method used for calculation of required spaces uses parameters which are difficult to establish at the time of Official Development Plan (ODP) approval, making enforcement cumbersome. Secondly, Staff has reviewed the minimum required number of spaces for several uses and is recommending some changes to bring the City into compliance with current established parking standards in the metro area and around the country.

Uses for which parking requirement changes are recommended include General Office, Office/Warehouse, Senior Residential uses, and Restaurants. Attached to this report is a synopsis of research involving how various other jurisdictions address parking requirements. Staff has also used the American Planning Association's Planning Advisory Service (PAS) to compare a number of jurisdictions around the United States which were averaged and shown as a single average (PAS Average). A document entitled "Model Land Use Code" was also quoted in Staff's research as a document which has also sampled codes from around the country.

Alternatives:

1. Instruct staff to limit the changes to the parking regulations to specific areas that are of concern to Council members rather than the comprehensive amendments suggested by staff.
2. Instruct staff that alterations to the parking code are not required at this time.

Recommendation

1. Hold a public hearing.
2. Pass Councilor's Bill No. 22 on first reading making modifications to Section 11-7-4 of the Westminster Municipal Code pertaining to off street parking requirements.

Background Information

Staff is recommending that section 11-4-7 (B) of the City Code be amended to reflect changes in regional and national standards for parking requirements. The changes proposed, if adopted, would make many of the standards for several land use categories more enforceable and more in keeping with other jurisdictions.

The proposed changes are listed below. Please refer to the attached chart showing the various land use categories with their current parking requirements, the proposed standard and a comparison of various jurisdictions and national standards.

1. General Office; Staff is proposing a decrease in the parking requirement for this land use from 1 space per 200 to 1 space per 250 square feet of gross floor area (GFA). This category does not include medical offices which typically require more parking.
2. Office/Warehouse; This type of use is typically considered a “flex” space arrangement where the ratio of office space to warehouse space can fluctuate depending on the user. The problem has been that developers calculate a lower amount of office so that more of the lot can be developed with building area, and when the actual use contains more office than warehouse, a serious parking shortage is created. The proposed code revision will allow the new standard of 1 space for every 250 square feet of GFA for the office portion, but will require that a minimum of 60% of the GFA be considered office area when the minimum parking spaces are calculated. This method will create enough parking spaces for such a project even if the ratio of office to warehouse is increased by future tenants.
3. Pre-schools; Currently there is no standard for pre-schools in the code. Staff is recommending that the City require 1 space per classroom and 1 space for each 5 persons of rated capacity.
4. Elementary schools; Staff has found that elementary schools are not planning enough parking. Staff is recommending that the current standard be increased from 1.5 spaces per classroom to 1.75 spaces per classroom. This is more in keeping with national standards.
5. Child-care; Staff is recommending that the method for calculating the required parking for this use be amended to use rated capacity instead of licensed capacity. This method is far easier to calculate and enforce. The proposed code will also require a proper child drop off area which is critical to the functioning of these facilities.
6. Recreational facilities; Standards are created in the proposed code for several recreational uses such as golf courses and fitness centers. There have been problems associated with these types of uses and staff considers the new standards to be necessary.
7. Restaurants; Rather than using rated capacity to calculate parking requirements, staff is recommending that gross floor area (GFA) be used. This is easier to use at the Official Development Plan (ODP) review stage. Also, the required spaces have been increased for restaurants with bars since they typically need many more spaces than a restaurant without a bar.
8. Retail; the parking requirement for retail has been simplified by not distinguishing between centers of different sizes. All retail will be required to provide 1 space per 200 square feet GFA regardless of the size of the facility. Provisions exist for this standard to be relaxed if shared parking is provided and if parking studies show that fewer spaces are required.
9. Senior residential; The City Council established four categories of senior housing as part of the Growth Management program. Those categories have been adopted into the proposed new code.

Another new provision of the proposed code is the inclusion of a “deferred parking” section. This is a provision that permits the creation of a parking deferral area on a property which is a landscaped area that can be converted to parking at such a time in the future when it is deemed necessary by the City staff. This allows developers to defer some of the improvements for a site until they are actually needed.

The proposed code will also permit the Planning Manager to reduce by no more than 20% the amount of parking spaces when two or more businesses share a parking area. The developer would be required to submit a parking study which demonstrates that the total required spaces could be reduced due to different business hours or other similar mitigating circumstances.

Staff counted the parking spaces of several existing uses within the City in order to gauge the impact the new requirements would have if those uses were built under the proposed revisions.

For C. B. and Potts located in Park Centre, the new code would require an additional 61 spaces. The new code requires more spaces for restaurants that have bars due to the fact that they attract many more customers than restaurants without bars.

For Church Ranch Business Center located on the north side of 103rd Avenue, the proposed regulations would require an additional 32 spaces. Staff believes that this would be justified due to the flex nature of the use. If more area is converted from warehouse to office, parking will exist to accommodate that change. Currently this development in Church Ranch is experiencing a shortage of parking spaces due to the fact that too much of it was developed as office.

For the assisted care portion of Covenant Retirement Community, the revised regulations would require 20 fewer spaces. This is due to the fact that residents of this type of senior center typically use fewer cars.

Finally, for Westminster commons, which has more independent living units, the new code would require 70 additional units over what exists on the site now. Parking has always been short for that development since this type of resident is still fairly mobile.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **2678**

COUNCILLOR'S BILL NO. 22

SERIES OF 1999

INTRODUCED BY COUNCILLORS

Merkel-Dixon

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE PERTAINING TO OFF-STREET PARKING REQUIREMENTS

WHEREAS, the City maintains a Zoning Ordinance to assure orderly growth within the city limits; and

WHEREAS, the City undertakes periodic reviews of the City Code to assure concurrency with national and regional standards;

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-7-4 of the Westminster Municipal Code is hereby amended as follows:

11-7-4: OFF-STREET PARKING STANDARDS:

(A) DUTY TO PROVIDE AND MAINTAIN OFF-STREET PARKING.”

1. The Council hereby finds, determines and declares that among the purposes of this Title is the lessening of congestion upon the public streets of the City. TheSE regulations hereinafter stated are in pursuance ~~thereof~~ of this purpose by requiring the owners and operators of land, structures and uses to provide parking on their own premises and off the public streets for their employees, customers, tenants, clients, patients and other visitors. Nothing in these regulations shall ~~however~~ be deemed to deprive such owners or operators of the right to maintain control over all such land devoted to off-street parking space or to make whatever charges to persons making use thereof as they may deem appropriate.

2. For land, structures or uses actually used, occupied or operated on or before the effective date of this Title, there shall be provided such off street parking space as was required for such land, structures or uses by any previous ordinance, or development plan approval, except that if any previous ordinance or approval required more off street parking for land, structures or uses than is required under this Title, then there need be provided only such off street parking as is required in this Title. If such land, structures or uses are enlarged, extended, or changed, there shall be provided for the increment only, at least the amount of off street parking space that would be required hereunder if the increment were a separate land, structure or use established or placed into operation after the effective date of this Title.

3. For all uses established or placed into operation after the effective date of this Title there shall be provided at least the amount of off street parking hereinafter set forth.

4. Bicycle parking facilities shall be provided for any new building constructed, any new use established, any addition or enlargement of an existing building or use, for any change in the occupancy of any building, or change of use conducted. The number of bicycle parking spaces shall comply with the provisions in subsection (E) 2. of this section. The design and maintenance of bicycle storage facilities shall conform to the standards in subsection (E) 1. of this section.

5. Handicapped parking facilities shall be provided for any new building constructed, any new use established, any addition or enlargement of an existing building or use, for any change in the occupancy of any building, or for change of the use conducted. The number of handicapped parking spaces shall comply with the provisions in subsection (D) 2. of this section. The design and maintenance of handicapped parking spaces shall conform to the standards set forth in subsection (D) 1. of this section.

6. The off-street parking regulations in this Chapter shall apply to the area included in the Westminster Urban Renewal Plan except as otherwise specified in the Plan.

7. The zoning for the property on which the required parking facilities are to be provided must be the same as for the building served.

8. Separate off street parking space shall be provided for each use; or the parking space required of two (2) or more uses located on the same zone lot may be combined and used jointly; provided, however:

(a) Where off street parking space is combined and used jointly by two (2) or more uses having different standards for determining the amount of off street parking space required, the parking space shall be adequate in area to provide the sum total of off street parking space requirement of all such uses.

(b) Where off street parking space is combined and used jointly by two (2) or more uses having the same standard for determining the amount of off street parking space required, all of such uses, for the purpose of this section, shall be considered a single unit and the gross floor area of all such uses in all structures on the same zone lot or the number of employees of all such uses in all structures on the same zone lot as fixed by the applicable standard, shall be taken as a single total for the purposes of determining the amount of off street parking space required.

(C) WHERE IT CAN BE DEMONSTRATED, BY AN APPLICABLE PARKING STUDY, THAT COMBINING THE PARKING AREAS OF TWO (2) OR MORE USES WILL REDUCE THE NEED FOR PARKING SPACES, THE PLANNING MANAGER MAY AUTHORIZE A SHARED PARKING AGREEMENT THUS REDUCING THE TOTAL NUMBER OF SPACES REQUIRED. IN NO EVENT SHALL THE SAID REDUCTION BE MORE THAN TWENTY (20%) PERCENT OF THE TOTAL THAT WILL OTHERWISE BE REQUIRED.

9. DEFERRED PARKING

(A). TO AVOID REQUIRING MORE PARKING SPACES THAN ARE ACTUALLY NEEDED TO SERVE A DEVELOPMENT, THE PLANNING MANAGER MAY DEFER THE PROVISION OF A PORTION OF THE REQUIRED PARKING, IF A DEFERRED PARKING AREA IS CREATED IN THE OFFICIAL DEVELOPMENT PLAN. SAID DEFERRED PARKING AREA SHALL BE LANDSCAPED BUT SHALL NOT BE INCLUDED IN THE TOTAL LANDSCAPED AREA FOR THE PURPOSE OF CALCULATING LANDSCAPING REQUIREMENTS. THE DEFERRED AREA SHALL BE DESIGNED SO THAT IF PARKING IS CONSTRUCTED AT A FUTURE TIME IN THE AREA, IT WILL MEET ALL OF THE PROVISIONS OF THE COMMERCIAL DESIGN GUIDELINES AND LANDSCAPE REGULATIONS.

(B). THE DEVELOPER SHALL ENTER INTO A WRITTEN AGREEMENT WITH THE CITY COMMITTING TO THE CONSTRUCTION OF PAVED PARKING IN THE DEFERRED AREA AT SUCH TIME AS THE PLANNING MANAGER DETERMINES, AT HIS/HER DISCRETION, THAT ADDITIONAL PARKING IS REQUIRED. THE PLANNING MANAGER SHALL NOTIFY THE PROPERTY OWNER IN WRITING THAT ADDITIONAL PARKING IS REQUIRED, AFTER WHICH THE OWNER SHALL COMPLETE THE IMPROVEMENTS WITHIN SIX (6) MONTHS OF NOTIFICATION.

(B) OFF STREET VEHICLE PARKING:

1. OFFSTREET PARKING REQUIRED: There shall be required in connection with the development or construction of specified buildings or uses, the minimum off-street parking spaces listed in subsection 2. below. The concept of shared parking for a number of different uses may be included in the parking requirements of any Preliminary Development Plan or Official Development Plan. If uncertainties arise as to the classification of a building or use, the City Manager or his designee shall assign a reasonable classification.

2. MINIMUM OFF STREET VEHICLE PARKING SPACES:

~~(a) Single Unit or Duplex: Two (2) spaces per dwelling unit. A paved driveway at least twenty feet (20') in length may be counted as one space.~~

~~b) Multiple Family Dwellings: One and one half (1 1/2) spaces per each one bedroom unit; two (2) spaces per each two (2) or more bedroom unit.~~

~~(c) Hotels, Motels, Tourist Homes, and Tourist Centers: One and two tenths (1.2) spaces per each living unit.~~

~~(d) Fraternity and Sorority Houses, Dormitories, Rooming or Boarding Houses: One space per each sleeping room.~~

~~(e) Mobile Home Courts/Parks: Two (2) spaces per each trailer space.~~

~~(f) Hospitals: One space per each patient bed for employees plus one space per each four (4) patient beds for doctors plus one space per each four (4) patient beds for visitors.~~

~~(g) Sanitariums, Rest or Convalescent Homes: One space per four (4) patients beds for visitors plus one space per each four (4) patient beds for doctors plus one space per three (3) patient beds for employees.~~

~~(h) Elementary and Junior High Schools: One and one half (1 1/2) spaces per each classroom.~~

~~(i) Senior High Schools and Colleges: One and one half (1 1/2) spaces per each classroom plus one space per every four (4) students of the design capacity of the school.~~

~~(j) Churches, Religious Facilities, Funeral Homes: One space per every three (3) persons seating capacity. In addition, two (2) spaces per each classroom in churches or educational buildings.~~

~~(k) General Offices and Professional Offices of a NonMedical/NonDental Use and Public Banks: One space per two hundred (200) square feet of gross floor area.~~

~~(l) Places of Public Assembly, including Private Clubs, Dance Halls, Pool Rooms, Restaurants, Night Clubs, Taverns, Lodges, etc.: One space per every three (3) persons of rated capacity.~~

~~(m) Bowling Alleys: Five (5) spaces per one thousand (1,000) square feet of gross floor area.~~

~~(n) Motor Vehicles Sales and Repair: One space per each seven hundred fifty (750) square feet of display area plus two (2) spaces per each repair bay.~~

~~(o) Shopping Centers:~~

~~(i) Shopping Center or any Individual Retail Establishment Located Separate from a Shopping Center and Engaged in Retail Sales or Services:~~

~~a. Having less than twenty five thousand (25,000) square feet of gross floor area: Five (5) spaces for one thousand (1,000) square feet of gross floor area.~~

~~b. Twenty five thousand (25,000) to four hundred thousand (400,000) square feet of gross floor area: Four (4) spaces per one thousand (1,000) square feet of gross floor area.~~

~~c. Four hundred thousand (400,000) to six hundred thousand (600,000) square feet of gross floor area: Four and one half (4 1/2) spaces per one thousand (1,000) square feet of gross floor area.~~

~~d. Six hundred thousand (600,000) square feet or more of gross floor area: Five (5) spaces per one thousand (1,000) square feet of gross floor area.~~

~~(ii) Parking Adjustments in Shopping Centers:~~

~~a. One (1) space shall be added for every three hundred (300) square feet of gross floor area of office use that is more than ten percent (10%) of the center gross floor area.~~

~~b. A center having less than one hundred thousand (100,000) square feet of gross floor area and including a cinema occupying less than ten percent (10%) of the total gross floor area shall add three (3) additional parking spaces for each one hundred (100) cinema seats; a center having one hundred thousand (100,000) to two hundred thousand (200,000) square feet of gross floor area and including a cinema shall add an additional three (3) parking spaces for every one hundred (100) cinema seats over four hundred fifty (450) cinema seats; a center having over two hundred thousand (200,000) square feet of gross floor area and including a cinema shall add an additional three (3) parking spaces for every one hundred (100) cinema seats over seven hundred fifty (750) cinema seats.~~

~~c. A center containing twenty five thousand (25,000) to one hundred thousand (100,000) square feet of total gross floor area shall add an additional ten (10) spaces per one thousand (1,000) square feet of food service gross floor area; a center containing one hundred thousand (100,000) to two hundred thousand (200,000) square feet of total gross floor area shall add an additional six (6) spaces per one thousand (1,000) square feet of food service gross floor area; a center containing more than six hundred thousand (600,000) square feet of total gross floor area may reduce by four (4) parking spaces per one thousand (1,000) square feet of food service gross floor area of the required parking for the overall center.~~

~~(p) Ambulance Service: Two (2) spaces per ambulance.~~

~~(q) Wholesaling and Industrial Uses: One space per one thousand (1,000) square feet of gross floor area.~~

~~(r) Recreational Facilities: One space per every three (3) persons of rated capacity.~~

~~(s) Medical/Dental Offices or Clinics: One space for every two hundred (200) square feet of gross floor area.~~

~~(t) Day Care Centers and Child Care Education Centers: One (1) space per employee plus one (1) space per five (5) children of licensed capacity.~~

~~(u) Car Washes: A minimum of one (1) parking space per wash bay.~~

~~(v) Appliance and Furniture Retail and Wholesale Sales: One (1) space for every one thousand (1,000) square feet of gross floor area.~~

A. RESIDENTIAL

1.) SINGLE FAMILY DETACHED: FOUR (4) SPACES PER UNIT, WITH TWO (2) SPACES ENCLOSED IN A GARAGE AND TWO (2) SPACES IN DRIVEWAY. *NOTE* PARKING FOR NEO-TRADITIONAL DEVELOPMENTS MAY BE REVIEWED BY THE PLANNING MANAGER ON A CASE BY CASE BASIS.

2.) SINGLE FAMILY ATTACHED: ONE AND ONE HALF (1.5) SPACE PER ONE (1) BEDROOM UNIT OR EFFICIENCY UNIT. TWO (2) SPACES PER TWO (2) OR MORE BEDROOM UNIT. PLUS ONE (1) SPACE PER THREE (3) UNITS FOR GUEST PARKING.

3.) MULTIPLE FAMILY: ONE AND ONE HALF (1.5) SPACE PER ONE (1) BEDROOM UNIT. TWO (2) SPACES PER TWO (2) OR MORE BEDROOM UNIT. PLUS ONE (1) SPACE PER THREE (3) UNITS FOR GUEST PARKING.

4.) MOBILE HOMES: TWO (2) SPACES PER UNIT. PLUS ONE (1) SPACE PER UNIT FOR GUEST PARKING TO BE LOCATED WITHIN MOBILE HOME PARK AND NOT MORE THAN 200 FEET FROM UNIT IT IS SERVING.

5.) SENIOR HOUSING

A.) INDEPENDENT LIVING: ONE (1) SPACE PER ONE (1) BEDROOM OR EFFICIENCY UNIT. ONE AND ONE HALF (1.5) SPACES PER TWO (2) OR LARGER BEDROOM UNIT. PLUS ONE (1) SPACE PER FIVE (5) UNITS FOR GUEST PARKING.

B.) CONGREGATE CARE: THREE FOURTHS (.75) OF ONE SPACE PER ONE (1) UNIT.

C.) ASSISTED LIVING: ONE (1) SPACE PER THREE (3) PATIENT BEDS.

D.) SKILLED CARE: ONE (1) SPACE PER THREE (3) PATIENT BEDS.

B. COMMERCIAL

1.) RETAIL;

A.) ENTERTAINMENT

1.) DANCE/NIGHT CLUBS: ONE (1) SPACE PER THREE (3) PATRON SEATS. PLUS ONE (1) SPACE PER SEVENTY-FIVE (75) SQUARE FEET OF GROSS FLOOR AREA NOT CONTAINING SEATS.

2.) THEATERS: ONE (1) SPACE PER THREE (3) SEATS.

B.) HOTELS

1.) ALL TYPES: ONE AND TWO TENTH (1.2) SPACE PER UNIT.

C.) RESTAURANTS

1.) RESTAURANT INCLUDING FAST FOOD: ONE (1) SPACE PER SEVENTY (70) SQUARE GROSS FLOOR AREA.

2.) RESTAURANT/BAR: ONE SPACE PER FIFTY (50) SQUARE FEET GROSS FLOOR AREA.

D.) SERVICE AND SALES:

1.) SHOPPING CENTERS OR INDIVIDUAL RETAIL ESTABLISHMENTS LOCATED SEPARATE FROM A SHOPPING CENTER AND ENGAGED IN RETAIL SALES OR SERVICES, ONE (1) SPACE PER TWO HUNDRED (200) SQUARE FEET OF GROSS FLOOR AREA.

NOTE SHOPPING CENTERS CONTAINING MIXED USES SHALL CALCULATE PARKING AS THE SUM TOTAL OF ALL THE PARKING SPACES REQUIRED FOR EACH INDIVIDUAL USE. (IE. OFFICE + RESTAURANT + RETAIL = TOTAL REQUIRED PARKING.)

2.) CONVENIENCE STORE AND AUTOMOBILE SERVICES: ONE (1) SPACE PER TWO HUNDRED (200) SQUARE FEET GROSS FLOOR AREA.

3.) AUTOMOTIVE WASH FACILITIES: ONE (1) SPACE PER TWO HUNDRED (200) SQUARE FEET GROSS FLOOR AREA.

4.) PERSONAL SERVICES: ONE (1) SPACE PER TWO HUNDRED (200) SQUARE FEET GROSS FLOOR AREA.

E.) PRIVATE RECREATION FACILITIES

1.) FITNESS CENTERS: ONE (1) SPACE PER ONE HUNDRED (100) SQUARE FEET GROSS FLOOR AREA.

2.) DRIVING RANGES: ONE (1) SPACE PER TEE BOX.

3.) MINIATURE GOLF: TWO AND ONE HALF (2.5) SPACES PER HOLE.

4.) GOLF COURSE: FIVE (5) SPACES PER HOLE.

5.) BOWLING ALLEYS: ONE (1) SPACE PER TWO HUNDRED (200) SQUARE FEET GROSS FLOOR AREA.

6.) ARCADES/POOL HALL: ONE (1) SPACE PER ONE HUNDRED EIGHTY SQUARE FEET GROSS FLOOR AREA.

III. OFFICE

A.) GENERAL OFFICE: ONE (1) SPACE PER TWO HUNDRED FIFTY (250) SQUARE FEET GROSS FLOOR AREA.

NOTE THE PLANNING MANAGER MAY REQUIRE MORE PARKING FOR MIXED USE FLEX-SPACE AND/OR MULTIPLE TENANT OFFICE BUILDINGS BASED UPON THE TYPES OF USES.

B.) MEDICAL/DENTAL OFFICE: ONE (1) SPACE PER TWO HUNDRED (200) SQUARE FEET GROSS FLOOR AREA.

C.) OFFICE/WAREHOUSE: SHALL BE THE SUM TOTAL OF, ONE (1) SPACE PER TWO HUNDRED FIFTY (250) SQUARE FEET GROSS FLOOR AREA FOR OFFICE PORTION PLUS ONE (1) SPACE PER FIVE HUNDRED (500) SQUARE FEET GROSS FLOOR AREA FOR WAREHOUSE PORTION. *NOTE*: A MINIMUM AREA EQUAL TO SIXTY PERCENT (60%) OF THE GROSS FLOOR AREA OF OFFICE SPACE SHALL BE USED TO CALCULATE THE PARKING REQUIREMENT.

IV. WHOLESALE INDUSTRIAL

A.) ALL TYPES: ONE (1) SPACE PER ONE THOUSAND (1,000) SQUARE FEET GROSS FLOOR AREA.

V. INSTITUTIONAL

A.) GENERAL CARE

1.) CHILD CARE: ONE (1) SPACE PER CLASSROOM. PLUS ONE (1) SPACE PER FIVE (5) PERSONS RATED CAPACITY WITH PROPER DROP-OFF FACILITY.

2.) GROUP HOME: ONE (1) SPACE PER PATIENT BED.

3.) HOSPITAL: ONE AND ONE QUARTER (1.25) SPACE PER PATIENT BED.

B.) EDUCATIONAL

1.) PRE-SCHOOL: ONE (1) SPACE PER CLASSROOM. PLUS ONE (1) SPACE PER FIVE (5) PERSONS RATED CAPACITY WITH PROPER DROP-OFF FACILITY.

2.) ELEMENTARY/JUNIOR HIGH SCHOOL: ONE AND THREE QUARTER (1.75) SPACE PER CLASS ROOM.

3.) HIGH SCHOOLS: ONE AND ONE HALF (1.5) SPACES PER CLASS ROOM. PLUS, ONE QUARTER OF ONE (.25) SPACE PER STUDENT.

4.) COLLEGE/UNIVERSITIES: ONE AND ONE HALF (1.5) SPACE PER CLASS ROOM. PLUS, ONE QUARTER OF ONE (.25) SPACE PER STUDENT.

C.) PLACES OF PUBLIC ASSEMBLY

1.) CHURCHES: ONE (1) SPACE PER THREE (3) PERSONS RATED SEATING CAPACITY. PLUS, TWO (2) SPACES PER CLASSROOM.

2.) FUNERAL HOMES: ONE (1) SPACE PER THREE (3) PERSONS RATED SEATING CAPACITY.

3.) LODGES: ONE (1) SPACE PER THREE (3) PERSONS RATED SEATING CAPACITY.

4.) COMMUNITY CENTER/AUDITORIUM: ONE (1) SPACE PER THREE (3) PERSONS RATED SEATING CAPACITY.

(C) CONSTRUCTION AND MAINTENANCE STANDARDS.

1. Each off street parking space BEING AT AN ANGLE OF NINETY (90) DEGREES TO THE DRIVE AISLE shall not be less than ~~eight (8')~~ nine feet (9') wide, ~~twenty-NINETEEN feet (20 19')~~ long, and that any cover be at least seven feet (7') high. ANGLED PARKING SPACES SHALL BE PER THE TYPICAL PARKING LAYOUT STANDARDS. (SEE FIGURE 1BELOW

Each space shall be surfaced with ~~an~~ asphalt ~~mat~~ or other permanent material; shall be properly graded and drained; shall be provided with surfaced vehicular access to an improved public right of way.

Figure 1 Parking Lot Standards

A	B	C	D	E	F	G
45°	46.2'	52.6'	13'	12.7'	19.8'	9'
50°	47.0'	52.8'	12'	11.7'	20.4'	9'
60°	55.5'	60.0'	18'	10.4'	21.0'	9'
70°	57.9'	61.0'	19'	9.6'	21.0'	9'
80°	62.7'	64.6'	24'	9.1'	20.3'	9'
90°		62.0'	24'	9'	19.0'	9'

A – Parking Angle (degrees)

B – Stall Center (FT)

C – Minimum Overall Double Row with Aisle Between (FT)

D – Aisle Width (FT)

E – Curb Length (FT)

F – Stall to Curb (FT)

G – Stall Width (FT)

2. Each off street parking space shall conform with the City Standard Specifications for Design and Construction.

3. All required off street parking spaces and access drives shall be improved with asphalt pavement or an equivalent surface installed in conformance with the "Westminster Standard Specifications for the Construction of Public Works Projects." THIS REQUIREMENT SHALL NOT APPLY TO CITY OPEN SPACE PROPERTIES AND PARKS.

4. All off street parking areas shall be maintained in good condition, free of weeds, dust, trash and debris and major surfacing defects.

5. No parking area shall be used for the storage, sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.

6. All off street parking spaces (excluding single and/or duplex units) shall be outlined by white or yellow stripes not less than four inches (4") wide, painted on the surface area or an alternative judged equally effective by the City Manager or his designee. All non parking spaces such as loading zones, emergency lanes or spaces in front of doorways/entrances, shall be clearly delineated.

7. All parking areas shall be provided with ingress and egress to an improved public right of way so located as to promote safety and minimize traffic congestion; shall be provided with necessary internal circulation drives and aisles, layout of parking spaces consistent with the "Westminster Standard Specifications for the Construction of Public Works Projects." Prior to the issuance of a building permit, the layout of the required parking area (excluding single and duplex units) shall be approved by the City Manager or his designee.

8. All required parking spaces (excluding single and duplex units) facing and abutting a building, wall, fence, property line or walkway shall be provided with curb, bumper or wheel stops. Such devices shall be constructed and installed in conformance with the "Westminster Standard Specifications for the Construction of Public Works Projects."

9. Parking areas (excluding single and duplex units) shall be screened so as to prevent disturbance to adjacent residential development due to the maneuvering of vehicles entering and leaving the parking area. Screening design and materials shall be in conformance with the "Westminster Standard Specifications for the Construction of Public Works Projects" prior to issuance of a building permit.

10. Parking areas (excluding single and duplex units) shall be provided with night lighting for security and safety and adequate visibility for maneuvering to emphasize entrances and exits and hazards. Lighting structures and their location shall conform to the "Westminster Standard Specifications for the Construction of Public Works Projects" and shall be designed so as not to unreasonably disturb occupants of adjacent residential structures.

11. ALL PARKING AREAS SHALL BE DESIGNED IN CONFORMANCE WITH THE CITY OF WESTMINSTER LANDSCAPE REGULATIONS AND COMMERCIAL STANDARDS.

12. PARKING SPACES MAY BE DESIGNED WITH A TWO FOOT (2') OVERHANG OVER LANDSCAPED AREAS AND WALKS, PROVIDED THAT THE MINIMUM WIDTHS OF THE AFFECTED LANDSCAPE OR WALK IS INCREASED BY TWO FEET (2').

13. FOR PARKING SPACES LOCATED WITHIN A PARKING STRUCTURE, THE PLANNING MANAGER MAY REDUCE THE DIMENSIONS OF THE PARKING SPACES FROM THE CODE REQUIREMENT, PROVIDED THAT AN ACCEPTABLE PARKING STUDY HAS BEEN SUBMITTED TO THE CITY. IN NO EVENT MAY A PARKING SPACE BE LESS THAN EIGHT (8) FEET WIDE.

(D) HANDICAPPED PARKING SPACES.

1. Each off-street handicapped parking space shall be not less than ~~eight~~ NINE feet (8 9') wide and ~~twenty~~ NINETEEN feet (20 19') long and shall have an adjacent access aisle which shall be not less than five feet (5') wide and ~~twenty~~ NINETEEN feet (20 19') long. Each handicapped parking space shall be designed, constructed, and identified in conformance with City standards.

2. The number of off-street handicapped accessible parking spaces required shall be a portion of the total number of spaces required by section 11-7-4(B) above as follows:

TOTAL PARKING SPACES IN LOT OR GARAGE	NUMBER OF ACCESSIBLE PARKING SPACES
1 to 100	1 for each 25 or fraction thereof
101 to 200	1 for each additional 50 or fraction thereof
201 to 300	1 for each additional 100 or fraction thereof

(E) BICYCLE PARKING.

1. Bicycle Parking Standards.

(a) Bicycle parking facilities shall include provisions for storage and locking of bicycles, either in lockers or secure racks or equivalent installation in which the bicycle frame or wheels may be locked by the user.

(b) The ground surface surrounding and underneath the bicycle storage facility shall be surfaced in a manner which prevents mud or dust.

(c) Bicycle spaces shall consist of racks or lockers anchored so that they cannot be easily removed. Racks shall be designed that a wheel or the frame of a bicycle can be locked securely to it with a heavy chain, cable, or padlock. Lockers shall be so designed to minimize the possibility of an unauthorized person removing a bicycle.

(d) Fixed objects which are intended to serve as bicycle racks but not obviously intended for such purposes shall be labeled as available for bicycles.

(e) Bicycle lockers should be harmonious with their environment both in color and design as approved by the City. Parking device designs should be incorporated wherever possible into building design or street furniture. There should be sufficient space between devices so that the use of one does not interfere with the other bicycles or devices. The parking device selected should allow maximum flexibility in grouping and placement.

(f) The City shall have the authority to review and approve bicycle parking devices for design with respect to safety and convenience.

(g) Parking and bicycles shall be provided on the same lot, tract or parcel as the use served.

(h) Bicycle parking areas shall be lighted and located as near to the building or facility entrance as possible, without interfering with pedestrian traffic.

2. Amount of Offstreet Bicycle Parking Spaces Required.” The minimum number of bicycle parking spaces shall be required as follows for all zones except P.U.D.; however, during the development review process, City staff may determine that a greater number of spaces than those listed below are necessary. For P.U.D. zones, the following list shall be used as a guideline:

(a) Multiple Family Dwellings: ~~One~~.25 bicycle parking space for each dwelling unit.

(b) Non Residential Uses: One bicycle parking space per each twenty (20) required automobile parking spaces, with no less than two (2) spaces per premise, with the following exceptions:

(1) Private or Commercial Indoor Recreation Facility: One bicycle parking space for each twelve (12) persons capacity.

(2) Community Facilities Including Public Parks, Libraries, Recreation or Activity Centers: One bicycle parking space per twelve (12) persons capacity.

(3) Drive In Theatres, Auto Service Stations, Automobile Repair and Service: None.

(4) Mortuaries: None.

(5) Motels, Hotels, Lodging: None.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of May, 1999 as amended.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of May, 1999.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 10, 1999

Subject: Purchase of Conservation Easement Along Walnut Creek

Prepared by: Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested to authorize the City Manager to purchase a conservation easement to preserve as open space approximately 12 acres of land along Walnut Creek, located east of 104th Avenue and Dover Street (see attached map). Open Space funds are available to purchase this easement.

Summary

This property in unincorporated Jefferson County, which includes a section of Walnut Creek, is owned by The Nature Conservancy (TNC), a national (and international) land trust organization which generally works to preserve very large natural ecosystems and biological diversity. TNC received this land by donation years ago. It is a small property which is now bounded on the west by City of Westminster open space, and City Staff have informally repaired fencing, picked up trash and generally cared for the property for the past few years while in the area. The proposed conservation easement would assure the long term preservation of the property, establish a partnership in sharing valuable scientific and management information between TNC and the City, and formalize the City's role in managing this property, consistent with the adjacent open space.

City and TNC staffs discussed a variety of options, and recommend a purchase of the easement by the City at a cost of \$25,000. These funds would go to a TNC endowment fund, which would in turn provide assistance in the management of this and other open space lands in Colorado. This approach was the simplest, and least expensive in terms of future paperwork and operating cost. City Staff would manage the property consistent with adjacent City of Westminster open space, would benefit from the specialized knowledge of TNC staff, and the groups would review the condition of the property annually.

The property would have a value of approximately \$300,000 to \$400,000, if offered for sale for development. The removal of development rights by easement at a bargain price of \$25,000 represents a very good value to the community. These funds would also establish the mutually beneficial relationship described above.

Alternatives to the Proposed Action:

1. Do not acquire the Conservation Easement, and hope that the land remains in its natural condition, without development pressure or other impacts from construction or adjacent land uses. However, this alternative would fall short of the Open Space Advisory Board's recommendation to formally preserve this particular open space property.
2. Attempt to acquire the property in fee simple ownership. This was discussed, but the terms of the prior donation to TNC do not allow them to convey fee ownership to the City of Westminster.

Staff does not recommend the alternatives in light of the previously described benefits of acquiring this easement.

The Open Space Advisory Board (OSAB) has recommended purchase of the conservation easement for more formal protection of this property.

Staff Recommendation

Authorize the City Manager to sign all the necessary documents necessary to purchase for Open Space purposes, a Conservation Easement on approximately 12 acres of land, at a cost of \$25,000 from The Nature Conservancy, and charge the expense to the Open Space Fund.

Background Information

The Chambers family, prior owners, donated this property to TNC in the 1980's, hoping to block plans of the City of Westminster and Jefferson County at that time to build 104th Avenue through this property. 104th Avenue and Church Ranch Boulevard were subsequently built in a different location. The Chambers family apparently asked that the land not be conveyed in fee to Westminster, and TNC feels obligated to follow this request, though TNC welcomes the City's participation in managing and formally preserving the property.

TNC could sell or trade this property, resulting in its development, to further their larger goals around Colorado or beyond. The placement of a formal conservation easement on the land would remove the development rights from the property, assuring the long term preservation of open space values. In holding the easement, the City of Westminster could assist in defending the property against excessive utility easements or other work which could diminish its open space values.

The Conservation Easement allows for the construction and maintenance of a trail, which is planned along the Walnut Creek corridor in the future. The mutual benefits of the proposed easement and management relationship represent a "win – win" approach to the preservation of this property, and will have benefits to other City open spaces as well. The City has entered into several conservation easements previously, where an easement represented the best solution to the landowner's and City's concerns and interests. Receiving a conservation easement from, and working with The Nature Conservancy, also represents an acknowledgement of the legitimacy and stability of the City of Westminster's Open Space Program.

The proposed Open Space acquisition (by easement) fits the City's Open Space Ordinance criteria for the selection of open space sites very well, as follows:

< AESTHETICS: This land lies along and includes Walnut Creek, preserves views along the stream and to the mountains, and would extend by one half mile the open space corridor already preserved at this location. The great views from this site, and the unique natural character would be preserved.

< PROTECTION AND PRESERVATION: Acquiring the property would protect the environmentally sensitive features of the stream, many large trees and shrub thickets, key wildlife habitat, and avoid encroachment of development into the floodplain. Preserving occasional upland grassy areas along the creek adds habitat diversity for many songbirds and small mammals, and broadens the variety of wildlife that may be seen along the creek as the City builds out. This particular hillside area appears to never have been plowed or farmed, and includes a small remnant prairie.

< LOCATION: Properties along Walnut Creek are important links in an important natural corridor which extends from Great Western Reservoir and large open spaces to the northwest, southeasterly to Big Dry Creek. This is one open space corridor which can provide a physical connection to the mountain backdrop, and allow wildlife into the City.

< USE POTENTIAL: The lands along Walnut Creek provide an ideal open space and future trail corridor which will link this area west to the mountains, and south and east to Standley Lake, City Park, Front Range Community College, College Hill Library and many other local parks and trails. This acquisition would provide passive enjoyment such as nature study, photography or solitude, would protect the watershed, and would minimize need for expensive storm drainage improvements by generally maintaining the floodplain in a natural condition with room to meander.

< NEED FOR IMMEDIATE ACTION and ACQUISITION CONSIDERATION: TNC and City of Westminster staffs have been discussing over the past several years the best technique to guarantee that the land remains as open space, to allow the Staffs to share information and resources. The proposed purchase of a conservation easement seems the best solution, at a very minimal cost. TNC is a willing seller and partner, the price they ask is very reasonable, and funds are available for the purchase.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 10, 1999
Subject: Resolution No. 33 re Park Services Staffing
Prepared by Richard Dahl, Park Services Manager

Introduction

City Council action is requested to approve the attached resolution which amends the 1999 Park Services authorized personnel to convert four full-time equivalent (FTE) year-round temporary positions into four permanent FTE positions for Park Maintenance Operations. Funds are available within the Park Services Division and Central Charges Budgets for this expense.

Summary

Park Services currently has four (4) unbenefitted, full time temporary (12 month) Parkworker positions that have been approved and budgeted for over the past three years to maintain the City's parks, Open Space and Right-of-Way areas.

The twelve-month positions do not really fall into the category of seasonal labor and, therefore, should be classified as full time employees and receive the appropriate benefits and classifications. In addition, given the tight job market, the City cannot find good quality temporary employees as well as when a position is full-time, benefitted. Staff is in the process of recruiting for these positions at this time and believe it is in the best interests of the City to convert these positions to regular full time with benefits to allow for better chances of filling these positions with good quality employees.

Converting these four positions to full time status will not increase the Park Services operating budget as they are currently being funded through the seasonal labor account. However, the overall City budget for personnel services will increase approximately \$16,000 since these four positions would now receive City fringe benefits. It is anticipated that the increased expense for 1999 can be absorbed within the various budget accounts in Central Charges.

Alternatives

Do not authorize the addition of four Parkworker I/II positions to the Park Services authorized personnel for 1999. Staffing needs would be partially addressed through seasonal laborers utilized during the designated seasonal period of April through October. However, the balance of the year would be without the benefit of these positions. This would negatively impact snow removal, park repairs, trash removal, and turf maintenance, along with winter maintenance operations in the parks and right-of-ways.

Staff Recommendation

Adopt Resolution No. 33 authorizing the addition of four full-time, benefitted Parkworker I/II positions to the staffing levels approved as part of the 1999 General Fund Budget.

Background

The following positions are the ones requested to be converted in order to provide for improved, on going maintenance operations for the City's Park Systems rather than contend with year-round seasonal staff:

Park Services Staffing

Page 2

Parkworker I /II (G35/G40, 23,635 - \$34,113). Responsible for the daily maintenance of the City's Park System including; mowing, trimming, trash removal, restroom/shelter cleaning, landscape upkeep, playground repairs and safety inspections, and snow removal. Special area of focus: Open Space/Forestry.

Parkworker I/II (G35/G40, \$23,635 - \$34,113). Responsible for the daily maintenance of the City's Park System including; mowing, trimming, trash removal, restroom/shelter cleaning, landscape upkeep, playground repairs and safety inspections and snow removal. Special area of focus: Right-of-Way.

Parkworker I /II (G35/G40, \$23,635 - \$34,113). Responsible for the daily maintenance of the City's Park System including; mowing, trimming, trash removal, restroom/shelter cleaning, landscape upkeep, playground repairs and safety inspections and snow removal. Special area of focus: Park Maintenance.

Parkworker I/II (G35/G40, \$23,635 - \$34,113). Responsible for the daily maintenance of the City's Park System including; mowing, trimming, trash removal, restroom/shelter cleaning, landscape upkeep, playground repairs and safety inspections and snow removal. Special area of focus: Park Maintenance.

The recommended pay and grade level for these positions is based on the 1999 City of Westminster Pay Plan as they relate to existing positions.

The Park Services Division has experienced a significant increase in maintenance responsibilities over the past three years with the addition of 40 acres of new parks, high profile turf areas, and public facilities, along with new areas of responsibility shortly to occur at Arapahoe Ridge Elementary, Green Knolls Park, Sensory Park, new trail sections, open space, the Buffer Park on Westminster Boulevard, the Linear Park at the Promenade, expansions at both the Semper Water Treatment Plant and Big Dry Creek Reclamation Facility, and new gateways on 120th Avenue at Huron Street and Sheridan Boulevard.

To manage these responsibilities, Park Services uses a variety of methods to maintain the City's parks, public facilities, open space and streetscapes in a condition expected by the Citizens of Westminster and the City Administration.

- Currently there are 43 City owned sites covering 76 acres and 10 linear miles of developed streetscapes being maintained by an outside contractor with an additional site at 72nd Avenue and Federal Boulevard (streetscape) under contract to the North Metro Community Services which is a work program for people with developmental disabilities.
- The Promenade, which the Park Services Division now maintains, contracts out 5 acres of landscape maintenance, parking lot sweeping and related contractual work.
- Contractors are also used to perform specialized and high labor work such as weed spraying, fence construction, portable toilet maintenance, lighting repairs and water quality control for ponds and lakes.
- The Park Services Open Space Program relies on volunteers to do a large percentage of clean up, fence installation, trail construction, plantings and habitat improvement. Since this program was started in 1996 over 20,000 volunteer hours have been donated to the City of Westminster in free labor with a "Points of Light" value of \$274,000.
- The seasonal employee Parks has relied on to staff its maintenance crews for mowing, tree planting, open space management, irrigation repairs, restroom cleaning, trash removal and athletic field maintenance has become more difficult to secure during the past several years.

- Park maintenance duties go from May to October (6 months), yet students, who make up the bulk of the seasonal staff, have only June to August (3 months) available to work for the City. For approximately three months of the maintenance season (May, September and October), the Park Services Division sends out mowing crews with only one or two people on them when the full complement of staff should be four to five. Added to this issue is the increased competition from local businesses and the upward spiral of pay they are offering to attract applicants, which helps to explain why Park Services has been unable to fill 20% of the seasonal positions available on a yearly basis.
- To manage the seasonal labor problem three years ago, Staff began using, and budgeting for, year long (12 month) seasonal Parkworker positions at a pay rate of \$11.33 per hour (1999) and placed these positions in Park Maintenance, Open Space, City Park and Right-of-Way. However, quality employees want full-time, permanent positions, rather than the 12-month seasonal positions Park Services offers. This impedes the division's efforts to attract professional, committed employees.

Staff continues to look for alternative ways to manage resources as balanced against responsibilities but the issue of the seasonal work force continues to hamper the Division's ability to effectively deploy its personnel and equipment. By converting the four existing seasonal Parkworker positions to full time, Staff will be better prepared to deal with existing and future responsibilities.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION No.

INTRODUCED BY COUNCILLORS

SERIES OF 1999

PARK SERVICES STAFFING

WHEREAS, Section 1-24-3 of the Westminster Municipal Code provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the salary schedule for all position classifications in the municipal service; and

WHEREAS, the salary schedule and authorized personnel schedule for the 1999 year were adopted by City Council by Resolution No. 57, Series of 1998; and

WHEREAS, the City Council is adding personnel to perform park maintenance operations;

NOW, THEREFORE, be it resolved that the Westminster City Council hereby authorized the salary schedule and authorized personnel schedule for the 1999 year, be amended by modifying the existing specifications for the positions listed below:

Grade	FTE	Postion	Class Code
35	1	Parkworker I	5311
35	1	Parkworker I	5311
35	1	Parkworker I	5311
35	1	Parkworker I	5311

BE IT FURTHER RESOLVED that this amendment shall be effective upon passage and adoption of this resolution.

Passed and adopted this 10th day of May, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 10, 1999
Subject: Walnut Creek Trail Crossing at Heritage Golf Course
Prepared by: Becky Eades, Landscape Architect

Introduction

City Council action is requested to authorize the City Manager to execute a change order with Randall & Blake, Inc. of Littleton, Colorado in an amount of \$40,910 for the construction of a trail crossing for the Walnut Creek Trail at the City's open space along Walnut Creek, and adjacent to the Heritage at Westmoor Golf Course. Funds for this expense are available in the 1999 Capital Improvement Plan (CIP) Trail Development account.

Summary

The Phase 3 project for the construction of golf cart and trail crossings was bid with five separate bid schedules, encompassing five trail and golf cart crossings. Two contractors submitted bids for this project, with the low bid being submitted by Randall & Blake, Inc. Staff recommended that two trail crossings (including this crossing) be eliminated to keep the contract amount within the budget. On October 12, 1998, Council approved the contract with Randall & Blake, Inc. for the golf course crossings and three trail crossings.

Additional trail funds have been since allocated in the 1999 CIP budget. Therefore, this current change order would allow for construction of the trail crossing of Walnut Creek necessitated by the development agreement with Westmoor Business Park. Randall & Blake, Inc. has agreed to honor their original bid price for the construction of this crossing. The one other crossing that was eliminated under the original contract provides connection to the future Northwest Area Recreation Center, and is not required by the development agreement. There currently are not sufficient funds to proceed with this crossing; however, it will be included in the 2000 Capital Improvement Project budget request.

Alternatives

City Council could reject the authorization of the signing of this change order. However, without this crossing, this segment of the Walnut Creek Trail can not be completed, violating the terms of the development agreement with Westmoor Business Park.

Staff Recommendation

Authorize the City Manager to execute a change order with Randall & Blake, Inc., in the amount of \$40,910 for the construction of the trail crossing for the Walnut Creek Trail at the Heritage Golf Course and charge the expense to the 1999 Trail Development project account in the General Capital Improvement Fund.

Background Information

On July 28, 1997, City Council approved the Countrydale Business Park/Golf Course Business Agreement which represents the financial obligations and commitments on the part of both Westmoor Business Park and the City of Westminster.

A key provision of the agreement requires the City to construct a trail along Walnut Creek within the Westmoor Business Park project limits, but does not require a trail connection to the future recreation center. The original contract with Randall & Blake, Inc. is nearly complete, with work on this change order expected to begin immediately upon approval. The Parks, Recreation, and Libraries Design Development Construction Crew will complete the remainder of this segment of the Walnut Creek Trail in the fall of 1999.

The original contract amount with Randall & Blake, Inc. was \$409,345; total contract amount with the inclusion of this change order is \$450,255.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Map

Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, May 10, 1999.

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Dixon, Hicks and Smith. Absent none.

The minutes of the meetings of April 26 and May 3, 1999 were approved with no additions or corrections.

The Mayor presented a check to City employee Cliff Coffman in recognition of his 25 years of service to the City and proclaimed the week of May 16-22, 1999 as Public Works Week in the City.

Council changed the date of the first City Council meeting in June from June 14 to June 7 and the first Study Session in June from June 7 to June 14.

Public Hearings were held on the Martin Property Annexation and Zoning, and on Parking Code Revisions.

Council approved the following: Purchase of Refuse truck; 72nd and 80th Avenues Waterline replacement; Design of 92nd Avenue Waterline; Design of Sunset Ridge Lift Station; Channel Improvements at Hyland Creek Open Space; Hyland Hills Ice Arena Management Agreement; Annexation Agreement with Asbury Homes; Purchase of Conservation Easement along Walnut Creek; and construction of Walnut Creek Trail Crossing at Heritage Golf Course.

The following Councillor's Bills were introduced and passed on first reading:

A BILL FOR AN ORDINANCE APPROVING A LEASE WITH HYLAND HILLS PARK AND RECREATION DISTRICT FOR THE LEASE OF THE EXISTING HYLAND HILLS ICE ARENA. Purpose: Provide for continued operation and future conversion of the Ice Arena.

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Martin Property annexation.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Zone Martin Property as Planned Unit Development.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE PERTAINING TO OFF-STREET PARKING REQUIREMENTS. Purpose: Amend City Code to reflect changes in regional and national standards for parking requirements.

The following Councillor's Bills were passed and adopted on second reading:

A BILL FOR AN ORDINANCE ESTABLISHING RECOVERIES DUE THE CITY FOR COSTS INCURRED ON THE 128TH AVENUE AND HURON STREET INTERSECTION IMPROVEMENTS PROJECT.

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH LUCENT TECHNOLOGIES.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO DECREASE THE 1999 BUDGET IN THE GENERAL CAPITAL IMPROVEMENT FUND AND INCREASE THE 1999 BUDGET IN THE GOLF COURSE FUND.

A BILL FOR AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY WITHIN MANDALAY GARDENS, TRACT 46 AND TRACT 45.

The following Resolutions were adopted:

Resolution No. 31 – Findings of Fact for Martin Property Annexation.

Resolution No. 32 – Foster Property Annexation Petition.

Resolution No. 33 – Park Services Staffing.

At 8:15 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window May 20, 1999.