



WESTMINSTER  
COLORADO

May 13, 2002  
7:00 P.M.

## CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
  - A. Westminster High School Students re Close Up Program
  - B. Jefferson County Mental Health Month
  - C. Proclamation re Public Works Week
5. Citizen Communication (5 minutes or less)
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. 2002 Traffic Signal Project
  - B. Contract with Output Services Inc. for Utility Bill Printing and Mailing Services
  - C. Quarterly Insurance Report
  - D. Bids re Fiber Optic Network Expansion
  - E. Amendment to Design Contract for New Library Facility in South Westminster
  - F. Purchase of PVC Water Pipe
  - G. Contract for Design of the 104<sup>th</sup> and Grove Waterline
  - H. CB No. 14 re Big Dry Creek Watershed (Dittman-Atchison)
  - I. CB No. 15 re CDBG Fund Appropriation (Dixon-McNally)
  - J. CB No. 16 re Appropriation of Funds South AdCo Water and Sanitation (Dittman-Atchison)
9. Appointments and Resignations
  - A. Resolution No. 26 re Board & Commission Resignation & Appointments
  - B. Metro Wastewater Reclamation District Board of Directors Re-Appointment
10. Public Hearings and Other New Business
  - A. Public Hearing re Summa Property (107<sup>th</sup> Ave & Simms)
  - B. Resolution No. 27 re Findings on Summa Property
  - C. Annexation Agreement re Summa Property
  - D. Councillor's Bill No. 17 re Annexation of Summa Property
  - E. Councillor's Bill No. 18 re CLUP Amendment re Summa Property
  - F. Councillor's Bill No. 19 re Zoning Summa Property
  - G. Federal Boulevard/US 36 Bridge – Additional Funding
  - H. Resolution No. 28 re Winters South Annexation, located south of 111<sup>th</sup> Avenue, west of Wadsworth Blvd
  - I. Councillor's Bill No. 20 re Transfer of Funds for Retail Services Contract with JM Mullins & Associates
  - J. Retail Services Contract with John Mullins of J.M. Mullins & Associates
  - K. Councillor's Bill No. 21 re Vacation of Easement within the Wexford Station Filing No. 2
  - L. Resolution No. 29 re North Metro Drug Task Force Mutual Aid Agreement

**10. Public Hearings and Other New Business (continued)**

- M. Councillor's Bill No. 22 re Countryside Little League Fields Lease Agreement
- N. Resolution No. 30 re 2002 Fishing is Fun and Great Outdoors Colorado Grants
- O. Resolution No. 31 re Acquisition of Street Right-of-Way for West 122<sup>nd</sup> Avenue
- P. Resolution No. 32 re Council Rules Amendments

**11. Old Business and Passage of Ordinances on Second Reading**

**12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**

- A. City Council
- B. Executive Session

**13. Adjournment**

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

**A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.

**B.** Any person wishing to speak other than the applicant will be required to fill out a "Request to Speak or Request to have Name Entered into the Record" form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.

**C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.

**D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.

**E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.

**F.** City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;

**G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);

**H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;

**I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.

**J.** Final comments/rebuttal received from property owner;

**K.** Final comments from City Staff and Staff recommendation.

**L.** Public hearing is closed.

**M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, MAY 13, 2002 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Councillor McNally moved, seconded by Atchison to accept the minutes of the meeting of April 22, 2002 with the following correction: On page 3, Councillor's Bill No. 17, motion made by Atchison, seconded by Hicks. The motion carried unanimously.

PRESENTATIONS

Mark Ramsey, Close-Up Coordinator for School District 50 and Westminster High School Students Holly Michael and Leslie Brown, addressed Council on their visit to Washington D.C. for the Close Up Government Program and thanked Council for their financial support.

Councillor McNally presented a proclamation for "Mental Health Month" to Tom Petrizzo, Deputy Director for Adams Community Mental Health, and Vicky Rodgers, Jefferson Center for Mental Health

Councillor Kauffman presented Mary Blosser, Street Operations Division Secretary, with a proclamation for the week of May 19-25 as "Public Works Week."

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the Christopher Fields dedication, the Legacy Ridge Golf Course hosting the LPGA Futures Tour next week, the Federal Boulevard Extension dedication on May 16 at 7:30 a.m., and the Business Showcase on Friday May 17. He also stated that there would be an executive session discussion on the DIA noise agreement litigation.

CITY COUNCIL COMMENTS

Mayor Pro-Tem Atchison stated his family was a host family for two guests of the LPGA Futures Tour, and there were 14 countries represented at the tournament.

Councillor McNally congratulated Hyland Hills on the May 7th election results, commented that May 18<sup>th</sup> is Pride Day and invited citizens to participate, and that May 2<sup>nd</sup> was prayer day celebrated with a breakfast at the Westin Hotel.

Mayor Moss commented on the seminar he had attended on suicide. Suicide is 40% higher in Denver than the national average, with the highest rate in older males. Councillor Dittman, is a Board member of Yellow Ribbon Suicide Prevention which originated in Westminster and is active in 50 states and 47 countries.

CONSENT AGENDA

The following items were considered as part of the Consent Agenda: 2002 Traffic Signal Project with Colorado Signal Company, for \$37,565; Contract with Output Services not to exceed \$120,000; Quarterly Insurance Report; Bids re Fiber Optic Network Expansion with U.S. Communications for \$92,280; Amendment to Design Contract for New Library Facility with Bennett, Wagner and Grody for \$115,530;

Purchase of PVC Water Pipe with Waterworks Sales for \$49,940; Contract for Design of the 104<sup>th</sup> and Grove Waterline with SA Miro Engineering for \$74,745; CB No. 14 re Big Dry Creek Watershed; CB No. 15 re CDBG Fund Appropriation; CB No. 16 re Appropriation of Funds South AdCo Water and Sanitation.

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. Mayor Pro-Tem Atchison requested that the Contract for Design of the 104<sup>th</sup> and Grove Waterline be removed, and Councillor Hicks asked that the 2002 Traffic Signal Project be removed for separate discussion.

Mayor Pro-Tem Atchison moved, seconded by McNally to adopt the remaining Consent Agenda items as presented. The motion carried unanimously.

#### 2002 TRAFFIC SIGNAL PROJECT

Councillor Dixon moved, seconded by Atchison to authorize the City Manager to enter into an agreement with the low bidder, Colorado Signal Company, for the amount of \$37,565; authorize the expenditure of \$14,664 to Valmont Industries, Inc. for traffic signal poles and mast arms; authorize the expenditure of \$8,500 to Econolite Control Products, Inc. for the traffic signal controller and cabinet; authorize the expenditure of \$3,017 to 3M, Inc. for emergency vehicle pre-emption equipment; authorize the expenditure of \$5,750 to Gades Sales, Inc. for the LED (Light Emitting Diode) Traffic Signal Indications; authorize a project contingency of \$6,950, and charge these expenses to the appropriate project account in the General Capital Improvement Fund. The motion carried with a dissenting vote from Hicks.

#### CONTRACT FOR DESIGN OF THE 104<sup>TH</sup> AND GROVE WATERLINE

Councillor Dixon moved, seconded by Dittman to authorize the City Manager to execute a contract with SA Miro Engineering in the amount of \$65,745 to provide design and construction inspection services for the 104<sup>th</sup> and Grove waterline and authorize \$9,000 for contingency. The motion carried with a dissenting vote from Atchison.

#### RESOLUTION NO. 26 RE RESIGNATIONS AND APPOINTMENTS TO BOARDS & COMMISSIONS

Mayor Pro-Tem Atchison moved, seconded by McNally to adopt Resolution No. 26 formally accepting the resignation of Janeen Branvold from the Personnel Board, Michael Condon and Doug Kennard from the Special Permit and License Board and appointed John Brann alternate member of the Personnel Board with term of office to expire 12-31-03, and Michael Borchlewicz regular member with term of office to expire 12-31-02, and Bill DeVoe alternate member with term of office to expire 12-31-03, of the Special Permit and License Board. Moved Kathy Reynolds from alternate to regular member of the Environmental Advisory Board with term of office to expire 12-31-02, and reappointed Dennis Sargent, Margaret Rivera, and Betty Whorton to the Personnel Board; and Jara Raphaelson and Pat Wales to the Transportation Commission., with terms of office to expire on December 31, 2003. Upon roll call vote, the motion carried unanimously.

#### METRO WASTEWATER RECLAMATION DISTRICT BOARD OF DIRECTORS RE-APPOINTMENT

Councillor Hicks moved, seconded by Dixon to reappoint Curtis Aldstadt to the Metro Wastewater Reclamation District's Board of Directors. The term of office will be effective through June 30, 2004. The motion carried unanimously.

#### PUBLIC HEARING RE SUMMA PROPERTY

At 7:40 P.M. the public hearing was opened for annexation, zoning, and comprehensive land use plan amendment for the Summa property located at 107<sup>th</sup> Avenue and Simms. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items into the record. David Bevard, representing the property owners, was present and addressed Council.

Mary Blosser, Stephanie Huss, President of Walnut Creek Homeowners Association, 10613 Van Gordon Way, were present and addressed Council. There was no opposition. The public hearing was declared closed at 7:50 P.M.

RESOLUTION NO. 27 RE SUMMA PROPERTY

Mayor Pro-Tem Atchison moved, seconded by Kauffman to adopt Resolution No. 27 making certain findings as required by Section 31-12-110. Upon roll call vote, the motion carried unanimously.

ANNEXATION AGREEMENT RE SUMMA PROPERTY

Mayor Pro-Tem Atchison moved, seconded by Kauffman to authorize the City Manager to sign the proposed annexation agreement for the Summa property. The motion carried unanimously.

COUNCILLOR'S BILL NO. 17 RE SUMMA PROPERTY ANNEXATION

Mayor Pro-Tem Atchison moved, seconded by Hicks to pass Councillors Bill No. 17 on first reading annexing the Summa property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 18 RE CLUP AMENDMENT FOR SUMMA PROPERTY

Mayor Pro-Tem Atchison moved, seconded by McNally to pass Councillors Bill No. 18 on first reading amending the Comprehensive Land Use Plan to include the Summa Property and to give the property a designation of Single Family Detached – Medium Density. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 19 RE ZONING OF SUMMA PROPERTY

Mayor Pro-Tem Atchison moved, seconded by Hicks to pass Councillor's Bill No. 19 on first reading zoning the Summa property Planned Unit Development (PUD). Upon roll call vote, the motion carried unanimously.

FEDERAL BOULEVARD/US 36 BRIDGE – ADDITIONAL FUNDING

Councillor Kauffman moved, seconded by McNally to authorize the expenditure of an additional \$37,500 for the City's share of costs in the reconstruction of the Federal Boulevard Bridge over US-36 and charge that expense to the Turnpike Drive project account in the General Capital Improvement Fund. Authorize the City Manager to sign the documentation needed to affect this change in the Agreement between the City and the Colorado Department of Transportation. The motion carried unanimously.

RESOLUTION NO. 28 RE WINTERS SOUTH ANNEXATION

Councillor Dittman moved, seconded by Atchison to adopt Resolution No. 28 accepting the annexation petition submitted by Barry Morris as representative of BN Morris Development, and make the findings required by state statute on the sufficiency of the petition. This resolution also sets the date of July 8, 2002 for the annexation hearing. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 20 RE RETAIL SERVICES CONTRACT

Councillor Hicks moved, seconded by Atchison to pass Councillor's Bill No. 20 authorizing a supplemental appropriation of \$175,000 from the 2001 General Fund Carryover to the Economic Development Capital Account in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

RETAIL SERVICES CONTRACT

Councillor Hicks moved, seconded by Atchison to authorize the City Manager to negotiate and contract with John Mullins of J.M. Mullins & Associates to provide retail-consulting services as well as to implement and fund such contracts. The motion carried unanimously.

COUNCILLOR'S BILL NO. 21 RE VACATION OF EASEMENT WITHIN WEXFORD STATION

Councillor Dittman moved, seconded by Atchison to pass Councillor's Bill No. 21 on first reading vacating a certain easement within Wexford Station Filing No. 2 Subdivision. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 29 RE NORTH METRO DRUG TASK FORCE MUTUAL AID AGREEMENT

Councillor Hicks moved, seconded by Dittman to adopt Resolution No. 29 authorizing the Mayor to sign the attached Fourth Amendment to the Mutual Aid Agreement to add the City and County of Broomfield as a member of the North Metro Drug Task Force. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 22 RE COUNTRYSIDE LITTLE LEAGUE FIELDS LEASE AGREEMENT

Councillor McNally moved, seconded by Dixon to pass Councillor's Bill No. 22 on first reading authorizing the City Manager to sign the Countryside Little League Fields Lease Agreement. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 30 RE 2002 FISHING IS FUN AND GREAT OUTDOORS COLORADO GRANTS

Councillor Dittman moved, seconded by Atchison to adopt Resolution No. 30 authorizing the Department of Parks, Recreation and Libraries to pursue two grants from the Fishing is Fun program and Great Outdoors Colorado. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 31 RE ACQUISITION OF STREET RIGHT-OF-WAY FOR WEST 122<sup>ND</sup> AVENUE

Councillor Kauffman moved, seconded by McNally to adopt Resolution No. 31 which authorizes City Staff to acquire, by condemnation if necessary, 0.24 acre of property owned by the Arabian Horse Registry for the construction of West 122<sup>nd</sup> Avenue in the Park Centre area. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 32 RE COUNCIL RULES AMENDMENTS

Councillor Dittman moved, seconded by Atchison to waive the requirement in Part VII, Section 9 of the Council Rules for all amendments to be submitted in writing at the preceding regular meeting and adopt Resolution No. 32 amending Council Rules and Procedures.

Councillor Dittman moved, seconded by Dixon to table this item. Upon roll call vote, the motion to table carried unanimously.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session to discuss ongoing litigation re DIA airport noise.

ADJOURNMENT:

The meeting was adjourned at 8:10 P.M.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Presentation by Westminster High School Students

**Prepared by:** Michele Kelley, City Clerk

**Recommended City Council Action:**

Mayor and City Council listen to presentation by students.

**Summary Statement:**

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

- In appreciation of the City of Westminster's financial contribution, several of the students from Westminster High School wish to make a brief presentation to City Council.
- Mark Ramsey, Social Studies Teacher at Westminster High School and Sponsor of the trip to Washington DC and three Westminster High School students who participated in this program will be present at Monday night's City Council meeting to make a short presentation of their impressions of their visit to Washington, D.C. and the workings of the federal government.

**Expenditure Required:** \$0

**Source of Funds:** n/a

**SUBJECT:** Presentation by Westminster High School Students -

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**Policy Issue(s):**

There are no policy issues associated with this presentation

**Alternative(s):**

There are no alternatives

**Background Information:**

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

This week long program experience was the week of March 4<sup>th</sup> through 11th. This program gives students the opportunity to interact with their legislators at the national level.

Respectfully submitted,

J. Brent McFall  
City Manager





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Proclamation re Mental Health Month

**Prepared by:** Michele Kelley, City Clerk

**Recommended City Council Action**

Council proclaim the month of May as Mental Health Month and present a proclamation to Jefferson Center for Mental Health and Foothills Mental Health Foundation representative Vicki Rodgers, Practice Manager and Tom Petrozzo, Deputy Director for Adams Community Mental Health.

**Summary Statement**

Jefferson Center for Mental Health, Foothills Mental Health Foundation and Adams Community Mental Health have requested that the City proclaim the month of May as Mental Health Month in Westminster.

Vicky Rodgers representing Jefferson Center for Mental Health and Foothills Mental Health Foundation and Tom Petrizzo, Deputy Director representing Adams Community Mental Health will be in attendance Monday evening to accept the proclamation.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue(s)**

There are no policy issues associated with this proclamation.

**Alternative(s)**

Council could decide not to proclaim the month of May as Mental Health month at this time.

**Background Information**

Adams Community Mental Health Center, Jefferson Center for Mental Health and Foothills Mental Health Foundation have requested that the month of May be recognized as Mental Health month in Westminster in order to increase community awareness that persons with mental illness can be treated and can be productive citizens.

Representatives of Adams Community Mental Health, Jefferson Center for Mental Health and Foothills Mental Health Foundation will be in attendance to accept the Proclamation.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

WHEREAS, Good mental health is essential to everyone's overall health and well being; and

WHEREAS, One in five American adults and children are affected by a mental illness; that does not discriminate – it knows no race, creed, age limit or economic status; and

WHEREAS, People with mental illness can recover and lead full, productive lives; and

WHEREAS, An estimated two-thirds of adults and young people with mental health problems do not get the help they need; and

WHEREAS, The long-term consequences of untreated disorders are costly, in both human and fiscal terms; and

WHEREAS, These untreated or under-treated mental illnesses cost public and private employers billions of dollars annually through absenteeism, turnover, low productivity and increased medical costs; and

WHEREAS, The City of Westminster, Colorado has made a commitment to community based systems of mental health care in which all residents can receive high-quality care; and

NOW THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire Westminster City Council and Staff, do hereby proclaim May, 2002 as

### **MENTAL HEALTH MONTH**

in the City of Westminster and call upon all Westminster citizens, government agencies, public and private institutions, businesses and schools to support increased awareness and understanding of mental health and illnesses, so that those suffering from mental illness receive accessible and appropriate services.

Signed this 13th day of May, 2002.

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Ed Moss, Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Proclamation of Public Works Week

**Prepared By:** Sam LaConte, Street Operations Manager

**Recommended City Council Action**

Proclaim the week of May 19 - 25 as Public Works Week in the City of Westminster.

**Summary Statement**

- The National American Public Works Association and State Chapters dedicate one week each year to inform and educate citizens of the importance of public works.
- The theme this year is “Committed to Our Communities.”
- Efforts are made to educate the citizenry on public improvements such as safe, well-maintained streets, the treatment of drinking water, and the management of wastewater.
- Poster displays and brochures will be available at City Hall, City Recreation Centers, City Libraries, and the Westminster Mall.
- On Monday and Tuesday, May 20 - 21, a booth and the graffiti removal equipment will be set up in Westminster Mall and manned by Street Operations and Utilities Operations Division field personnel.
- Equipment will be displayed at the Municipal Service Center for interested groups or individuals to inspect.
- An e-mail invitation will be sent to all City employees and City Council members to stop by the Municipal Service Center on Thursday, May 23, between 11 a.m. and 1:30 p.m. to view the display and enjoy a free hot dog.
- Street Operations Division Secretary Mary Blosser and Foreman Pat Sexton will be in attendance to receive the proclamation on behalf of the Department of Public Works and Utilities.

**Expenditure Required:** \$ -0-

**Source of Funds:** N/A

**Policy Issue**

The National American Public Works Association (APWA) sets aside one week per year to educate and inform others of the value public works brings their everyday life. The issue is whether the City of Westminster should support this endeavor through the Colorado Chapter of APWA.

**Alternative**

City of Westminster does not participate and proclaim May 19 - 25, 2002 as Public Works Week.

**Background Information**

Public works professionals throughout the United States and Canada will celebrate National Public Works Week, May 19 through 25, 2002.

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 2002 events are being coordinated in the State by the Colorado Chapter of the American Public Works Association.

Respectfully submitted,

J. Brent McFall  
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, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire Westminster City Council and Staff, do hereby proclaim the week of May 19 through 25, 2002, 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 13<sup>th</sup> day of May, 2002

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Ed Moss, Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** 2002 Traffic Signal Project

**Prepared By:** Greg Olson, Transportation Systems Coordinator

**Recommended City Council Action**

Authorize the City Manager to enter into an agreement with the low bidder, Colorado Signal Company, for the amount of \$37,565; authorize the expenditure of \$14,664 to Valmont Industries, Inc. for traffic signal poles and mast arms; authorize the expenditure of \$8,500 to Econolite Control Products, Inc. for the traffic signal controller and cabinet; authorize the expenditure of \$3,017 to 3M, Inc. for emergency vehicle pre-emption equipment; authorize the expenditure of \$5,750 to Gades Sales, Inc. for the LED (Light Emitting Diode) Traffic Signal Indications; authorize a project contingency of \$6,950, and charge these expenses to the appropriate project account in the General Capital Improvement Fund.

**Summary Statement**

- City Council action is requested to award the construction contract, authorize the City Manager to enter into an agreement with the low bidder and authorize the purchase of traffic equipment for the installation of a traffic signal at 124<sup>th</sup> Avenue and Huron Street.
- The funding level in the General Capital Improvement Fund is sufficient to install one traffic signal from the 2002 Traffic Signal Priority List. The location receiving the highest point ranking was the 124<sup>th</sup> Avenue and Huron Street intersection.
- Formal bids were solicited from five traffic signal contractors and price quotes were obtained for the City furnished traffic signal equipment.

**Expenditure Required:** \$76,446

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

**Policy Issue(s)**

Does Council wish to authorize the construction of the proposed traffic signal installation?

**Alternative(s)**

Postpone the installation of the 124<sup>th</sup> Avenue and Huron Street traffic signal. The City is under no contractual obligation to install this traffic signal at this time.

**Background Information**

As part of the 2002 budget preparation process, City Staff evaluated 13 intersections in the City to determine the need for signalization and establish priorities for such installations (see attached priorities for installation of traffic signals for 2002). A total of three intersections met the City’s installation criteria for signalization, and they are listed below in priority order:

1. Huron Street & 124<sup>th</sup> Avenue
2. Church Ranch Boulevard & Reed St. (RTD Park-n-Ride)
3. 100<sup>th</sup> Avenue and Garrison Street

Historically, funds have been budgeted each year for the installation of approximately one or two new traffic signals. This was not the case for the year 2002 as no additional funding was allocated in the Capital Improvement Project (CIP) budget for the installation of traffic signals. However, funding is available from allocations left over from previous years.

Bids were received on April 18, 2002 with a separate bid for construction and City furnished equipment to be installed by the contractor. The bids are as follows:

<b>Contractor</b>	<b>Bid</b>
Colorado Signal Company	\$37,565
Integrated Electric	\$38,320
Quality Electric	\$48,556
W.L. Contractors	\$54,699
Sturgeon Electric	\$59,475

Using the lowest bidder, Colorado Signal Company, the project costs are:

Controller, Cabinet, Vehicle Detection	Econolite Control Products, Inc.	\$8,500
Traffic Signal Poles	Valmont Industries, Inc.	\$14,664
LED Traffic Signal Indications	Gades Sales, Inc.	\$5,750
Emergency Vehicle Detection	3M, Inc.	\$3,017
	<b>Equipment Subtotal</b>	<b>\$31,931</b>
	<b>Construction, Colorado Signal Company</b>	<b>\$37,565</b>
	<b>Subtotal (Construction and Equipment)</b>	<b>\$69,496</b>
	Project Contingency (10%)	\$6,950
	<b>Project Total</b>	<b>\$76,466</b>

In prior years, the traffic signal construction bidding process indicated that City furnished equipment is the most cost effective way of installing traffic signals. Staff is specifying LED (Light Emitting Diode) traffic signal indications for new installations for energy conservation and reduction in long-term maintenance costs. Traffic signals utilizing LED technology realize an 80% reduction in energy usage. Staff will continue to specify hot burning incandescent lamps for the north facing RED indications to prevent snow buildup during winter storms.



**SUBJECT:** 2002 Traffic Signal Project

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The following represents Staff's anticipated schedule for completing the traffic signal project, assuming City Council awards the contract and authorizes the purchase of the necessary traffic signal equipment:

May 13th	City Council awards the contract and authorizes the equipment purchase
May 14th	Order traffic signal equipment
June 4th	Issue Notice to Proceed to the contractor
September, 2002	Completion of the traffic signal project

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Contract with Output Services Inc. (Output) for Utility Bill Printing and Mailing Services

**Prepared By:** Robert Byerhof, Financial Analyst  
Bob Eichen, Treasury Manager

**Recommended City Council Action**

Authorize the Finance Director to enter into an agreement with Output Services, Inc. to process and mail utility billing statements at an annual cost not to exceed \$120,000. The initial contract would be for three years with two one-year renewable terms.

**Summary Statement:**

A series of quality control breakdowns and poor performance over the past year have led to a proposed change in service providers for the printing and mailing of utility bills. The proposed change will result in the following benefits:

- **Reduced fees:** Preliminary analysis indicates that costs would be reduced by approximately 21% or \$26,600 annually.
- **Improved quality:** Additional performance measures will be included in the daily procedures established between Output and the City of Westminster.
- **Electronic bills:** The City will have the potential to generate e-mail utility bills when requested.
- **Increased flexibility:** Further cost reductions can be realized in areas such as not sending a return envelope to customers who walk in to pay or have an automatic withdrawal from their account.

Staff recommends contracting with Output Services as the least-cost service provider with the best service quality and customer service.

**Expenditure Required:** Not to exceed \$120,000

**Source of Funds:** Funds are budgeted in 2002 and in the proposed 2003 budget.

## **Policy Issue**

Should the City Council continue printing and mailing outsourcing of utility bills?

## **Alternatives**

- Do not change the service provider. This action is not recommended. The current vendor has had several quality control and customer service issues occur during the past year that have not been satisfactorily addressed. These issues are addressed in the background.
- Bring the service back in-house and print the bills in the Information Technology Department. Although utility service is a core business, this is not recommended, as it is more cost effective to outsource the billing. The cost of the necessary equipment and staffing to print in-house would be in excess of \$500,000. This also would not be a cost effective use of funds since the service can be outsourced for less cost (currently \$45,000 and \$95,000 per year for printing and mailing respectively) and the service can be performed more efficiently through outsourcing.

## **Background Information**

The City has outsourced the process of utility bill printing and mailing since 1996. Prior to 1996, the printing and mailing of utility bills was accomplished in-house. Lack of staffing and the prohibitive cost of purchasing new capital equipment made this an ideal program to outsource. The service was re-bid in 1998 due to quality problems and DST Output (DST) was selected. The original contract with DST expired on April 27, 2001. In a July 2001 agenda memo, Staff recommended and council approved that the DST contract be extended by two one-year renewals if performance continued to be satisfactory. Since the extension, quality has become a concern. Several customer service issues have arisen that have not been satisfactorily addressed. The issues included:

- 1,400 customers were not billed in a timely manner.
- 1,140 customers received late charges, which should not have applied.
- 125 delinquent notices were not mailed.
- 34 customers did not receive disconnect notices. The customers were turned off but when it was realized no disconnect notice had been mailed, the customers had to be turned back on which created a doubling of the workload for the meter reading Staff.
- Several batches of utility bills had to be manually processed by the lockbox processor due to illegible scan lines. Scan lines allow the bills to be electronically processed.

Treasury Staff had three separate meetings with DST Staff during 2001. In each instance, DST promised a high quality level of service and to respond immediately to the concerns that were raised. DST did not meet their promises and did not follow through. Due to these problems and the lack of an acceptable response, Staff gave DST a termination notice and a request for proposal was issued to select a replacement for printing and mailing services.

The City currently pays approximately \$140,000 for printing and mailing services. Based on cost for an estimated monthly volume of 25,000 bills, the annual cost for each of the submitted proposals is as follows:

<b>Vendor</b>	<b>Printing/Mailing Costs</b>	<b>One-time Costs</b>	<b>Total Cost</b>
Standard Register	\$178,080	\$ 0	\$178,080
Henry Wurst	\$169,128	\$2,000	\$171,128
Direct Mail	\$140,712	\$ 900	\$141,612
Osprey	\$133,812	\$ 750	\$134,562
Dataprose	\$120,960	\$ 0	\$120,960
Priority Billing	\$120,960	\$ 0	\$120,960
Output Services	\$113,568	\$ 0	\$113,568

The proposed vendor is Output Services, Inc. (Output), located in Boulder, Colorado. Output was founded in 1983 and this summer will expand by opening another facility in Longmont. The two facilities will be fiber linked, which will provide an alternative site for backup and disaster purposes. Initial indications are the City should realize a savings of nearly 21% (\$26,600). These savings will offset the upcoming price increase in postage (estimated at \$9,000) and the fees paid to the credit card processors (estimated to increase \$9,200 due to increased usage).

Output prints and processes mail for a number of customers, including state, county, and municipal governments, credit unions, and medical billing agencies. They produce and mail the City of Boulder's utility bills. Boulder has used Output for approximately two years and has been pleased with the quality product produced and the customer service provided. Boulder processes approximately the same number of bills (25,000 monthly) and cycles (daily) as the City of Westminster. This gives Staff the confidence in the ability of Output to handle the volume and daily billing format that the City requires.

Output was the only company to propose a guarantee of the piece rate for three years. They are also the only vendor that processes on Saturdays. They are willing to incorporate performance language in the contract, which will guarantee four-day turnaround, or Output will pay the printing costs. In addition, Output can provide the City with the potential to provide utility bills by e-mail. Output can also eliminate return envelopes when not needed or desired by a customer. We receive several of these requests each month and we are not able to meet these requests with the current system.

Due to the projected cost savings, improved quality and enhanced customer service, Staff recommends that the City of Westminster change to Output Services, Inc. for utility billing printing and mailing services.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Quarterly Insurance Report: January - March, 2002

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

**Recommended City Council Action**

Staff is not recommending any action at this time.

**Summary Statement**

- The information provided on each claim includes the claim number, date of loss, claimant's name and address and a brief summary of the claim and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. The listing of the claims in this report is provided in accordance with Westminster Municipal Code 1-30-3.
- In accordance with Code provisions, the Risk Management Officer acting as the City Manager's designee has the authority to settle claims of less than \$15,000. However, under our contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjustor and settlements of claims proceed with the concurrence of both CIRSA and the Risk Management Officer. The City retains the authority to reject any settlement recommended by CIRSA, but does so at the risk of waiving its insurance coverage for such claims.

**Expenditure Required:** None

**Source of Funds:** NA

**Background Information**

Information on the status of each claim received during the past quarter is provided on the attached spreadsheet.

- For the first quarter of 2002, Staff has noted the following from the attached report:
  - Eight of the 11 claims reported in the first quarter of 2002 have been paid or denied.
  - Total claims for the quarter breakdown by department as follows:

	<b>1st Qtr 2002</b>		
<b>Department</b>	<b>Total Claims</b>	<b>Open</b>	<b>Closed</b>
Police	3	2	1
PR&L	1	1	0
PWU - Streets	3	2	1
PWU - Utilities	4	2	2
	<b>11</b>	<b>7</b>	<b>4</b>

- Claim type summary for last three years and current year-to-date:

	<b>1999</b>			<b>2000</b>			<b>2001</b>			<b>YTD 2002</b>		
<b>TYPE</b>	<b>OPEN</b>	<b>CLOSED</b>	<b>TOTAL</b>	<b>OPEN</b>	<b>CLOSED</b>	<b>TOTAL</b>	<b>OPEN</b>	<b>CLOSED</b>	<b>TOTAL</b>	<b>OPEN</b>	<b>CLOSED</b>	<b>TOTAL</b>
Liability	0	65	65	2	48	50	7	41	48	4	0	4
Auto Physical Damage										0	1	1
Auto Collision (City property)	0	1	1	0	4	4	3	12	15	4	0	4
Auto Liability	0	14	14	0	19	19	3	26	29	3	2	5
Errors & Omissions	0	0	0	0	1	1	0	0	0	0	0	0
Buildings	0	1	1	0	0	0	4	2	6	2	1	3
Police Liab.	4	6	10	6	22	28	3	6	9	2	1	3
Landscape							2	0	2			0
<b>TOTALS</b>	<b>4</b>	<b>87</b>	<b>91</b>	<b>8</b>	<b>94</b>	<b>102</b>	<b>22</b>	<b>87</b>	<b>109</b>	<b>15</b>	<b>5</b>	<b>20</b>

\* This report includes claims the Risk Management division has made on the City's behalf, against third parties.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**CITY OF WESTMINSTER  
LIABILITY CLAIMS FILED  
1<sup>ST</sup> QUARTER 2002**

<b>CASE NO.</b>	<b>DATE OF LOSS</b>	<b>CLAIMANT/SUSPECT</b>	<b>ADDRESS</b>	<b>DESCRIPTION OF INCIDENT</b>	<b>INCURRED</b>	<b>PAID</b>	<b>STATUS</b>	<b>NOTES</b>
2002-02B	01/04/02	Cheri Goddard	9556 Garrison St., Westminster 80021	Claimant had to replace three tires due to road damage on Independence Drive	\$330.00	\$328.82	Open	PWU/Streets
2002-08	01/19/02	Patricia Padilla-Lucero	7091 Olive St., Commerce City, CO	Westminster police officer was eastbound on 88th Ave. in City patrol car while the claimant, in a pickup, was driving westbound on 88th Ave. The officer turned left (north) into the side of the pickup and was ticketed for failure to yield the right of way. Claimant was ticketed for no proof of insurance. Claimant reported no injuries at the scene. Claimant is represented by an attorney and has filed a demand for \$250,000.	\$10,000.00	\$2,483.46	Open	Police
2002-01B	01/23/02	Derrick Graves	94th and Sheridan	Streets Division employee driving City snow plow, hit claimant's car while driving in vicinity of 94th and Sheridan. Plow damaged window and frame of claimant's vehicle.	\$2,214.06	\$2,214.06	Closed	PWU/Streets
2002-13	02/01/02	Kenneth Miller	7891 Stuart St Westminster	Police received request from citizen's family to do welfare check on citizen who has a known heart condition. Officers broke down door after noting newspapers stacked up outside citizen's home and talking with neighbors. Claimant is requesting the City pay for the door damage.	\$100.00	\$0.00	Open	denial letter approved 4/29/02 Police
2002-04B	02/11/02	Marvin Vacha (vehicle owner)		Utilities employee was driving City Tandem truck southbound on Lowell Blvd and going to make the turn to eastbound 76th Ave. The employee felt he had time and room to make the turn on a green light. While the employee proceeded through the intersection, a northbound vehicle driven by Natalie Olsen, collided with the City vehicle. City employee was ticketed for failure to yield right of way.	\$710.00	\$710.00	Closed	PWU/Utilities

2002-04B	02/12/02	Natalie Olsen (vehicle driver)	3591 Kassler Pl. Westminster 80031	Utilities employee was driving City Tandem truck southbound on Lowell Blvd and going to make the turn to eastbound 76th Ave. The employee felt he had time and room to make the turn on a green light. While the employee proceeded through the intersection, a northbound vehicle driven by the claimant, collided with the City vehicle. Claimant stated she was not injured. Claimant was ticketed for no proof of insurance. Claimant is now represented by an attorney and has filed a demand for \$100,000. City employee was ticketed for failure to yield right of way.	\$5,000.00	\$0.00	Open	PWU/Utilities
2002-11	02/16/02	Richard VanOrdt	8026 Decatur	Sewage backup into claimant's basement. Second occurrence for this claimant in four months, third for this address.	\$10,540.52	\$10,540.52	Closed	PWU/Utilities
2002-15	02/21/02	Betty Bachman	9230 Stuart St Westminster	Claimant alleges Streets crew damaged her lawn and sidewalk with a backhoe while repairing asphalt on her street.	\$100.00	\$0.00	Open	PWU/Streets
2002-12	02/22/02	Kristine Johnson-Cortez-Olivan	8645 Clay St. #392 Westminster 80031	Police responded to a call of a domestic dispute in progress and were directed by a neighbor that the dispute was coming from the unit next door. Police received no response from inside the unit and also thought the sounds of the dispute were coming from inside. Officers kicked in the door only to find no one home and that the actual dispute was coming from the unit below.	\$1,410.42	\$1,410.42	Closed	Police
2002-10	02/23/02	Brian Mead	11064 Depew St Westminster 80020	Claimant fell into broken concrete pieces along the side of the cement path at Big Dry Creek Trail, while riding on skateboard. Cement pieces were apparently placed there for irrigation purposes by previous land owner.	\$100.00	\$0.00	Open	denial letter approved 4/29/02 PR & L
2002-22	03/08/02	Center Land Co	7354 N Washington Denver 80229	Claimant alleges that a City water main break caused "catastrophic" damage to the shopping center parking lot pavement at Lake Plaza Shopping Center.	\$0.00	\$0.00	Open	PWU/Utilities
					<b>\$30,505.00</b>	<b>\$17,687.28</b>		





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Bids re Fiber Optic Network Expansion

**Prepared by:** Gary Casner, Senior Telecommunications Administrator

**Recommended City Council Action**

Award the bid to the low bidder, U.S. Communications, in the amount of \$92,280, which includes a 15% contingency, and charge the expenses to the appropriate budget account. Find that the Colorado State bid meets City Charter bidding requirements and award the bid for network equipment to Dimension Data in the amount of \$49,461 and charge the expense to the appropriate budget account.

**Summary Statement**

- City Council action is requested to award a bid for the expansion of the fiber optic data network in South Westminster.
- The project will link the Municipal Court, Swim & Fitness Recreation Center, and the Westminster Senior Center.
- Much faster data communication in all three locations will be accomplished by the expansion of the network.
- City Council previously approved funds in the Wastewater Capital Budget for a fiber optic data network.
- Bids were obtained in accordance with City Charter bidding requirements.
- The low bid meets all City specifications for this project.

**Expenditure Required:** \$141,741

**Source of Funds:** Utilities Capital Project Account

**Policy Issue**

Should the City continue to expand its fiber optic data network to facilities in South Westminster?

**Alternative**

Continue to use leased lines, and accept slow data speeds and costly ongoing monthly expenses.

**Background Information**

In 1998, City Council approved the construction of the Reclaimed Water System. Installation of the reclaimed water distribution lines included a conduit for a fiber optic cable for system controls. In the hopes of attracting a fiber optic service provider, the conduit was enlarged to a four-pipe system. Funds were also approved to install fiber optic cable for a data communications system to link ten City facilities along the line.

During construction of the system, an agreement was made with ICG to exchange space in the conduit for 24 strands of fiber for City use. ICG would use the rest of the fiber cable to provide fiber services to private business in business parks along the route. The system was built and is currently serving eleven City facilities and will soon serve the new Northwest Water Treatment Plant at 104<sup>th</sup> Avenue and Wadsworth Parkway. Savings from avoiding installation of a City only system allowed for the purchase of the equipment to activate the system at gigabit speeds, and to extend the system into eleven City facilities. As a side agreement, ICG agreed to provide data services at the Municipal Court that could be extended to south Westminster City facilities.

Savings available in the original fiber CIP budget account amount to over \$200,000. City Staff is recommending that these funds be used to extend a fiber optic cable system from the Municipal Court building to the Swim and Fitness Recreation Center and then on to the Westminster Senior center. A drop would be left for the new library building to be constructed at 74<sup>th</sup> Avenue and Irving Street.

Currently, data service at these facilities is very slow. With the use of new, much more complex software programs, such as JD Edwards, Rec Track and the Court System, faster data speeds are very important. The installation of the fiber system and purchase of new networking equipment to run the system will provide data speeds 10 to 20 times faster than current speeds. Current yearly costs for slow data services of over \$6,000 per year would end and new costs for faster leased data services would be avoided.

Formal bids, in accordance with City Charter bidding requirements were obtained with the following results:

U.S. Communications	\$80,244
Counties Corporation	\$86,135

The low bid from U.S. Communications meets all City specifications. A 15% contingency is being requested because of unforeseen problems that could occur during the construction of the building entrances. The equipment necessary to activate the system is available at very competitive pricing through the Colorado State bid from Dimension Data at a cost of \$49,461.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Amendment to Design Contract for New Library Facility in South Westminster

**Prepared By:** Kathy Sullivan, Library Services Manager and Alan Miller, Special Projects Manager

**Recommended City Council Action**

Authorize the City Manager to sign an amendment to the Bennett, Wagner and Grody contract in the amount of \$115,530 for landscape design services and charge the expense to the new library project account in the General Capital Improvement Fund.

**Summary Statement**

- In 2001, City Council authorized the City Manager to sign two separate contracts for design services for the new library and park at 74<sup>th</sup> and Irving St. Council approved a contract with Bennett, Wagner, and Grody Architects, P.C. for \$126,515 for design of the library, and a contract with EDAW, Inc. for \$62,303 for design of the park. These contracts were both for services through the design development phase of the projects.
- At the same time, Council authorized the City Manager to sign a change order to the contract with Bennett, Wagner, and Grody for \$150,909 and with EDAW, Inc. for \$64,042, for construction documents, construction management, and as-built drawings for each project, when funds became available in the 2002 budget.
- Staff originally recommended entering into two separate contracts because, at the time when these contracts were signed, it was unclear whether both projects would be constructed simultaneously. Since that time, significant funding for the library building project has been identified and the two projects are now scheduled to be completed at the same time.
- Staff now recommends that the library and park project be combined into one contract with the architectural firm of Bennett, Wagner and Grody, who will subcontract with EDAW, Inc. to perform all of the required landscape architectural services for the park and site.

Of the \$126,345 originally approved by Council for landscape architectural services, \$10,815 has been expended by EDAW, Inc., to date, leaving \$115,530 for this purpose.

**Expenditure Required:** \$115,530 (current budgeted funds)

**Source of Funds:** 74<sup>th</sup> & Irving Park CIP account

**Policy Issue(s)**

Should the City combine the contracts for design services for the library and park at 74<sup>th</sup> and Irving into one contract, to be administered by the architects, Bennett, Wagner and Grody, with landscape architectural design to be subcontracted by EDAW, Inc.?

**Alternative**

Proceed with Staff's original recommendation to contract with two separate design firms for the library and park. This alternative is not recommended because the major reason for this recommendation (uncertainty about the timing of the two projects) no longer applies, and because management of the project will be more straightforward and efficient if the contract is with one firm.

**Background Information**

In October 2000, the City was awarded \$120,000 in Community Development Block Grant funds for architectural services to develop designs for an improved 76<sup>th</sup> Ave. Library. After evaluating several options for improving the library, City Council selected the 74<sup>th</sup> and Irving site as the best option to improve the library and enhance the south Westminster area. Moving the library to the new site will complement the Westminster Plaza retail center and draw shoppers to the area, while providing more convenient and enhanced library service. The park and library, along with the senior center and shopping center, will serve as a new focal point for the South Westminster community.

Preliminary plans provide for a park of about four and one-half acres (about 4/5 of the site), and a 15,000 square foot library, which will occupy about 1 to 1 ¼ acres. Improvements to the library include a greatly expanded children's area, a "computer café" area, more study spaces and a community meeting room.

Staff selected and City Council previously approved the firms of Bennett, Wagner, and Grody, P.C. and EDAW, Inc., to design the library and park. Conceptual drawings were presented to City Council in November 2001, and a community meeting was held at the 76<sup>th</sup> Ave. Library Community Room in December 2001 to present the plans to the neighborhood. City Staff has been working with the two design firms to complete the design development phase of the project, and expect to complete construction documents in time to bid the project in the fall of 2002, for completion in late 2003 or early 2004.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Purchase of PVC Water Pipe

**Prepared By:** Richard A. Clark, Utilities Operations Manager  
Andy Mead, Utilities Operations Coordinator

**Recommended City Council Action**

Award the bid for PVC water pipe to the low qualified bidder, Waterworks Sales in the amount of \$49,940.

**Summary Statement**

- Formal bids for PVC water pipe were issued by the Purchasing Division in April 2002.
- The lowest responsible bid received was from Waterworks Sales.
- City Council is requested to authorize the purchase of PVC water pipe in the amount of \$49,940.

**Expenditure Required:** \$49,940

**Source of Funds:** 2002 Utilities Fund, Public Works and Utilities Department, Utilities Division Operating Budget

**Policy Issue**

Should the City accept the bid submitted by Waterworks Sales for the PVC water pipe materials.

**Alternative**

The alternative would be not to purchase the PVC water line pipe for 2002, and delay needed water line replacements. This would increase the risk of pipe failures and increase customer water supply interruptions.

**Background Information**

The PVC water pipe will be utilized by the Utilities Division Construction Crew water line replacement program. This program was established in order to reduce the frequency and number of water line failures that customers experience in the City's water distribution system. This bid was for 10,000 feet of pipe.

The Utilities Division construction crew replaces approximately four miles of deteriorated ductile and cast iron pipe per year with the PVC pipe, which performs much better in the soil conditions found in the City.

Bids were received from four vendors. These vendors included:

Waterworks Sales	\$3.10/foot for 6-inch pipe and \$4.87/foot for 8-inch pipe
Communications Products and Services	\$4.00/foot for 6-inch pipe and \$6.86/foot for 8-inch pipe
U.S. Filter	\$3.08/foot for 6-inch and \$4.85/foot for 8-inch <u>if purchased by May 10, 2002.</u>
Dana Kepner	\$5.62/foot for 6-inch pipe and \$7.99/foot for 8-inch pipe

The proposal from Waterworks Sales meets the specifications and requirements set by the City. The items to be purchased are: 500 each 8" x 20' Class 200 pipe, C900 PVC with a gasketed bell end at \$4.87/foot; 20 each, 6" x 20' Class 200 pipe, C900 PVC, with a gasketed bell end at \$3.10/foot

In comparison, the per-foot pipe cost for this PVC water line pipe in 2001 was \$4.12/foot for the 8-inch pipe and \$2.40/foot for the 6-inch pipe. In 2000, due to the volatility of the petroleum market, the price was \$7.24/foot. Since the PVC water pipe made with petroleum products, the rise and decline of oil prices can drastically affect the price-per-foot is paid for PVC water pipe.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Contract for Design of the 104<sup>th</sup> and Grove Waterline

**Prepared By:** Diane M. Phillips, Capital Improvement Coordinator

**Recommended City Council Action**

Authorize the City Manager to execute a contract with SA Miro Engineering in the amount of \$65,745 to provide design and construction inspection services for the 104<sup>th</sup> and Grove waterline and authorize \$9,000 for contingency.

**Summary Statement**

- The Treated Water Master Plan directs that a 16-inch waterline will be needed to provide adequate domestic and fire flow supply to meet the needs in the north area of the City.
- Development on the north side of the City continues and the first phase of the 16-inch line should be installed this year.
- Request for Proposals were sent to six engineering firms and four firms submitted proposals for the design of the line.
- SA Miro Engineering submitted the lowest cost proposal and it is recommended that the City contract with them to provide design and construction inspection services for this waterline.

**Expenditure Required:** \$74,745

**Source of Funds:** Utility Fund Capital Improvement Fund

**Policy Issue**

Should the City award a contract to SA Miro Engineering to provide design and construction inspection services for the 104<sup>th</sup> and Grove waterline.

**Alternative**

The City could delay the design and construction of this line but cost would likely increase and reliable water service could be compromised in the City's north central region.

**Background Information**

The Treated Water Master Plan indicates that the 16-inch transmission main is needed in the area of 104<sup>th</sup> and Federal Boulevard to supply flow to the north portion of the City as development occurs. Recent computer modeling has shown that this line should be installed at this time to continue to provide adequate supply and fire flow in the north portion of the City. The total budget for the project is \$455,000.

Request for Proposals were sent to six engineering firms and four firms responded. Their prices are listed below.

SA Miro Engineering	\$65,745
Martin and Martin Engineering	\$66,340
HDR Engineering	\$76,111
Merrick Engineering	\$93,545

SA Miro Engineering had the lowest cost and they have completed numerous successful projects for the City.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Second Reading of Councillor’s Bill No. 14 re Extension of Big Dry Creek Watershed Grant, Biological Monitoring Services Contract and Consulting Services Contract

**Prepared By:** Kipp Scott, Water Quality Administrator  
David Carter, Laboratory Services Coordinator

**Recommended City Council Action**

Pass Councillor’s Bill No. 14 on second reading appropriating \$50,000 into the Special Studies Project account as a result of the United States Department of Energy Grant extension and full text ordered published this 13<sup>th</sup> day of May, 2002.

**Summary Statement:**

- City Council action is requested to pass the attached Councillor’s Bill, on second reading, to authorize appropriating an extension to a United States Department of Energy (DOE) Grant in the amount of \$50,000.
- The DOE grant’s focus is to aid in the continuing biological monitoring program on Big Dry Creek and to encourage the continued formation of a watershed group to study the Big Dry Creek watershed, and to identify and involve additional stakeholders in the further study and management of the watershed basin.
- The extension would represent the third year of receiving grant money from the DOE for the Big Dry Creek Watershed Association biological monitoring program and consulting services. The grant would be administered by the City of Westminster under the Big Dry Creek Basin Water Quality Agreement.
- This Councillor’s Bill was passed on first reading on April 22nd, 2002.

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**Expenditure Required:** \$50,000.00

**Source of Funds:** DOE grant funds provided to the City of Westminster as grant administrator for the Big Dry Creek Watershed Association.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2002

COUNCILLOR'S BILL NO. **14**  
INTRODUCED BY COUNCILLORS

A BILL  
FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE UTILITY FUND AND  
AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED  
REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the Water Portion of the Utility Fund, initially appropriated by Ordinance No. 2913 in the amount of \$25,286,775 is hereby increased by \$50,000 which, when added to the fund balance as of the City Council action on April 22, 2002, will equal \$34,533,552. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a United States Department of Energy grant extension award.

Section 2. The \$50,000 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Intergovernmental – Federal 2000.40610.0000	\$0	<u>\$50,000</u>	\$50,000
Total change to revenues		<u>\$50,000</u>	
<u>EXPENSES</u>			
Appropriation Holding – Environmental Grant 80120035189.80400.8888	\$116,350	<u>\$50,000</u>	\$166,350
Total change to expenses		<u>\$50,000</u>	

Section 3 - Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 22nd day of April, 2002. PASSED, ENACTED ON SECOND READING, AND  
FULL TEXT ORDERED PUBLISHED this 13th day of May, 2002

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Second Reading of Councillor's Bill No. 15 re 2002 CDBG Fund Appropriation

**Prepared By:** Robin Byrnes, Community Development Programs Coordinator

**Recommended City Council Action**

Pass Councillor's Bill No. 15 on second reading to appropriate 2002 CDBG funds in the amount of \$682,000.

**Summary Statement**

City Council action is requested to pass on second reading the attached Councillor's Bill appropriating 2002 Community Development Block Grant (CDBG) funds in the amount of \$682,000, awarded by the U.S. Department of Housing and Urban Development (HUD). The 2002 CDBG allocation of \$682,000 was awarded to the 2002 CDBG projects, per City Council approval on November 12, 2001.

In 2002, the City was allocated \$682,000 from HUD, a decrease from the 2001 CDBG final allocation of \$692,000. HUD approved the 2002 CDBG Action Plan on March 28, 2002. The 2002 Action Plan is a required submission by HUD that outlines the City's local goals and priorities in regards to the use of the 2002 CDBG allocation and also outlines the 2002 CDBG projects.

This Councillor's Bill was passed on first reading at the April 22, 2002 Council meeting.

**Expenditure Required:** \$682,000

**Source of Funds:** Not Applicable

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 15

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the Community Development Block Grant (CDBG) Fund initially appropriated by Ordinance No. 2913 in the amount of \$0 is hereby increased by \$682,000 which, when added to the fund balance as of the City Council action on April 22, 2002 will equal \$682,000. This increase is due to the Community Development Block Grant award from the U.S. Department of Housing & Urban Development for the 2002 program year.

Section 2. The \$682,000 increase in the Community Development Block Grant Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
REVENUES			
CDBG 2002 Block Grant 7600.40610.0025	\$0	<u>\$682,000</u>	\$682,000
Total Change to Revenues		<u>\$682,000</u>	
EXPENSES			
CDBG 2002 Block Grant 80276030526.80400.8888	\$0	<u>\$682,000</u>	\$682,000
Total Change to Expenditures		<u>\$682,000</u>	

Section 3. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22<sup>nd</sup> day of April 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13<sup>th</sup> day of May 2002.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Second Reading of Councillors Bill No. 16 re Appropriation of Funds from South Adams County Water and Sanitation District

**Prepared By:** Michael Happe, Senior Water Resources Engineer

**Recommended City Council Action**

Pass Councillor's Bill No. 16 on second reading appropriating \$1,451,422 in to the Gravel Lake Storage account in the Water Capital Improvement Fund.

**Summary Statement**

City Council action is requested to adopt the attached Councilor's Bill appropriating payments from South Adams County Water and Sanitation District from two separate agreements. City Council passed this Concillors Bill on First Reading on April 22, 2002. These funds will be used by the City for the financing of the Wattenberg Lake project.

- On February 12, 2001 City Council authorized the City Manager to enter into an agreement with the South Adams County Water and Sanitation District ("SACWSD"), for the sale of up to 1,000 acre feet of treated wastewater effluent credit in the South Platte River.
- SACWSD has exercised an option to purchase an additional 175 acre-feet of effluent from Westminster and has paid Westminster \$1,250,270. These funds have not previously been budgeted or appropriated by Council.
- In December of 2001, City Council authorized the City Manager to enter into a separate agreement with SACWSD to have them participate with Westminster in the Wattenberg Lake project.
- Pursuant to the Storage Participation Agreement, South Adams County is to pay its pro-rata portion of project costs including a portion of the costs associated with securing water carriage rights in the Brighton Ditch.
- Westminster will need to make payments to the Brighton Ditch Company for its carriage rights and SACWSD will reimburse Westminster \$201,152 for SACWSD's portion of the expense.
- These funds have not previously been budgeted or appropriated by City Council.
- Staff recommends appropriating these funds into the capital improvement account for the Wattenberg Lake project, which will be constructed over the next several years.

**Expenditure Required:** \$1,451,422

**Source of Funds:** Sale of Treated Effluent to South Adams County Water and Sanitation District in the amount of \$1,451,422

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. 16

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the Water Portion of the Utility Fund initially appropriated by Ordinance No. 2913 in the amount of \$25,286,775 is hereby increased by \$1,451,422 which, when added to the fund balance as of the City Council action on April 22, 2002 will equal \$35,934,974. The actual amount in the Water Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the sale of treated wastewater effluent to South Adams County Water and Sanitation District.

Section 2. The \$1,451,422 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
General – Miscellaneous 2000.43060.0000	\$150,000	<u>\$1,451,422</u>	\$1,601,422
Total Change to Revenues		<u>\$1,451,422</u>	
<b>EXPENSES</b>			
Gravel Lakes Storage 80120035078.80400.8888	\$6,507,500	<u>\$1,451,422</u>	\$7,958,922
Total Change to Expenditures		<u>\$1,451,422</u>	

Section 3. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of April, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of May, 2002.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Resolution No. 26 re Resignations and Appointments to Boards & Commissions

**Prepared by:** Michele Kelley, City Clerk

**Recommended City Council Action**

Adopt Resolution No. 26 formally accepting the resignations of Janeen Branvold from the Personnel Board, Michael Condon and Doug Kennard from the Special Permit and License Board and making reappointments to the Personnel Board and Transportation Commission.

**Summary Statement**

- City Council recently received the resignation of Janeen Branvold from the Personnel Board
- City Council has also received the resignation of Michael Condon and Doug Kennard from the Special Permit and License Board.
- Currently, City Council has a list of persons within the “pool” to be considered when vacancies occur on the various boards during the year.
- Council action is now requested to adopt the attached resolution formally accepting the resignation of Janeen Branvold from the Personnel Board and Michael Condon and Doug Kennard from the Special Permit and License Board and making new appointments to the Personnel Board and Special Permit and License Board.
- Reappointments to the Personnel Board and Transportation Commission are also included within this resolution.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Should City Council appoint new members to the Personnel Board and Special Permit and License Board since the City has received resignations?

**Alternative(s)**

Council could decide not to appoint a members to the various Boards at this time.

**Background Information**

Janeen Branvold was appointed to the Personnel Board on April 11, 1994 and she has recently resigned.

Michael Condon was appointed to the Special Permit and License Board on February 9, 1998 and recently resigned since he moved out of the City.

Doug Kennard was appointed to the Special Permit and License Board on November 27, 2000 and recently resigned because he moved out of the City.

Currently there are 18 citizens within the pool of applicants interested in vacancies on the Boards and Commissions. Council reviewed the chart of citizens within the 2002 "pool" and directed Staff to prepare the attached Resolution and the designated appointments.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



RESOLUTION

RESOLUTION NO. **26**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

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CITY OF WESTMINSTER ENVIRONMENTAL ADVISORY BOARD

WHEREAS, Resignations have been received from Janeen Branvold on the Personnel Board and Michael Condon and Doug Kennard of the Special Permit and License Board; and

WHEREAS; Reappointments to the Personnel Board and Transportation Commission are being made at this time; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignations of Janeen Branvold from the Personnel Board, and Michael Condon and Doug Kennard from the Special Permit and License Board and appoint the following individuals to the City of Westminster Boards and Commissions as indicated below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Kathy Reynolds (Moved to Regular Member)	Environmental Advisory Board	December 31, 2002
John Brann (Alternate member)	Personnel Board	December 31, 2003
Dennis Sargent (Moved to Regular Member)	Personnel Board	December 31, 2002
Margaret Rivera (Regular Member)	Personnel Board	December 31, 2003
Betty Whorton (Regular Member)	Personnel Board	December 31, 2003
Michael Borchlewicz (Regular Member)	Special Permit & License Board	December 31, 2002
Bill DeVoe (Alternate Member)	Special Permit & License Board	December 31, 2003
Jara Raphaelson (Regular Member)	Transportation Commission	December 31, 2003
Pat Wales (Regular Member)	Transportation Commission	December 31, 2003

Passed and adopted this 13<sup>th</sup> day of May, 2002.

ATTEST:

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Mayor

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City Clerk

2002 BOARD AND COMMISSION POOL

Name	County	Bldg											
		Codes	BOA	Election	Environ	Human Svcs	Library	Open Space	P&R	Personnel	Planning	SP&LB	Trans
Michael Borchlewicz	Adams			2							1	Y	3
John Brann	Adams									1		Y	
Candis Chain	Adams										1		
Bill DeVoe	JeffCo	Y	Y	1	Y	Y	2	Y	3	Y	Y	Y	Y
Gail Forker	Adams				2			1					
Clifford Gemmell	JeffCo									1			
Robert Hartley	Adams	Y	Y	Y	Y	Y	3	Y	2	1	Y	Y	Y
Deborah Ann Jones	Adams							1					
George Kiefer	Adams	Y	Y	Y	Y	Y	Y	1	3	Y	2	Y	Y
Mary Lindsey	JeffCo		3	4	1		5	6	2			Y	7
Jill Manaly	Adams			3					2		1	Y	
Jan Mead	Adams					2				1		Y	
Paul Nilles	Adams							1				Y	
Cheryl Parker	Adams	Y	3	Y	1	Y	Y	Y	Y	Y	2	Y	Y
Raymond Selix	Adams		3			2					1		
Gary Simpson	Adams							1-3					
Edwin Ulmer	Adams				X		X	X					
Brian Whitford	JeffCo	Y	Y	Y	Y	Y	Y	3	2	Y	1	Y	Y

**X - indicates an interest in a Board with no priority ranking**

**4/02**

**Y - Indicates person was contacted on 4-4-02 and interested in Boards other than their priority**



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Metro Wastewater Reclamation District Board of Directors Re-Appointment

**Prepared By:** Ron Hellbusch, Director of Public Works and Utilities

**Recommended City Council Action**

Reappoint Curtis Alstadt to the Metro Wastewater Reclamation District's Board of Directors. The term of office will be effective through June 30, 2004.

**Summary Statement:**

- City Council action is requested to reappoint Curtis Alstadt to the Metro Wastewater Reclamation District Board of Directors.
- The Metro District Bylaws and State Statute require that in order to become a member of the Board of Directors, one must live within the member municipality and within the Metro District service area.
- At this time, there is not a suitable City Staff member to fill the vacancy based on these bylaws. Therefore, the recommendation of Staff is to fill the vacancy with Curtis Alstadt a City resident and business owner who currently works closely with the Department of Public Works and Utilities on a variety of issues and has represented Westminster's interest extremely well.
- Charles Ragsdale is currently the City's other representative. Mr. Ragsdale's term of office will expire on June 30, 2003.

**Expenditure Required:** None required

**Source of Funds:** N/A

**Policy Issue**

Metro Wastewater Reclamation District policy requires the elected body of each connector jurisdiction appoint board of director representatives to the District governing board. Does Council wish to reappoint Mr. Aldstadt or open up the recruitment to fill this seat?

**Alternative**

As an alternative, Staff could solicit additional names of interested citizens who may wish to represent the City on the Metro Wastewater Reclamation Board. The value of Mr. Aldstadt's appointment is that he is currently involved with the Department of Public Works and Utilities on a number of projects that make him a valuable asset to this Department's team. In addition, Mr. Aldstadt's involvement in the water and wastewater industry provides the City with a citizen who will protect its interest on the Metro Board of Directors and ensure representation of the City.

**Background Information**

The Metro Wastewater Reclamation District treats approximately 45 percent of the total wastewater generated in Westminster, with the District serving the area south of approximately 97th Avenue.

Over the past three years since Mr. Alstadt's appointment to the Metro Wastewater Reclamation District Board of Directors he has kept City Staff informed of pertinent activities occurring at the Metro District, while also representing the City's interests very well with the Metro District.

City Council originally appointed Mr. Alstadt to the Metro Board of Directors in April 1999, after the untimely passing of Alex Iacovetta, the City's former Utilities Operations Manager and Metro Wastewater Reclamation Director.

The Metro Wastewater Reclamation District Board of Directors meets at 7:00 p.m. on the third Tuesday of each month. In addition, all Board Members serve on one operations committee, which meets monthly either in the morning or at noon. Mr. Alstadt currently is the chairperson of the Future Committee and also serves on the Executive Committee.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

## **APPOINTMENT**

I Ed Moss, Mayor of the City of Westminster, do hereby certify that the Westminster City Council does hereby appoint **CURTIS ALDSTADT** as the City of Westminster representative on the Board of Directors of the Metro Wastewater Reclamation District, to serve a term of two years, beginning July 1, 2002 and ending June 30, 2004, in accordance with the laws of the State of Colorado and the By-laws of the Metro Wastewater Reclamation District.

Approved by the Westminster City Council this 13<sup>th</sup> day of May, 2002.

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Mayor

**WESTMINSTER CITY COUNCIL**  
**APPROVAL OF APPOINTMENT**

It was moved by Councillor \_\_\_\_\_, and seconded by Councillor \_\_\_\_\_; that the City of Westminster appoint **CURTIS ALDSTADT** to serve a term of two years, beginning July 1, 2002 and ending June 30, 2004, as the City of Westminster representative on the Board of Directors of the Metro Wastewater Reclamation District be and the same hereby is approved.

The motion carried unanimously.

STATE OF COLORADO  
COUNTY OF ADAMS

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**CERTIFICATE**

I, Michele Kelley, City Clerk of the City of Westminster, do hereby certify that the Westminster City Council appointed **CURTIS ALDSTADT** as said City's representative on the Board of Directors of the Metro Wastewater Reclamation District and that the foregoing "Appointment" is an excerpt from the minutes of the regular meeting of the Westminster City Council held on the 8th day of April, 2002, and that said motion of approval is part of the official minutes of said meeting; and that a quorum was present at all times during the meeting.

Dated this 14<sup>th</sup> day of May, 2002.

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

(SEAL)



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Public Hearing and Action on the Annexation, Zoning and Comprehensive Land Use Plan Amendment for the Summa Property (107<sup>th</sup> & Simms)

**Prepared By:** David Falconieri, Planner III

**Recommended City Council Action**

1. Hold a public hearing
2. Adopt Resolution No. 27 making certain findings as required by Section 31-12-110 C.R.S.
3. Authorize the City Manager to sign the proposed annexation agreement for the Summa property.
4. Pass Councillor's Bill No. 17 on first reading annexing the Summa property to the City of Westminster.
5. Pass Councillor's Bill No. 18 on first reading amending the Comprehensive Land Use Plan to include the Summa Property and to give the property a designation of Single Family Detached - Medium Density
6. Pass Councillor's Bill No. 19 on first reading zoning the Summa property Planned Unit Development (PUD).

**Summary Statement**

- The Summa property, consisting of 7.4 acres, is located on the west side of Simms Street, and on both the north and south sides of 107<sup>th</sup> Avenue. (See attached location map.)
- The property is currently zoned Planned Development (P-D) in Jefferson County and is vacant.
- The applicants wish to annex the property at this time without a specific development proposal. This will allow the owners to market the property to future developers with the annexation, the Comprehensive Land Use Plan designation and zoning in place.
- Staff is recommending, that the property be designated as Single-Family Detached - Medium Density (SFD-MD) in the Comprehensive Land Use Plan. The SFD-MD designation allows a maximum density of 3.5 dwelling units per acre. The owner's have requested this designation and this is a similar density to the surrounding single-family detached residential neighborhoods. (See attached Comprehensive Land Use Plan map.)
- Staff is proposing an annexation agreement in which the City would agree to off-set the impacts of the larger than normal right-of-way dedication on this property.

**Expenditure Required:** \$0

**Source of Funds:** N/A

### **Planning Commission Recommendation**

This case was heard by the Planning Commission on April 23, 2002. The Planning Commission voted unanimously to recommend that the Summa property be annexed, that the Comprehensive Land Use Plan (CLUP) be amended to designate the property as Single-Family Detached – Medium Density and that the parcel be zoned Planned Unit Development (PUD). One individual asked for clarification of the land use category that was being requested. No one appeared in opposition.

### **Policy Issues**

Whether the annexation of the Summa property is in the best interests of the City. Whether the property should be designated as Single-Family Detached – Medium Density. This designation is compatible with surrounding uses.

### **Alternatives**

Make a determination that it is not in the best interests of the City to annex the Summa property at this time and take no further action; or, make a determination that the Comprehensive Land Use Plan category be one of a higher density, such as Single-Family Attached (5 to 10 dwelling units per acre).

### **Background Information**

The property owned by the Summa group is located on the west side of Simms Street. Simms Street is planned to be widened to a six lane arterial to accommodate future traffic. Since no new right-of-way can be taken from the east side due to the existing Countryside subdivision, all of the new dedication must come from the west side. Since this is a greater than normal dedication, Staff is recommending an annexation agreement to permit the Summa property to use the additional dedicated right-of-way area (27.5 feet) in the allowed density calculations. This area would consist of the area that would normally be taken from the east side of Simms Street to increase Simms Street to a six-lane arterial. Additionally, the City would only require cash-in-lieu of street improvements for Simms Street to be calculated as if Simms Street were a two lane collector street. This would help to mitigate the impact of the additional right-of-way needed on the west side of the street.

When a development proposal is submitted for this parcel, Staff will review the proposed uses to determine compatibility with the existing neighborhoods to the east and west. If higher density than 3.5 units per acre is requested, an amendment to the Comprehensive Land Use Plan would be required. However, the applicant has agreed to the designation of the parcel as Single-Family Detached - Medium Density, which was supported by residents of nearby neighborhoods who attended the public meeting held to discuss this proposal.

A previous proposal that included 36 duplex units was presented to the Homeowner's Association of Walnut Creek in 2001. The homeowners at a neighborhood meeting agreed at that time that single-family would be preferred, but duplexes may be acceptable if they could be designed similar to single-family homes.

### **Applicant/Property Owner**

The property is owned by the Summa Property ownership group represented by Carl Dixon.



### Surrounding Land Use and Comprehensive Land Use Plan Designations

North: Business Park, City of Broomfield

South: Public Open Space, City of Westminster

East: Single-Family Detached – Medium Density, City of Westminster

West: Single-Family Detached Homes, Unincorporated, Jefferson County (Walnut Creek Subdivision)

### Site Plan Information

No site plan has been submitted with this application. When development is proposed, the applicant will be required to submit for Preliminary Development Plan and Official Development Plan approval.

### Traffic and Transportation

Access will be from 107<sup>th</sup> Avenue onto Simms Street via the existing intersection. Improvements are planned for Simms Street as part of a widening project in the future. Right-of-way for that widening will be dedicated as a part of this annexation.

### Service Commitment Category

When development is proposed, Service Commitments will be awarded out of Category A, due to the location of the property within the Standley Lake Water and Sewer dissolution agreement area.

### Referral Agency Responses

No responses.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **27**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

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 UNINCORPORATED TERRITORY IN SECTIONS 8 AND 9, 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. 18 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 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 13th day of May, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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

Summa Annexation

## ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by and between the CITY OF WESTMINSTER (“City”) and CARL DIXON, CHARLES JENKINS, DOROTHY LIVINGSTON, WILLIAM SPEARMAN JR., AND DIXIE TRIMBLE, aka The Summa Ownership Group (Summa).

WHEREAS, Summa are the owners of the property described in Exhibit “A” attached hereto (the “Property”), and

WHEREAS, Summa intends to petition the City for annexation of the Property to the City; and

WHEREAS, the City and Summa agree that there would be mutual benefits to be realized from the annexation of the Property to the City; and

WHEREAS, the City and Summa wish to set forth the terms upon which such annexation will occur.

NOW, THEREFORE, in consideration of the above premises, the covenants, promises, 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. Except as otherwise specifically modified by this agreement, the annexation and subsequent development of the Property shall be subject to all City ordinances, rules, regulation and policies. The annexation of the Property will not be deemed effective until its final approval by the City Council, recording of the Annexation Plat and Annexation Ordinance with the Jefferson County Clerk and Recorder, and the execution and recording of this Annexation Agreement.

2. Streets. Summa agrees to dedicate 75 feet of land adjacent to Simms Street to the City for right-of-way purposes at the time of annexation. The City agrees that 12,021 square feet (27.5 X 437) of the dedicated property shall be included in calculating the maximum allowed density for the Property. This is in recognition that 27.5 feet of the area to be dedicated is more than what would normally be required. At such time that an Official Development Plan is approved for the Property, Summa or its assigns agrees to pay cash-in-lieu of improvements for the construction of Simms Street improvements within the 75 feet of dedicated right-of-way. However, said payment shall not exceed the amount that would normally be required for a two lane minor collector street. Summa or its assigns also agrees to make the improvements to 107<sup>th</sup> Avenue that would normally be required of any development in the City.

3. Water and Sewer Services. The City agrees to provide water and sanitary sewer service to the property in accordance with the provisions of the Standley Lake Water and Sanitation District Dissolution Agreement, and in accordance with all City ordinances and policies.

4. Zoning. City Staff shall recommend to the City Planning Commission and the City Council that the Property be zoned “Planned Unit Development” (PUD). The City shall adopt the zoning ordinance for the Property prior to final enactment of the annexation ordinance. Summa may withdraw its petition for annexation in the event the property is not zoned PUD prior to second reading of the annexation ordinance. All future development of the Property shall require submission and approval of a preliminary and official development plan in accordance with City Code.

5. Annexation Fees. Any fees due for the annexation of the Property pursuant to this agreement shall be paid by Summa in accordance with City policy.

6. Recording and Annexation Agreement. This Annexation Agreement shall be recorded with the Jefferson County Clerk and Recorder. The terms and conditions of this Annexation 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.

7. 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 application by the City of any future fee which is uniform or of general application.

8. 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.

9. 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

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

ATTEST:

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

SUMMA OWNERSHIP GROUP:

By \_\_\_\_\_  
Carl Dixon  
STATE OF COLORADO )  
)ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2000, by \_\_\_\_\_.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

By \_\_\_\_\_  
Charles Jenkins

STATE OF COLORADO )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2000, by \_\_\_\_\_.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

By \_\_\_\_\_  
Dorothy Livingston

STATE OF COLORADO )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2000, by \_\_\_\_\_.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

By \_\_\_\_\_  
William Spearman, Jr.

STATE OF COLORADO )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2000, by \_\_\_\_\_.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

By \_\_\_\_\_  
Dixie Trimble

STATE OF COLORADO )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2000, by \_\_\_\_\_.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **17**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 8 AND 9, 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. 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 Adams, State of Colorado, to wit:

Those portions of Sections 8 and 9, Township 2, South, Range 69 west of the 6<sup>th</sup> P.M., County of Jefferson, State of Colorado, more particularly described as follows.

Beginning at the southeast corner of the northeast quarter of southeast quarter of Section 8;

Thence N89°46'33"W, along the northerly line of the south one-half of the south one-half of said Section 8 and along a line of existing corporate limits of the City of Westminster, a distance of 774.00 feet;

Thence N16°40'28"E, leaving said corporate and northerly line, a distance of 310.68 feet;

Thence N48°30'00"E, a distance of 324.00 feet to a point being the northwest corner of Tract 8A, Walnut Creek Development, unit one, County of Jefferson, State of Colorado, said point being a point of non-tangent curvature;

Thence along the northerly line of said Tract 8A the following (2) two courses;



1. 197.47 feet along the arc of said curve to the left, having a radius of 233.00 feet; A central angle of 48°33'32" and a chord bearing S65°46'46"E, a distance of 191.61 feet;
2. N89°56'30"E, a distance of 297.00 feet to a point on the existing corporate limits of the City of Westminster;

Thence S00°03'30"E, 30.00 feet east of and parallel to the east line of the northeast quarter of the southeast quarter of said Section 8, a distance of 437.14 feet to a point on the north line of the south one-half of the south one-half of Section 9, Township 2 South, Range 69 West of the 6<sup>th</sup> P.M.;

Thence N89°46'33"W, along said north line, a distance of 30.00 feet to the point of beginning.

Containing 321743 square feet, 7.386 acres more or less.

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 13th day of May, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of May, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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

Summa Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **18**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the City Council has annexed new properties to the City specifically described in "Exhibit A"; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Summa annexation property, legally described in "Exhibit A" attached hereto. The Summa area annexation property shall be changed from Unincorporated Jefferson County, to Single Family Detached-Medium Density.

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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 13th day of May, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of May, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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

Summa Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **19**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 8 AND 9, 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 P-D to City of Westminister Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminister Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminister 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 Westminister Municipal Code Section 11-5-3.

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 from Jefferson County P-D to City of Westminister PUD. A parcel of land located in Sections 8 and 9, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

Those portions of Sections 8 and 9, Township 2, South, Range 69 west of the 6<sup>th</sup> P.M., County of Jefferson, State of Colorado, more particularly described as follows.

Beginning at the southeast corner of the northeast quarter of southeast quarter of Section 8;

Thence N89°46'33"W, along the northerly line of the south one-half of the south one-half of said Section 8 and along a line of existing corporate limits of the City of Westminister, a distance of 774.00 feet;

Thence N16°40'28"E, leaving said corporate and northerly line, a distance of 310.68 feet;

Thence N48°30'00"E, a distance of 324.00 feet to a point being the northwest corner of Tract 8A, Walnut Creek Development, unit one, County of Jefferson, State of Colorado, said point being a point of non-tangent curvature;

Thence along the northerly line of said Tract 8A the following (2) two courses;

1. 197.47 feet along the arc of said curve to the left, having a radius of 233.00 feet; A central angle of 48°33'32" and a chord bearing S65°46'46"E, a distance of 191.61 feet;
2. N89°56'30"E, a distance of 297.00 feet to a point on the existing corporate limits of the City of Westminster;

Thence S00°03'30"E, 30.00 feet east of and parallel to the east line of the northeast quarter of the southeast quarter of said Section 8, a distance of 437.14 feet to a point on the north line of the south one-half of the south one-half of Section 9, Township 2 South, Range 69 West of the 6<sup>th</sup> P.M.;

Thence N89°46'33"W, along said north line, a distance of 30.00 feet to the point of beginning.

Containing 321743 square feet, 7.386 acres more or less.

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 13th day of May, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of May, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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

Summa Zoning

## EXHIBIT A

Those portions of Sections 8 and 9, Township 2, South, Range 69 west of the 6<sup>th</sup> P.M., County of Jefferson, State of Colorado, more particularly described as follows.

Beginning at the southeast corner of the northeast quarter of southeast quarter of Section 8;

Thence N89°46'33"W, along the northerly line of the south one-half of the south one-half of said Section 8 and along a line of existing corporate limits of the City of Westminster, a distance of 774.00 feet;

Thence N16°40'28"E, leaving said corporate and northerly line, a distance of 310.68 feet;

Thence N48°30'00"E, a distance of 324.00 feet to a point being the northwest corner of Tract 8A, Walnut Creek Development, unit one, County of Jefferson, State of Colorado, said point being a point of non-tangent curvature;

Thence along the northerly line of said Tract 8A the following (2) two courses;

1. 197.47 feet along the arc of said curve to the left, having a radius of 233.00 feet; A central angle of 48°33'32" and a chord bearing S65°46'46"E, a distance of 191.61 feet;
2. N89°56'30"E, a distance of 297.00 feet to a point on the existing corporate limits of the City of Westminster;

Thence S00°03'30"E, 30.00 feet east of and parallel to the east line of the northeast quarter of the southeast quarter of said Section 8, a distance of 437.14 feet to a point on the north line of the south one-half of the south one-half of Section 9, Township 2 South, Range 69 West of the 6<sup>th</sup> P.M.;

Thence N89°46'33"W, along said north line, a distance of 30.00 feet to the point of beginning.

Containing 321743 square feet, 7.386 acres more or less.



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Federal Boulevard/US-36 Bridge – Additional Funding

**Prepared By:** Stephen C. Baumann, Assistant City Engineer

**Recommended City Council Action**

Authorize the expenditure of an additional \$37,500 for the City's share of costs in the reconstruction of the Federal Boulevard Bridge over US-36 and charge that expense to the Turnpike Drive project account in the General Capital Improvement Fund. Authorize the City Manager to sign the documentation needed to affect this change in the Agreement between the City and the Colorado Department of Transportation.

**Summary Statement**

- Funds in the amount of \$720,000 were approved in 1999 for the City's share of construction costs to include architectural enhancements on the new bridge that the Colorado Department of Transportation (CDOT) is building at Federal Boulevard over US-36.
- Following City's Council's approval of the Intergovernmental Agreement (IGA) between CDOT and the City, CDOT interpreted the Agreement to say they could also bill the City for their administration costs. This would normally be an assessment in the range of 12-16% of the City's share of the costs. While not agreeing to this interpretation, City staff has discussed a compromise where CDOT would assess a reduced rate of approximately 9.5% to the total construction costs of \$691,717. This would bring the City's share of the project cost to \$757,500, exceeding the project budget by 5.2%.
- No contingency was approved for the project when the IGA was done, but another project done in conjunction with CDOT interchange project has surplus funds. Staff is recommending that the City accept the compromise terms and use the surplus in the Turnpike Drive Reconstruction project as the contingency fund.

**Expenditure Required:** \$37,500.00

**Source of Funds:** Capital Project account for the Turnpike Drive Reconstruction

**Policy Issue(s)**

Should the City agree with the Department of Transportation that their administrative costs should be applied to the City's share of improvements covered by the Intergovernmental Agreement for Federal Boulevard and US-36 interchange work?

**Alternative(s)**

The City could assert that the Agreement between the parties did not include the assessment of administrative costs and pay only the actual construction costs. It is unclear which party would prevail in this argument. The State has said the offer of a reduced rate of assessment (discussed herein) would likely be rescinded and they would continue to bill the City for their administration costs. Non-payment might affect future joint efforts, many of which are desirable to the City. Staff does not recommend that this approach be followed.

**Background Information**

Planning for the reconstruction of the Federal Boulevard/US-36 Interchange started in 1998. Although this was a project sponsored by the Colorado Department of Transportation, the City took an active role in the design, and lobbied for things like landscaping, upgraded pedestrian facilities and architectural enhancements to the new Federal Boulevard Bridge. The latter included decorative steel pedestrian railing instead of chain link fence, and red sandstone clad pilasters at the bridge abutments and pier to continue the themes created at 92<sup>nd</sup> Ave and Westminster Boulevard in the US-36 corridor. Since these enhancements were above and beyond the basic design standards of the State, the City had to agree to pay for them to be included in the State's project. An estimated \$720,000 was committed by the City for construction and was identified as such in an Intergovernmental Agreement (IGA) approved by City Council in September of 1999.

As the project got underway, it became apparent that CDOT intended for the prorated costs of their construction oversight and project administration to be included in the City's share of the project costs. While this is not unusual in projects managed by the State with local participation, it was not clearly stated in the agreement and was not factored into the budget. A percentage rate of between 12% and 16% of the local agency share of the construction costs is common. City and CDOT Staff discussed the IGA terms and the events and understandings which had preceded the development of the IGA, but no clear determination was made. To try to meet the needs of both parties, some adjustments to the scope of the work were considered following bidding, and the City received a commitment for a reduced rate of 9.5% as a potential compromise if the parties could agree.

The project is very close to complete and the final cost of construction of the City's share of the project is approximately \$691,700. Applying the proposed reduced rate for CDOT's administrative costs yields \$65,700 and a proposed total cost to the City of \$757,500, compared to the budget of \$720,000.

Because this exceeds the 5% limitation on changes to construction contracts and because it involves an Intergovernmental Agreement approved by City Council, staff is requesting Council's approval of a cost effective solution. While the Agreement might not have been clear on the assessment of CDOT's administrative costs, the precedents for it and their intention are clear. Staff believes that the compromise rate of under 9.5% is fair, and less than they normally assess (the Sheridan Boulevard project north from 112<sup>th</sup> would have been administered by CDOT at a rate of 17%, for example). Because of the unusual nature of the City's add-ons to the project, more than the normal effort was likely needed to get them built, so a reduced rate for these services is all the more attractive. The compromise is one that satisfies both parties.

**SUBJECT:** Federal Boulevard/US-36 Bridge – Additional Funding

Page 3

When the IGA was prepared, a budget of \$720,000 was also approved, allowing no contingency. The Turnpike Drive Reconstruction project, completed in 2001 in the same area as the interchange work has a surplus of funds sufficient to cover the \$37,500 shortfall in funding for the City's share of Federal/US-36. City staff is recommending that funds in the Turnpike project be transferred and used for this purpose.

Respectfully submitted,

J. Brent McFall  
City Manager





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Resolution No. 28 re Winters South Annexation

**Prepared By:** David Falconieri, Planner III

**Recommended City Council Action**

Adopt Resolution No. 28 accepting the annexation petition submitted by Barry Morris as representative of BN Morris Development, and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of July 8, 2002, for the annexation hearing.

**Summary Statement**

- The applicant (BN Morris Development) is proposing the annexation of 11.5 acres of property known as the Winters South property, on the west side of Wadsworth Boulevard and north of 110<sup>th</sup> Avenue in unincorporated Jefferson County. (See attached location map.)
- The property is an enclave with the Green Knolls subdivision on the west and south and the Winters subdivision on the north, and undeveloped property to the east across Wadsworth Boulevard, located south of 111<sup>th</sup> Avenue and west of Wadsworth Boulevard.
- The applicant is proposing 10 single-family detached units that will form a single homeowners group with the 8 lots of the Winters subdivision.
- Included in the annexation are two small parcels totaling about one half acre which are owned by Gregg Homes. They have consented to the annexation of the parcels and have indicated a willingness to dedicate them to the City as open space. The two parcels are located at the northwest and southwest corners of the Winters South property. (See attached vicinity map.)

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue(s)**

Whether it is in the best interests of the City to annex the Winters South property.

**Alternative(s)**

Make a finding that there is no community of interest to annex the Winters South property and take no further action.

**Background Information**

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, Barry Morris, signer of the petition, represents the ownership group that owns more than 50% 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,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **28**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, copies of which are 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 July 8, 2002, 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 13th day of May, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Councillors Bill No. 20 re Retail Services Contract

**Prepared By:** Susan Grafton, Economic Development Manager

**Recommended City Council Action**

- Pass Councillor's Bill No. 20 authorizing a supplemental appropriation of \$175,000 from the 2001 General Fund Carryover to the Economic Development Capital Account in the General Capital Improvement Fund.
- Authorize the City Manager to negotiate and contract with John Mullins of J.M. Mullins & Associates to provide retail consulting services as well as to implement and fund such contracts.

**Summary Statement**

- Retail development in key areas is a very high priority for the City in this difficult economic period.
- Contracting with John Mullins & Associates will provide a focused team, detailed demographic and analytical data and contacts with key retail players.
- Funds from 2001 General Fund Carryover are available to finance this endeavor.

**Expenditure Required:** \$175,000

**Source of Funds:** 2001 General Fund Carryover

**Policy Issue**

Should funds be transferred from 2001 Carryover to fund this activity?

**Alternatives**

- Do not fund the Consulting Services.
- Find another source of funds for the project.

**Background Information**

John Mullins of Mullins & Associates has been asked to assist Staff in the promotion of certain areas in the City that have potential to attract regional retailers. Mr. Mullins has put together a team that provides regional retail experience and nationally respected analytical skills, with a municipal financing and process orientation. Actions to be under taken in this contract include development of demographic and market related information; coordination of meetings with key retailers and developers; and, overall promotion of the City's retail development opportunities.

This project was not funded in the 2002 Budget; however, Staff proposes moving \$175,000 from the 2001 General Fund Carryover into the Economic Development Capital Project Account. Council action is also being requested to authorize the City Manager to negotiate, implement and fund a contract with John Mullins and his team.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **20**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Fund initially appropriated by Ordinance No. 2913 in the amount of \$69,324,181 is hereby increased by \$175,000 which, when added to the fund balance as of the City Council action on May 13, 2002 will equal \$72,767,156. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the partial appropriation of 2001 carryover funds.

Section 2. The \$175,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
General Fund Carryover			
1000.40020.0000	\$4,104,983	<u>\$175,000</u>	\$4,279,983
Total Change to Revenues		<u>\$175,000</u>	
EXPENSES			
Transfer to General Capital			
Improvement Fund			
10010900.79800.0750	\$3,407,650	<u>\$175,000</u>	\$3,582,650
Total Change to Expenditures		<u>\$175,000</u>	

Section 3. The 2002 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2913 in the amount of \$10,305,000 is hereby increased by \$175,000 which, when added to the fund balance as of the City Council action on May 13, 2002 will equal \$15,154,113. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of an increase in the transfer from the General Fund.

Section 4. The \$175,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Transfer from General Fund			
7500.45000.0100	\$3,407,650	<u>\$175,000</u>	\$3,582,650
Total Change to Revenues		<u>\$175,000</u>	

EXPENSES

Economic Development			
80275030527.80400.8888	\$0	<u>\$175,000</u>	\$175,000
Total Change to Expenditures		<u>\$175,000</u>	

Section 5. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 13<sup>th</sup> day of May, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 20th day of May, 2002.

ATTEST:

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Mayor

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City Clerk







**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Councillor's Bill No. 21 re Vacation of Easement within the Wexford Station Filing No. 2

**Prepared By:** Melanie Walter, Senior Civil Engineer

**Recommended City Council Action**

Pass Councillor's Bill No. 21 on first reading vacating a certain easement within Wexford Station Filing No. 2 Subdivision.

**Summary Statement**

- City Council action is requested to pass on first reading the attached Councillor's Bill to vacate a sanitary sewer easement located within the Wexford Station Filing No. 2 Subdivision (see attached maps). The property owner has requested the vacation in order to construct condominium units without encroaching onto an existing City utility easement.
- In order to accommodate the street layout and building footprints within the Wexford Filing No. 2 Subdivision, a sanitary sewer easement dedicated in 1985 must be vacated. The developer has already re-dedicated appropriate easements to accommodate the sewer in the present location with one minor relocation.

**Expenditure Required:** N/A

**Source of Funds:** N/A

**SUBJECT:** Councillor's Bill re Vacation of Easement within the Wexford Station Filing No. 2 Page 2

**Policy Issue(s)**

Shall the City Council vacate this utility easement, which by City Code, must be vacated by an ordinance of the City Council?

**Alternative(s)**

No other viable alternative to the proposed action has been identified

**Background Information**

In 1985, a sanitary sewer was constructed through the subject property for the benefit of Wexford Station Filing No. 1, located at the southeast corner of Huron Street and 123<sup>rd</sup> Avenue. A City utility easement was dedicated per separate document for this sewer. In September 2001, the developers for Wexford Station Filing No. 2 dedicated, per the final plat, additional easements to encompass their proposed utilities as well as the existing sewer. In three locations, the existing easement interfered with the proposed site plan, requiring a portion of the sewer line to be relocated. Instead of vacating small portions, the developer requested to vacate the entire easement, and re-dedicate what was necessary on the final plat. City Staff has recently accepted the sewer relocation, therefore the easement dedicated with the 1985 construction is no longer necessary.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

ORDINANCE NO.

COUNCILLOR'S BILL NO. **21**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE VACATING A UTILITY EASEMENT WITHIN WEXFORD STATION FILING NO 2

WHEREAS, a certain easement was dedicated in 1985 by metes and bounds description for the construction of a sanitary sewer line; and

WHEREAS, this utility easement would be encroached upon by buildings proposed within the Wexford Station Filing No. 2 Subdivision; and

WHEREAS, a portion of this sewer was relocated to accommodate the proposed subdivision; and

WHEREAS, an easement was re-dedicated on the final plat for Wexford Station Filing No. 2 that sufficiently encompasses the aforementioned sewer line as well as the relocated portion; and

WHEREAS, the easement dedicated in 1985 is no longer necessary.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of utility easement in Sections 2 and 3 hereof.

Section 2. Legal Description of Utility Easement:

A STRIP OF LAND THIRTY (30.00) FEET IN WIDTH, BEING FIFTEEN (15.00) FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST ONE-QUARTER;  
THENCE S 90°00'00" E ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF HURON STREET;  
THENCE S 00°32'00" E ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING;  
THENCE S 90°00'00" E ALONG SAID CENTERLINE A DISTANCE OF 197.00 FEET;  
THENCE S 67°30'00" E A DISTANCE OF 44.42 FEET;  
THENCE S 90°00'00" E A DISTANCE OF 483.12 FEET;  
THENCE S 00°00'00" E A DISTANCE OF 308.00 FEET;  
THENCE S 90°00'00" E A DISTANCE OF 78.00 FEET;  
THENCE S 00°00'00" E A DISTANCE OF 132.13 FEET;  
THENCE S 23°47'47" E A DISTANCE OF 102.75 FEET TO THE POINT OF TERMINUS;  
CONTAINING 40,362 SQUARE FEET OR 0.927 ACRES MORE OR LESS.

Section 3. This ordinance shall take effect upon its passage after second reading. 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 13<sup>TH</sup> day of May, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of May, 2002.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Resolution No. 29 re North Metro Drug Task Force Mutual Aid Agreement

**Prepared by:** Dan Montgomery, Chief of Police and Lee Birk, Captain

**Recommended City Council Action:**

Adopt Resolution No. 29 authorizing the Mayor to sign the attached Fourth Amendment to the Mutual Aid Agreement to add the City and County of Broomfield as a member of the North Metro Drug Task Force.

**Summary Statement:**

City Council is requested to adopt the attached Resolution authorizing the fourth amendment to the Mutual Aid Agreement between the Cities of Thornton, Northglenn, Federal Heights, Brighton, Commerce City, Adams County Sheriff's Department, and the City of Westminster, to include the City and County of Broomfield as a member of the North Metro Drug Task Force. This Resolution and the Amendment to the IGA have been reviewed by the City Attorney and approved as to legal form.

**Expenditure Required:** N/A

**Source of Funds:** N/A

**Policy Issues:**

An Intergovernmental Mutual Aid Agreement (IGA) establishing the North Metro Drug Task Force (NMDTF) was approved in 1991. The IGA acknowledged that other parties who provide similar services and maintain similar equipment might in the future desire to be included in the Agreement. An amendment adding a city or county to the Mutual Aid Agreement requires all participating cities and counties to authorize the addition.

**Alternatives:**

Do not adopt the Resolution authorizing the City and County of Broomfield to be added as a member of the NMDTF.

**Background Information:**

In 1991, the Adams County Board of County Commissioners ratified a Mutual Aid Agreement establishing the NMDTF, the City Councils of the Cities of Thornton, Northglenn, Federal Heights, Brighton, and Commerce City. In 1996, the City Council of the City of Westminster authorized the Westminster Police Department to become a participant in this task force, and in 1997, Commerce City withdrew from the Task Force. In 1999, Commerce City requested that they, once again, be added as a participant of the NMDTF and a Resolution was adopted by City Council on April 26, 1999, to add Commerce City to the Mutual Aid Agreement.

The NMDTF is under the control of a Board of Directors, of which Chief Montgomery is a member. The Board meets periodically to evaluate the Task Force's progress, set policy, identify and solve problems, and plan for future trends and needs of the Task Force. Because drug trafficking recognizes no city boundaries, enforcement efforts are much more effective with a combined agency task force approach than by each agency maintaining their own separate drug enforcement sections. The task force promotes a cooperative effort to provide functions or services to the north area participating cities and counties. The addition of the City and County of Broomfield will enhance the services provided in the north area.

The Westminster Police Department currently has three detectives assigned to the NMDTF. The Police Department is also a participant on the West Metro Drug Task Force (WMDTF) and has one lieutenant who serves as a part-time commander for the WMDTF, one sergeant who is a full-time supervisor for the task force, and two vice/narcotics detectives.

The task force approach is extremely effective, and Staff recommends that City Council approve the attached Resolution and Fourth Amendment to the Intergovernmental Agreement adding the City and County of Broomfield as a participant on the task force.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **29**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

RESOLUTION AMENDING THE MUTUAL AID AGREEMENT BETWEEN THE CITIES OF THORNTON, NORTHGLENN, FEDERAL HEIGHTS, WESTMINSTER, BRIGHTON, COMMERCE CITY, AND THE ADAMS COUNTY SHERIFF'S DEPARTMENT (COLLECTIVELY REFERRED TO HEREIN AS THE "PARTIES") WHICH ESTABLISHES THE NORTH METRO DRUG FORCE TO INCLUDE THE CITY AND COUNTY OF BROOMFIELD.

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

WHEREAS, the parties have entered into a mutual aid agreement dated November 14, 1991, for the establishment of the North Metro Drug Task Force ("Agreement"); and

WHEREAS, the City of Westminster became a party to the November 14, 1991, agreement on November 11, 1996; and

WHEREAS, this Amendment is necessary for the health, safety and general welfare of the citizens of the Parties.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Westminster, State of Colorado, that the Fourth Amendment to the Mutual Aid Agreement between the Cities of Thornton, Northglenn, Federal Heights, Brighton, Westminster, and the Adams County Sheriff's Department, a copy of which is attached hereto and incorporated herein by this reference, is hereby approved and the Mayor is authorized to execute said Amendment, adding the City and County of Broomfield as a member of the North Metro Drug Task Force.

Passed and adopted this this 13th day of May, 2002.

ATTEST:

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City Clerk

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Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Councillor's Bill No. 22 re Countryside Little League Fields Lease Agreement

**Prepared By:** Greg McSwain, Recreation Programs Manager

**Recommended City Council Action**

Pass Councillor's Bill No. 22 on first reading authorizing the City Manager to sign the Countryside Little League Fields Lease agreement.

**Summary Statement**

- City Council action is requested pass the attached Councillor's Bill on first reading that authorizes the City Manager to sign the attached Lease Agreement for the use of Countryside Little League by American West Little League (AWLL) for the conduct of youth baseball and softball programming.
- This lease would replace an existing lease agreement with AWLL that was approved in 1993 for the programming of this complex.
- AWLL contributed \$35,000 to the construction of these fields. The project was completed and play began in 1998.
- Existing lease allows for the programming of fields by AWLL throughout the year for a \$1.00 per year lease payment. The existing lease requires AWLL to be solely responsible for the operation and maintenance of the complex.
- New lease would allow for use of the complex by AWLL from February through August of each year and AWLL would pay the City \$3,000 per year. The City would be responsible for the major maintenance of the complex. AWLL would still be responsible for the minor daily field preparations during their playing season. No additional staffing will be required by the Department as Staff feels that they can take on this added responsibility within existing resources.
- The City would have programming priority when the complex is not leased by AWLL with the new lease agreement.
- AWLL has reviewed and approved the proposed new lease. They feel their strengths are in programming youth baseball activities but they do to have the special expertise or equipment necessary to fully maintain an athletic field complex to meet City standards.
- Initial term of proposed lease is five (5) years with renewal rights for four (4) additional five-year terms.

**Expenditure Required:** \$0

**Source of Funds:** N/A



**Policy Issue**

Does City Council wish to enter into a lease agreement with American West Little League (AWLL) for the use of Countryside Little League ball fields for the purpose of programming youth baseball activities?

**Alternatives**

- Do not approve the new lease and continue to allow AWLL to use the Countryside Little League fields year round for the purpose of programming youth baseball activities as governed by the current lease agreement. This alternative is not recommended, as AWLL has been unable to maintain the complex to standards that are acceptable and expected of by the City. The proper maintenance of athletic fields requires special expertise and equipment, which is beyond the scope of AWLL abilities and which the City has. In return for the maintenance of the complex by the City, the new lease requires an annual payment of \$3,000 to be received from AWLL. This money will go towards irrigation and fertilizer costs. In addition, the new lease allows for City programming opportunities at the site during the months the fields are not leased to AWLL.
- Terminate the existing lease and not approve the new lease with AWLL. This alternative is not recommended, as the relationship with AWLL has been positive since the fields opened in 1998 and AWLL provides a valuable programming service to the youth of northwest Westminster. Also, AWLL was an active partner in the original design and development of the fields and donated \$35,000 to the construction budget.

**Background Information**

The Countryside Little League Fields are located at 10510 Oak Street. This 7.6-acre complex opened in 1998 and includes two fenced ball fields and a parking lot. Since opening, the complex has been leased by the American West Little League organization for the sole purpose of programming youth baseball activities. The total construction budget for the complex was \$600,000 of which \$160,000 was received from Jefferson County Open Space funds, \$75,000 was received from the Great Outdoors Colorado, and \$335,000 from the City's Capital Improvement Program and AWLL contributed \$35,000.

American West Little League is a recognized not for profit organization that is part of the Colorado District 2 Little League and functions under the governing policies of the national Little League Baseball organization. Boundaries of AWLL include those Westminster residents who live west of US 36 and north of 88<sup>th</sup> Avenue. AWLL boundaries also include some portions of Broomfield. The Little League District office sets these boundaries. The current president of AWLL is Mr. Cliff Deffke who resides at 10465 Jellison Way. According to Mr. Deffke, there are 320 youth signed up to play baseball or softball this summer for AWLL. Of that total, 303 are Westminster residents.

The City entered into a lease agreement with AWLL for the use of the complex in 1993. AWLL has programmed the site since its opening and has been responsible for all operations and maintenance. AWLL already relies on City Staff for support, expertise and resources for such maintenance and repairs as irrigation, turf maintenance and infield renovations since the complex opened in order to keep the complex maintained at a level that is acceptable for a City owned facility.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **22**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR ORDINANCE APPROVING A LEASE WITH AMERICAN WEST LITTLE LEAGUE FOR THE USE OF THE EXISTING COUNTRYSIDE YOUTH LITTLE LEAGUE FIELDS

WHEREAS, City Council previously approved a lease between the City and American West Little League for the development and programming of the Countryside Youth Little League fields; and

WHEREAS, the City will lease these fields to American West Little League for conduct of youth baseball/softball programs and leagues; and

WHEREAS, the final form of the lease has been agreed to by the parties; and

WHEREAS, the City Charter requires such leases to be approved by ordinance.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The lease between the City and American West Little League for the lease of the existing Countryside Youth Little League fields is approved in substantially the same form as 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 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 13th day of May, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20th day of May, 2002.

ATTEST:

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Mayor

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City Clerk

**LEASE BETWEEN THE CITY OF WESTMINSTER AND  
AMERICAN WEST LITTLE LEAGUE  
FOR YOUTH BASEBALL & SOFTBALL**

THIS LEASE AGREEMENT ("Lease") is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2002, between the **CITY OF WESTMINSTER**, a Colorado home rule municipality (the "City"), and **AMERICAN WEST LITTLE LEAGUE**, a Colorado non-profit corporation ("AWLL"), whose address is PO Box 741147, Arvada Colorado 80003.

**RECITALS**

WHEREAS, the City is the owner of a certain parcel of land approximately 7.6 acres in size, known as the Countryside Little League Fields located at 10510 Oak Street (the "Premises"), and AWLL desires to lease the Premises from the City for the conduct of youth baseball/softball programs and leagues.

WHEREAS, the City is willing to lease the Premises to AWLL for the conduct of youth baseball/softball programs and leagues for a period of five (5) years, subject to renewal as set forth in this Lease.

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

**TERMS AND CONDITIONS**

A. Initial Term. The City hereby demises and leases the Premises to AWLL for five (5) successive years beginning on February 1, 2002 and ending on August 31, 2006.

B. Renewal. Following the expiration of the Initial Term on August 31, 2006, for a period of twenty (20) years, AWLL shall have the right to renew this Lease for successive five (5) year terms on terms and conditions to be determined in the exercise of the City's reasonable discretion. The amount of rent for any such successive terms shall be escalated according to historical land value increases in the Denver Metropolitan Area and the City's cost of maintaining the Premises.

C. Rent. For the Initial Term, AWLL agrees to pay the City rent in the amount of \$3,000 per year. The City reserves the right to increase the rental cost during the Initial Term, based on an increase in maintenance costs and agrees to provide written notice of such increase by January 1<sup>st</sup> to be effective for that year. The maximum increase per year shall not exceed five percent (5%). All rental payments due under this Lease shall be payable on or before February 1 of the year such rental is due, without notice or demand, at the administration building of the City, in the Parks, Recreation and Libraries Department at 4800 W. 92<sup>nd</sup> Avenue, Westminster, CO 80031.

D. Lawful Use. This lease is expressly conditioned on AWLL use of the Premises for youth baseball/softball programs and leagues, consistent with all rules, regulations, and ordinances of the City. If AWLL should use the Premises for any other use, or use it in violation of any rule, regulation or ordinance of the City, this Lease may be terminated by the City in accordance with paragraph Q below.

E. Programming of the Site. The City agrees to allow AWLL exclusive use of the site each year during the lease during the months of February through August for the purposes of

programming youth baseball and softball. During all other months, the City reserves the right to program the site for City sponsored programs or events with AWLL receiving first right of use after City programming. All programs shall be planned for minimum disruptions to surrounding neighborhoods.

F. Maintenance by AWLL. AWLL shall be responsible for the routine care and maintenance of the Premises including normal and reasonable cleaning including the collection, storage and removal of all trash, litter, and waste from the Premises, the replacement of all consumable or expendable items such as light bulbs, cleaning and bathroom supplies and concession items, and all items brought into the Premises by the AWLL. AWLL will also be responsible for the preparation of the fields for play including the chalking of the lines of the fields based on the scheduled use of the fields and providing bases. Chalking material will meet specifications provided by the City. Only vehicles and equipment specifically designed for field maintenance and preparation and approved by the City of Westminster will be allowed on the fields. In addition, AWLL will be responsible for the removal of all graffiti during the February through August season within 48 hours of its occurrence. AWLL will be responsible for determining the suitability of use of the fields due to weather conditions.

G. Maintenance by the City. AWLL accepts the Premises “as is” and acknowledges that the City shall have no obligation for maintenance or repair of the Premises except for irrigation, fence repair, and turf mowing. Infield maintenance will be on a schedule to be determined by the City.

H. Emergency Repairs. Notwithstanding any provision in this Lease to the contrary, AWLL agrees to perform all repairs of an emergency nature necessary to protect the Premises from undue and avoidable injury or damage.

I. Electricity and Water. The City shall provide water and electric service to the Premises, except for so long as the discontinuance thereof may be reasonably necessary to repair such facilities.

J. Keys. The City will provide AWLL with a reasonable number of keys for the gates to the fields.

K. Sponsorship Signs. AWLL will be allowed to place sponsor signs only on the outfield and lower perimeter fences at the Premises. All signs are must be maintained in good repair and free from graffiti. No signs will be hung facing outward toward residential developments. All signs are to be removed from the site by the end of August each year. All sign design and format must be approved by the Recreation Programs manger prior to installation. All signs shall be of the same material and approved by the Recreation Programs Manager.

L. Portable Toilets. AWLL will be responsible for the contracting, payment, placement, maintenance, cleaning, and removal of portable toilets at the Premises. All portable toilets brought to the Premises are to be removed from the site by the end of August each year.

M. Responsibility for AWLL Property. AWLL will be required to provide their own storage or strongbox. The City shall have no responsibility or liability for any loss or damage to any personal property of the AWLL or any fixtures installed by the AWLL or any property leased by AWLL. Any storage buildings placed on site must be painted in the same color and approved by the Parks Services Manager.

N. Miscellaneous. AWLL further covenants and agrees:

- i. Overloading, Occupancy. Not to permit the Premises to be endangered by overloading or the Premises to be used for any purpose which would render the insurance thereon void or the insurance risk more hazardous. AWLL

shall take all such action as may be necessary to prevent the Premises from ever being occupied in excess of City and State limits of occupancy.

- ii. Alterations, Modifications. Not to make any alterations to or modifications in or upon the Premises, including the installation or removal of attached fixtures, without first obtaining the City's written consent. No such alterations or modifications shall be made, except pursuant to plans submitted by AWLL to the City Manager or his designee. All such alterations or modifications shall be done in conformance with all applicable laws, codes, regulations, and rules of the City and the State of Colorado. Further, unless the parties otherwise agree in writing, AWLL shall be obligated to restore the Premises to the original condition as entered upon if requested to do so in writing by the City.
- iii. Duty of Care. To exercise reasonable care in the supervision of AWLL's programs and activities and the persons in AWLL's care at all times when they are in or upon the Premises.
- iv. Damages. To reimburse the City for any expense incurred by it in repairing any damage to the Premises caused by AWLL, its employees or agents, or any person in their care.
- v. Indemnity and Insurance. During any term of possession by AWLL pursuant to this Lease, to indemnify and hold the City harmless from and against any claims, actions, costs, expenses, or liability, related directly or indirectly to AWLL's use or possession of the Premises or relating to the improvements constructed thereon by AWLL or its agents; for personal injury or property damage resulting from any act or omission of AWLL or its agents. AWLL shall obtain at its expense, general liability insurance reasonably acceptable to the City, but in any event with limits of liability not less than \$1 million. The policy shall name the City as an additional insured against liability for any injury to property or persons arising out of the use of the Property by AWLL or its agents, including, but not limited to, any injuries to any player, coach, parent, spectator or other, including members of the general public. AWLL will, if requested, provide the City with a copy of such insurance policy as evidence of coverage.
- vi. Subletting. To sublet no part of the Premises, nor assign this Lease or any interest therein without the City's specific written consent.
- vii. Nuisance. Not to permit any disorderly conduct or nuisance whatever about the Premises, having a tendency to annoy, disturb or interfere with other occupants of the neighborhood.
- viii. Surrender in Good Condition. At the expiration or termination of this Lease, to surrender and deliver up the Premises in as good an order and condition as when the same were entered upon, loss by fire, inevitable accident and ordinary wear excepted.
- ix. Flammable, Hazardous Materials. To not store flammable, toxic, dangerous, hazardous or obnoxious materials anywhere in the Premises.

x. Live Animals. To neither bring nor permit the bringing of any live animals into the Premises, except that pets may be allowed or prohibited in compliance with the City's rules, regulations, and ordinances.

O. Untenantable Conditions. If the Premises become so damaged by fire, flood, act of God or any other casualty not caused by the AWLL so as to render the Premises untenantable, the AWLL may terminate this Lease without further obligation, unless the damage is repaired by the City within 30 days, in which case the Lease will continue under the existing terms and conditions.

P. Vacancy of Premises. If the Premises are left vacant, the City may, at its option, retake possession of the Premises, terminating the Lease and the City and AWLL's obligations thereunder.

Q. Insolvency or Merger. If the AWLL becomes insolvent or is declared bankrupt, or merges with another organization that doesn't represent District 2 Little League interests serving Westminster youth, the City may terminate this Lease, and all rights of the AWLL hereunder shall thereupon terminate.

R. Peaceable Surrender. At the expiration of the term of this Lease, whether by passage of time or by act of the City as provided in this Lease, the AWLL shall surrender and deliver up the Premises peaceably to the City. If AWLL fails to do so, AWLL agrees it shall be responsible for all costs and damages incurred by the City as a result thereof, including but not limited to attorney fees and the cost of any forcible entry and detainer action to recover the Premises.

S. Default. If AWLL defaults or violates any of the terms, conditions, or agreements set forth in this Lease, the City may, upon 30 days written notice, declare the Lease ended and repossess the Premises.

T. No Waiver. No assent, express or implied, to any breach of any one of more of the covenants or agreements contained in this Lease shall be deemed or taken to be a waiver of any succeeding or other breach.

U. Designated Representatives. The following persons are hereby designate by the parties as the persons responsible for the implementation of this Lease. Any Notices should be sent by first-class mail as follows:

To the AWLL:                      Cliff Deffke or current AWLL President  
AWLL President  
9675 Kendall Street  
Westminster, CO 80021

To the City:                        Greg McSwain or current Recreation Programs  
Manager  
City of Westminster  
4800 West 92<sup>nd</sup> Avenue  
Westminster, CO 80031

IN WITNESS WHEREOF the parties have executed this indenture the day and year first above written.

Attest:

**CITY OF WESTMINSTER**

By: \_\_\_\_\_ By: \_\_\_\_\_  
Michele Kelley Brent McFall  
City Clerk City Manager

Attest:

**AMERICAN WEST LITTLE LEAGUE**

By: \_\_\_\_\_  
Cliff Deffke  
President

Approved as to legal form:

\_\_\_\_\_  
City Attorney



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Resolution No. 30 re 2002 Fishing is Fun and Great Outdoors Colorado Grants

**Prepared By:** Brad Chronowski, Landscape Architect II  
Kathy Piper, Landscape Architect II

**Recommended City Council Action**

Adopt Resolution No. 30 authorizing the Department of Parks, Recreation and Libraries to pursue two grants from the Fishing is Fun program and Great Outdoors Colorado.

**Summary Statement**

- The Parks, Recreation, and Libraries Department wishes to pursue a grant from the Fishing is Fun program sponsored by the Colorado Division of Wildlife for Faversham Park in the amount of \$74,775.
- The Parks, Recreation and Libraries Department wishes to pursue a grant from Great Outdoors Colorado (GOCO) for the 74<sup>th</sup> and Irving Library/Park in the amount of \$150,000.
- Fishing is Fun and Great Outdoors Colorado assist municipalities with grant monies to develop and improve public facilities.
- The Parks, Recreation, and Libraries Department appropriated matching funds in the 2002 and 2003 Capital Improvement Program for the respective projects.
- Construction for the selected improvements will begin in late 2002 or early 2003.
- Should the City be awarded one or both of the grants, staff will return to City Council for approval of agreements with Colorado Division of Wildlife and Great Outdoors Colorado, and again for fund appropriation.

**Expenditure Required:** N/A

**Source of Funds:** Parks, Recreation and Libraries 2002 and 2003 Capital Improvement Program.



**Policy Issue**

Should the City increase the scope of the Faversham Park fishing pond and enhance the 74th & Irving Library/Park with no additional monetary commitment on the City's part by pursuing grant monies from Fishing is Fun and Great Outdoors Colorado?

**Alternatives**

Council could choose not to pursue additional funding for the projects and proceed with the improvements at the current budget level. Staff recommends, however, that the opportunity be taken to increase the scope of both projects without increasing funding allocations. Receipt of grant money for these projects would significantly enhance the project scopes and allow for an increase in design detail and/or service levels at both facilities.

Council could choose to pursue funding for only one of the projects mentioned above. Should this alternative be selected, Staff recommends that the 74<sup>th</sup> & Irving Library/Park grant be given priority.

**Background Information**

The Department of Parks, Recreation and Libraries has been successful in applying for and receiving grants from both Fishing is Fun and Great Outdoors Colorado. In recent years, the Fishing is Fun program has supported the Community College Pond and the ponds at Waterpointe/Bellio. Great Outdoors Colorado has supported several City projects such as Sensory Park, City Park Ballfields, Skyline Vista Park and Standley Lake Regional Park.

At Faversham Park, the Department of Parks, Recreation and Libraries intends to improve the existing fishing pond by increasing the depth, adding an aeration system, increasing parking, providing handicapped access to the pond and providing shade near the water's edge. Receipt of this grant will increase the project budget from \$200,000 to \$274,775.

Currently, 74<sup>th</sup> Avenue and Irving Street Park and Library is under design. Construction documents should be completed in August. The park design would include a plaza leading to the new library, a play area, a shelter that reflects the library architecture, sidewalks throughout, open turf, a parking lot, and a picnicing and sculpture area. Funds from GOCO would be used to design a much expanded playlot for disabled children and upgrade the design of the proposed pavilion/picnic shelter.

The 2002 CIP budget for the Park will increase from \$400,000 to \$550,000 with receipt of a GOCO grant.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**RESOLUTION**

RESOLUTION NO. **30**  
COUNCILLORS

INTRODUCED BY

SERIES OF 2001

\_\_\_\_\_

**GRANT REQUESTS TO THE FISHING IS FUN AND GREAT OUTDOORS COLORADO  
GRANT PROGRAMS**

WHEREAS, Fishing is Fun and Great Outdoors Colorado have established grant application processes to assist municipalities and special districts with development of recreation capital improvements; and

WHEREAS, The City of Westminster has budgeted for improvements at Faversham Park; and

WHEREAS, The City of Westminster has budgeted for the development of 74th Avenue and Irving Street Library and Park; and

WHEREAS, grant money received from Fishing is Fun and Great Outdoors Colorado would significantly enhance the improvements for the above-mentioned park facilities.

NOW, THEREFORE, be it resolved that the City Council of Westminster hereby directs that City of Westminster Staff submit grant applications to the Fishing is Fun and Great Outdoors Colorado programs for 2002, requesting funding to enhance improvements at Faversham Park and the 74th Avenue and Irving Street Library and Park.

Passed and adopted this thirteenth day of May, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Resolution No. 31 re Acquisition of Street Right-of-Way for West 122<sup>nd</sup> Avenue

**Prepared By:** Vicky Bunsen, Assistant City Attorney

**Recommended City Council Action**

Adopt Resolution No. 31 which authorizes City Staff to acquire, by condemnation if necessary, 0.24 acre of property owned by the Arabian Horse Registry for the construction of West 122<sup>nd</sup> Avenue in the Park Centre area.

**Summary Statement**

Council is requested to approve the acquisition, by condemnation if necessary, of 0.24 acre of property owned by the Arabian Horse Registry for the construction of West 122<sup>nd</sup> Avenue in the Park Centre area.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**SUBJECT:** Resolution No. 31 re Acquisition of Street Right-of-Way for West 122<sup>nd</sup> Avenue Page 2

**Policy Issue(s)**

Should the City take steps to condemn 0.24 acre of private property for a public street where the construction of the public street is required by a developer's Preliminary Development Plan (PDP), and where the developer has agreed to reimburse the City's expenses of condemnation and acquisition of the parcel?

**Alternative(s)**

Relieve the developer of the obligation to build 122<sup>nd</sup> Avenue between Federal Boulevard and the Park Center area, or require the developer to continue to attempt to purchase the parcel without assistance from the City.

**Background Information**

NorthRidge Investors is developing Northridge at Park Centre and is required by its PDP to connect the development with the new Federal Boulevard extension by building a new public street, West 122<sup>nd</sup> Avenue. The developer has access to all of the necessary right-of-way with the exception of 0.24 acre at the northern tip of the Arabian Horse Registry property. Acquisition of the parcel does not divide the property or damage it in any way. The developer has tried for an extended period of time to negotiate acquisition of the parcel and has paid for an appraisal of the parcel, which has been shared with the landowner's manager.

Because the road must be built in the fall before winter weather, the developer has asked the City to use condemnation power to acquire the parcel so that the road can be built. Once the street is finished, it will be a public street and is not being built only to provide access to the developer's property. Due to the timing of condemnation litigation, it is necessary for the City to begin statutorily required negotiations now in order to have a reasonable chance of securing possession of the property by September so that access could be provided to the developer to finish the street.

It is the opinion of the City Attorney's Office that this acquisition has a legal public purpose. Because of the reimbursement agreement, there should be no financial impact on the City.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

## RESOLUTION

RESOLUTION NO. **31**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

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WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to obtain the land described in Exhibit A to accommodate the construction of West 122<sup>nd</sup> Avenue; and

WHEREAS, an appraisal has been made by a professional company experienced in performing appraisals to determine the fair market value for this parcel; and

WHEREAS, the City will make an earnest good faith offer of purchase for the subject parcel; and;

WHEREAS, a municipal public purpose exists to acquire the property and possession of the property is needed as soon as possible in order to construct a public street before winter of 2002-2003; and

WHEREAS, legal counsel for the City of Westminster has advised that the City may exercise its right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the City will be necessary for the public health, safety and welfare due to bidding and construction deadlines.

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

1. The City Manager is hereby authorized to establish the minimum just compensation to be offered to acquire the property.

2. City Staff is authorized to cause and shall cause negotiations to be initiated to acquire the parcel and interests identified in Exhibit A on the basis of the appraised value, or such higher amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation, and the City Manager is hereby authorized to acquire such parcel consistent with applicable law, including the execution of all documents necessary to complete this purchase.

3. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the property in question, including proceeding with condemnation of the property in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the property should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request a court order allowing immediate possession of the property.

4. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the property in question, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The costs shall be reimbursed to the City pursuant to the agreement dated April 2002, between the City and Imprimis Corporation.

5. The City Manager is hereby authorized to amend the legal description of the parcel to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of construction.

PASSED AND ADOPTED this 13th day of May, 2002.

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Mayor

ATTEST:

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
May 13, 2002

**SUBJECT:** Resolution No. 32 re Council Rules Amendments

**Prepared By:** Michele Kelley, City Clerk

**Recommended City Council Action**

Waive the requirement in Part VII, Section 9 of the Council Rules for all amendments to be submitted in writing at the preceding regular meeting and adopt Resolution No. 32 amending Council Rules and Procedures

**Summary Statement**

- City Council and Staff recently reviewed the current Council Rules and Procedures to make some housekeeping changes to reflect current procedures, delete redundancy and make minor changes.
- Part V, Section 1, change deletes this section that is currently stated within the City Charter and is redundant to be stated within Council Rules and Procedures.
- Part VI, Section 1 is reworded to incorporate several sections into Section 1 delineating Council's authority to make appointments to committees .
- Part VII, Section 9 modifies the procedures for amendments to the Council Rules to be consistent with amendments to other resolutions and Council actions.
- Part VII, Section 10 allows Council members to determine where they will sit in Council Chambers, or have Council determine in the event of a disagreement.
- Part VII, Section 15 modifies the section to be more gender neutral.
- Part VII, Section 26 is requiring Council approval of more than 2 out of state trips per year, and requiring the Finance Department to review all travel reports and Council to determine matters of discrepancies.
- All of the suggested changes have been reviewed by Council at their recent retreat.
- City Council action is requested to adopt the attached Resolution, which amends the Council Rules and Procedures.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues**

Should the Council make changes to the Council Rules and Procedures?

**Alternative**

Council could decide not to adopt the attached Resolution, with Council reviewing proposed changes at a future date.

**Background Information**

The current City Council Travel Policy was adopted in March, 1994, revised in June, 2000 and in May, 2001.

Pursuant to Part VII, Section 9 of Council Rules and Procedures “These rules may be amended or new rules adopted by a majority vote of all members of the Council. Any such alteration or amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the agenda under the order of new business. This requirement shall be waived only by unanimous consent of all members of Council.”

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



## RESOLUTION

RESOLUTION NO. **32**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

### A RESOLUTION AMENDING COUNCIL RULES AND PROCEDURES

NOW, THEREFORE, be it resolved, by the City Council of the City of Westminster that the Council rules are hereby amended as follows:

#### ~~PART V - OFFICERS AND EMPLOYEES ATTENDANCE~~

~~1. ADMINISTRATIVE SERVICE: (CITY CHARTER SECTION 4.6) The Administrative officers of the City of Westminster shall be selected in conformance with the City Charter, the City Manager and the City Attorney shall be selected by majority vote of the Council members.~~

**2 1. ATTENDANCE:** The City Manager, City Clerk and City Attorney, or a qualified representative appointed by such officer shall be in attendance at the Council meeting. Such representative shall assume the duties of the absent officer.

The head of any department, or any officer or employee of the City, when requested by the City Manager, shall attend any regular, adjourned, or special Council meeting.

~~3- 2. SERGEANT-AT-ARMS:~~ The Chief of Police, or his representative, shall upon request of the Mayor or Council, maintain the peace in the Council Chambers.

#### PART VI - COMMITTEES

**1. COMMITTEES - HOW APPOINTED:** THE COUNCIL SHALL APPOINT FROM TIME TO TIME SUCH REPRESENTATIVES AS IT DEEMS APPROPRIATE TO ANY BOARDS, COMMITTEES, TASK FORCE, COMMISSIONS, INTERGOVERNMENTAL ORGANIZATIONS OR OTHER BODIES, INCLUDING LIAISONS TO THE CITY'S BOARDS AND COMMISSIONS, TO REPRESENT THE CITY COUNCIL'S POSITION AS MAY BE REQUIRED. NO PERSON SHALL ACT OR SERVE AS A REPRESENTATIVE OF THE CITY WITHOUT COUNCIL APPROVAL. ~~The Mayor~~ COUNCIL MAY CONSISTENT WITH THE CITY CHARTER ~~shall appoint~~ ESTABLISH from time to time such special or select committees ~~as in his/her discretion deems desirable, or~~ as may be desired by the Council to ASSIST OR expedite the handling of the business and affairs of the City. ~~The Mayor~~ COUNCIL shall appoint the member who is to serve as Chairperson of the committee. THE CLERK OR A DESIGNATED ASSISTANT SHALL ACT AS SECRETARY TO SUCH SPECIAL OR SELECT COMMITTEES AS DIRECTED BY THE COUNCIL.

**2. REPORTS:** Whenever possible upon request of Council, committee reports shall be in writing. Documents referred to the committee shall be returned with the report.

~~3. SECRETARY TO COMMITTEES: The Clerk or a designated assistant shall act as secretary to special committees as directed by the Mayor.~~

~~4. COUNCIL TO APPOINT: The Council shall appoint from time to time such representatives as it deems appropriate to any boards, committees, task force, commissions, intergovernmental organizations or other bodies, including the City's Boards and Commissions to serve as liaison between such body and the City Council and to represent the City Council's position as may be required. No person shall act or serve as a representative of the City without Council approval.~~

## PART VII - MISCELLANEOUS

**9. AMENDMENT OF RULES:** These rules may be amended or new rules adopted by a majority vote of all members of the Council. Any such alteration or amendments shall be submitted in writing AND ADOPTED BY RESOLUTION ~~at the preceding regular meeting and shall be placed on the agenda under the order of new business.~~ This requirement shall be waived only by unanimous consent of all members of Council.

**10. SEATING ARRANGEMENT:** Members shall occupy their respective seats in the Council Chamber AS THEY SHALL AGREE, OR AS DETERMINED BY MAJORITY VOTE IN THE EVENT OF DISAGREEMENT. ~~assigned to them by the Mayor.~~

**15. PERSONAL PRIVILEGE:** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his OR HER integrity, character, or motives are assailed, questioned, or impugned.

**26. CITY COUNCIL TRAVEL POLICY** ~~The Travel Policy of the Westminster City Council, as it relates to Councillors and their spouses, is hereby updated to read as follows:~~

### A. EXPENSE COVERAGE

City Council will establish out of state travel expenses for all Council members as part of the budget adoption each year. ANY OUT OF STATE TRAVEL BEYOND 2 SUCH TRIPS IN A CALENDAR YEAR SHALL REQUIRE THE APPROVAL IN ADVANCE OF A MAJORITY OF THE OTHER MEMBERS OF COUNCIL.

Transportation: Normally, out-of-City travel shall be by commercial airline. Air coach and special rates shall be utilized whenever possible. If driving to a conference, using your personal car, Councillors can be reimbursed at the per mile rate in effect for employees. However, the total reimbursement shall not exceed the amount that would have been expended if the Councillors had used available airline service and economical ground transportation to the conference. Full reimbursement shall be made for round trip transportation for the Councillors' travel expense.

Lodging: Lodging shall be fully reimbursable. If attending a formal conference, lodging will normally be at the conference or headquarters hotel, or comparable facilities, which are nearby. If the Councillor's spouse is attending the conference, the Councillors shall be responsible for the differential on the daily room rate for double occupancy.

Meals: All meal expenses shall be fully reimbursable for the Councillor during the conference or out-of-town meeting.

Miscellaneous Expenses: Generally, any reasonable business expense incurred because a Councillor is traveling for the City shall be fully reimbursable. ALL COUNCIL MEMBERS ARE EXPECTED TO KEEP ALL SUCH EXPENSES TO A REASONABLE LEVEL, BASED UPON THE COST OF ACCOMMODATIONS, MEALS AND SIMILAR EXPENSES OF THE PARTICULAR LOCALE BEING VISITED.

Travel With Spouse: If Councillors are attending a conference where it is common for the spouse to accompany, and which has a program for the spouse, the spouse conference registration will be reimbursable. All other expenses of the spouse will be the personal expense of the Councillor.

## B. ADVANCES

Council members may draw a cash advance from the City in anticipation of expenses to be incurred , or, as an alternative, Councillors may charge the expense to their City issued credit card. No cash advance will exceed \$200 per individual request. No cash advances will be processed unless expense reports from all previous trips involving cash advances and credit card purchases have been cleared. Any outstanding expense advance/credit card purchases not cleared before the Councillor's term expires will be withheld from the final paycheck of the Councillor.

## C. EXPENSE REPORTS

THE MAYOR AND ALL CITY Councillors shall file a report for all trip related expenses within one week upon return from the trip. The completed expense report shall be submitted to the City Manager's Office for processing. Receipts for expenses of \$25.00 and greater shall be attached to the form. THE FINANCE DEPARTMENT SHALL REVIEW ALL SUCH EXPENSE REPORTS FOR MATHEMATICAL ACCURACY, AND SHALL IDENTIFY ANY ITEMS THAT DO NOT APPEAR TO BE IN CONFORMANCE WITH THE CITY'S TRAVEL POLICY FOR CITY EMPLOYEES. IF ANY DISCREPANCIES ARE OBSERVED, THE SAME WILL BE BROUGHT TO THE ATTENTION OF THE SUBMITTING PARTY FOR CORRECTION. IF THE SUBMITTING PARTY DISAGREES WITH ANY ITEM IDENTIFIED BY THE FINANCE DEPARTMENT, THE OTHER MEMBERS OF COUNCIL SHALL DETERMINE THE MATTER.

City Councillors shall file their travel expenditure reports in a timely fashion within one week upon return from the respective trip. If compliance is not realized, the subject City Councillor shall not be allowed to travel at city expense on future trips until such time as all reports are filed, reconciled and any balances are rectified where either the Councilmember owes the City or the City Councilmember is owed reimbursement by the city.

City Councillors who use City issued credit cards shall not be allowed to make charges against said credit card when there are any outstanding City travel expenditure reports from the subject City Councillor. Use of such City credit cards shall be held in abeyance until all travel expenditure reports have been submitted, audited and any balance due the City by the City Councillor is resolved.

City staff shall provide a monthly summary to all members of City Council reflecting the status of travel expenditure reports which are due as well as indicating the status of audits conducted by finance department staff with any deficiencies in documentation so noted.

The Mayor shall approve expense reports of Councillors. The Finance Department shall audit the expense report for mathematical accuracy.

In the event Councillors travel as a group, occupy the same hotel and/or have meals together, a claim covering all expenses for all members may be filed in lieu of individual accounting.

Passed and adopted this 13<sup>TH</sup> day of MAY, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, May 13, 2002. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally. Absent none.

The minutes of the April 22, 2002 meeting were approved.

Mark Ramsey, Close-Up Coordinator and students from Westminster High School addressed Council on the visit to Washington D.C. for students and thanked Council for their financial support.

The following proclamations were read: the month of May as "Mental Health Month", and the week of May 19 - 25 as "Public Works Week."

Council approved the following: 2002 Traffic Signal Project with Colorado Signal Company, for \$37,565; Contract with Output Services not to exceed \$120,000; Quarterly Insurance Report; Bids re Fiber Optic Network Expansion with U.S. Communications for \$92,280; Amendment to Design Contract for New Library Facility with Bennett, Wagner and Grody for \$115,530; Purchase of PVC Water Pipe with Waterworks Sales for \$49,940; Contract for Design of the 104<sup>th</sup> and Grove Waterline with SA Miro Engineering for \$74,745; authorized the City Manager to sign the proposed annexation agreement for the Summa property; \$37,500 for costs in the reconstruction of the Federal Boulevard Bridge over US-36; contract with John Mullins of J.M. Mullins & Associates to provide retail consulting services for \$175,000.

At 7:40 P.M. the public hearing was opened on the annexation, zoning and CLUP amendment for the Summa Property located at 107<sup>th</sup> Avenue and Simms.

Council appointed Kathy Reynolds to the Environmental Advisory Board; Dennis Sargent to the Personnel Board; Michael Borchlewicz to the Special Permit & License Board, with terms of office to expire December 31, 2002; John Brann, Margaret Rivera, and Betty Whorton to the Personnel Board; Bill DeVoe to the Special Permit & License Board; Jara Raphaelson and Pat Wales to the Transportation Commission, with terms of office to expire on December 31, 2003. Council reappointed Curtis Aldstadt to the Metro Wastewater Reclamation District's Board of Directors with term of office through June 30, 2004.

Resolution No. 32 re Council Rules Amendments was tabled.

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 8 AND 9, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: annexation of Summa Property (107<sup>th</sup> & Simms)

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: CLUP amendment re Summa Property (107<sup>th</sup> & Simms)

A BILL AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 8 AND 9, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: Zoning re Summa Property (107<sup>th</sup> & Simms)

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS purpose: supplemental appropriation for Retail Services Contract

A BILL FOR AN ORDINANCE VACATING A UTILITY EASEMENT WITHIN WEXFORD STATION FILING NO 2 purpose: vacate easements in Wexford Station

A BILL FOR ORDINANCE APPROVING A LEASE WITH AMERICAN WEST LITTLE LEAGUE FOR THE USE OF THE EXISTING COUNTRYSIDE YOUTH LITTLE LEAGUE FIELDS purpose: lease for youth baseball fields

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

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

The following Resolutions were adopted:

Resolution No. 26 re Boards & Commission Resignation & Appointments

Resolution No. 27 re Findings on Summa Property

Resolution No. 28 re Winters South Annexation, located south 111<sup>th</sup> Avenue West of Wadsworth

Resolution No. 29 re North Metro Drug Task Force Mutual Aid Agreement

Resolution No. 30 re 2002 Fishing is Fun and Great Outdoors Colorado Grants

Resolution No. 31 re Acquisition of Street Right-of-Way for West 122<sup>nd</sup> Avenue

At 8:10 P.M. the meeting was adjourned.

By order of the Westminster City Council  
Michele Kelley, CMC, City Clerk

Published in the Westminster Window on May 16, 2002.